

Article 31: Working Conditions—General Conditions of Employment

- 31.01 CONTRACT FACULTY ASSIGNMENT SCHEDULES:** The District will make contract faculty assignments with respect to the following provisions:
- A. **Days in a Week:** A faculty member's assignment will occur within a span of five (5) consecutive days in a week.
 - B. **Hours in a Day:** Contract faculty assignments will occur within the span of nine (9) consecutive hours in a day.
 - C. **Interval between Assignments:** A 12-hour interval will occur between a faculty member's assignment on one day and his/her assignment on the next day.
 - D. **Applicability of Guidelines:** These guidelines do not apply to hourly assignments.
- 31.02 PROFESSIONAL OBLIGATION:** Faculty members with instructional assignments will schedule student consultation times convenient to their students for the schedule of classes that they teach. Faculty members will be present to fulfill their other job duties of District and Department service and of professional service and development.
- 31.03 SAFETY:** The District will maintain safe working conditions. Faculty members will observe published safety regulations.
- 31.04 TRAVEL AND MILEAGE**
- A. **General:** If a faculty member's contract assignment requires attendance at more than one (1) District site per day, the District will provide mileage reimbursement at the established rate for work experience. ([District Policy 5.8.4](#) and Procedure 5.8.4P, *November 12, 2013.*)
 - B. **Work Experience Assignments:** The District will provide mileage reimbursement to faculty members for travel required by Work Experience assignments. ([District Policy 5.8.4](#) and Procedure 5.8.4P, *November 12, 2013.*)
- 31.05 PRIVACY:** All faculty members have the expectation of privacy.
- 31.06 INTELLECTUAL PROPERTY RIGHTS:** All faculty members have intellectual property rights.
- 31.07 ELECTRONIC COMMUNICATION**
- A. **SRJC Email System—Official Means of Communication:** The SRJC email system will be the official means of communicating about terms and conditions of employment, such as offers of hourly assignments, open enrollment for benefits, professional development opportunities and tracking, Professional Growth Increment announcements, Sabbatical Leave information, and any changes to District policies. The District will not use the SRJC email system for confidential communications to the faculty, such as those related to disciplinary action.
 - B. **Mandatory Use and Maintenance:** The District will provide an email account to each faculty member. The faculty member will use and maintain this email account.
 - C. **Closure of Email Account:** An adjunct faculty member's email account will be maintained while the adjunct faculty member either 1) is in the adjunct faculty pool, or 2) maintains a place on the length-of-service list, after which the email account will be closed and access to District email will end. If an adjunct faculty member is terminated or resigns in writing, the account will be closed two (2) weeks after the date of resignation or termination.

31.08 TRANSFER POLICY: The District reserves the right to make faculty assignments with regard to days, times, and locations that best serve the needs of the students and achieve the best utilization of District facilities and resources. The District also recognizes that there may be a need to assign regular faculty members to locations other than where they have historically performed their assignments. Regular faculty members may also express interest in changing the location of their principle duty assignment. A transferring faculty member will have the same Faculty Service Area (FSA) and meet the same minimum qualifications in both the current and transferring assignment. All transfers are within the same district-wide discipline or allied service area.

- A. **Transfer Descriptions:** A shift in the campus or location of a regular faculty assignment shall be known as a faculty transfer. Regular faculty transfers shall be based on one of the following descriptions:
1. **A New Position:** A transfer initiated by a faculty member to fill an open position that is already approved by the Faculty Staffing Committee and the District Superintendent/President and is under current recruitment as part of the hiring process.
 2. **A Faculty Request without a New Position:** A transfer initiated by a faculty member but where there is no open position that has been approved by the Faculty Staffing Committee and the District Superintendent/President.
 3. **A Newly Identified District Need:** A transfer of faculty in response to a District identified program or location need, but not based on a new open position. It is a voluntary transfer when a qualified faculty member initiates the transfer process by responding to a District announcement of the transfer opportunity. If there are no qualified applicants, the District may transfer a faculty member it deems qualified to fill the position.
 4. **A Necessity Transfer:** When the District has identified a need to transfer a faculty member based on unusual or extenuating circumstances (see paragraph 31.08.A.3).
- B. **Transfer Procedures:** The District will confer with AFA in establishing and maintaining procedures for faculty transfers.
1. **Defining and Initiating Regular Faculty Transfers**
 - a. **New Position Transfer:** A "New Position Transfer" is initiated by a faculty member who wishes to fill an open position at another location that has already been approved by the Faculty Staffing Committee and the District Superintendent/President. More than one (1) regular faculty member may request transfers to a new position. This request shall occur concurrent with the District Superintendent/President's approval of the position for hire to the department and before the formal advertisement of the open position.
 - b. **Faculty Request without a New Position Transfer:** A transfer request is initiated by a faculty member who wishes to be relocated to another campus, but there is not an open position already approved by the Faculty Staffing Committee and the District Superintendent/President. Any regular faculty member may request this type of transfer.
 - c. **Newly Identified District Need Transfer:** The identification by the District of a new need may result in establishment of a faculty position that will be filled by transfer only, i.e., no external faculty recruitment will be sought. Transfer opportunities in this category are initiated by the District and then requested by a regular faculty member. This form of transfer is not based on a new open position and may result in more than one (1) applicant for transfer to a new location. If there are no qualified applicants, the District may transfer a faculty member it deems qualified to fill the position.

