

Date of Hearing: January 7, 2014

ASSEMBLY COMMITTEE ON HIGHER EDUCATION  
Das Williams, Chair  
AB 675 (Fong) – As Amended: March 19, 2013

SUBJECT: Community colleges: employment of faculty.

SUMMARY: States that a faculty member shall be deemed to have completed the second, third, or fourth contract year, as appropriate, if the faculty member provides service for a percentage of the academic year as is required in an agreement between the governing board of the community college district and the exclusive representative of the faculty member. Specifically, this bill:

- 1) Specifies that time spent on paid leave of absence, including but not limited to, paid or unpaid maternity leave, shall be included in computing service if the faculty member serves sufficient time during the year to allow for the evaluation of the faculty member as required by any negotiated evaluation procedure.
- 2) Makes minor and technical changes to existing law.

EXISTING LAW stipulates that the governing board of a district shall employ faculty for the first academic year of his/her employment by contract and that a faculty member shall be deemed to have completed his/her first contract year if he/she provides service for 75 percent of the first academic year (Education Code § 87605).

FISCAL EFFECT: Unknown

COMMENTS: Need for the bill. According to the author, current law is silent as to service percentage faculty need to complete in their second, third, and fourth years of the tenure process. Additionally, current law provides no protection for faculty who utilize sick leave or other types of leave, including unpaid leave to extend maternity or paternity leaves. Said types of leaves are subject to collective bargaining. To note, faculty are also eligible for job protection through the federal Family Medical Leave Act (FMLA), the California Family Rights Act (CFRA), and the California Pregnancy Disability Leave (PDL) law.

The author states, "Nevertheless [regarding the aforementioned protections], faculty who avail themselves of these rights are currently subject to setback in their tenure process should the leave impinge upon the 75 percent of service requirement, or whatever other threshold a community college district might set."

Background. Maternity and/or paternity leave, taken by community college faculty while under the four-year tenure review process, may lead to the loss of a service year.

Education Code § 87661 defines "academic year" to mean a period between the first day of a fall semester or quarter and the last day of the following spring semester or quarter, excluding any intersession term that has been excluded pursuant to an applicable collective bargaining agreement.

According to the sponsors of this measure, Faculty Association of California Community Colleges (FACCC), community colleges in California are required to provide at least 175 days of instruction in an academic calendar year (excluding summer sessions). One hundred and seventy-five days of instruction equals 35 weeks per year. If a tenure track faculty member is required to teach 75 percent of an academic term that equates to 26.25 weeks of instruction leaving 8.5 weeks for maternity/paternity leave with job protection.

However, what should be the practice is not being instituted and/or applied at all of our community college districts.

CFRA and FMLA. California's Family Rights Act and the federal FMLA allow up to 12 weeks of leave with job security. This measure seeks to align state and federal law with the tenure review process, which (as stated above) only allows for 8.5 weeks of leave.

Committee considerations. Should the measure be extended to include other eligible reasons as defined in CFRA, including bonding with an adopted or foster child, care for a parent, spouse, or child with a serious health condition, or for the employee's own serious health condition?

Should time spent on maternity leave be automatically included in the review process, or should the tenure review committee be required to extend the review period in sufficient time to allow for alignment with FMLA and still assess competency for tenure?

REGISTERED SUPPORT / OPPOSITION:

Support

Faculty Association of California Community Colleges (sponsor)

Opposition

None on file.

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