

Right of Accrual and Conversion (Article 14)

Some definitions:

Right of accrual is the right to be offered and to accept term work for which you are qualified without having to apply and interview for that work.

Right of accrual is campus specific. If you only teach on one campus, you only have right of accrual on that campus.

Right of accrual is department specific. If you teach in more than one department, you may have right of accrual in more than one department but the TLUs you accumulate for one department do not count for the other.

Right of accrual does not apply to work done in Summer Session and Distance Education.

A TLU is a means of measuring work. The value of a TLU varies, depending on whether the course is a lecture, a lab, or a seminar and depending on how many hours the course meets weekly. The formula is as follows:

$$\begin{aligned} 1 \text{ lecture hour} &= 1/3 \text{ TLU} \\ 1 \text{ lab or seminar hour} &= 1/6 \text{ TLU} \end{aligned}$$

8 TLUs (instructional) = 1519 hours (non-instructional)*

16 TLUs (instructional) = 3038 hours (non-instructional)*

*In this document, for brevity, only TLUs are referred to.

The steps in the process:

A:

- You are first hired as a term member. At this point, you have no right of accrual.

B:

- You accumulate 8 TLUs. This will likely take at least one year but if you teach a limited number of course sections per year, it may take longer.

C:

- Having accumulated 8 TLUs, you apply for term work in an open competition. At this point, because you have reached the 8 TLU trigger, the committee must treat you differently than other applicants in the competition. The committee must look at you as someone potentially eligible for right of accrual and if you are eligible they cannot hire you without giving you right of accrual.
- In addition to having accumulated 8 TLUs, to be eligible your most recent evaluation must have been “satisfactory” and you must not have had a break in service of more than 24 months. If you do not meet these criteria, you are not eligible for right of accrual. You do not lose your accumulated TLUs and you may apply for work and continue to work toward becoming eligible.
- If you are eligible and the committee shortlists you for an interview, they must determine three things:
 1. if you are **qualified for the term work** you’ve applied for;
 2. if you are **suitable for a continuing position** in the department;
 3. if you are **compatible with the** requirements of the department as established by the approved **Department Education Plan**.

If the committee decides positively on all three points and decides that you are the preferred candidate for the term work, they will recommend to the Dean or Director that you be offered both the term work and right of accrual. You go to step **D**.

- If the committee does not decide positively on all three points, you will not be offered the term work and you will not be offered right of accrual. However, you do not lose your accumulated TLUs. You maintain your accumulated TLUs for 24 months and you may apply for work as often as you wish during this time. Each time you do so, the committee must consider you for right of accrual and cannot re-hire you without giving you right of accrual. After 24 months without working in the department, your accumulated TLUs are cleared and you will be treated as a new employee. You may then be re-hired without right of accrual.

D:

- You are hired with right of accrual. You have the right to be offered and to accept term work for which you are qualified without having to apply and interview for it. You acquire a right of accrual seniority date, tied to the start date of your contract, which dictates your place in the queue (so to speak) for available term work in your department.
- You have professional development obligations but you also now have access to PD funding. You are obliged to do service for OC and you must submit an annual report.

E:

- You accumulate 16 TLUs and you become eligible for conversion. In order to convert to a continuing position, your most recent summative evaluation must have been “satisfactory.” In addition, there must be at least 50% of a full-time workload of ongoing, non-replacement work for which you are qualified to convert into.
- There is no additional conversion review to determine whether or not you are suitable for converting to a continuing position.
- If continuing work is available, you go to step **F**. If it isn't, you go to step **G**.
- If you do not want a continuing position, you may decline it. In this case, you lose right of accrual and all of your accumulated TLUs. You may re-apply for term work and if you do, you are treated as a new employee. If you are hired, you are now back at step **A**.

F(inally!):

- You are a continuing employee. You now shed your right of accrual seniority and acquire a seniority date for your continuing status.
- You remain on probation for an additional year, having received one year's credit from your time as term faculty.
- You receive a credit of one year toward your eligibility for Extended Study Leave.

G(arage):

- If a 50% continuing position for which you are qualified is not available for you, you stay in the garage until there is. Your status as a term faculty member does not change and you continue to be assigned work as a term faculty member with right of accrual, as per step **D**.
 - Once a position for which you are qualified is available for you, you automatically convert into it, as per steps **E** and **F**.
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Right of Accrual Frequently Asked Questions

Questions about the Spring 2012 internal interviews:

- 1. I have a term faculty member in my department who was unsuccessful in earning right of accrual in the Spring 2012 internal interviews but they were hired for term work in Fall 2012 anyhow. Do they actually have right of accrual after all?**

No, they do not have right of accrual. The OCFA and OC came to an agreement in August of 2012 which allowed these term faculty members to be hired without right of accrual on a one-time only basis. We did this in order to solve the hiring crisis which came about because of errors made in the internal competitions.

