

## CHANGE IN STATUS

- 4.1 Promotion.** An employee who is assigned to a position on a higher salary range shall be placed on the appropriate step of the range for the new position which results in an increase in pay of at least 5%.
- 4.1.1 Credit for Previous Experience.** The Vice Chancellor, Human Resources and Organizational Development, shall evaluate previous experience. Credit for full-time comparable experience in a similar position may be recommended on a year-for-year basis and given upon approval of the Chancellor or Vice Chancellor, Human Resources and Organizational Development. If the person selected has not had full-time experience, as appropriate, in a comparable position, placement shall be on the first step. Advanced step placement shall not exceed the third step except in extraordinary circumstances and upon approval by the Chancellor or the Vice Chancellor, Human Resources and Organizational Development.
- 4.1.2 Probation for Promotions into Classified Management/Supervisory Positions.** Employees who promote into a classified management or supervisory position shall serve a probationary period of 12 months. This is in addition to any probationary period that the employee served in the lower classification from which s/he was promoted. At the successful completion of the probationary period, the employee shall be granted tenure (permanency) in the classification in which the employee passed the required probationary period and includes all of the incidents of that classification.
- 4.1.3 Probation for Classified Managers/Supervisors and Confidential Employees Promoting to Equal/Higher Class.** Employees who are managers, supervisors, or confidentials and subsequently promote into an equal or higher level (level based on the full-time monthly salary range) classified classification shall serve a probationary period of 12 months. This is in addition to any probationary period that the employee served in the lower or equal classification from which s/he was promoted. At the successful completion of the probationary period, the employee shall be granted tenure (permanency) in the classification in which the employee passed the required probationary period and includes all of the incidents of that classification.
- 4.1.3.1** If a promoted employee serving a probationary period in a classified position does not successfully complete the required probationary period or voluntarily elects to end the probation for their own reasons or to take another position, the employee shall have retreat rights to the former classification from which s/he promoted from if the employee held permanency in that former classification.
- 4.1.4 Salary Placement for Promotion Immediately Following Interim Assignment.** Notwithstanding all other salary placement provisions, an employee who promotes immediately from an interim assignment into the same permanent assignment shall be placed no lower than the step placement at which the employee would have been had the employee continued in the interim assignment.

## 4.2 Advancement/Growth Opportunities

**4.2.1 Lateral Transfer or Promotion.** District managers, supervisors, and confidential employees who meet the minimum qualifications for a vacant District management, supervisory, or confidential position involving a lateral transfer or promotion shall be guaranteed a screening interview for that position.

**4.2.2 Supervisory Flex Classifications.** Flex classifications shall be designated as such on the Governing Board-approved classification description. Incumbents in these positions may progress to the next classification level after two years of experience in the lower level classification. A written recommendation from the supervising manager must be sent to the Vice Chancellor, Human Resources and Organizational Development. The effective date of the reclassification shall be the first of the month following the receipt of the supervising manager's recommendation to flex.

**4.2.2.1 Probation Periods in Supervisory Flex Classifications.** All employees who are initially employed in or who promote to a classified supervisory flex classification series shall serve an initial probationary period of 12 months. At the successful completion of the initial probationary period, the employee shall be granted tenure (permanency) in the classification in which the employee passed the required probationary period and includes all of the incidents of that classification. Employees who successfully complete the probationary period and subsequently are eligible to flex shall not be required to test to flex up and shall not be required to serve a new probationary period in the higher classification.

**4.2.3 Confidential Staff Development Program.** A confidential employee may request, through her/his supervising manager, authorization to participate in a staff development program that is designed to expand professional skills or to enhance existing skills. To foster team building between the confidential employee and supervising manager, participation in the program and the employee's career development goals will be reviewed and discussed by the supervising manager with the confidential employee. If the program is approved by the manager, funds will be budgeted at the college or District Office, as appropriate, in the unit's line item budget.

