

Date of Hearing: April 5, 2022

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Jose Medina, Chair

AB 1856 (Medina) – As Introduced February 8, 2022

**SUBJECT:** Community colleges: part-time employees

**SUMMARY:** Increases the maximum amount of instructional hours that a part-time California Community College (CCC) faculty member may teach at any one community college district (CCD). Specifically, **this bill**:

- 1) Updates, as follows, existing provisions requiring CCDs, as a condition of receiving funding allocated for the Student Equity and Achievement Program (SEAP), 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 terms of reemployment preference for part-time faculty assignments shall be based on the minimum standards not exceeding the range of 80 to 85% (instead of a range of 60 to 67%) of a full-time faculty member's equivalent load, and the district shall not restrict the negotiated terms to less than the range of 80 to 85%, unless explicitly agreed upon for an individual part-time faculty member by that faculty member and the district.
- 2) Increases, from 67% to 85%, the proportion of hours per week of a full-time faculty assignment that a part-time CCC instructor may teach and still be classified as a temporary employee.
- 3) Stipulates that, if (2), as enumerated above, is in conflict with any collective bargaining agreement already entered into as of January 1, 2023, the terms of that agreement shall govern until its expiration.
- 4) States it is not the intent of the Legislature to require a community college district to increase the number of available part-time, temporary faculty assignments as a result of any increase to the minimum standards as a result of this measure.

**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) 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).
- 7) 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).

**FISCAL EFFECT:** Unknown

**COMMENTS:** *Purpose of the bill.* According to the author, “ Under the 67% threshold, many faculty members teach in multiple California Community College districts at the same time to piece together a full-time schedule, limiting their ability to participate in the campus community and be a resource to students. Current law requires that an individual employed to teach adult or community college course for 67% or less of the hours per week is considered a full-time assignment, excluding substitute service, be classified as a temporary employee and not become a contract employee.”

The author contends that “Faculty, both full- and part-time are instrumental in creating a college environment that fosters student success. Increasing the hours part-time faculty members are permitted to work helps ensure students have better access to their professors.”

*How would this bill help part-time faculty?* Current law limits part-time faculty to 67% of the hours that constitute a full-time faculty assignment for a particular district. A full-time teaching load, which earns the employee a full salary, benefits, and tenure, is determined through collective bargaining and is 15 units on average. Part-time faculty are considered temporary employees and many teach in multiple districts at the same time to piece together a full-time schedule (earning them the nickname “freeway flyers”). As a result, part-time faculty are limited in their ability to participate in the campus community and be a resource for students.

By allowing up to 85% of a full-time load, this bill could allow part-time faculty to spend more time at a given district and reduce the amount of time spent driving from campus to campus. The reduced drive time would mean more time to do the proper class prep, get needed rest, or be with their families.

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 (SSSP).* 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 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.* According to the California Federation of Teachers, the sponsor of the bill, “...existing law, known as the “67% law” caps the teaching load of part-time temporary

faculty to 67% of the hours that constitute a full-time faculty assignment. A full-time teaching load is defined as the number of in-class hours that a contract/full-time faculty member must fulfill in order to earn a full salary, benefits, and tenure. These required teaching hours vary according to the teaching discipline. A full-time teaching load for each discipline is negotiated by the local community college district; however, on average, a full-time load is 15 units.”

The CFT contends that, “due to the 67% law, many part-time faculty must teach in multiple community college districts at the same time to piece together a full-time schedule - so called “Freeway Flyers.” This limits their ability to participate in the campus community and be a resource to students. AB 1856 (Medina) would increase the cap on part-time faculty workloads to the range of 80% to 85% of a full-time faculty load. This would apply to any new collective bargaining agreement, or upon expiration of any negotiated agreement in effect on January 1, 2023. This bill is a crucial first step in improving the working conditions for part-time faculty in [CCCs].”

*Prior veto.* The author carried a substantively similar bill, AB 375 (Medina, 2021) which was vetoed by Governor Newsom. The veto message read, in part “Our system of community colleges could not operate without part-time faculty. Even though they carry an enormous amount of the teaching load across the system, these qualified instructors must often teach at multiple campuses in order to piece together higher wages, and do not receive the same salary or benefits as their full-time colleagues.”

“While I understand the objectives of this legislation, this bill would create significant ongoing cost pressures on the state and community college districts, potentially in the hundreds of millions of dollars. Such a high expenditure is better addressed in the State Budget process, which is why I am committed to considering options to support our community college part-time faculty in my forthcoming January budget proposal.”

The Governor’s 2022-2023 budget includes a \$200 million ongoing augmentation for the Part-Time Faculty Health Insurance Program, a 400-fold increase to a program that is currently funded at \$490,000 dollars. According to information from the sponsor of AB 1856, “These additional funds will more than pay for the very limited number of part-time faculty that could trigger any new health care cost obligation for districts by raising the cap on hours part-time faculty can teach.”

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

*Current and prior legislation.* AB 1752 (Santiago, 2022), which will be heard on April 5, 2022 in the Assembly Committee on Higher Education, requires persons who are employed to teach adult or community college classes part time, as provided, to 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.

AB 375 (Medina, 2021) was substantively similar to this bill, and was vetoed by the Governor.

AB 897 (Medina, 2020), was substantively similar to this bill, and was held in the Senate Committee on Education as a result of COVID-19 priority restrictions.

AB 1690 (Medina), Chapter 877, Statutes of 2016, as amended by SB 1379 (Mendoza), Chapter 891, Statutes of 2016, required reemployment rights for part-time faculty to be negotiated locally, declared legislative intent regarding minimum reemployment standards, and required districts to negotiate these reemployment rights as a condition for receiving annual funding allocations for the SSSP program. The legislation stipulated that the terms of reemployment preference be based on minimum standards up to a range of 60 to 67% of a full- time faculty teaching load.

**REGISTERED SUPPORT / OPPOSITION:****Support**

California Community College Independents  
California Federation of Teachers AFL-CIO  
California Labor Federation, AFL-CIO  
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**Opposition**

None on file.

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