- 2. What happens if the term faculty member in my department who was unsuccessful in earning right of accrual in the Spring 2012 internal interviews applies for term work for Fall 2013?**

Because they will have accumulated 8+ TLUs, these term faculty members must be considered for right of accrual if they apply for work again. They cannot immediately be hired without right of accrual. The only way they can be re-hired without right of accrual is when they have lost their accumulated TLUs. They can only lose these TLUs through a 24 month break in service.

- 3. In Spring 2012 there were internal postings and interviews to determine right of accrual for term faculty members. Will there be internal postings in 2013? Will there always be internal postings for term members to apply for before available work is posted externally?**

There will be no internal postings in 2013 or in the foreseeable future. The internal postings were a one-time only means to transition existing term faculty members to the new agreement.

Questions about the old right of accrual:

- 4. I was hired under the old collective agreement but still have just six TLUs. What is my status?**

Term faculty who were hired prior to the new 2010-2012 collective agreement maintain their rights under the old right of accrual until they hit the 8 TLU trigger. This means that they will be automatically assigned work for which they are qualified without having to apply and interview for it. Once they accumulate 8 TLUs, they must apply for available term work and follow the new process for acquiring the new right of accrual.

Questions about TLUs:

- 5. Who keeps track of my accumulated TLUs?**

The Deans' offices and HR will have a record of your accumulated TLUs, and it is likely your Department Chair will as well. You should also keep track of your own TLUs as specified on your term contracts.

- 6. Why do I have to wait until I have 8 TLUs to be considered for right of accrual?**

Having to accumulate 8 TLUs before being considered for right of accrual provides enough time for your Dean or Director to summatively evaluate you. It also allows your department time to get to know you and you to get to know the department.

Questions about losing right of accrual and about losing accumulated TLUs:

7. If a term faculty member is unsuccessful in earning right of accrual do they lose all of their accumulated TLUs?

No. The only way to lose your accumulated TLUs prior to earning right of accrual is through a break in service of 24 months. So, if you do not work in the department for 24 months, you lose your accumulated TLUs and are treated as a new employee.

Once you have earned right of accrual, you will lose your accumulated TLUs (and right of accrual itself) if you receive an “unsatisfactory” summative evaluation or if you have a 24 month break in service (not counting approved leaves).

8. If a term faculty member doesn't apply for work right away and so is not interviewed for right of accrual, do they lose their accumulated TLUs? Can another term member leap frog them for a continuing position?

If a term faculty member chooses not to apply for work when they're at the 8 TLU threshold to be considered for right of accrual, they do not lose their accumulated TLUs. These are only lost, as explained in question #8, through a 24 month break in service.

But, yes, if another term faculty member reaches the 8 TLU threshold and applies for work and right of accrual, it is possible to leapfrog the term faculty member who has chosen not to work and get to conversion and a continuing position before them.

9. If a committee decides a term faculty member is suitable for right of accrual but they are not hired after all because of section cancellations do they still have right of accrual? Do they lose their accumulated TLUs?

To acquire right of accrual, a term faculty member must be re-hired. As such, if the sections for which they were recommended by the committee are cancelled, they do not have right of accrual. However, no—they do not lose their accumulated TLUs. TLUs can only be lost, as explained in question #8, through a 24 month break in service.

10. If a committee decides a term faculty member is suitable for right of accrual but they do not accept the job offer, do they still have right of accrual? Do they lose their accumulated TLUs?

To acquire right of accrual, a term faculty member must be re-hired. As such, if a term faculty member chooses not to accept the work offered to them, they do not have right of accrual. However, they do not lose their accumulated TLUs. TLUs can only be lost, as explained in question #8, through a 24-month break in service.

11. If a term faculty member has right of accrual but the next year there is no work for them, do they lose their accrual rights since they don't have work that year?

No, a term faculty member with right of accrual does not lose it immediately if there is no work available for them. There are only two ways to lose right of accrual once you have it: 1) through a 24-month break in service and 2) through an “unsatisfactory” evaluation.