**4.2.3.1** Each confidential employee should submit her/his staff development plan for the following fiscal year to her/his supervising manager for consideration during the spring budget development period. The plan should identify the costs of the program and how the proposed staff development activities will improve the competencies of the confidential employee.

**4.2.3.2** Staff development may include the following activities:

- X College courses leading to a certificate or degree.
- X College courses which are related to the employee's current position.
- X Specialized seminars, conferences or workshops related to the employee's current position or another position in the District (promotional).

**4.2.3.3** Personal development activities will not be considered.

**4.2.3.4** Requests for conference/meeting leave should be submitted for activities which occur during the employee's scheduled work day.

### 4.3 Reclassification for Academic/Classified Managers/Supervisors and Confidential Employees

#### 4.3.1 Classification Procedures

**4.3.1.1 Classification Studies for All Management, Supervisory, and Confidential Positions.** The Chancellor, Vice Chancellor, Human Resources and Organizational Development or the Management Council may initiate a request for a classification study of all management, supervisory, and confidential positions. The dates and parameters for third-party employee classification studies will be reviewed with the District Management Council. The Chancellor or Vice Chancellor Human Resources and Organizational Development will decide whether a general classification study is appropriate.

**4.3.1.2 Annual Review Process for Management, Supervisory, and Confidential Positions.** Annually, by February 15<sup>th</sup> of the new year, the Chancellor and each College President shall solicit classification requests initiated by individuals or her/his supervising manager. Requests may also be initiated by the College Presidents, the Chancellor, or the Vice Chancellors. All requests must be in writing and must present information demonstrating that significant changes in the assignment or duties have occurred.

**4.3.1.2.1** Individual classification review requests are to be submitted through regular channels and are to include each supervising manager's written recommendation prior to forwarding to the next higher level. However, an employee may submit a reclassification request without the written approval of his or her supervising manager. College classification requests shall be reviewed by the College President prior to forwarding to the Chancellor. All reclassification requests submitted to the Chancellor by the College Presidents shall be accompanied with written recommendations addressing the following:

- a. A brief history of the position and the reason for the suggested change.
- b. Organizational chart including span of control.
- c. Cost analysis. Is this a savings or an increase to the budget?

All classification requests will be reviewed by the Vice Chancellor, Human Resources and Organizational Development for appropriate disposition, and may or may not be reviewed by a third-party. A written response will be provided to the individual initiating the request.

**4.3.1.3 Interim Requests for Individual Management, Supervisory, and Confidential Employee Classification Studies.** A classification review request may be initiated by the individual or in her/his behalf by the supervising manager. Requests may also be initiated by the President of the College, the Chancellor, or the Vice Chancellors. All requests must be in writing and must present information demonstrating that significant changes in the assignment or duties have occurred.

#### 4.3.1.4 Y-Rating

##### 4.3.1.4.1 Employees Hired into a Management, Supervisory, or Confidential Position before (*Date of Approval of this Manual*).

When a position is reclassified to lower range on the Management, Supervisory, or Confidential Salary Schedule and the employee's current salary exceeds the top step of the new range, the employee is "Y-rated," meaning the employee will receive no decrease in pay. If the reclassification to a lower range is effective simultaneously with the employee's increment step or a salary schedule increase, s/he will receive this increase based on the previous range and then the salary will be "frozen" until there is a schedule increase which exceeds the Y-rate salary.

##### 4.3.1.4.2 Management, Supervisory, and Confidential Employees Hired on or after (*Date of Approval of this Manual*):

A management, supervisory, or confidential employee reclassified to a position on a lower range shall be placed on that step of the lower range that will get the employee closest to her/his former higher salary without receiving an increase in salary.

**4.3.1.5 Probation Periods Due to Reclassification.** If an employee is found by District Human Resources to have been working out of classification for at least two years and the employee's position is subsequently reclassified to an equal or higher classified classification or the employee's classified position title is changed due to the reclassification, the employee shall not be required to serve a new probationary period in the reclassified position. The employee shall be granted tenure (permanency) in the reclassified position.

