

MEMORANDUM OF UNDERSTANDING
BETWEEN
CHABOT-LAS POSITAS COMMUNITY COLLEGE DISTRICT
AND
CHABOT-LAS POSITAS FACULTY ASSOCIATION

April 16, 2020

Provisions Specific to the Campus Closures due to COVID-19

In response to the effects of the COVID 19 “Shelter In Place” order outlined in Executive Order N-33-20 issued by California Governor Gavin Newsom, as well as Order 20-04 issued by the Alameda County Health Officer, and subsequent extensions of same, the District and the Faculty Association agree to the following temporary adjustments to the parties’ Collective Bargaining Agreement. The adjustments outlined herein shall remain in effect until the campuses return to pre-shutdown operation, or until they are modified by a subsequent version of this MOU.

It is understood that both parties reserve the right to request that this MOU be reopened as new information becomes available.

Article 10D.3: Other Assignment Hours

The CBA specifies that of the five (5) scheduled office hours, a maximum of two (2) scheduled office hours may be virtual. It is understood that for all classes shifted to remote format during the period of the COVID-19 pandemic, all the office hours shall be virtual. Office hours will continue to be scheduled at specific times that are posted.

Article 10F.3: Distance Educations Related Working Conditions

While the CBA specifies that the teaching of Distance Education courses shall be on a voluntary basis, it is understood that the Shelter-In-Place orders require faculty to perform their work remotely during the period of the pandemic. Notwithstanding, within the context of remote instruction as necessitated by “Shelter In Place” orders, instructors shall determine whether their course is taught in a synchronous or asynchronous format, which will accordingly be reflected in the published schedule of classes for that term.

Article 12-1A.7: Sabbatical Leave Application

It is recognized that due to Shelter-in-Place/Lockdown orders enacted worldwide due to COVID-19, faculty members currently on Sabbatical Leave in Spring Semester, 2020, or planning a Sabbatical Leave for Academic Year 2020-21, may need to revise their sabbatical project. As such, it is agreed that sabbatical project revisions may occur by way of consultation between the faculty member, dean, and the Sabbatical Leave Committee. The Committee should set the timeline by which the revisions are proposed and approved. It is suggested that revisions for Sabbatical Leave projects in progress in Spring 2020 be approved by the end of April, 2020, and that revisions for Sabbatical Leave projects for Academic Year 2020-21 be approved by the end of May, 2020.

Articles 14, 15 and 18—Faculty Peer Evaluations

The provisions described below shall apply to evaluations that would normally have been conducted in face-to-face or hybrid classes during Spring Semester, 2020, subsequent to March 11. The modified guidelines include the following:

- Spring Semester 2020 observations performed prior to March 12 will count, however the completion of those peer evaluation reports, including any remaining meetings with the faculty member evaluated, will now adhere to the normal timelines for Fall Semester 2020, except as noted in (iii) below. All remaining Spring 2020 observations shall be deferred to Fall Semester 2020. Additional guidelines are provided in items (i), (ii), and (iii) below.
- For classes planned and scheduled in online format for Spring Semester 2020, peer evaluations of faculty should proceed in accordance with the schedule that was in place at the beginning of the semester;
- If a unit member is due a follow up observation in the case of having received an evaluation summarized as either Needs Improvement or Unsatisfactory, and the follow up observation was not completed prior to March 12, the follow up observation should be conducted between Monday, September 7, 2020 and Friday, October 9, 2020.

i) **Evaluations for Contract (Untenured) Faculty (Article 14)**

The one (1) visit/observation and the one (1) survey (student or client) that would normally take place after March 15, 2020 through May 22, 2020 will be deferred until Fall Semester 2020. The deferred visit/observation and survey should take place no sooner than Monday, September 7, 2020 and be completed no later than Friday, October 9. All other provisions for evaluations will continue as per the contractual timelines subsequent to this deferral.

Articles affected (Visit/Observation & Surveys)

Instructional Faculty:	Article 14F.2.a & 14F.2.d
Counseling Faculty:	Article 14G.2.a & 14G.2.e
Library Faculty:	Article 14H.2.a & 14H.2.d
Special Assignment & Coordinator Faculty:	Article 14I.2.a & 14I.2.d

ii) **Evaluations for Regular (Tenured) Faculty (Article 15)**

All Regular Faculty evaluations that have not completed per the regular evaluation cycle under Article 15D & 15D.1 of the CBA for Academic Year 2019-20 as of March 12, 2020 shall be deferred until Fall Semester 2020. This shall include visit/observations (Article 15F.2.a) & student/client surveys (Article 15F.2.b).

iii) **Evaluations for Part-Time Faculty (Article 18)**

All evaluations of Part-Time Faculty that have not been completed per the regular evaluation cycle or initial evaluation in the five (5) terms of employment under Article 18I.2 of the CBA as of March 12, 2020 shall be deferred until Fall Semester 2020. This shall include visit/observations (Article 18I.2) & student/client surveys (Article 18I.4). It is further understood that any evaluation that was in progress prior to March 12, 2020 will be deferred to Fall Semester 2020, and resume at the same place the evaluative process was in on March 12, 2020. No part-time evaluation that was scheduled for Spring Semester 2020 will impact

the Seniority List until it is formally completed and signed in Fall Semester 2020. No part-time evaluation that was scheduled for Spring Semester 2020 will impact the Seniority List unless it was a follow-up to a prior Needs Improvement or Unsatisfactory evaluation, and the follow-up observation was completed prior to March 12, 2020. All other evaluations will be formally completed and signed in Fall Semester 2020.

Article 18B.1b(1): Break In Service

It is agreed that for any semester in which a Part-time faculty member does not work while the campuses are in modified operation (*e.g.*, fully or partially closed) due to the COVID-19 crisis, that semester shall not count towards any Break in Service for the purpose of Part-time Seniority.

Article 29B: Flex Day Obligations

Variable flex activities can include any training, research, collaboration, or learning related to moving face-to-face counseling, librarianship, instruction, or alternative duty tasks to a remote format. Unit members can revise their original variable flex activity proposal to include such learning as necessitated under Executive Order N-33-20.

Signed and entered this 16th day of April, 2020

<signed>

David D. Fouquet
President, Chabot- Las Positas
Faculty Association

<signed>

Ronald P. Gerhard
Chancellor, Chabot-Las Positas
Community College District