12. If a term faculty member has right of accrual but wants to take a maternity leave do they lose their accumulated TLUs? Do they lose their right of accrual? Does the time on leave count as a “break in service”?

An approved leave such as a maternity leave does not count as a break in service. As such, a term faculty member on such a leave does not lose their accumulated TLUs or their right of accrual. They maintain their same status.

Questions about working without right of accrual:

13. If a term faculty member is unsuccessful in earning right of accrual is it true that they're not allowed to be hired for two years?

No. That is a misunderstanding. The point is not that they can't be hired for two years—the point is that they can't be hired *without right of accrual*. If a committee decides a term faculty member is not suitable for right of accrual, the committee can't then hire the person without any rights at all. If committees were allowed to do so, we would see a significant and immediate erosion of term faculty rights.

In addition, because the term faculty member still has an accumulated 8+ TLUs, they remain eligible for right of accrual for two years—until there has been a 24 month break in service and they have lost their accumulated TLUs. As such, every time this term faculty member applies for term work until they have lost their accumulated TLUs, the committee must consider them for right of accrual. If the committee does not want to give the term faculty member right of accrual, they can't then hire the term faculty member at all.

14. If a term faculty member is unsuccessful in earning right of accrual can they be hired without right of accrual for that term work anyway?

No. If term faculty members were allowed to be hired without right of accrual, we would likely see no term faculty members given right of accrual at all. We would set a new—low—standard in the sector, one in which term faculty members are disposable and have no job security at all. Such a scenario would make OC a very undesirable place to work.

15. What if I don't want accrual rights, but I still want work?

It is not a matter of choice. If you want to work as a term faculty member at OC, once you have 8 TLUs, you can only do so if you have right of accrual. However, you are not obliged to accept all of the work offered to you and you are not obliged to accept a continuing position—either full-time or part-time—should one become available for you. Answers to a number of questions below expand on these points.

Questions about the work for which a term faculty member is deemed qualified:

16. Does a term faculty member have to have taught a course in order to have right of accrual to that course?

No. Right of accrual is not contingent on having taught a course. Right of accrual is the right to be offered and to accept *work* for which you are qualified. As such, a term faculty member can have right of accrual to courses which they have not taught so long as the department deems them qualified to teach it.

17. Who decides which courses a term faculty member is qualified to teach? How do they decide this?

The department determines the work for which a term faculty member is qualified. While the specific practice of departments varies, generally when the decision on right of accrual is made, the departmental selection committee reviews the term member's qualifications at that time.

18. I have right of accrual but would like to be considered to teach courses other than the ones I was initially qualified to teach. How do I go about having more courses added to the list of those I'm deemed qualified for?

Each department will have its own specific practice in this regard. Some departments may have a formal vetting process while others may handle things more informally. Speak to your Chair and/or ask for the question to be answered at a department meeting.

19. Is teaching a comparable course at another institution good enough to be deemed qualified?

The decision on what a term faculty member is deemed qualified to teach rests with the department and the practice of how this is handled will vary. However, in general, departments are expected to operate within what would count as a "normal" practice.

Questions about how much work a term faculty member has to take:

20. Do I have to take work I'm deemed qualified for but do not want? Suppose I only want to teach one course?

Having right of accrual does not obligate you to take on more work than you want. If you only want to teach one course section per semester or per year, that is your right. However, if another term faculty member takes on more work than you, it is possible that they will get to conversion and a continuing position before you.

In addition, if what you want is to teach multiple sections of just one course, you have no right to that.

21. If a term faculty member can only teach one (or perhaps two) very specialised courses in my department, is right of accrual different for them? Are they "specialists"?

The collective agreement makes no arrangements for so-called 'specialists.' If a term faculty member is qualified to teach a very limited range of courses requiring specialised qualifications, they can still be given right of accrual for those courses. They can then be assigned just the one or two course sections per year for which they are deemed qualified. There is no obligation or requirement for a term faculty member with right of accrual to be full-time.

These faculty members are likely to take a longer time to first reach the 8 TLU trigger for right of accrual eligibility and once they have right of accrual they will again take a longer period of time to accumulate the 16 TLUs which are necessary for conversion.

In addition, once this member does become eligible for conversion, it is likely that they will stay in the garage. This is because it is not likely that a 50% full-time workload in a very specialised field will become available and that workload is necessary for conversion.

Further, some faculty teaching these sorts of specialised courses may not even want a continuing position, preferring instead to teach just one or two courses per year as a term faculty member. In this case, they can decline the offer of a continuing appointment if it comes available and start the whole process again, as a new employee .