**4.3.1.5.1** If an employee's position is reclassified and the employee has not served in the position for at least two years, the change will be viewed as a reorganization. After a recruitment process and if the employee is promoted into the reclassified position, the employee shall serve a probationary period of 12 months. At the successful completion of the probationary period, the employee shall be granted tenure (permanency) in the classification in which the employee passed the required probationary period and includes all of the incidents of that classification. (See Section 4.3.1 - Classification Procedures)

#### 4.4 Reassignment

**4.4.1 Academic Managers/Supervisors.** Academic managers/supervisors employed prior to July 1, 1990, acquire permanent status as a classroom instructor only in accordance with Education Code 87458. Academic managers/supervisors hired on or after July 1, 1990, and who did not have faculty tenure in this District at the time of hire, shall be assigned to a first-year probationary faculty position provided that s/he served satisfactorily in the District a total of at least two years as a faculty member and/or academic manager/supervisor. Accordingly, the Governing Board may reassign the manager/supervisor to another management/supervisory or faculty position provided written notice is given on or before March 15, to be effective for the ensuing school year.

**4.4.1.1** An academic manager/supervisor reassigned to a faculty position shall be placed on the Faculty Salary Schedule in accordance with the regulations governing faculty salary placement. After this evaluation is completed, District management/supervisory experience shall be added, giving credit on the salary schedule on a year-for-year basis.

**4.4.1.2 Y-Rating**

**4.4.1.2.1 Employees Hired into a Management/Supervisory Position before (*Date of Approval of this Manual*):** An academic manager/supervisor reassigned to a management/supervisory position on a lower range shall receive the same monthly salary on the new range even if this requires "Y-rating".

**4.4.1.2.2 Management/Supervisory Employees Hired on or after (*Date of Approval of this Manual*):** An academic manager/supervisor reassigned to a management/supervisory position on a lower range shall be placed on that step of the lower range that will get the employee closest to her/his former higher salary without receiving an increase in salary.

**4.4.1.3 Probationary Status for Academic Managers/Supervisors.** Academic managers/supervisors shall not serve a probationary period, and they shall have no permanency rights to their positions. Academic managers and supervisors shall have rights to March 15 notices as required by relevant provisions of the Education Code.

**4.4.2 Classified Managers/Supervisors and Confidential Employees.** The reassignment of classified managers/supervisors and confidential employees falls under the purview of Section 4.7, *Reduction-in-Force or Layoff*, or Section 14, *Disciplinary Action or Dismissal*, of this manual.

**4.5 Temporary Reassignment to a Higher Classification.**

**4.5.1 Academic Management/Supervisory, Classified Management/Supervisory and Confidential Employees.** Higher level duties shall be defined as a temporary assignment of duties such that, in the determination of the supervising manager and approved by District Human Resources, one is accountable for the full duties or a significant portion of the duties of a higher classification (higher level as determined by the salary schedule). The following steps shall be taken to establish extra duty status for additional responsibilities assigned.

**4.5.1.1** The supervising manager shall submit a request to the next level manager for approval. The request shall provide information as to the scope of and reason for the assignment.

**4.5.1.2** The next level manager should either approve or deny the request, and, if approved, forward the request to the location Human Resources Office for processing. The site Human Resources Office shall forward the recommendation to the Chancellor/President/Vice Chancellor (as appropriate) and to the District Human Resources Office.

**4.5.1.2.1** An employee who believes that s/he is working in a higher classification and has her/his request for out-of-class pay rejected at the site level, may appeal the decision to the Vice Chancellor, Human Resources and Organizational Development.