- 31.08.B.1. d. Necessity Transfer:** This form of transfer is initiated by the District when the District has identified a need to transfer a faculty member based on unusual or extenuating circumstances for the well-being of an individual or the College.
2. **Calendar Deadlines:** A faculty member initiating any form of transfer request must submit the request in writing to the appropriate vice presidents during the semester prior to the semester in which the faculty member wishes to relocate. For instructional faculty, this request must be made by October 15th for the following spring semester transfer and February 15th for the following fall semester transfer. In the case of a New Position Transfer (with an open recruitment), the request must be received prior to the formal advertisement of the position.
3. **Transfer Application Review and Process:** Faculty interested in applying for transfer will submit a written request to the appropriate vice presidents, using the *Transfer Request Form*. This request will be referred to a Transfer Task Force for review. Applications for transfer shall be processed as follows:
- a. The Faculty Transfer Task Force shall consist of the appropriate campus and/or center deans, the AFA President or designee, and the Academic Senate President or designee. They shall review all transfer applications and produce a written recommendation for the appropriate vice presidents. When more than one (1) application for a position is received, the Task Force report shall address the suitability of all candidates for the transfer. The Task Force is required to interview the applicant and the department chair, but may choose to consult with other appropriate program supervisors, deans, or department chairs they feel would contribute to the successful completion of their review. All proceedings of the Task Force are to be considered confidential.
 - b. The Faculty Transfer Task Force shall submit its written opinion to the appropriate vice presidents, based on the following criteria:
 - 1) Experience teaching the courses or performing the allied duties envisioned for the position;
 - 2) Willingness to participate in department, cluster, and campus programs and activities;
 - 3) Satisfactory evaluations;
 - 4) Impact on program or department educational plan of the campus to which the faculty member is currently assigned;
 - 5) Other information the Task Force deems appropriate to the request.
 - c. Transfer applications from instructional faculty, librarians, and counselors will all be reviewed in the Task Force process. The Vice President of Petaluma and the Vice President of Academic Affairs shall read committee opinions regarding teaching and library faculty and develop a final, joint recommendation. The transfer applications for Student Services faculty shall also be reviewed by the Task Force, but the committee opinion for these applications shall be forwarded to the Vice President of Student Services and the appropriate vice president from either Petaluma or Academic Affairs. In all cases, a joint recommendation will be made by the appropriate vice presidents to the District Superintendent/President.
 - d. The final decision of the District Superintendent/President will be conveyed to the faculty member, the committee members, the department chair and the appropriate vice presidents. When possible, transfers shall be finalized in time for the faculty member's name to appear in the class schedule.

- 31.08.B.3.** e. The approved transfer of a faculty member from one campus or site to another is considered permanent; however, all regular faculty members, regardless of location, have the right to request a new intercampus transfer throughout their regular faculty career in the District.
4. **New Position Transfers and Staffing Balance:** New regular faculty positions, identified by the Faculty Staffing Committee and approved by the District Superintendent/President, represent an approval to hire a net-new faculty member for a District discipline. Any approval for existing faculty to transfer to a new location in order to assume a net-new position will not result in the loss of that position for the department. Rather, the location of an existing faculty member's assignment will change with the transfer, and the net-sum of regular faculty in the department shall remain the same (assuming the need is justified by the PRPP data and verified by the Faculty Staffing Committee recommendation).
 5. **Transfer Need Identified by the District with Application Initiated by a Faculty Member:** If the appropriate vice president and/or the District Superintendent/President identifies a position or need within the District that can only be filled by the transfer of existing regular faculty, the following process shall be followed:
 - a. A written description of the position shall be distributed to all eligible regular faculty in the discipline or department where faculty members have appropriate expertise and experience. Only tenured faculty will be eligible to apply for transfer unless the District determines special circumstances. The transfer description shall include a list of potential courses to be taught and/or duties to be performed.
 - b. An informational meeting for all interested and eligible faculty shall be arranged by a campus administrator. This meeting shall be held on the campus/center to which the transfer is being planned and include a tour of the facilities.
 6. **Transfer Based on Necessity When No Regular Faculty Apply to Meet a Newly Identified District Need**
 - a. The District shall notify eligible faculty that a "Necessity Transfer" procedure is being initiated.
 - b. A list of eligible faculty members shall be compiled by the Human Resources Office working in cooperation with the appropriate dean, supervising administrator, and/or department chair for the campuses/centers.
 - c. A written description of the position shall be distributed to all eligible regular faculty members within the department. The description will include a list of potential courses to be taught and/or duties to be performed. Only tenured faculty will be considered for this form of transfer unless the District determines special circumstances.
 - d. The Transfer Task Force process (paragraphs 31.08.B.3.a-e) shall be the model for reviewing all appropriate candidates for this review and transfer. All faculty members under consideration will be given the opportunity to submit a written statement regarding their circumstances for consideration by the vice president(s) as part of the decision process.
 7. The District may initiate the transfer of a faculty member for reasons that may be defined as "unusual or extenuating circumstances." The reasons are primarily defined as related to the health and safety of the faculty member or in the best interests of the District.

