

**Article 23 CONTRACTING BARGAINING UNIT WORK**

**§ 23.1 Contracting Bargaining Unit Work**

**§ 23.1.1** The District shall not contract out, or hire student non-classified unit members, to fill vacancies in existing bargaining unit positions.

**§ 23.1.2** The District shall only employ substitute and short-term employees (e.g. short-term/non-continuing or STNC's) in accordance with the provisions of the Education Code.

**§ 23.2 Short-Term/Non-Continuing Employee List**

**§ 23.2.1** Beginning July 1, 2007, the District will include the Classified Executive Council President, or his/her designee, in the distribution of the list(s) tracking STNC days.

**§ 23.3 Continued Employment Rights for Employees Affected by Contracting Out**

Education Code section 88501 protects regular employees to ensure that they will have continued employment with the District, or with the other entity that assumes the department being contracted out. The purpose of this is to describe the process by which affected regular classified staff who prefer to maintain employment with the District will be considered for other regular classified positions in the District, once they are released from the department.

- 1) A listing (Unit List) of all affected employees shall be generated and ranked by the number of total hours in paid status with the District.
- 2) Management shall provide a list of current vacant classified positions that are approved for recruitment to each of the affected employees, with a request that each employee state a ranked preference for up to three (3) jobs that they are interested in being reassigned into once released from the department being contracted out.
- 3) Employees will have their preferences granted, to the extent possible, based solely on seniority (i.e., total number of hours in paid service). Each unit member on the Unit List may select from any classified vacancy which is equal to or greater than their existing Classification grade. Unit members selecting a lower grade position than their current grade will be Z-rated. It is also assumed and expected that the unit member meets the minimum qualifications for their preferred position(s), or has met those minimum qualifications through equivalency.

**Article 23 CONTRACTING BARGAINING UNIT WORK (Continued)**

**§ 23.3 Continued Employment Rights for Employees Affected by Contracting Out (Continued)**

- 4) If more than one employee is interested in the same position, the employee with the highest seniority on the Unit List will be given the job. In the event of multiple unit members having the same number of paid hours with the District, the District shall meet and confer with SEIU to determine how to break the “tie” if this should occur.
- 5) Once a unit member has identified his/her first preference for reassignment, the employee will be granted an “informational interview” with the manager who will be assuming the employee. At the end of the interview, the employee will be asked whether or not they want to pursue being transferred into the vacant position. Once the employee has confirmed his/her interest, their selection will be “reserved” for their placement into the position at a to-be-determined start date.
- 6) Up until 90 days prior to the employee’s start date in their new position, all positions not previously presented to those unit members on the Unit List, will first be offered to those on the Unit List with a reasonable opportunity to respond before being advertised to anyone else. Provisions in section 2 shall apply to these additional offerings. In the event a unit member becomes slotted into one of these newly offered positions, their previous choice shall be offered again to the other unit members on the Unit List and provisions in section 2 shall apply.
- 7) If a unit member chooses not to select a position from any available positions, the District shall place the unit member in a position at the discretion of the District, so long as the unit member meets minimum qualifications for the position, or the equivalent.
- 8) The District agrees to reassign any affected employee by using the provisions of Article 14.6, District-initiated Transfer, referred to in the collective bargaining agreement between SEIU and the District.