**4.5.1.3** If an employee is temporarily assigned to a higher level classification for a period that exceeds five days in a 15 calendar-day period, the employee shall be placed in the higher classification's salary grade and placed at the appropriate step of the higher grade that will provide the 5% increase above the employee's current compensation level that is expected in an out-of-classification situation. In determining the appropriate step placement, it is recognized that an employee could receive more than a 5% increase in compensation if the higher classification is so substantially higher on the salary schedule that Step 1 of the appropriate higher salary grade is more than 5%. It is also recognized that in placing a supervisory employee on the higher management grade, a 5% adjustment could be between salary steps, and thus would require placement to the next higher step, resulting in a 7.5% adjustment.

**4.5.1.3.1** The 7.5% adjustment is due to the fact that the Supervisory and Confidential Salary Schedules have 2.5%, and the Management Salary Schedule has 5% between salary ranges.

**4.5.1.4** Employees working in a higher classification shall be credited with step advancement credit while working in the higher class. If an employee is working in a higher classification when a step advancement is due on July 1<sup>st</sup>, the employee shall receive the step advancement in the employee's regular classification and then shall have her/his out-of-classification placement simultaneously reevaluated to ensure that the employee is still receiving the appropriate adjustment for working in the higher classification.

**4.5.2 Temporary Additional Duties.** An employee temporarily assigned to some, but not all, of the duties of another higher-level classification for a period exceeding five (5) consecutive work days shall receive 5% additional duties pay for the duration of the assignment. Such duties must be of a nature that they would not be found in the employee's permanent classification of a lower classification.

**4.6 Voluntary Demotion.** A management, supervisory, or confidential employee who applies for and accepts a position on a lower range shall be placed on that step of the lower range that will get the employee closest to her/his former higher salary without receiving an increase in salary.

**4.6.1 Probationary Period Moving to a Lower Classification.** If a classified manager, supervisor or confidential employee takes a position in a lower (level based on the full-time monthly salary range) classified position, the employee shall serve a probationary period of 12 months. This is in addition to any probationary period that the employee served in the higher classification from which s/he moved. At the successful completion of the probationary period, the employee shall be granted tenure (permanency) in the classification in which the employee passed the required probationary period and includes all of the incidents of that classification.

**4.6.1.1** Employees who move to a lower classification in the same job series shall not be required to serve a new probationary period..

**4.6.1.2 Probationary Period Ended.** If a promoted employee serving a probationary period in a classified position does not successfully complete the required probationary period or voluntarily elects to end the probation for their own reasons or to take another position, the employee shall have retreat rights to the former classification from which s/he promoted from if the employee held permanency in that former classification

**4.6.1.2.1** If the promoted employee is unsuccessful during the probationary period, and the District determines that it is appropriate to terminate the employee from all District employment, the employee shall be treated as a permanent employee in terms of rights to a disciplinary hearing and appeals concerning the proposed revocation of retreat rights to former classifications in which the employee held permanency. (See Section 14.0 B Disciplinary Action or Dismissal)

#### **4.7 Reduction-in-Force or Layoff**

**4.7.1 Academic Management/Supervisory Employees.** The Governing Board has the right, in its sole discretion, to elect not to renew the employment contract of an academic manager/supervisor if it determines the need for a reduction-in-force due to lack of work, lack of funds, reorganization, or the abolition or reduction of an activity or service. The manager/supervisor will be provided written notice on or before March 15, to be effective for the ensuing fiscal year.

Salary for an academic manager/supervisor who is laid off but who has retreat rights to a non-management/supervisory academic position shall be determined on the same basis as for a reassignment.

