

Date of Hearing: April 2, 2019

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Jose Medina, Chair

AB 897 (Medina) – As Amended March 12, 2019

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 funds 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, 2020, to commence negotiations on that date; and
 - b) For a district with a collective bargaining agreement in effect as of January 1, 2020, 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 80-85 percent (instead of a range of 60-67 percent) of a full-time faculty member's equivalent load, and the district shall not restrict the negotiated terms to less than the range of 80-85 percent, unless explicitly agreed upon for an individual part-time faculty member by that faculty member and the district.
- 2) Increases, from 67 percent to 85 percent, 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) is in conflict with any collective bargaining agreement already entered into as of January 1, 2020, 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) 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.)
- 3) 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 Sect. 87482.6)

- 4) 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. (EC Sect. 87482.3.)
- 5) 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.
- 6) 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.
 - b) A regular evaluation process for part-time, temporary faculty.
- 7) 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.

FISCAL EFFECT: Unknown.

COMMENTS:

- 1) *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. (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 community college districts 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.

- 2) *Purpose.* AB 897, sponsored by the California Federation of Teachers, changes the percentage of the full-time equivalent teaching load to the range of 80% to 85%, for any new bargaining agreement, or upon expiration of any negotiated agreement in effect on January 1, 2020. It is expected that this higher allowance would provide part-time faculty with an opportunity to teach one additional course at a one-campus district or within a district with multiple campuses, and thus devote a greater portion of their working time at that district, both to the benefit of the faculty member and their students. This added flexibility would be especially advantageous for areas of the state where CCDs encompass large geographical regions, thus making travel between districts an added burden for part-time faculty.
- 3) *Recent 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 terms of reemployment preference are to be based on minimum standards up to a range of 60 to 67 percent of a full-time faculty teaching load.

REGISTERED SUPPORT / OPPOSITION:**Support**

California Part-Time Faculty Association
Faculty Association of California Community Colleges

Opposition

None on file.

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