

District Counterproposal #1
August 1, 2016

Memorandum of Understanding
Between
Palomar Faculty Federation, AFT Local 6161
And
Palomar Community College District

This Memorandum of Understanding (MOU) between the Palomar Faculty Federation, AFT Local 6161 and the Palomar Community College District is entered into between the parties hereto with respect to written information of a derogatory nature that the District maintains on faculty members outside a faculty member's personnel file.

The parties agree that the District shall notify faculty members of any information that is kept by the District in a file of any kind and is of a derogatory nature such as, but not limited to:

- a formal or informal accusation of a negative nature.
- documents detailing disciplinary or non-disciplinary action(s).
- statements a reasonable person would find negative.
- disparaging statements regarding a faculty member's work-related activities, outside activities, and/or personal activities or behaviors.

The faculty member will be notified within 20 working days of the written memorialization by the District of any such information of a derogatory nature unless reasonable and compelling extenuating circumstances exist. Furthermore, if the act, omission, or other allegation of misconduct is also the subject of a criminal investigation or criminal prosecution, the time during which the criminal investigation or criminal prosecution is pending shall toll (suspend) the time within which the faculty member will be notified. In those cases, the faculty member will be notified as soon as possible. The purpose of timely notification is so that the employee retains his/her ability to

- gather pertinent information in his/her defense.
- maintain confidentiality protections afforded the personnel files.

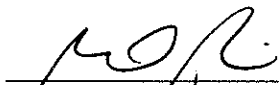
If the District fails to notify faculty members of derogatory information within a reasonable time, that information shall not be placed in the faculty member's personnel file or used in subsequent investigations. No derogatory information shall be placed in a faculty member's personnel file after two (2) years from the date of the alleged incident, other than that which is the subject of a criminal investigation or prosecution.

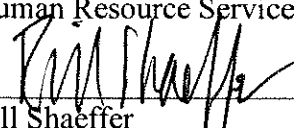
The parties' Memorandum of Understanding on this issue shall be in addition to the parties' current Agreement provisions in Article 11 – Personnel Files. The parties agree that this MOU shall be incorporated into Article 11 – Personnel Files of the parties' Agreement.

For Palomar Community
College District

8/1/2016

Date

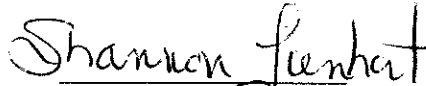
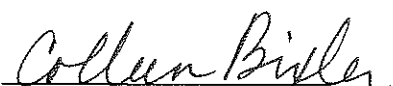

Mike Popielski
Interim Vice President
Human Resource Services



Bill Shaeffer
Rutan & Tucker, LLP
Lead Negotiator

For Palomar Faculty Federation

8/1/16

Date

 
Shannon Lienhart Colleen Bixler
Co-President Co-President


Teresa Laughlin
Lead Negotiator