

Date of Hearing: March 24, 2021

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Jose Medina, Chair

AB 375 (Medina) – As Amended March 15, 2021

**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, 2022, to commence negotiations on that date;
  - b) For a district with a collective bargaining agreement in effect as of January 1, 2022, 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, 2022, the terms of that agreement shall govern until its expiration.

**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 shall be deemed to be in compliance with this section while the bargaining agreement is in effect (EC 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 (EC 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 (EC 87482.6).

**FISCAL EFFECT:** Unknown

**COMMENTS:** *Purpose of this measure.* According to the author, “Under the 67% threshold, many faculty members teach in multiple community college districts simultaneously in order to piece together a full-time schedule, this not only puts additional financial stress on the part-time

faculty member, but also limits their ability to participate in the campus community and be a present resource to students.”

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.”

*Background.* Currently, the "67% Law" limits the teaching load of part-time temporary faculty to 67% of the hours that constitute a full-time faculty assignment for a particular CCD. To note, a full-time teaching load, which varies according to the teaching discipline 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. A full-time teaching load for each discipline is determined at the district level through collective bargaining; however, on average a full-time load is 15 units.

An individual employed to teach adult or community college courses for 67% or less of the hours per week considered a full-time assignment, excluding substitute service, is classified as a temporary employee rather than a contract employee. Under the 67% threshold, many faculty members (the so called "freeway flyers"), teach in multiple CCDs at the same time to piece together a full-time schedule. This constraint thus, to some extent, limits the ability of part-time faculty to participate in a campus community and to be a resource for students.

*How many?* According to the CCC Chancellor’s Office (CCCCO), 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.

*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. Funding for the new block grant program (\$475 million statewide) is 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.

*Prior legislation.* 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 Federation of Teachers (Co-Sponsor)  
Faculty Association of California Community Colleges (Co-Sponsor)

**Opposition**

None on file.

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