

Side Letter Agreement
between the
All Faculty Association
and
Sonoma County Junior College District
regarding

Effects of District Transition to Post-Pandemic Operations
April 30, 2022

This Side Letter is made by and between the Sonoma County Junior College District ("District") and the All Faculty Association ("AFA"). The purpose of this Side Letter is to address the effects on working conditions resulting from the District's action to transition to post-pandemic instructional programs and allied support services. This Side Letter is anticipated to be in effect for the Summer and Fall 2022 terms.

On March 24, 2020, during a Special Meeting, the Sonoma County Junior College Board of Trustees approved a Proclamation of a State of Emergency in response to the COVID-19 pandemic. That State of Emergency continued throughout the pandemic and authorized, "the Superintendent/President and/or his designee(s) to take the actions necessary to ensure the continuation of education, and the health and safety of the students and staff at the District campuses, sites, and facilities."

Subsequent to that action, the Sonoma County Junior College Board of Trustees, passed and adopted at a regular meeting on September 14, 2021, Resolution #21-21 "granting authority to develop a district vaccination/testing program to facilitate the protection of the faculty, staff, and students who participate in district educational activities." Beginning January 1, 2022, the program requires all employees and volunteers who are assigned to work on-site and/or who access district sites, and all students who enroll in on-site classes and/or utilize on-site services to provide proof of full vaccination or be approved for an exemption.

The vaccination/testing program was successfully implemented in Fall 2021 and is intended to continue indefinitely, unless otherwise modified by an action of the SCJCD Board of Trustees. This has created the conditions for the remainder of onsite instruction, services and operations to be able to safely return.

As required by the Educational Employment Relations Act (EERA), the Sonoma County Junior College District provided notice on November 30, 2021 of its intent to recommend to the Board of Trustees, during its regularly scheduled meeting on May 10, 2022, that the proclaimed State of Emergency be lifted such that all district instruction, services, and operations may return to in-person status. Beginning with the Summer 2022 term, all courses taught by way of distance education modalities must have an approved regular Distance Education Addendum to the Course Outline of Record (COR).

On March 16, 2022, the District announced that beginning with Commencement on Saturday, May 28, 2022 indoor masking would become optional.

Temporary Measure with No Binding Effect. AFA and the District acknowledge that this agreement is temporary, and for the purpose of transitioning instructional programs and

allied support services to post-pandemic conditions. Nothing in this agreement will prohibit the District from exercising its right of assignment. These measures, and the terms of this agreement, shall apply only through Fall 2022, and nothing in this agreement shall be precedent setting.

A. District Operations. The District's decision to transition the instructional program and student support services to post-pandemic conditions beginning with the Summer 2022 term is final and will not be changed even in the event that conditions change.

1. No faculty member will be required to come to campus in the event that doing so would violate any applicable regulations of a national, State of California, or Sonoma County public health official. AFA and the District agree to reenter negotiations if orders from public officials are inconsistent with recommendations from the science community.
2. In the event that the COVID-19 emergency worsens or there is another disaster event such as a wildfire or Public Safety Power Shutoff that affects the District's ability to operate, it may be necessary for the District to close. If the District closes, all instruction and services, including those operating remotely, will be suspended during the emergency time period.
3. This Side Letter does not preclude the District exercising its authority to require employees to provide service as per the California Emergency Services Act and/or in conformance with applicable national, State, or County orders.
4. AFA and the District acknowledge that protecting health and safety is the highest priority, and that the District will not offer in-person instruction and services in violation of applicable national, State or County orders and unless it can do so safely.
5. **Safe Working Environment.** In the event that a faculty member conducting in-person instructional or allied services experiences an unsafe working environment related to the SRJC Safe Return to Campus or other negotiated District COVID-19 protocols the following process will be followed:
 - a. The faculty member will report the unsafe conditions to their Supervising Administrator and via email to COVIDResponse@santarosa.edu.
 - b. The Supervising Administrator will immediately advise the appropriate Vice President who will ensure that the unsafe conditions are resolved.
 - c. Unsafe conditions will be addressed within 48 hours.
 - d. Should the District fail to resolve the unsafe conditions, the faculty member may request to move the class or service to an alternate location or modality until such time as the unsafe conditions are resolved. All requests to move a class or service require approval of the VPAA/AS and notification of the department chair and supervising administrator.
 - e. If the District repeatedly fails to resolve reported violations or is unable to enforce safety protocols outlined in the SRJC Safe Return to Campus, AFA and the District will return to negotiations to further bargain the impacts and effects as are necessary to ensure a safe working environment for faculty members conducting in-person instructional or allied services.
6. **Mask Mandate.** Upon the District's decision to rescind the requirement that all employees and students wear masks while indoors at District sites, the following provisions will go into effect:
 - a. Any faculty member who works with students one-on-one in a confined space to conduct office hours or perform allied services has the right to:

- i. Require students to wear a mask while working in close proximity or in a confined space
- ii. Request, through their supervising administrator, a larger space in which to work with students one-on-one.