31.09 ELECTRONIC SECURITY SYSTEMS. The purpose of this section is to identify parameters for the use of electronic security systems that effectively address AFA and the District's mutual interest in fostering a safe workplace and educational environment, while respecting and protecting the privacy and academic freedom of faculty members. For purposes of this section, electronic security systems shall mean any electronically based technology that enables identification of the location and/or actions of specific persons at specific times. AFA and the District agree to negotiate language that is generally applicable to any form of surveillance and that articulates the principles supporting the provisions of §31.09, specifically, the importance of maintaining a safe workplace and protecting the faculty from all forms of malignant and invasive surveillance, regardless of the technology employed. AFA and the District further agree to negotiate the terms implicated by the utilization of specific new technologies.

- A. **Approved Purposes:** The following are the sole approved purposes for the use of electronic security systems.
 - 1. Protecting life and property.
 - 2. Assisting in the investigation of a violation of law.
- B. **Limitations on Placement of Electronic Security Systems**
 - 1. **Security Camera Notification:** The District shall reasonably locate clear signage providing notice that an area is monitored by a security camera.
 - 2. **Prohibition of Location:** Electronic security systems shall neither be placed in, nor directed into, classrooms, faculty offices, conference rooms, restrooms, break rooms and other areas where faculty members regularly engage in professional duties and/or have a reasonable expectation of privacy.
 - 3. **Changes to Locations Monitored by Electronic Security Systems:** The District shall provide AFA with a listing of the current locations monitored by electronic security systems. The District shall provide AFA with written notice of any proposed change in locations monitored by security cameras or key-card-enabled door locks no less than thirty (30) business days in advance of making the proposed change. AFA may, within twenty (20) business days of receiving such notice, demand to meet and confer with the District if it believes the proposed change violates this Article or requires further impacts bargaining prior to implementation. Within ten (10) business days after the meet and confer process is completed, the District shall provide AFA with written notice whether it intends to proceed with the proposed change. AFA shall not file a grievance or other action asserting violation of this Article by the proposed change without first utilizing the meet and confer process afforded by this subsection. The District shall not proceed with the proposed change under this subsection during the meet and confer and/or grievance process.
 - 4. **Limits on technology:** Monitoring technologies used by District electronic security systems are limited to video security cameras and key-card-enabled door locks. Storage and/or analysis by a third party of any portion of the data obtained by District electronic security systems is prohibited. The use of facial recognition technology is prohibited.
- C. **Limitations on Access to Data:** Consistent with the approved purposes set forth in 31.09.A, data recorded by electronic security systems shall be accessed only under the following circumstances:
 - 1. The District, through its Chief of Police (or designee), has probable cause that a violation of law has occurred and that access to the data would assist in the formal investigation.
 - 2. Subject to a lawful subpoena, judicial order, or other legal obligation to produce the data to a third party.
 - 3. As a result of an insurance investigation.

31.09.D. Limitations on District Use of Data Accessed from Electronic Security Systems

1. Prohibition of Use for Reviewing and Evaluating Members' Performance. Data gathered from electronic security systems shall not be used to monitor faculty members' attendance, work or work habits, nor shall such information be used in any part of the evaluation process.
2. Limited, Permissible Use for Disciplinary Purposes. Data accessed from an electronic security system shall not be used as evidence in a disciplinary action against a faculty member, unless that action specifically involves a violation of law.

E. Authorized Access: When one or more of the circumstances described in 31.09.C has prompted a request for data from an electronic security system to be examined or disclosed, the following shall apply:

1. **Authorization:** Except for when required by law or in emergencies, access to data must be authorized in advance and in writing by the President or appropriate Vice President. The President or appropriate Vice President shall ensure that the request to access data complies with this Article.
2. **Required by Law:** When the District receives a search warrant, subpoena or other legally required request of electronic security system data, the data may be preserved immediately without authorization, but appropriate authorization for access must then be sought as soon as legally permissible.
3. **Emergencies:** In emergencies, the least perusal of data and the least action necessary to resolve the emergency may be taken immediately without authorization, but appropriate authorization must then be sought without delay. Emergencies are defined as when time is of the essence and there is a high probability that delaying action would almost certainly result in significant bodily harm, significant property loss, damage to the District or its assets, or loss of significant evidence of one or more alleged violations of law.
4. **District Police:** This Article does not preclude the District Police department from accessing data in an investigation into a possible criminal violation of law.
5. **Retention:** Electronic security system data shall be retained for a period of no more than ninety (90) calendar days from the time of recording, unless the data is accessed within that period for an approved purpose consistent with this Article, in which case the data shall be retained as long as required by applicable law.