

Date of Hearing: April 9, 2013

ASSEMBLY COMMITTEE ON HIGHER EDUCATION
Das Williams, Chair
AB 950 (Chau) – As Introduced: February 22, 2013

SUBJECT: Community colleges: full-time instructors.

SUMMARY: Prohibits a full-time faculty member of the California Community College (CCC) district from being assigned a workload with an overload or extra assignments exceeding 50% of the full-time semester or quarter workload. Specifically, this bill:

- 1) Prohibits a full-time faculty member of the CCC, as defined, 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 a semester or a quarter that commences on or after January 1, 2014.
- 2) Specifies the prohibition shall not supersede a collective bargaining agreement containing restrictions regarding overload that are more stringent.
- 3) Specifies the overload prohibition shall not apply to summer or intersession terms.
- 4) Stipulates that CCC districts with collective bargaining agreements that contain 50% overload limits would be subject to this bill beginning January 1, 2015.
- 5) Specifies that the overload prohibition applies to the workload of supervisory or managerial personnel of a CCC district who are performing faculty work allowed under a collective bargaining agreement.
- 6) Requires districts to be reimbursed for costs if the Commission on State Mandates determines that this act contains costs mandated by the state.

EXISTING LAW:

- 1) Defines “faculty” as those employees of a CCC district who are employed in academic positions that are not designated as supervisory or management, as specified. Faculty include, but are not limited to, instructors, librarians, counselors, community college health services professionals, handicapped student programs and services professionals, and extended opportunity programs and services professionals (Education Code [EC] § 87003).
- 2) Defines any person who is employed to teach for not more than 67% of the hours per week considered a full-time assignment to be a temporary (part-time) employee. (EC § 87482.5 and § 87882).
- 3) Requires the CCC Board of Governors (BOG) to adopt regulations regarding the percent of credit instruction 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% goal (commonly referred to as “75/25”) (EC § 87482.6).

The state has stopped providing program improvement funds and the BOG has since required CCC districts to provide a portion of their growth funds to hiring more full-time faculty.

FISCAL EFFECT: In an analysis of an identical bill last year, the Senate Appropriations Committee determined that this measure imposes a new reimbursable mandate on CCC districts. The fiscal impact of this bill will vary by CCC districts; some will likely experience additional costs, others will experience savings, and still others will have no change because they have local policies in place which comply with this bill's requirements. The CCC districts that experience increased administrative workload and/or salary costs will likely qualify for state mandate reimbursement.

COMMENTS: Background. The term "overload assignments" refers to the practice of full-time faculty electing to teach additional courses (with additional pay) beyond their normal full-time teaching load. While policies regarding overload assignments can vary significantly among the CCCs and departments, they are generally designed to ensure that the primary responsibilities of faculty are not compromised by the 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 67% of a full-time load. According to the CCC Chancellor's Office, a recent survey revealed that 13 of 44 responding colleges indicated that they have a policy or bargaining unit allowing full-time faculty to have more than a 50% overload. According to the Chancellor's Office, for the Fall 2011 semester, of the 14,489 tenured or tenured track faculty teaching CCC classes, only 172 (1.2%) had an overload exceeding 50%. (The Los Angeles Community College District, which encompasses about 8% of statewide CCC enrollment, is not yet included in this data).

Purpose of this bill. According to the author, AB 950 will improve conditions for both faculty members and students by placing a reasonable workload cap for full-time CCC faculty. The author contends that this measure provides an opportunity to both improve the quality of education and address a barrier to full-time faculty positions at the CCC.

Unclear policy rationale. This bill establishes a statewide cap on the overload assignments a full-time faculty member may teach. Given that most full-time faculty appear not to be teaching overload assignments that exceed the 50% of their full-time workload and given that some districts and faculty have negotiated overload caps that meet local needs, it is not clear if the remedy this bill prescribes is necessary. While prohibiting excessive overload assignments may make it easier for part-time faculty to continue teaching, the bill could reduce the flexibility of districts to meet local needs. Very small districts or those that offer unique programs where the number of experts available to teach may be limited, could find it particularly challenging to comply with the requirements of AB 950.

Related legislation. AB 1826 (Roger Hernández, 2012) virtually identical to this measure, was held on the Suspense File in the Senate Appropriations Committee. AB 383 (Portantino, 2011), proposed a one-time stipend to a CCC district entering into a collective bargaining agreement prohibiting more than a 50% overload. This measure failed passage in the Assembly Higher Education Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

California Federation of Teachers (Sponsor)

Opposition

None on file.

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