

May 12, 2022

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE PALOMAR COMMUNITY COLLEGE DISTRICT &
THE PALOMAR FACULTY FEDERATION**

This Memorandum of Understanding (“MOU”) is entered by and between the PALOMAR COMMUNITY COLLEGE DISTRICT (“District”) and the PALOMAR FACULTY FEDERATION (“PFF”), collectively “the parties” and is in relation to Article 17: Evaluations and Article 9: Leaves.

Article 17.7.2 in the CBA currently reads:

Per CA Education Code 87605 and 87606, a probationary faculty member must provide service at least 75% of a year during each of the four years of the probationary period in order for that year to count toward tenure.

However, Ed Code 87605 only requires 75% service for the first year of the probationary process.

Ed Code 87606 reads as follows:

(b) A faculty member may be deemed to have completed the second, third, or fourth contract year, as appropriate, if the faculty member provides service for a percentage of the academic year as is required in an agreement between the governing board of the district and the exclusive bargaining representative of the faculty member. Time spent on paid or unpaid leave of absence may be included in computing service if the faculty member serves sufficient time during the year to allow for the evaluation of the faculty member as required by any negotiated evaluation procedure. For purposes of this subdivision, the paid or unpaid leave of absence may include, but is not limited to, any of the following:

(1) Leave for reason of the birth of and bonding with a child or bonding with an adopted or foster child.

(2) Leave to care for a parent, spouse, or child with a serious health condition.

(3) Leave because of an employee's own serious health condition.

To more accurately follow the intention of CA Ed Code 87606, the parties agree that “time spent on paid or unpaid leave of absence may be included in computing service if the faculty member serves sufficient time during the year to allow for the evaluation of the faculty member as required by any negotiated evaluation procedure.”

In practice, if a probationary faculty member in their second, third, or fourth academic year serves enough time during the academic year to allow for a complete evaluation, subject to written agreement by the probationary faculty member’s Tenure and Evaluations Committee (TEC), and the Tenure and Evaluations Review Board (TERB), and the faculty member, then any paid or unpaid leave during that academic year may be calculated with the probationary faculty member’s service time to meet the agreed upon 75% or higher threshold noted in Article 17.7.2.

This language will be included in the negotiated revisions to Article 17 for the 2022-2025 contract.

Dated: May 12, 2022

David Joseph Montoya III

[David Joseph Montoya III \(May 12, 2022 15:39 PDT\)](#)

David Montoya
Assistant Superintendent/Vice President, Human
Resource Services

Dated: May 12, 2022

Jenny Fererro

Jenny Fererro
Lead Negotiator, PFF

Dated: May 12, 2022

Teresa LC Laughlin

Teresa Laughlin
Co-President, PFF

Dated: May 12, 2022

Barbara Baer

[Barbara Baer \(May 12, 2022 15:53 PDT\)](#)

Barbara Baer
Co-President, PFF












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Final Audit Report

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