

Date of Hearing: April 8, 2021

ASSEMBLY COMMITTEE ON HIGHER EDUCATION
Jose Medina, Chair
AB 1269 (Cristina Garcia) – As Introduced February 19, 2021

SUBJECT: Community colleges: part-time faculty.

SUMMARY: Requires the California Community Colleges (CCC) Chancellor's Office (CCCCO), by July 1, 2023, to conduct a comprehensive study of part-time faculty. Specifically, **this bill:**

- 1) Requires the CCCCCO, by July 1, 2023, 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.
- 2) Requires the CCCCCO to collect and report part-time faculty parity data from each community college district (CCD). Requires the data to be reported on the public internet website for each CCD and the CCCCCO's website by July 1, 2022.
- 3) Requires the report, as described in (1) above, include identification of specific policy and fiscal recommendations that would enable the CCC to achieve a compensation schedule that achieves pay equity for part-time faculty by January 1, 2027.
- 4) Requires the CCCCCO, in conducting the comprehensive study, as enumerated in (1) above, convene a working group, including representatives of the community college faculty unions, and, in consultation with various representatives of the education community, including the CCC, community college faculty groups, and other interested parties, for the purposes of identifying a statewide definition of part-time faculty parity that could be applied locally.
- 5) Requires that a person in an academic position who serves a complete semester must receive not less than one-half of the established annual salary for the position.
- 6) Requires that a person who is employed to teach adult or CCC classes for fewer than the hours per week considered a full-time assignment for regular employees having comparable duties must receive compensation in an amount that bears the same ratio to the amount provided to the full-time employees as the time actually served by the part-time employee to the time actually served by the full-time employees with comparable duties.
- 7) Stipulates that this measure will not be construed as to prevent the payment of compensation to a person while on leave of absence when the payment of the compensation is authorized by law.
- 8) Makes several Legislative findings and declarations.
- 9) Makes clarifying and technical changes to existing law.

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 (EC) 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; and,
- 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 be deemed to be in compliance with this section while the bargaining agreement is in effect (EC 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 (EC 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 (EC Section 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 measure.* According to the author, part-time faculty comprise 70% of the CCC faculty and teach approximately 50% of the classes across the system. The author states, "There have been a myriad of approaches to part-time faculty that have been piecemeal and overall ineffective in changing the working conditions for this contingent labor group."

This measure seeks to collect data on the status of the current working conditions of part-time faculty, develop a statewide definition of parity, and close the parity gap.

How many? According to the CCCCCO, for Fall 2020, the CCC employed 16,294 full-time faculty (academic, tenured/tenure track) and 33,661 part-time faculty (academic, temporary). Committee Staff notes that while these numbers appear to be a dramatic decrease from 2018 and 2019, per the CCCCCO, 12 of the 116 community colleges have yet to submit their Fall 2020 data.

Additionally, it is felt that the decline is in part, due to COVID-19 and budget constraints of the colleges.

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.

Committee comments and amendments. As currently drafted, this measure requires that, “a person who is employed to teach adult or CCC classes for fewer than the hours per week considered a full-time assignment for regular employees having comparable duties shall receive compensation in an amount that bears the same ratio to the amount provided to the full-time employees as the time actually served by the part-time employee to the time actually served by the full-time employees with comparable duties.”

The CCDs are autonomous local entities presided over by independently elected local governing boards; CCDs have the authority to provide compensation packages to part-time employees as they see fit including at the same or at an even greater (or lesser) rate than that of full-time employees. Committee Staff understands that some districts currently pay part-time employees at a rate "comparable" to that of full-time employees and some provide equivalent benefits.

Additionally, some districts pay for office hours. Further, these issues are usually decided as part of the collective bargaining process. As currently drafted, it is unclear how existing bargaining agreements could be impacted by the aforementioned requirement. Moreover, the bill is silent as to what “time actually served” means and how it would be interpreted by 73 CCDs. Lastly, this measure requires the CCCCCO conduct a comprehensive study on the CCCs part-time faculty, including collecting data on part-time faculty parity.

Is it 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?

With this in mind, the Committee recommends, and the author has agreed to accept, the following amendment to strike all of Section 87815 (a) (2) from the measure:

~~(2) Notwithstanding any other law, a person who is 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 an amount that bears the same ratio to the amount provided to full time employees as the time actually served by the part time employee bears to the time actually served by full time employees with comparable duties.~~

Additionally, as currently drafted, this measure requires that, “a person in an academic position who serves a complete semester shall receive not less than one-half of the established annual salary for the position.” Committee staff notes that some CCCs operate on a quarter system. It is

currently unclear if faculty teaching at CCCs on the quarter system will benefit from this provision.

Moving forward, the author may wish to clarify if quarter system CCC faculty will benefit from the provision above.

Related legislation. AB 375 (Medina) of 2021, which is awaiting a hearing in the Appropriations Committee, increases the maximum amount of instructional hours that a part-time CCC faculty member may teach at any one CCD.

Prior legislation. 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 (Co-Sponsor)
California Labor Federation, AFL-CIO

Opposition

None on file.

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