**4.7.2 Classified Management, Supervisory, and Confidential Employees.** A classified management, supervisory, or confidential position may be eliminated by the Governing Board for lack of work or lack of funds, and this may result in the release of personnel with at least 45 days' notice (per AB290, Section 88017, effective January 1, 2004). A classified employee may not be laid off if a short-term employee is retained to render a service that the classified employee is qualified to render. Whenever a classified manager/supervisor or confidential employee is laid off, the order of layoff within the class shall be determined by length of service in the existing classification and any higher classification in which the employee has served. Classified managers/supervisors and confidential employees have retreat rights in lower classes in which they have permanency. Any employee laid off will have priority for reemployment in the reverse order of layoff for a period of 39 months. If an employee accepts a lower classification or accepts a reduction in assigned time in lieu of a layoff, the employee shall receive an additional 24 months of reemployment rights, in addition to the above-noted 39 months. The employee will be provided access to a listing of appropriate retreat positions, based upon the employee's permanency and seniority status.

**4.7.2.1** An employee who is subject to a reduction in work force or layoff (including a reduction in assigned time) shall have the right to utilize seniority to retreat into equal or lower classifications in which s/he has permanency.

**4.7.2.2** An employee laid off from her/his present classification may first exercise retreat rights into equal classifications in which the employee has permanency, based upon her/his seniority date. If no equal classifications are available based upon seniority, the employee may exercise retreat rights into the next lower classification in which the employee has permanency, based upon her/his seniority date. The employee may continue to exercise retreat rights into successively lower classifications in which s/he has permanency to avoid layoff.

**4.7.2.2.1 Retreat to Site Positions.** In determining which position to displace, the District will first select vacant positions at the employee's work site (CCC, DVC, LMC, DO) in the classification to which the employee is retreating. In the absence of a vacancy at the employee's work site, the District will select for displacement the less senior employee at the retreating employee's work site who has the least seniority in the classification and who has the closest assignment to the laid off employee in terms of assigned hours per week and months per year.

**4.7.2.2.2 Retreat to Districtwide Positions.** In determining which position to displace after eliminating site-displacement considerations, the District will secondarily select vacant positions Districtwide in the classification to which the employee is retreating. In the absence of a vacancy, the District will select for displacement the less senior employee Districtwide who has the least seniority in the classification and who has the closest assignment to the laid off employee in terms of assigned hours per week and months per year.

**4.7.2.2.3** It is permissible, should the retreating employee so choose, to retreat more than one level to claim permanency rights to a formerly held classification.

**4.7.2.3** An employee who is subject to layoff and has no retreat rights to an equal or lower classification in which s/he has previously served, or is being reduced in assigned time, may be considered for a voluntary move to a vacant position in an equal or lower classification in the same job family, based upon meeting minimum qualifications and the District's determination that the move is in the best interests of the District.

**4.7.2.4** A management, supervisory, or confidential employee who is laid off but who has retreat rights to a previously occupied classified position shall be placed on the lower range and then that step that will get the employee closest to her/his former higher salary without receiving an increase in salary.

**4.8 Retreat Rights for Management, Supervisory, and Confidential Employees.** A manager, supervisor, and confidential employee have the right to retreat, subject to an unsuccessful probation (Section 4.6.1.2), a reduction-in-force (layoff) (Section 4.7), or under certain disciplinary actions (Section 14.7), to a former position where permanency was held.

**4.8.1 Retreat Rights to a Bargaining Unit Position.** A probationary or permanent management, supervisory, or confidential employee may be reassigned to a classification within the bargaining unit not previously served in only if the position is open after it has been offered to unit members in accordance with terms of the union contract.

**4.8.2 Retreat Rights to a Management, Supervisory, or Confidential Position**

**4.8.2.1 Reorganization**

**4.8.2.1.1** In the event of a reorganization, an employee who has been reclassified to a higher position and who is unsuccessful in that position shall have retreat rights to a former management, supervisory or confidential classification which s/he promoted from if the employee held permanency in that former classification.

**4.8.2.1.2** In the event of a reorganization, an employee who has been reclassified to a lower position and who is unsuccessful in that position shall have retreat rights to a former equal or lower management, supervisory or confidential classification in which s/he held permanency.

