

# FAUST

## KNOW YOUR COLLECTIVE AGREEMENT

ISSUE #1 July 2011

*“Know Your Collective Agreement” (KYCA) is a new initiative sponsored by FAUST, which will profile various aspects of the new FT and PT Collective Agreements in layperson’s language. It is hoped that this will make members more informed about and comfortable with their Collective Agreements.*

### ARTICLE 5 ON PT APPOINTMENTS

*This summary is meant to provide some guidance for **Chairs and for PT Appointments Committees (PTACs)**.*

### Making PT Appointments

What steps must now be followed in making PT appointments (**Article 5.05**)?

- *After a Department or Programme has been informed of the staffing allocation for any given year, the Department or Programme Chair, by February 28, must provide the VPA with a list of the courses (including FT and PT offerings) which the department wishes to teach for the year.*

- *The Chair must identify to the VPA, by 15 March, which of the PT courses will be taught by Employees with Regular Appointments (see below for discussion). Whenever possible, there must be prior consultation with the Regular Appointment Employees re: their course assignments.*
- *The remaining courses will be identified as **unstaffed**. The Chair must provide the VPA with a paragraph description of each unstaffed course (for instructions, see 5.05.3), and the VPA must maintain a **list of unstaffed courses** (see below).*

Where do we begin in allocating unstaffed courses?

There are **three stages** in course allocation: seniority appointments, internal competitions, and external competitions, to be followed in that order.

#### 1) **Seniority appointments (Article 5.05.7):**

- *Under the old Collective Agreement, seniority was calculated on a **departmental** basis. In the new CA, there are now two types of seniority: **course-specific** (the number of times a faculty member has taught the course satisfactorily) and **overall University seniority** (the sum of all course-specific seniorities). PT Employees may **retain** their seniority for a particular course for **36 months** from the end date of the last appointment.*
- *The VPA will maintain a **seniority list** for each department, which will include both course-specific and overall*

*University seniority. Copies of the list will be sent to the departments and FAUST by 31 October of each year.*

- *We are currently waiting on the VPA and HR to **draw up new seniority lists**. If you are in dire need of such a list because of ongoing appointments, please contact the VPA's Office. If there are any problems, please let us know.*
- *The VPA will also ensure that an **unstaffed course list** will be created and maintained (see above), and once the procedure is normalized, the list will be distributed to departments and the union by 20 March and also posted to the university web site.*
- *PT Employees will be contacted via email to inform them of the posting. By 31 March, PT faculty must send an email to the VPA and copied to the Chair indicating their expression of interest in teaching the courses.*

What if more than one person with seniority for a course expresses interest in teaching it?  
(Article 5.05.7)

- *If multiple Employees have seniority for a course, the Employee with the **most course-specific seniority** will be offered the course.*
- *If two or more Employees have equal course seniority, **overall University seniority** will break the tie.*
- *If two or more Employees have equal course and University seniority, the tie-breaker will be **date of initial hire**.*

## **2) Internal competitions (Article 5.06.1):**

- *After seniority appointment procedures have been exhausted, the VPA will authorize an **internal competition**.*
- *The PT Appointments committee must ensure that the internal applicants are **qualified**. (See Article 5.03.1 for criteria). If they are considered qualified, they **must be recommended** for the courses.*
- *If two or more qualified Employees have applied for the same course, **overall University seniority** breaks the tie.*
- *If two or more qualified Employees have the same overall University seniority, the **date of initial hire** will break the tie.*

## **3) External competitions (Article 5.06.2):**

- *If the internal competition does not provide any qualified applicants, then the VPA will authorize an **external competition**.*
- *The PTAC will review the applications from the external competition, and then an interview will be held with one or more of the candidates. The successful candidate must be approved by a majority of the PTAC. Within fifteen (15) working days of the deadline for application, the Department Chair will make a written recommendation to the VPA, including the rationale for the PTAC's recommendation.*
- *The ultimate decision re: the appointment will be made by the VPA,*

who should make the decision in a “reasonable period of time” and should not “unreasonably” reject the department’s recommendation (5.06.4). The VPA’s decision will not be subject to arbitration, unless it allegedly violates Academic Freedom (Article 2.04), No Discrimination and Duty to Accommodate (Article 2.05), or Full and Fair Consideration (Article 2.06)

