



# UPDATE

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[www.santarosa.edu/afa](http://www.santarosa.edu/afa)

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## AFA and District sign MOU re: Article 29: Substitutes and Faculty Absences — Frequently Asked Questions

On February 3, 2009, the District and AFA signed a Memorandum of Understanding (MOU) agreeing to changes to Article 29: Substitutes. (See *What is an MOU?* on the reverse side of this *Update*.) There has been a great deal of confusion surrounding substitution and we feel that the agreed upon changes represent a vast improvement over the previous language that will clarify the issues for all concerned. The following FAQ's are based on the new Article 29 language. The complete MOU may be viewed on the AFA website at: <http://www.santarosa.edu/afa/mou.shtml>

**It is illegal for classified staff to serve as substitutes. It's also illegal for faculty to pay each other "under the table" or trade class times.**

the impact on the students. Other factors in the decision are the unavailability of qualified Regular faculty colleagues who are willing to donate their time to cover the assignment, anticipated duration of the absence, and the nature of the assignment. (See 29.03.A.)

### **Who can be hired as a substitute?**

Substitutes must have the required minimum qualifications for the assignment, and they must have been interviewed and hired into the department in which they substitute as faculty. It is illegal for classified staff to serve as substitutes. (See 29.03.C.)

### **Who decides to hire a substitute?**

The Department Chair (or Program Coordinator/Director if there is no Chair) will recommend hiring a substitute to cover a faculty absence; however, it is the responsibility of the Supervising Administrator to monitor faculty loads and to determine whether funds are available to pay the substitute. (See 29.03.A.)

### **How does a Supervising Administrator determine the necessity for hiring a substitute?**

Several factors lead to the decision to hire a substitute, but the decision is primarily driven by

### **What is the difference between a "Day-to-Day" substitute and a "Short Term" substitute?**

A "day-to-day" substitute is used when the District does not know from one day to the next whether the instructor of record will return. Leaves for Jury Duty or an illness of unknown length are examples of "day-to-day" leaves. This type of assignment is not loaded, and the substitute will be paid at the hourly assignment rate. (See 29.04.A.)

A "short term" substitute works for less than a semester when the District knows how

*(cont. on reverse)*

## Article 29 FAQ's *(continued from page one)*

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long the instructor of record will be gone. For example, a short term substitute will cover for an approved leave of absence or when a doctor has specified in writing the length of the absence. This type of assignment is loaded and the substitute will be paid at the hourly assignment rate. An adjunct's total assignment may exceed the 67% limit if a short-term substitute assignment is the reason for the excess. (See 29.04.B.)

**A Substitute Request Form  
(currently under development)  
will be distributed soon.**

### **When is a Leave Replacement hired?**

A Leave Replacement for a semester-length assignment of more than 67% is hired to temporarily replace a full-time faculty member while s/he is taking an approved leave. (See Article 18: Leaves.) The replacement instructor will become the instructor of record for the courses taught and will receive a Temporary contract with pro-rata pay and benefits. (See 29.04.C.)

### **Can instructional faculty members simply trade?**

No. Because they are responsible for what goes on in their classrooms, including students' health and safety, instructional faculty may not simply trade. Regular faculty may donate their time to cover needs within the department, but Adjunct faculty must be paid. For each absence, an instructional faculty member must fill out a Notice of Absence form (NOA), or have a Travel Request Form approved before the absence. It is illegal for faculty to pay each other "under the table" or trade class times. (See 29.03.B & C.) This is another way adjunct faculty are sometimes exploited.

### **Can allied faculty change scheduled hours without filing an NOA?**

Yes, they can, because their schedules are determined by their Supervising Administrators. As long as the Chair and the Supervising Administrator agree on the change to the schedule (for example, to facilitate meeting attendance or to serve on a hiring committee), then an NOA is

not necessary. In this situation, neither Regular nor Adjunct allied faculty are allowed to donate time beyond their expected assignment.

### **When is a Travel Request Form used instead of an NOA?**

When a faculty member is performing approved District business within the District boundaries, s/he does not need to fill out an NOA.

For travel outside the District (for example, for a conference), a Travel Request Form is required, not an NOA. Approval of the Travel Request Form does not necessarily mean the approval of a substitute. (See 29.01.A.2.)

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## **What is a Memorandum of Understanding or MOU?**

A memorandum of understanding is a negotiated agreement between the recognized representative of the employees' bargaining agent. Here at SRJC this means a written, negotiated contractual agreement between the District and The All Faculty Association (AFA). These agreements set out conditions of employment (wages, hours, fringe benefits) for a stated period of time. Beyond conditions of employment the agreement will also contain a procedure for settling grievances over the application or interpretation of the agreement and may include terms governing the parties relationship (*Pocket Guide to the Educational Employment Relations Act* 102).

### **What happens to MOU's?**

All negotiated agreements must be voted on or ratified by the AFA membership and the SRJC Board of Trustees. When AFA and the District sign an MOU, that written agreement or change to the Contract is in force and becomes part of the Tentative Agreement, which subsequently goes to the AFA membership and the Board of Trustees for voting approval.