**4.8.2.2 Reclassification.** Former incumbents in a classification that is reclassified could be impacted as follows.

**4.8.2.2.1** If the employee's former classification is abolished and merged with another classification, then the employee will be treated for permanency, retreat rights and seniority as if s/he had served in the classification.

**4.8.2.2.2** If the employee's former classification is not abolished, but is merely retitled (maintains the essential duties and responsibilities of the former classification), then the employee will be treated for permanency, retreat rights and seniority as if s/he had served in that classification.

**4.8.2.2.3** If some, but not all of the positions in the employee's former classification are reclassified to a lower, equal or higher classification (as determined by the salary grade assigned to the classification), then the employee will not be treated as if s/he has served in the different classification for purposes of permanency, retreat rights and seniority rights.

**4.8.3 Academic Management/Supervisory Retreat Rights to a Faculty Position.** This procedure applies to academic managers/supervisors who are reassigned for reasons other than cause and hired on or after July 1, 1990.

- 4.8.3.1** A tenured employee, when assigned from a faculty position to management/supervisory position within the District retains her/his status as a tenured faculty member. The assignment of such manager/supervisor to a faculty position shall be done in accordance with Sections 4.8.3.4 through 4.8.3.9 of this document. Managers/supervisors hired after the effective date can acquire the right to become first-year probationary faculty members as provided by Education Code Section 87458 and in accordance with this procedure.
- 4.8.3.2** A manager or supervisor hired on or after July 1, 1990, and who did not have faculty tenure in this District at the time of hire, shall be assigned to a first-year probationary faculty position provided that s/he meets all of the following:
- 4.8.3.2.1** Holds a position that is not part of the classified service. For every management/supervisory job title, the records of the District show whether or not it is part of the classified service. The proposal not to list a position as part of the classified service shall be jointly reviewed and agreed upon by the District, with representatives from the Management Council, and the Academic Senate Presidents (or designees), augmented by the United Faculty Vice Presidents (or designees). The representation from managers/supervisors and faculty shall be equal.
- 4.8.3.2.2** Has served in this District a total of at least two years as one or both of the following: a faculty member or an academic manager/supervisor. This service has been documented as satisfactory as determined by regular evaluations as specified by the United Faculty Agreement, Article 17, or by the Contra Costa Community College District Management/Supervisory Personnel Manual. These procedures shall include faculty evaluation as indicated by AB1725, Section 51, 87663(i), and implemented in Article 17 of the United Faculty-CCCCD Agreement. Certification of satisfactory service of managers/supervisors retreating into the faculty must be available for review by the College Management/Supervisory Retreat Rights Committee and/or the Faculty Senates Coordinating Council (FSCC) augmented by the United Faculty President (or designee).
- 4.8.3.3 Management/Supervisory Retreat Rights Committee.** The role of the Management/Supervisory Retreat Rights Committee is to recommend the discipline and the college to which a retreating manager/supervisor will be assigned.
- 4.8.3.3.1 Committee Composition.** The college committee composition will consist of the Academic Senate President (or designee), the Department Chairperson(s) of the teaching discipline(s) being considered, two faculty (where possible at least one of whom is in the division(s) but not in the department), the Dean, and a representative of Management Council. Both the Dean and the Management Council representative are non-voting members. The chair will be the Academic Senate President (or designee).

The District Office Management/Supervisory Retreat Rights Committee will be the three Faculty Senate Presidents (or designees), augmented by the United Faculty President (or designee) and will deal with reassigned academic managers/supervisors at the District Office. This committee will consult with the College Presidents (or designees), the Vice Chancellor, Human Resources and Organizational Development, and the appropriate Faculty Service Area faculty before making its recommendation. The chair will be the FSCC President.

**4.8.3.4 Criteria for Reassignment.** The manager/supervisor shall be assigned to a service or discipline in which the manager/supervisor has been determined minimally qualified and competent for the FSA, and where all of the following are considered:

- a. The manager/supervisor has an interest as indicated by a written statement of his or her own preference for assignment.
- b. The manager/supervisor has the most academic preparation and experience in this service or discipline.
- c. There are sufficient assignments in the service or discipline at one or more colleges or locations currently held by temporary faculty to make an appropriate assignment for an additional faculty member.

