

We will continue to update this doc as the process continues and we learn more. Last update: 5/5/21

In order for our legal counsel to represent you, please sign this [Power of Representation form](#) and send to Chris Hanzo: chanzo@aft2121.org

- Our [seniority page](#) has updated seniority lists and info about seniority.
- General info about FSAs on our [Faculty Service Area page](#).

FAQS: TIMELINE

More details about the appeal process [here](#).

By May 7

The judge makes a recommendation to the Board of Trustees

Before May 15

The Board of Trustees reviews the ALJ's recommended decision and decides whether to adjust layoffs.

By May 15

Final notices of layoff must be given to the employee. If there is no final layoff notice, the employee still has a job the following year.

Next Steps

After May 15th, the fight isn't over! Faculty who receive "final" layoff notices will still be employed if assignments are available. We have a fight on our hands to get money into the college and make sure existing money is spent to save classes and programs.

If I am laid off, when will my employment, pay, and benefits end?

If you don't have a Fall assignment, your employment will end on the last day of the academic year in which you receive the layoff notice. For most full-time faculty, that's June 30th.

What about summer?

If you're working in June, it doesn't make any difference in the layoff process. You will be assigned and paid as normal. July work might be more complicated. We may be able to negotiate around this.

Will there be things like severance?

Any post-employment benefits, such as a continuation of health and welfare benefits or severance pay, would be the result of a negotiated agreement between the District and AFT.

FAQS: PART-TIME FACULTY

How do layoffs impact PT faculty?

The notices themselves have no direct impact on PT faculty. However, they signal the District's intent to make extreme cuts. For FT faculty to be laid off in any area, most PT faculty in that area will be laid off first.

PTers may be bumped by FT faculty and more senior employees who meet the minimum qualifications and District competency criteria. (Ed. Code section 87743) PT faculty can be bumped by FT faculty from other departments.

In addition, FT faculty who are laid off will have recall rights, making it less likely that PT faculty will be re-assigned later.

Can a part-timer be retained for an assignment if a laid-off full-timer is qualified?

No. If the FT faculty member is qualified, they will have priority over the PTER. PT faculty can be assigned only if no FT faculty is qualified and available for that particular assignment.

What is the process for layoffs for part-timers?

PT faculty are assigned by seniority and re-employment rights under article 13 and 13-1 if assignments are available. The college is not required to create assignments for faculty. The district is not required to issue pink slips, and they don't refer to it as a "layoff".

Often PT faculty are informed in advance as the schedule is being made, but assignments can also be added and cut at the last minute.

FAQS: SENIORITY, FSAs, ETC.

How is seniority established?

Seniority date is the first date of full-time service. For most FT faculty, that means the date you began working as tenure-track. It is not your PT hire date. But it can also include time that you were part-time or categorical, if you worked over 67%. If you had an “upgrade” over 67% immediately before your full-time service, make sure our legal team is aware of it. See our [seniority page](#).

What are lottery numbers?

Lottery numbers are seniority tie-breakers. They are only relevant for those faculty in the same FSA with the same seniority date. The numbers are drawn by lottery at the time you were hired, and they do not change. You may have hiring paperwork that provides your number.

What are Faculty Service Areas (FSAs)?

Tenured and tenure-track faculty work in Faculty Service Areas (FSAs). These match the state [Minimum Qualifications](#). In the case of layoffs, tenured and tenure-track faculty are prioritized by seniority and have the legal right to assignment within their FSAs, if assignments are available. Because FSAs are not always exactly the same as our CCSF departments, assignment within FSAs would be a complicated process. See our [FSA page](#) for more information.

The FSAs published in the District seniority lists were drawn from the 1990 state quals list. HR has done some work to update FSAs, but they haven’t published updates as far as we know.

FAQS: TENURE REVIEW, SABBATICAL, AND RETIREMENT

I am tenure-track. How will layoffs affect me?