Finally, up until the point that the term faculty member goes into the garage, the department can still post and hire a continuing position which is comprised of the "specialist" work.

Questions about right of accrual on different campuses and in different departments:

22. If a term faculty member has taught in Kelowna but not in Vernon, do they have right of accrual to available work in Vernon too?

No. Right of accrual is campus specific. A term faculty member must teach at a campus in order to have rights there.

23. If a term faculty member has taught at more than one campus but has taught different courses at each campus, do they have right of accrual to all the courses they have taught overall at all the campuses at which they have taught?

Yes. Once a term faculty member with right of accrual has taught at a campus, they have rights to all of the courses which they have been deemed qualified for on that campus.

24. If a term faculty member has accumulated TLUs in two (or more) departments, can they total them up to reach the 8 TLU trigger to be considered for right of accrual? Can they total them up to reach the 16 TLU trigger for conversion?

No. Right of accrual is department specific. To be eligible for right of accrual, a term faculty member must accumulate 8 TLUs within one department; to be eligible for conversion, they must accumulate 16 TLUs within one department.

Questions about seniority:

25. How does right of accrual seniority work?

The start date of your first term assignment after earning right of accrual is your seniority date. If work is available in a department and more than one term faculty member has right of accrual to it, the work will be assigned to the faculty member with the greater seniority.

If there is a seniority tie—two or more people with the same start date—the faculty member with the most accumulated TLUs will be placed higher on the seniority list. If after this there is still a tie, seniority will be determined by a toss of a coin.

Once you are continuing, your right of accrual seniority date is no longer relevant and you are given a seniority date as a continuing faculty member.

26. If a department gives right of accrual to more than one term faculty member but prefers one over another, can the start dates be staggered so that the one the department prefers has more seniority?

No. Start dates cannot be staggered in order to manipulate the seniority list. At this time, however, a part-time term faculty member will receive a later start date than a full-time term member. If you choose part-time over full-time, please be aware that it will have this impact.

27. My department interviewed a number of term faculty members in the internal interviews in Summer 2012 and the committee ranked candidates in order of preference for each course the department offers. Do these rankings affect right of accrual seniority?

No. Rankings of this type have no ongoing impact on a term faculty member's right of accrual seniority. If a term faculty member has been deemed qualified for a particular course, even if they were ranked lower in preference for the course, if they have seniority, they get the course if it's available.

Questions about the rights and obligations attached to right of accrual:

28. What rights come with right of accrual?

Other than the right to be offered work for which you are qualified without having to apply and interview for it, once you have right of accrual you will be eligible for pro-rata professional development funding. You will also be eligible for an interview for any continuing position in your department that you apply for, providing you have been assessed as "satisfactory" on your last evaluation.

29. What obligations come with right of accrual?

You will have professional development and service obligations (appropriate to the level of your appointment) and you will have to submit an annual report.

Questions about the "garage" and about converting into a continuing position:

30. Is conversion and right of accrual the same thing?

No. Conversion refers to the point at which a term faculty member converts to a continuing position. Right of accrual is the right a term faculty member may have to be offered and accept term work.

31. What is the garage?

After having acquired right of accrual, once you reach the 16 TLU trigger, provided you have received a “satisfactory” on your last summative evaluation, you are eligible to convert to a continuing position.

In order to convert to a continuing position, there must be a minimum 50% of a full-time equivalent annual workload which is non-replacement work and for which you are qualified. If that workload is available, you will automatically convert into it.

However, if such a position is not available—if, for example, there’s just 30% or it’s replacement work or work for which you are not qualified—you go into what has come to be called the “garage” and you wait for a position to come available. Until it does, you remain a term faculty member with right of accrual.

32. I have more seniority than someone else in my department but they have gotten into the garage before me. Will they also convert before me?

If someone has taken more work than another—either out of choice or because more work was available for one person over another in relation to their qualifications—it’s possible for someone with less seniority to reach the 16 TLU threshold for conversion and become continuing before the person with greater seniority.

However, once both members are in the garage, if a continuing position becomes available for which they are both qualified, the one with the greater seniority will get it even if they reached the garage after the other person.

33. I have accumulated 15 TLUs and my department just posted a full-time continuing position. Shouldn’t they have waited to give it to me?

The college has the right to post and fill a continuing position through open competition at any time. And while we would encourage departments to consider the implications of hiring through open competition on the term faculty members in their department, there is nothing that obliges them to save a position for you.