**4.8.3.5 Faculty Service Area (FSA).** At the time of hire, each academic manager/supervisor must be assigned to a faculty service area. The manager/supervisor can be assigned only to a discipline in which s/he has at least the minimum qualification as specified by the Board of Governors List of Disciplines. Minimum qualifications may be determined using the equivalency process. The standing District FSA committee shall certify to the Governing Board for which discipline(s) the manager/supervisor meets the minimum qualifications in the event the manager/supervisor does not already have an FSA. This committee shall determine the FSA(s) for which the retreating manager/supervisor is qualified and competent. The college retreat committee and/or FSCC shall recommend the discipline to which the manager/supervisor should be assigned. Using the normal channels, the college Academic Senate President or FSCC President shall convey to the District Governing Board the disciplines for which the manager/supervisor meets the minimum qualifications and shall recommend the discipline and college to which the manager/supervisor should be assigned.

- 4.8.3.5.1** The Governing Board shall rely primarily upon this judgment. The Governing Board shall also provide the Academic Senate with an opportunity to present its views to the Governing Board before the Board makes a determination. A written record of the Board's decision, including the views of the Academic Senate, shall be available for review pursuant to Education Code Section 87458.

- 4.8.3.6 Recommendation for Assignment and Timelines.** After consultation with the Chancellor, the College President initiates a request for a manager/supervisor to be reassigned at the local college level. This request should be a written communication, sent by the March 15th deadline, with a copy forwarded to the Academic Senate President and the Vice Chancellor, Human Resources and Organizational Development. Upon receipt of a request for a reassignment, the Academic Senate President will request a written statement from the manager/supervisor being reassigned that indicates her/his preferences for reassignment. The Academic Senate President will then convene the college committee to review the FSAs of the manager/supervisor in order to recommend a new assignment.
- 4.8.3.6.1** In the event that an assignment cannot be created at the college level, the Academic Senate President will refer the request for reassignment. The FSCC, augmented by the United Faculty President (or designee), will review the qualifications of the manager/supervisor being reassigned in order to recommend a new assignment to the local retreat committee.
- 4.8.3.6.2** The Chancellor initiates the request for a manager/supervisor to be reassigned from the District Office. This request should be a written communication, sent by the March 15th deadline, with a copy forwarded to the FSCC and the Vice Chancellor, Human Resources and Organizational Development. Upon receipt of a request for reassignment, the FSCC President will convene the standing District FSA Committee, in accordance with process described in Section 4.8.3.5 of this document. Following this, the FSCC, augmented by the United Faculty President (or designee) will recommend the assignment for the manager/supervisor to the local retreat committee.
- 4.8.3.7 Appeal Process.** If the manager's/supervisor's preference for assignment and location of assignment is not accepted, s/he may appeal the decision. The college retreat committee will meet with the manager/supervisor to reconsider its decision. The manager/supervisor may choose to have a representative from Management Council accompany her/him. The manager/supervisor also has the right to appeal to the Governing Board.
- 4.8.3.8 Retraining.** Opportunities for retraining may be made available to managers/supervisors being considered for assignment under this procedure when a suitable discipline is not available or as necessitated by college and District priorities. Such a manager/supervisor will meet with the District FSA committee to determine a retraining plan. The manager/supervisor will then meet with the Chancellor or designee to implement the plan with courses of study and/or training activities. The opportunities extended for retraining will be those set forth in the UF/CCCCD Agreement.
- 4.8.3.8.1** The manager/supervisor shall agree in writing to serve the District for the equivalent of twice the retraining leave period. At the option of the District, this requirement may be waived.

