

Date of Hearing: April 5, 2022

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Jose Medina, Chair

AB 1752 (Santiago) – As Introduced February 1, 2022

SUBJECT: Community colleges: part-time employees

SUMMARY Requires community college districts (CCD) to adopt terms of compensation for part-time faculty of at least the same ratio to the full-time faculty for comparable duties to ensure pay parity for part-time faculty. Specifically, **this bill**:

- 1) Updates, as follows, existing provisions requiring community college districts (CCD), as a condition of receiving funding allocated for the Student Success and Support Program (SSSP), to negotiate with bargaining representatives specified conditions of employment for part-time faculty:
 - a) For a district without a collective bargaining agreement with part-time faculty in effect as of January 1, 2023, to commence negotiations on that date;
 - b) For a district with a collective bargaining agreement in effect as of January 1, 2023, to commence negotiations no later than the expiration date of that agreement; and,
 - c) The parties will negotiate these rights for part-time, temporary faculty.
- 2) Stipulates that as a condition of receiving funds allocated for the SSSP in the annual Budget Act, as specified, a CCD described in a) or b) above and the exclusive representative of the part-time, temporary faculty shall negotiate in good faith the adoption of terms of compensation consistent with the requirement that persons who are employed to teach adult or community college classes for fewer than the hours per week considered a full-time assignment for regular employees having comparable duties must receive compensation in at least an amount that bears the same ratio to the amount provided to full-time employees as the time actually served by those part-time employees bears to the time actually served by full-time employees with comparable duties, as specified.
- 3) Specifies that a CCD that has a collective bargaining agreement in effect as of July 1, 2023, that has satisfied the requirements of 2) above, and that executes a signed written agreement with the exclusive representative of the part-time, temporary faculty acknowledging implementation of 2) above, shall be deemed to be in compliance while the bargaining agreement is in effect.
- 4) Specifies that, notwithstanding any other law, persons who are employed to teach adult or community college classes for fewer than the hours per week considered a full-time assignment for regular employees having comparable duties shall receive compensation in at least an amount that bears the same ratio to the amount provided full-time employees as the time actually served by those part-time employees bears to the time actually served by full-time employees with comparable duties.
- 5) Stipulates that if the provisions, as specified, are in conflict with the terms of a collective bargaining agreement in effect before January 1, 2023, the provisions do not apply to the

community college district and part-time, temporary faculty subject to that agreement until the expiration or renewal of the agreement.

- 6) Makes several Legislative findings and declarations.

EXISTING LAW:

- 1) Defines “faculty” as those employees of CCDs 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 (EDC) Section 87003).
- 2) Establishes Legislative intent that the rights of part-time, temporary faculty 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, which 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;
- 4) Requires, as a condition of receiving Student Success and Support Program (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% of a full-time equivalent load; 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 (EDC 87482.3).

- 6) Requires the California Postsecondary Education Commission (CPEC), to conduct a comprehensive study of the CCC system's part-time faculty employment, salary, and compensation patterns as they relate to full-time community college faculty with similar education credentials and work experience. Requires CPEC to consult various representatives from the education community. Requires that the study include a representative sample of urban, rural, and suburban community colleges in California and also refer to similarly situated community colleges in other states (EC 87482.4).

To note, in the 2011-12 Budget Act, Governor Brown vetoed funding for CPEC citing the agency's ineffectiveness in higher education oversight. In his veto message, the Governor acknowledged the well-established need for coordinating and guiding state higher education policy and requested that stakeholders explore alternative ways these functions could be fulfilled. CPEC shut down in fall 2011. Currently no coordinating entity for higher education in California exists. However, Governor Newsom established the Governor's Council for Post-Secondary Education as a consultative body that may assist in coordinating, but the council has statutory authority.

- 7) Defines any person who is employed to teach at a CCD for not more than 67% of the hours per week considered a full-time assignment to be a part-time, temporary employee (EDC Section 87482.5).
- 8) The Board of Governors (BOG) of the CCC has had a longstanding policy (commonly referred to as "75/25") that at least 75% of the hours of credit instruction in the community colleges, as a system, should be taught by full-time instructors. Existing law requires the BOG to adopt regulations regarding the percent of credit instruction taught by full-time faculty and authorizes districts with less than 75% full-time instructors to apply a portion of their "program improvement" funds toward reaching a 75% goal. However, 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 (EDC 87482.6).
- 9) Requires that a person in an academic position who serves less than a full school year receive as salary only an amount that bears the same ratio to the established annual salary for the position as the number of working days he or she serves bears to the total number of working days plus institutes in the annual school term, and any other day when the employee is required by the governing board to be present at the schools of the district (EC Section 87815).

FISCAL EFFECT: Unknown

COMMENTS: *Purpose of the bill.* According to the author, "It is way past time that the California Community College (CCC) system fairly compensate their part-time faculty, who are the backbone of the CCC system. For decades, part-time faculty have been overworked and underpaid while making up 70% of CCC faculty and teaching 50% of classes. With AB 1752, part-time faculty will finally reach pay parity by requiring districts to adopt terms of

compensation for part-time faculty of at least the same ratio to the full-time faculty for comparable duties.”

Determination of pay. Full-time CCC faculty receive a salary based on seniority, teaching load, prep time for classes they will teach, grading, curriculum development, program review and development, office hours, and committee work. Pay also depends on what the union for a particular CCD negotiated. To note, CCCs have different unions and bargaining agreements.

Part-time CCC faculty pay is based on the number of units they teach. Part-time faculty may receive additional hourly pay for office hours, flex time, or committee work. Part-time faculty pay is negotiated via the union and the local bargaining agreements for a particular CCD. Part-time faculty working for multiple CCDs often time have various negotiated pay.

