

D.2.5.1 (Procedure) Hiring Authority, Status, Assignments and Duties

Responsible Department: Human Resources

Based on Board Policy: [D.2.5](#) - Hiring Authority, Status, Assignments, and Duties

Approved: 4-28-09

Last Amended: 11-9-16

In this procedure the term "Chancellor" means "Chancellor, Interim Chancellor, Acting Chancellor, or designee."

TERM CONTRACTS

Administrator Appointments

The Board shall hire and renew or nonrenew the contracts of the Chancellor and the District Director of Internal Audit. The Board will evaluate the performance of the Chancellor and the Director of Internal Audit annually and provide guidance to both leaders. Upon recommendation by the Chancellor and approval by the Board, administrators shall be hired using contracts of one or two year terms. Contract renewal or nonrenewal for these positions shall be considered by the Board no later than the regular May Board meeting.

Faculty Appointed to Non-Faculty Positions

Any tenured faculty member who applies for and accepts a non-faculty position can retain tenure for a period not to exceed three years. At the end of the third year of service in the non-faculty position, the individual will either return to the teaching position or sign an acknowledgement waiving tenured status. An individual returning to the teaching position will return to their placement level upon leaving the faculty position. An individual who has waived tenured status may apply for any future faculty position advertised. Faculty members accepting a non-faculty position for the first time beginning in Fall 2012 or later will be subject to this procedure. A non-tenured faculty member who accepts a non-faculty position will be subject to the same provisions.

Faculty Appointments

The terms and conditions of every appointment to the faculty shall be stated in writing and be in the possession of both the institution and the faculty member before the appointment is consummated.

There are three types of appointments:

- a. Tenure track (probationary) appointments (beginning Fall 2011, appointments are temporarily not appointed as tenure track (probationary) appointments).
- b. Appointments with continuous tenure (tenured).
- c. Non-tenure track annual appointments

The Chancellor shall recommend fulltime faculty appointments to the Board for approval.

Faculty Tenure Track (Probationary) Appointments

Tenure track (probationary) appointments may be for no longer than one academic year. The total tenure-track (probationary) period shall not exceed six years. All new tenure track appointments will begin at year one toward tenure. As of Fall 2011, faculty hired into positions

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where tenure exists will be hired outside the tenure track (probationary) status. At a future date, these faculty may be placed into tenure track status. Faculty hired in this appointment type are expected to complete all evaluation requirements of tenure track faculty.

To be eligible for tenure, tenure track faculty must have been assigned to instructional or departmental duties for at least 60% of each of ten fall and/or spring semesters. Similarly, 60% assignment to instructional or departmental duties is required to constitute full-time service toward promotion.

Exceptions to this rule may be granted on a case-by-case basis for tenure track faculty members who are assigned duties that require more than 40% release from instructional or departmental duties for a period not to exceed two years. Such exceptions shall be initiated in writing by the department chair, recommended in writing by the appropriate Dean and college Vice President to the appropriate college President, and approved by the appropriate college President.

Faculty Non-Tenure Track Appointments

Non-tenure track appointments may be for no longer than one academic year at a time and are limited to situations where the program's long-term sustainability is uncertain, and/or where the college President determines and the Chancellor approves, and the affected faculty member agrees, that this appointment is appropriate under unique circumstances. Such agreements shall be in writing at the time of employment. Faculty appointed to a position without tenure possibility are eligible to apply for promotion. Faculty appointed in this category may apply for an advertised tenure-track position.

Exceptions

The Chancellor may employ personnel for whom Board employment approval is necessary pending Board approval when, in the opinion of the Chancellor, the deferral of employment authorization until the next regular Board meeting would cause a significant disruption in the operation of the College District. Employment so authorized shall be submitted to the Board for consideration of contract approval at the earliest practical time.

Adjunct Faculty Appointments

The Chancellor shall hire temporary employees including adjunct faculty.

Adjunct faculty may be hired in a full-time or part-time capacity and shall be hired on a semester-by-semester contract basis contingent upon the needs of the College District. Adjunct faculty members accrue no tenure rights and are not guaranteed any employment beyond the semester for which they are employed.

The College District shall not hire as adjunct faculty members former College District faculty members who were denied tenure, or whose tenure track (probationary) or non-tenure track contracts were not renewed for reasons other than program reduction.

For purposes of salary and employee rights and benefits, adjunct faculty are defined as follows:

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- a. Adjunct with Benefits - faculty teaching 12 or more workload units or the equivalent; paid, on the basis of qualifications, at the rate of the entry salary level for tenure track faculty; and eligible for all employee rights and benefits as defined by applicable programs with the exceptions noted above (see *Adjunct Faculty Appointments*).
- b. Adjunct without Benefits - faculty teaching fewer than 12 workload units or the equivalent and paid in accordance with a salary schedule determined on a per-class basis. This category of adjunct faculty is not eligible to accrue leave or receive fringe benefits.

