



SIDE LETTER AGREEMENT

Between

MERCED COMMUNITY COLLEGE DISTRICT

And

MERCED COLLEGE FACULTY ASSOCIATION, CHAPTER 770 CTA/NEA

This side letter of agreement is agreed between Merced Community College District ("District") and the Merced College Faculty Association Chapter 770 ("MCFA") concerning the application of class caps for distance education courses.

The District and MCFA have discussed the class cap/maximum for distance education courses. Article X, Workload, allows for 10% above the maximum class sizes and Article XX, Distance Education, refers back to the class size maximums in the "workload" article, but also states online classes are not to exceed a maximum of forty-nine (49) students. Both parties agree this language needs to be clarified in the contract.

Given the need to clarify this language in the agreement (i.e. does the 10% above the maximum apply to DE courses or only face-to-face courses?), both parties have agreed to the following until the language is clarified:

- All fall 2022 DE courses have been adjusted to 49 where there are not more than 49 already enrolled. In the event there are more than 49 enrolled (up to the adjusted cap of 55), the waitlist function has been turned off for these sections and no additional students will be allowed into these courses, unless the instructor chooses to add more students voluntarily.
- All forthcoming DE courses will be capped at 49 and the 10% above the maximum contractual provision will not apply to DE courses until this has been clarified/agreed upon as part of the negotiation process.
- Nothing in this side letter agreement shall prohibit the creation of online large class size sections per Article X.4.

This agreement will be effective upon signature by the parties and shall sunset upon ratification of the 2021-2024 successor agreement and adoption of the successor agreement by the Board of Trustees.

For the District


Superintendent/President

9/27/22
Date

For the Association


President

27 SEP 22
Date