

Date of Hearing: March 27, 2012

ASSEMBLY COMMITTEE ON HIGHER EDUCATION
Marty Block, Chair
AB 1826 (Hernandez) – As Amended: March 19, 2012

SUBJECT: Community colleges: full-time instructors.

SUMMARY: Prohibits a full-time faculty member of a California Community College (CCC) district from being assigned a workload that includes overload or extra assignments if the overload or extra assignments exceed 50% of a full-time workload in any semester or quarter (excluding summer terms) that commences on or after January 1, 2013. This requirement would not supersede a collective bargaining agreement containing restrictions regarding overload that are more stringent. CCC districts with collective bargaining agreements that contain 50% overload limits would be subject to this bill beginning January 1, 2014. The provisions of this bill would apply to the workload of supervisory or managerial personnel who are performing faculty work allowable under the applicable collective bargaining agreement.

EXISTING LAW:

- 1) Expresses Legislative intent and makes Legislative findings and declarations regarding temporary faculty, including that, whenever possible, CCC temporary faculty be compensated appropriately and extended certain professional privileges.
- 2) Requires the CCC Board of Governors (BOG) to adopt regulations regarding the percent of credit instruction to be taught by full-time faculty, and authorizes CCC districts with less than 75% full-time instructors to apply a portion of their "program-improvement" funds toward reaching the 75% standard (commonly referred to as "75/25").

A complete summary of existing law regarding the employment of CCC faculty is beyond the scope of this analysis; however, it is important to note there are extensive, complex statutes, many of which apply to regular, contract, and temporary academic employees in a wide array of situations related to multiple aspects of CCC district employment.

FISCAL EFFECT: Unknown

COMMENTS: Background. The term "overload assignments" refers to the practice of full-time faculty electing to teach additional courses, with additional pay, beyond his/her normal full-time teaching load. According to the CCC Chancellor's Office (CCCCO) Report on Staffing for Fall 2010, the average rate for overload instruction was \$68.36 hourly, while the average hourly salary for part-time/temporary was \$66.58. Salary schedules are a subject of collective bargaining. In the 2009-10 academic year 18,482 instructors taught 64,489 overload courses within the CCC system. For purposes of 75/25, in calculating the full-time/part-time faculty ratio, overload courses are excluded from the calculation.

Overload limits. Many colleges and universities have established policies regarding overload assignments. These policies appear to vary significantly among colleges and departments but are generally designed to ensure that the instruction, research, and service obligations of faculty are not compromised by the acceptance of overload assignments. Some colleges require individual

assignments to be approved by department deans while others have negotiated district-wide caps that range from one course to 60% of a full-time load. According to information provided by the California Federation of Teachers (CFT), the sponsor of this bill, at least 16 CCC districts have established varying limits on faculty overload assignments. This bill would establish a statewide limit of faculty overload assignments to 50% of a full-time workload.

Purpose of this bill. According to the author, "The quality of instruction at our CCCs is hampered when full-time faculty, by option, by administrative fiat, or to address the need for additional course sections, are assigned to teach course sections well beyond their already heavy teaching loads. The state has an interest in ensuring that our CCC students receive quality instruction." Additionally, CFT argues that when full-time faculty teaches overloads adjunct faculty lose income and potentially their eligibility for health benefits.

Unclear policy rationale. As previously indicated, overload assignment policies and limitations vary significantly among colleges and departments. Committee staff was unable to find research that identifies best practices for overload assignment limits. The author and sponsor have provided no clear rationale as to why the 50% limitation contained in this bill is the appropriate overload assignment limit.

Arguments in opposition. Antelope Valley and West Kern Community College Districts oppose this bill, arguing that a one-size-fits-all approach does not make any accommodation for geographical differences among districts, nor does it address unique needs in certain specialized subject areas. Opponents argue that this bill is particularly punitive to rural colleges where there are not a large number of part-time faculty members available to pick up extra assignments.

Related legislation. AB 383 (Portantino) would have provided a one-time stipend, amount undetermined, to a CCC district that entered into a collective bargaining agreement that prohibited a full-time instructor from teaching overload or extra assignments in excess of 50% of a full-time workload. This bill failed passage in the Assembly Higher Education Committee on January 10, 2012.

REGISTERED SUPPORT / OPPOSITION:

Support

California Federation of Teachers (Sponsor)

Opposition

Antelope Valley Community College District
West Kern Community College District

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