According to the CCC Chancellor's Office (CCCCO) datamart, for fall 2020, the CCC employed 17,962 full-time faculty and 36,768 part-time faculty.

Student Success and Support Program. The SSSP provided ongoing funding to CCDs for student support in admissions, orientation, assessment, counseling and student follow up. However, according to the Legislative Analyst's Office, the Committee on Budget (AB 1809), Chapter 33, Statutes of 2018, consolidated the SSSP and another program, the Student Success for Basic Skills, into a block grant, known as the Student Equity and Achievement Program (SEAP). Funding for the new block grant program (\$475 million statewide in 2017-2018) was based on CCDs' 2017-18 fiscal year allocations for the consolidated programs. As a condition of receiving funds, CCDs are required to develop student equity plans, deliver student matriculation services and adopt assessment and placement policies, as specified under current law.

To note, as of 2021-2022, the SEAP funding level is \$498 million; the Governor's 2022-2023 Budget Proposal does not include an increase to SEAP.

Arguments in support. The California Teachers Association (CTA), the sponsor of this legislation, writes that “Equal Pay for Equal Work: AB 1752 is a simple proposal. The bill requires persons who are employed to teach adult or community college classes part-time to receive compensation in at least an amount that bears the same ratio to the amount provided to full-time employees based on the time actually served by those part-time employees, compared to the time actually served by full-time employees with comparable duties. Any reasonable person would agree that both full-time and part time faculty require substantially equal skill, effort, and responsibility, and provide instruction under similar working conditions at their respective campuses. The bill would impose this pay requirement upon the expiration or renewal of existing collective bargaining agreements.”

CTA also writes that “Part-time faculty are hired as a cost-saving measure, and are, in many if not all ways, an exploited second class in the academic world. In 1968, [EDC] was revised to create part-time faculty to fill emergency, temporary needs in the community colleges, but contrary to the labels of temporary and adjunct/unnecessary rooted in the EDC, part-time faculty have become a permanent fixture in the college system, and many of these professionals have been teaching on temporary contracts for decades at the same institutions.”

Arguments in opposition. The Community College League of California (CCL) wrote in opposition to AB 1752, noting that “to be clear, the League agrees with both the author and the

sponsor of this measure that part-time faculty need better working conditions. They make up the majority of our faculty pool and have direct contact with our students. However, Community Colleges receive the lowest per-pupil funding rate in the state and are forced to make hard decisions on how to best compensate their part-time faculty workforce while funding other important programs.

CCL also noted that, “for example, the significant cost in this proposal would make it difficult to provide salary increases to current faculty members in proportion to increases in the cost of living, provide healthcare benefits to both part-time and full-time faculty members, and other staffing priorities. Our colleges are currently struggling to meet staffing obligations in an era of declining enrollment and a global pandemic, and AB 1742 (Santiago) would place additional limitations onto our colleges.

Committee comments. AB 1269 (Cristina Garcia, 2021) would have required the CCCCCO, by July 1, 2023, to conduct a comprehensive study of part-time faculty employment, salary, and compensation patterns as they relate to full-time community college faculty with similar education credentials and work experience. As it was heard in the Assembly Committee on Higher Education, AB 1269 would have also required CCDs to essentially implement the provisions of AB 1752 following the completion of the CCCCCO’s study.

As was noted in the committee analysis for AB 1269, the question was raised if it is “...prudent of the Legislature to codify the aforementioned requirement on parity, prior to the CCCCCO conducting a comprehensive study and providing a report to the Legislature?” The author agreed to remove pay parity language, and AB 1269 passed out of the Assembly Committee on Higher Education with a vote of 11-1 on April 8, 2021 before being held in the Assembly Committee on Appropriations on suspense.

The Committee may wish to consider, given its prior support of the study, if the provisions of AB 1752 should first be comprehensively studied by the CCCCCO prior to the adoption of pay parity provisions.

Committee staff also notes that AB 1856 (Medina), which will be heard on April 5, 2022 in the Assembly Committee on Higher Education, makes amendments to the same code section as AB 1752. Moving forward, the authors will need to coordinate to ensure that chaptering out amendments are in place.

Committee staff also notes that the Budget Act of 2018 merged the SSSP and another program, the Student Success for Basic Skills, into a block grant, known as the Student Equity and Achievement Program (SEAP). *Moving forward, the author should consider* taking technical amendments to update references to SSSP to the SEAP.

Related & prior legislation. AB 1856 (Medina, 2022), which will be heard on April 5, 2022 in the Assembly Committee on Higher Education, increases the maximum amount of instructional hours that a part-time California Community College (CCC) faculty member may teach at any one CCD.

AB 1269 (Cristina Garcia, 2021) would have required the CCCCCO, by July 1, 2023, to conduct a comprehensive study of part-time faculty, and was held in the Assembly Committee on Appropriations.

AB 420 (Wildman), Chapter 738, Statutes of 1999, made a variety of enhancements to the compensation and benefits for part-time CCC faculty, including, but not limited to the following: 1) require the CPEC to conduct a comprehensive study on the compensation of part-time faculty with a preliminary report to the Legislature and Governor; and, 2) further refine the eligibility for compensation under the Community College Part-Time Faculty Office Hours Program.

REGISTERED SUPPORT / OPPOSITION:**Support**

California Federation of Teachers AFL-CIO
California Labor Federation, AFL-CIO
California Teachers Association
Faculty Association of California Community Colleges
Genup
Student Senate for California Community Colleges

Opposition

Community College League of California

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