34. I am in the garage and my department just posted a full-time continuing position. Shouldn’t that have been given to me?

Once a term faculty member is in the garage, the college is not allowed to post and hire a continuing position through open competition if it’s a position that the term faculty member is qualified for. However, if the position is for work for which the term faculty member is not qualified, the college has the right to do so. In addition,

part of the position can be work for which the term faculty member is qualified for, so long as it is less than 50% of full-time.

35. I am in the garage but someone with less seniority than me just moved out of the garage and converted into a continuing position. Is this possible?

Yes, it is possible if the person with less seniority was converted into a position for which you were not qualified.

36. What is meant by “replacement work” and why does that matter?

Replacement work is work that is being done by a term faculty member to *replace* a continuing faculty member on leave. Much of the work done by term faculty members is, in fact, this type of work. When continuing faculty take Extended Study Leave or Maternity Leave, etc, they are replaced by term faculty members.

This matters because it means that this work is not available for converting into as a continuing faculty member. Why? Because a continuing faculty member—the one the term faculty member is replacing—already “owns” that work.

It is important that term faculty members talk to their Department Chairs to find out how much of the work in their department is actually *non*-replacement work—work that *is* available for converting into. Knowing this will give a term faculty member a clear sense of the likelihood of actually converting to a continuing position.

37. Why can't faculty be hired straight into continuing positions? Why do they have to go through the right of accrual process first?

Faculty *can* be hired directly into continuing positions. The reason they are generally hired first as a term faculty member is that the department has no budget for a continuing hire. And so, when they are hired as a term faculty member, they eventually must go through the right of accrual process. In the absence of continuing positions, right of accrual is as much job security a term faculty member can have.

38. If a term faculty member is given right of accrual, will they necessarily be given the next continuing position in the department?

No, having right of accrual is not a guarantee of a continuing position. If a continuing position comes available in a department, if the term faculty member has not yet reached the 16 TLU threshold for conversion, the department is free to post and hire the position through open competition.

In addition, if the term faculty member has reached the conversion threshold, they must be qualified for the work, have seniority over other qualified and eligible term faculty members in the department, and have received a “satisfactory” on their last summative evaluation to be offered the position.

39. If a term faculty member would like to have right of accrual but doesn’t want a full-time continuing position should it become available, are they disqualified from right of accrual?

No, a faculty member is not obliged to take a continuing position, either full-time or part-time. Right of accrual is a right attached to term work—having right of accrual doesn’t require commitment from the term faculty member to a future continuing position.

And if such a position comes available the term faculty member can decline the offer and start back at the beginning of the process as a term faculty member.

Questions about the Education Plan:

40. What is an Education Plan and how do I get a copy of it?

An Education Plan is a plan produced by every department each year to indicate the department’s section offerings for the next year and plans for future growth. Your Chair can provide you with a copy of it.

The Ed Plan is significant because one of the questions a committee must answer when determining whether a term faculty member gets right of accrual is whether or not they are compatible with the Ed Plan.

Term faculty members should ensure they are familiar with their department’s Ed Plan and discuss with their Chairs how they might fit into it.

41. My department would like to one day develop a new program in a whole new area and we have expressed this in our Education Plan. If a term faculty member is not able to teach in this new area, are they necessarily disqualified from right of accrual?

No, not necessarily. In determining if a term faculty member is compatible with the department's Ed Plan, committees should consider not just long-term plans for growth, but short-term needs as well.

Questions about evaluations and their impact on right of accrual:

42. I have right of accrual but I just received an "unsatisfactory" summative evaluation. What happens now?

You will lose your right of accrual as well as your accumulated TLUs. This means that you will not be offered more term work and when you next apply for work in the department, the selection committee will consider you a new employee. However, there is no guarantee that the committee will shortlist and interview you.

43. I have right of accrual but I just received a "requires improvement" on my summative evaluation. What happens now?

You maintain your right of accrual and your accumulated TLUs. You should ensure you know fully what you need to do to achieve a "satisfactory" on your next evaluation. A "satisfactory" evaluation is necessary for conversion and an "unsatisfactory" will result in the loss of right of accrual.

44. Will the Dean continue to do summative evaluations on me after I have right of accrual? After I'm in the garage? After I convert?

The college can do a summative evaluation on someone at any time. It is most common for summatives to be done on term or probationary faculty—including those with right of accrual and those in the garage—but even after converting to a continuing position, while less common, a summative evaluation can still be conducted.