Tenured and tenure-track faculty are subject to the same process, governed by their seniority and FSAs. The difference is in your right to be reappointed if assignments become available. Tenured faculty have reappointment rights for 39 months; tenure-track faculty have reappointment rights for 24 months.

I was just awarded tenure this semester, so my tenure is supposed to take effect on July 1. If I’m laid off, will I be laid off as tenured or tenure-track?

In this case, you would be laid off as tenured.

I’m a few years from retirement, will a layoff prevent me from retiring?

No, you do not forfeit your pension or your right to retire from CalSTRS because of a layoff. All the CalSTRS rules around eligibility, etc. still apply. Please contact CalSTRS for more information.

I’m on a sabbatical, what happens to my obligations to the District if I get laid off?

It depends on the timing of the sabbatical. If the sabbatical ends at the end of the academic year, then nothing should happen as the leave ends at the same time as employment. If the sabbatical is scheduled for next academic year, then it’s similarly a non-issue.

The complicated scenario is if the sabbatical extends into next year. If anyone is in that position, AFT can negotiate with the District.

FAQS: COMING BACK TO WORK

Note: This page was developed in consultation with AFT 2121's legal counsel and reflects our understanding of Education Code. The law is clear: Full-time faculty are reappointed as full-time faculty. However, the District stated in the appeal hearing that they intend to lay off FT faculty and back-fill with PT faculty, and/or re-employ FT faculty as PT. We believe either of those actions would be a violation of the Education Code.

What happens if/when positions are restored?

FT faculty are *reappointed* (not hired or rehired) to work. The Ed. Code requires the District to offer these available assignments by seniority. So, depending on the number of available assignments, the most senior faculty member on the seniority list (by FSA) has the potential to work up to their full-time load. If there are still assignments after, then the District must assign them to the next senior faculty member, and so on.

Tenured faculty: For 39 months from the date of the termination, tenured full-timers have a preferred right to reappointment, in order of seniority, for any available positions they are qualified for. This includes assignments less than 100% load. (Ed. Code section 87744)

Tenure-track faculty: For 24 months from the date of termination, tenure-track faculty have a preferred right to reappointment subject to the rights to reappointment by all full-timers, in order of seniority, for any remaining positions they are qualified for. This includes assignments less than 100% load. Rehired tenure-track faculty would resume the tenure review process upon rehire. (Ed. Code section 87745)

What happens to my full-time status?

Reappointed faculty retain their pre-layoff classification (tenured or tenure-track). They are still full-time faculty.

What about pay?

Re-appointed FT faculty will be paid on the FT scale.

What happens to my pay if I'm reappointed at less than my full load?

You will still be paid on the FT payscale. From what we know so far, it looks more likely that pay would be reduced instead of creating a load balance. Our legal team will find out more about this.

Will the most senior FT need to be 100% load before moving to the second most senior FT?

Yes, within each FSA.

Can a department split up the available hours between laid off FT faculty? For instance, can a department reappoint two people, each at 50% load?

No.

What about release time and instructionally-related assignments?

All of those count toward your total load.

Will faculty working less than 50% have medical benefits?

If this situation occurs, it would be a matter for negotiations.

If reappointed faculty are working at less than 67%, what happens at retirement? Are they still eligible for FT medical retirement benefits?

We are researching further, but the answer to this question is largely governed by sections 87744 (c) and (e) which state the following:

(c) As to any employee who is reappointed, the period of his or her absence shall be treated as a leave of absence and shall not be considered as a break in the continuity of his or her service, he or she shall retain the classification and order of employment he or she had when his or her services were terminated, **and credit for prior service under any state or district retirement system shall not be affected by that termination, but the period of his or her absence shall not count as a part of the service required for retirement.**

(e) **At any time prior to the completion of one year after his or her return to service, he or she may continue or make up, with interest, his or her own contributions to any state or district retirement system, for the period of his or her absence,** but it shall not be obligatory on a district to match these contributions.