

Date of Hearing: August 30, 2016

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Jose Medina, Chair

SB 1379 (Mendoza) – As Amended August 29, 2016

SENATE VOTE: Vote Not Relevant

SUBJECT: Community Colleges: Part-time, Temporary Employees

SUMMARY: Provides for amendments to AB 1690 (Medina), currently pending on the Governor's desk, which requires California Community College districts (CCDs) to have collective bargaining agreements with part-time faculty that include specified conditions of employment. Specifically, **this bill:**

- 1) Requires, as a condition of receiving funds allocated for the Student Success and Support Program (SSSP) in the annual budget act, on or after July 1, 2017, any CCDs that do not have a collective bargaining agreement with part-time, temporary faculty in effect as of January 1, 2017, to commence negotiations regarding the rights of those faculty, as specified.
- 2) Establishes Legislative intent that the rights of part-time, temporary faculty, as specified in this bill, shall be included as part of the usual and customary negotiations between the CCD and the exclusive representative for part-time, temporary faculty.
- 3) Establishes Legislative intent that the CCD establish minimum standards for the terms of reemployment preference for part-time, temporary faculty through the negotiation process that complies with all of the following:
 - a) The standards include all of the following:
 - i) The length of time the faculty have served at the college or CCD;
 - ii) The number of courses faculty have taught at the college or CCD;
 - iii) The evaluations of faculty required pursuant to existing law, and any other related methods of evaluation that can be reliably used to assess educational impact of faculty as it relates to student success; and,
 - iv) The availability, willingness, and expertise of faculty to teach specific classes or take on specific assignments that is necessary for student instruction or services.
 - b) Additional standards may be considered and established through the negotiation process, as necessary. These standards shall reflect the process and procedures for assigning part-time, temporary faculty to teach courses or staff non-classroom assignments, and for evaluating part-time, temporary faculty.
- 4) Requires, as a condition of receiving SSSP funding, a CCD and the exclusive representative of the part-time, temporary faculty to negotiate in good faith all of the following:
 - a) The terms of reemployment preference for part-time, temporary faculty assignments based on the minimum standards established, up to the range of 60 to 67 percent of a full-

time equivalent load. These terms shall also contain policies for termination, including, but not limited to, the evaluation process, as negotiated; and,

- b) A regular evaluation process for part-time, temporary faculty.
- 5) Requires a CCD that has a collective bargaining agreement in effect as of July 1, 2017, that has satisfied the aforementioned requirements, and that executes a signed written agreement with the exclusive representative of the part-time, temporary faculty acknowledging implementation shall be deemed to be in compliance with this section while the bargaining agreement is in effect.
- 6) Provides, in all cases, part-time faculty assignments shall be temporary in nature, contingent on enrollment and funding, and subject to program changes, and no part-time faculty member shall have reasonable assurance of continued employment at any point, irrespective of the status, length of service, or reemployment preference of that part-time temporary faculty member.

EXISTING LAW establishes extensive, complex statutes which apply to "full-time", "part-time", "temporary", "contract" and other academic employees, in a wide array of situations related to multiple aspects of district employment. The following is a non-comprehensive list of relevant existing laws:

- 1) Defines "faculty" as those employees of a CCD 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 (EC Section 87003).
- 2) Defines any person who is employed to teach for not more than 67 percent of the hours per week considered a full-time assignment to be a temporary (part-time) employee (EC Sections 87482.5 and 87882).
- 3) Requires the California Community Colleges (CCC) Board of Governors (BOG) to adopt regulations regarding the percent of credit instruction taught by full-time faculty and authorizes CCDs with less than 75 percent full-time instructors to apply a portion of their "program improvement" funds toward reaching the 75 percent goal (commonly referred as "75/25") (EC Section 87482.6). To note, the state has stopped providing program improvement funds and the BOG has since required CCDs to provide a portion of their growth funds to hiring more full-time faculty.
- 4) Requires that contract employees shall be evaluated at least once in each academic year, that regular employees shall be evaluated at least once in every three academic years, and that temporary employees shall be evaluated within the first year of employment. Specifies that thereafter, evaluation shall be at least once every six regular semesters, or once every nine regular quarters, as applicable. Stipulates that whenever an evaluation is required of a faculty member by a CCD, the evaluation shall be conducted in accordance with the standards and procedures established by the rules and regulations of the governing board of the employing CCD (EC Section 87663).

FISCAL EFFECT: Unknown. However, according to the Senate Appropriations Committee analysis of AB 1690 (Medina), according to the Community College League of California, out of 72 community college districts 40 districts do not include seniority provisions in collective bargaining agreements with part-time faculty. Assuming a cost of \$5,000 to \$10,000 per district to establish a list, statewide reimbursable costs would be between \$200,000 and \$400,000.

COMMENTS: *Purpose of this bill.* Current law requires that reemployment rights for part-time, temporary faculty are a subject of negotiation during collective bargaining and provides that reemployment rights may be based on whatever factors are agreed to by both parties. Many CCDs have established reemployment rights through the bargaining process; however, many CCDs have not established these rights, and job instability continues to be one of the greatest concerns for part-time, temporary faculty.

AB 1690 (Medina), which was approved by the Legislature and is currently pending on the Governor's Desk, would require all CCDs to negotiate reemployment agreements and would specify the minimum standards and requirements for those local bargaining agreements.

This bill proposes to amend the Education Code as it would be added by AB 1690. This bill would remove the specific minimum standards of the reemployment preference policies contained in AB 1690 and would instead require those standards to be locally negotiated. This bill would establish Legislative intent regarding those minimum standards. Additionally, this bill would delay the implementation date of AB 1690 from January 1, 2017 to July 1, 2017. Finally, this bill would make CCD compliance with the requirement to negotiate reemployment rights of part-time, temporary faculty a condition for receiving funding allocated for the SSSP program in the annual budget act. Committee staff understands that this bill is intended to respond to concerns that have been raised by the Governor's Office regarding provisions of AB 1690.

Related legislation. As previously noted, this bill provides for amendments to AB 1690 (Medina), which is currently pending on the Governor's desk. AB 1690 requires CCDs that do not have a collective bargaining agreement with part-time faculty in effect as of January 1, 2017, to commence negotiations with exclusive representatives for part-time, temporary faculty regarding specified terms and conditions; provides that a CCD with a collective bargaining agreement with part-time faculty in effect as of January 1, 2017 and executes a signed written agreement, shall be exempt from the requirements if the agreement takes into account specific provisions; and, provides that a written agreement, confirming that these provisions have been included in a collective bargaining agreement, shall be signed by the exclusive representative for part-time faculty and the CCD in order for the district to be exempt.

REGISTERED SUPPORT / OPPOSITION:

Support

None on File

Opposition

None on File

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