**4.8.3.9 Compensation.** Managers/supervisors who are returned to the faculty pursuant to the Education Code shall be evaluated for class and step placement according to their education and experience prior to employment with the District. This evaluation shall be in accordance with Article 20.4.1.3 and 20.4.1.4 of the United Faculty Agreement. After this evaluation is completed and in accordance with Article 20.8 of the United Faculty Agreement, management/supervisory experience in the District shall be added on, giving credit on the salary schedule on a year-for-year basis. No manager/supervisor returned to the faculty, except for those with pre-AB1725 faculty tenure rights, shall bump a regular full-time faculty member from her/his position at the college.

**4.8.4 Retreat from an Academic Position to a Classified Position.** An academic manager/supervisor who previously was a classified confidential employee will be allowed to retreat to a vacant classified confidential position within the classification in which s/he previously held permanency.

**4.8.5 Retreat from a Classified Position to an Academic Position.** A classified confidential employee who previously was an academic manager/supervisor will be allowed to retreat to a vacant academic management/supervisory position within the academic service in which s/he was previously employed.

#### **4.9 Resignation or Retirement**

**4.9.1** If a management, supervisory, or confidential employee resigns or retires from the service of the District, a letter giving notice to this effect should be sent through channels to the College President, and/or the Vice Chancellor, Human Resources and Organizational Development as soon as possible before the effective date. The effective date shall be the close of the last paid date of service and shall be formally accepted at the time of receipt by the Vice Chancellor, Human Resources and Organizational Development.

#### **4.9.2 Post-Retirement Employment**

**4.9.2.1 Contract Employee.** An employee may request a contract as a consultant on a year-to-year basis after retirement. The maximum compensation allowable will be the amount established by the applicable retirement system.

**4.9.2.2 Classified Employee.** A classified employee may be employed on an hourly basis after retirement and may serve up to 960 hours each fiscal year subject to regulations established by PERS.

**4.9.2.3 Rehired in Previously Held Classification.** A former employee who is rehired in a classification previously held shall be retained at the same salary placement as previously held.

**4.9.2.4 Rehired in Higher Classification.** If a former employee is rehired in a higher classification, the employee shall advance to the step in the new salary range that provides at least a five percent (5%) salary increase over her/his previous scheduled salary. However, no employee may advance higher than the maximum step in the new salary range. If the former employee assumes a position in a lower classification than previously held, the salary placement would be on the appropriate salary range for the lower classification and then to that step that gets the employee closest to her/his former classification's salary rate without receiving an increase in salary.

**4.9.2.5 Credit for Experience.** If a former employee is rehired, credit for full-time comparable experience in a similar position may be recommended on a year-for-year basis and given upon approval of the Chancellor or Vice Chancellor, Human Resources and Organizational Development. If the person selected has not had full-time experience, as appropriate, in a comparable position, placement shall be on the first step. Advanced step placement shall not exceed the third step except in extraordinary circumstances and upon approval by the Chancellor or the Vice Chancellor, Human Resources and Organizational Development.

**4.9.3 Academic Employee.** An academic employee may be employed on an hourly basis after retirement and may serve up to the posted annual STRS income limit each fiscal year subject to regulations established by the retirement system.

**4.9.3.1 Rehired in Previous Classification.** A former employee who is rehired in a classification previously held shall be retained at the same salary placement as previously held.

**4.9.3.2 Rehired in Higher Classification.** If a former employee is rehired in a higher classification, the employee shall advance to the step in the new salary range that provides at least a five percent (5%) salary increase over her/his previous scheduled salary. However, no employee may advance higher than the maximum step in the new salary range. If the former employee assumes a position in a lower classification than previously held, the salary placement would be on the appropriate salary range for the lower classification and then to that step that gets the employee closest to her/his former classification's salary rate without receiving an increase in salary.

**4.9.3.3 Reemployment Restrictions.** A former academic employee cannot be employed as an hourly classified employee while receiving a STRS retirement allowance. (Education Code 88033)