

PSU-AAUP Counter Proposal #1 for a
**Memorandum of Agreement (MOA) between
Portland State University (University)
and the Portland State University Chapter
of the American Association of University Professors (Association)
December 7, 2017,**

Deleted: PSU Counter Proposal NTTF Layoff and Recall
MOA - December 3, 2017

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Subject: Article 18 Section 2 Reductions in force- General Effects;
Specific Effects of the Article 18 Section 2 reduction in force in the Intensive
English Language Program (IELP)

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Recitals:

The parties acknowledge that there are effects associated with the anticipated reduction in force in IELP and other departments and programs that were not contemplated when Article 18 Section 2 was negotiated in the 2015-19 Collective Bargaining Agreement.

Agreement:

To address the general effects of the reduction in force, the parties agree as follows:

Layoff and Recall

1. ~~Faculty members will be laid off in inverse order to length of continuous service at the University. The University retains the sole right to determine if a faculty member holds an essential assignment or qualification that exempts them from layoff according to length of continuous service.~~
2. “Continuous service” for purposes of layoff and recall means time worked at PSU in a position that annualizes at 0.5 FTE or greater.

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Commented [PL1]: The first sentence repeats language in the CBA. 2nd sentence. We do not agree that the language in 18,2,e,3,ii gives the University that right layoff out of order and we are not interested in granting that right.

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Layoff

3. If a faculty member receives a notification of termination pursuant to Article 18 Section 2 (e)(3)(iii) and was eligible for and had submitted a portfolio for promotion review, or were in their 6th year of probationary service and were eligible for continuous appointment and submitted their portfolio for continuous appointment review, those reviews shall proceed without respect to the termination notice.
 - a. If the faculty member achieves promotion or continuous appointment, they shall be considered to be in the new rank or employment status awarded pursuant to the recall procedures in Article 18, Section 2(e)(3)(v) and this Agreement.
 - b. If the probationary employee applying for continuous appointment is not awarded continuous appointment, they shall be terminated consistent with the termination notice of Article 18 Section 2 (e)(3)(iii).

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4. For employees who are placed on the recall list pursuant to Article 18, Section 2 (e)(3)(v):

a. Acceptance of any job at PSU, other than the NTTF position from which they were laid off, will not impact their position on the recall list.

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Recall

5. For employees recalled to their position pursuant to Article 18, Section 2 (e)(3)(v):

a. The time spent on the recall list will not count as a break in service. Time on the recall list shall be considered the same as a leave without pay and all members laid off shall retain benefits and privileges of a member on leave without pay (consistent with Article 22, Section 5 (d)).

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b. Upon recall, the University will return the employees to the contract type and rank from which they were terminated.

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c. Upon return to service, employees who had completed the six-year probationary period will not be required to complete a new six-year probationary period.

Commented [PL2]: We rejected the deletion of this language. We will not agree to the treatment of members on a recall list inconsistent with other sections of the contract.

d. Upon return to service, employees who were in the six-year probationary period will return to their probationary period at the point of exit upon termination.

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6. The parties agree that the above elements will be added to the Collective Bargaining Agreement when the successor agreement is being compiled. The parties will determine at that time how best to include the language in the body of the CBA.

To address the effects of the reduction in force that are specific to IELP reductions in force that will be effective during the 2018-19 academic year, the parties agree as follows:

1. All instructional NTTF faculty members in IELP are considered equivalent positions regardless of rank or continuous employment status for the purpose of Article 18, Section 2 (e) (2) (ii).

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2. Management retains its right under Article 18, Section 2(e)(3)(ii) to determine employee qualifications for any position, including determining which employees will be laid off and recalled.

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3. All IELP faculty members who are given notices of termination pursuant to Article 18 Section 2 (e)(3)(iii) shall be placed on the recall list. For the IELP instructional position from which they were laid off.

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Commented [PL4]: This language is redundant and unnecessary

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<u>For the University</u>	<u>For the Association</u>

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NTTF Layoff and Recall MOA
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<u>For the University</u>	<u>For the Association</u>
_____ Shelly Chabon, Vice Provost for Academic Personnel & Leadership Development	_____ David Hansen, Vice President Collective Bargaining
_____ Date	_____ Date