B. Use of District Facilities.

1. Any faculty member who uses a District facility must comply with all applicable local, state and national regulations and protocols negotiated with AFA.
2. Any faculty member coming to District sites must follow the SRJC Plan for Safe Return to Campus and Cal-OSHA-required COVID-19 Prevention Program.
3. The District will provide a safe working environment for faculty members working on-site.

C. Faculty Assignments

1. Choice of modality for courses and services (online, hybrid, or face-to-face) will revert to the normal departmental scheduling process.
2. If a faculty member requires a reasonable accommodation to perform the essential functions of their assignment, the department chair, supervising administrator, and Human Resources will ensure appropriate processes for reasonable accommodation are followed in a timely manner.
3. Associate faculty with offer rights who, due to the pandemic, did not perform an assignment from Fall 2020 through Spring 2022 will retain their position on the Length-of-service list through the Fall 2022 schedule development process.
4. A contract faculty member with a Summer 2022 assignment may convert the hourly load of the summer assignment to contract load in order to eliminate all or part of a negative contract load balance accrued during Spring 2020, Fall 2020, or Spring 2021.

5. Student Consultation Time

- a. Faculty members may conduct up to 50% of their student consultation time for face-to-face classes remotely, which may include email or other remote technologies.
- b. Faculty members may request a larger space in which to conduct in-person office hours.
- c. Faculty members will specify the times and places allocated for student consultation in class syllabi and post this information in an accessible location (Article 32.02.D.4).

D. Faculty Evaluations

1. Tenure Review evaluations will be conducted according to the regular contractual process outlined in Article 30.
2. Probationary adjunct evaluations will be conducted according to the regular contractual process outlined in Article 14B.
3. Regular Continuing Evaluations. Regular faculty members and adjunct faculty members with offer rights may choose one of the following evaluation options.
 - a. Regular continuing evaluation as outlined in Article 14A or 14B.
 - b. Self-evaluation. A continuing faculty member may choose a self-evaluation unless notified by the end of week 6 that the department chair and supervising administrator have consulted, deliberated, and mutually agreed that there is an evidence-based need for the faculty member to have a regular continuing

evaluation instead. The self-evaluation option is only available to faculty members whose most recent evaluation was not a self-evaluation.

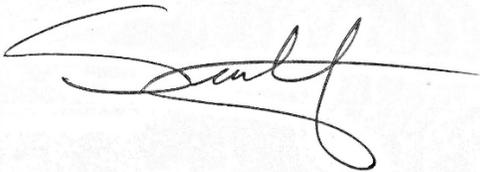
E. Leaves. The District shall adhere to and provide all leaves required by any applicable federal, state, or local laws in addition to any other statutory or contractual leaves to which faculty members are entitled.

F. Additional Compensation.

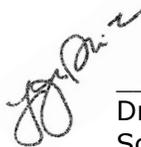
1. Department Chairs or faculty members who perform delegated Department Chair Duties and Program Coordinators that perform extracontractual work related to the transition to post-pandemic conditions may be compensated for up to 20 additional hours under §13.07.A.4.
2. To recognize the additional workload and professional development associated with the transition of face-to-face courses to post-pandemic conditions may claim up to 5 hours per section for courses that the faculty member had to redesign for the 2022-2023 academic year. Total hours claimed may not exceed 25 hours per faculty member for Summer and Fall 2022.
3. Trainings. Faculty members who participate in trainings of their choice related to Distance Education and online pedagogy may claim up to 12 hours of FLEX Credit or compensation at the base hourly rate. Documentation in the form of a certificate of completion, a copy of the course description, or a letter of verification from the course provider is required.
4. Hours for pay will be claimed by submitting an agreed-upon form to the District by September 01, 2022.

G. Vaccine Mandate. Faculty who need to access the District's sites for an assignment or any other reason, will comply with the District's COVID vaccination requirements by submitting an [Employee Vaccination Form](#) at least one (1) week prior to the need to access District sites. Those seeking either a medical or religious exemption must submit their request at least six (6) weeks prior to their anticipated need to access District sites. Forms can be found here: [medical exemption form](#), [religious exemption form](#).

H. Additional Negotiations. AFA and the District agree to continue negotiations over additional matters within the scope of representation as well as impacts and effects of District decisions affecting matters within the scope of representation as needed for the Summer and Fall 2022 terms.



Sean Martin, President
All Faculty Association



Dr. Frank Chong, President/Superintendent
Sonoma County Junior College District