### **TYPES OF PT APPOINTMENTS (Article 5.02.1)**

There are now **four (4)** types of PT Appointments

- i) **Schedule A Probationary:** PT Employees must undergo an initial probationary period before they are eligible to receive Schedule A Appointments. During the probation, they must teach at least six (6) credit hours (or two (2) half-year courses) for a minimum of two (2) Academic years (the academic year runs from July 1- June 30). Evaluation of teaching performance (per Article 8) must be conducted at the end of the probation.
- ii) **Schedule A:** after successful completion of the probationary period, PT Employees are eligible to receive Schedule A Appointments. A Schedule A Appointment refers to an appointment to teach three (3) or more credit hours (one (1) or more half-year course(s)) during the Academic year to a maximum of eighteen (18) credits (or six (6)

half-year courses) during the Teaching Year (September 1 to April 30).

- iii) **Schedule B:** refers to an appointment to teach, conduct research etc... conceived as a designated percentage of a FT load (i.e., 75%, 50% etc...)
- iv) **Regular:** This new type of appointment is the **most radical change** to Article 5. The Regular Appointment recognizes a **pattern of teaching** over a defined number of years.

The **rationale** behind Regular Appointments is to provide **more job security for long-serving PT Employees** who have taught many courses over a significant number of years for STU, but have never been able to count on any security on a go-forward basis. (According to our Chief Negotiator Suzanne Prior, the median for such service at STU is 7 years).

Who is eligible for a Regular Appointment?

- an eligible PT Employee would be one who has taught over a **period of six (6) years**, and has taught an **average of nine (9) credit hours (or three (3) half-year courses)** over the **three (3) teaching years immediately prior** to the appointment, OR:
- a PT employee who has taught a **minimum of six (6) credit hours (or two (2) half-year courses)** in **three (3) consecutive teaching years** in the **five**

**(5) years immediately prior** to the appointment.

the best three (3) of the previous four (4) teaching years

When is the **start date** for determining these patterns of teaching?

*(Please see Article 5.02 d) (iii) if the Employee is teaching in more than one department)*

- *The credits for Regular Appointments will be calculated from **1985**.*

What **courses** should be assigned to an employee with a Regular Appointment?

When do the Regular Appointments **come into effect**?

- *These courses will consist of those available after the allocation to FT faculty members. They may be courses **previously taught** by the Employee, or those for which they are **qualified** under Article 5.03. The VPA is ultimately responsible for ensuring that there are sufficient courses for Regular Appointment Employees so that they can maintain their minimum workload.*

- *With the course allocation process in **Feb 2012**.*

Must Employees who are eligible for Regular Appointments be **evaluated** before their appointments?

*(Please note that a PT employee is not obliged to accept a Regular Appointment. See Article 5.02 d) (vi-vii))*

- *Yes, all employees who are eligible must undergo a satisfactory **evaluation of their teaching performance** (per Article 8) within the twelve (12) month period prior to the start of course allocation process for Regular Appointments*

What if a situation arises which makes it **difficult** to assign the **minimum average workload** to a Regular Appointment Employee?

What type of **workload** should an employee with a Regular Appointment receive?

- *Article 5.12.1 stipulates **bona fide reasons for reducing the workload or laying off** Regular Appointment Employees:*

- *This type of appointment, as mentioned above, recognizes a pattern of teaching over a defined number of years. Thus, the Employee will teach **at least the average workload** over the **three (3) teaching years immediately prior** to the appointment. If the Employee was on an approved leave during one (1) of those years, the employee will teach*

*i) shortage of operating funds*

*ii) decline in university or departmental enrollment*

*iii) changes in course enrollment*

*iv) changes in departmental curriculum authorized by Senate and/or the Senate*

*Curriculum Committee which makes it impossible for the VPA to assign the minimum average workload*

*v) appointment of a new FT Employee*

*vi) normal changes in course offerings associated with a pattern of course rotation.*

*For more details, see the 2010-2013 PT Collective Agreement, Article 5: Appointments. Or contact Professional Officer Bonnie Huskins ([faust@stu.ca](mailto:faust@stu.ca)) or a member of the FAUST Executive.*



*We hope this brief summary of Article 5 provides some guidance in making PT appointments under the new 2010-2013 Collective Agreements.*

*Please stay tuned for Issue #2 of KYCA: "PT Employees at STU: What does the new CA (2010-2013) mean for you?"*

*These issues of KYCA will eventually be archived on the FAUST website.*

*Respectfully submitted by Bonnie Huskins*

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