Faculty Department Chairpersons

Contracts for ten and one-half months will generally be issued to department chairpersons, provided approval is granted by the college President following an assessment of department needs. The 1.5 month summer portion (30 eight-hour days) will be served between the last day of the spring semester and the beginning of the following fall term as defined by the chair and individual faculty member.

Other Term Contracts

The Chancellor may develop guidelines for implementation of other term contracts to include:

- a. Supplemental service agreements.
- b. Extended service agreements.
- c. Summer employment agreements.

Supplemental Service Agreement

A supplemental service agreement is a term contract offered to regular faculty, administrators, professional or classified employees to perform special functions outside of the normal job description and assignment. Supplemental assignments may include activities such as a musical performance at a College District-sponsored event outside of the employee's normal duty hours as long as the assignment is for an educational or artistic purpose for the benefit of the College District, and the employee's compensation for the activity is less than \$600.

Extended Service Agreement

An extended service agreement is a term contract offered to non-instructional faculty and department chairpersons beyond or in addition to an existing term contract, specifying commencement and termination dates within which the extended term of employment is performed.

The extended service agreement shall be prorated based on a nine-month salary. Sixty work days shall constitute a full load for a three-month proration.

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Summer Employment Agreement

A summer employment agreement is a term contract offered to faculty to perform academic duties during the summer semester term on an as needed basis.

Summer employment is not part of the annual faculty contract and summer employment is not guaranteed. Summer employment includes courses that begin between the last day of spring finals and the beginning of the fall semester. Up to fifteen (15) workload units or the equivalent shall constitute a maximum load. (See [D.5.1.2](#) for specific summer workload guidelines). A Summer Employment Agreement will not be offered to faculty with two (2) or more ratings of 2 or less on their most recent performance evaluation.

Instructional Adjunct Faculty

Adjunct faculty may be offered Summer Employment Agreements on an as needed basis up to a maximum of nine workload units for Summers (Maymester through Summer II). Compensation for adjunct faculty will be at the applicable adjunct rate.

NON-CONTRACT (AT-WILL) EMPLOYMENT

Regular Staff Employee

A regular staff employee is defined as a non-faculty, non-contract employee in any position included in the staffing table in the annual budget at the beginning of the fiscal year or in subsequent Board-approved revisions. Regular staff employees may be noted as classified or professional in the staff compensation plan.

Temporary Staff Employee

A temporary staff employee is defined as a non-faculty, non-contract employee in any position that is not included in the staffing table in the annual budget at the beginning of the fiscal year or in subsequent Board-approved revisions. The Human Resources department is charged by the Chancellor with developing temporary employment guidelines.

Employment Authorization

The Chancellor shall hire non-contract employees with appropriate skills and qualifications to fill positions with the College District.

Only the Chancellor or designee who has been specifically designated in writing has the authority to communicate an offer of employment or to make oral or any other representations or agreements for employment, for any specified length of time or for any other agreements/representations regarding employment. Any such offers, representations or agreements not made by the Chancellor or designee who has been specifically designated in writing are not binding on the Board or the College District.

Employment is authorized only after review by the Human Resources department and written approval of the Chancellor.

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Service Duration

All non-contract employees are employed at will, are not employed for a specific length of time, and have no property right in their employment. At-will employees may be dismissed at any time, for any legal reason or for no reason.

Eligibility for Transfer or Promotion

Full-time employees who meet the following criteria are eligible to apply and be considered for transfer or promotion:

1. have completed (12) months of continuous service in their current position; and,
2. are in good standing, i.e., with no progressive discipline beyond a Step 1 issued within the past 12 months (see Progressive Discipline Procedure, [D.9.1.1](#));

If a hiring manager wishes to select an internal candidate for transfer or promotion the hiring manager must contact the employee's current immediate supervisor to verify that the employee meets the eligibility criteria.

The College District may reassign employees to alternate positions regardless of time-in-current-position (see [D.2.5.2](#) Staffing Review Procedure and [D.2.5](#) Position Elimination, Realignment and Reassignment).

STANDARD WORK WEEK

The College District shall have a standard work week for all full-time employees, that is specified as a seven-day period beginning at 12:00 a.m. on Saturday and ending at 11:59 p.m. the following Friday. All full-time employees shall work a minimum of 40 hours per week. Because flexibility is critical to the diverse functions of a complex institution the schedule for a forty-hour work week is 8:00am to 5:00pm Monday through Friday but may vary between and even within units depending on the needs of the department, the duties and responsibilities of the individual employees or when the Alamo Colleges are operating on a 4-day work-week schedule. The determination of work schedules is the responsibility of and shall be at the discretion of the immediate supervisor subject to approval of the next level administrator.

Legal Reference - TACC Policy Reference Manual

DCC(LEGAL) – Employment Practices: At-Will Employment