
SENATE COMMITTEE ON EDUCATION

Senator Carol Liu, Chair
2015 - 2016 Regular

Bill No: AB 1010
Author: Medina
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Urgency: No
Consultant: Lenin Del Castillo
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Fiscal: Yes

Subject: Community colleges: part-time, temporary employees

SUMMARY

This bill requires community college districts to have collective bargaining agreements with part-time faculty that include specified conditions of employment.

BACKGROUND

Existing law defines “faculty” as those employees of community college districts 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 § 87003)

Existing law also defines any person who is employed to teach for not more than 67% of the hours per week considered a full-time assignment to be a part-time, temporary employee. (EC § 87482.5 and § 87882)

The Board of Governors (BOG) of the California Community Colleges (CCC) has had a longstanding policy that at least 75% of the hours of credit instruction in the community colleges, as a system, should be taught by full-time instructors (commonly referred to as “75/25”). Existing law requires the BOG to adopt regulations regarding the percent of credit instruction taught by full-time faculty and authorizes CCC 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 CCC districts to provide a portion of their growth funds to hiring more full-time faculty. (EC § 87482.6)

ANALYSIS

This bill:

- 1) Requires community college districts that do not have a collective bargaining agreement with part-time faculty in effect as of January 1, 2016, to commence negotiations with exclusive representatives for part-time, temporary faculty regarding specified terms and conditions, including:
 - a) Upon initial hire, requirements for the evaluation of part-time faculty members, as specified, including, but not necessarily limited to, a contract or regular faculty

- peer evaluator who has expertise in the subject matter of the part-time, temporary faculty member's assignment.
- b) Evaluation at least once every six semesters or nine quarters of service, exclusive of summer and intersession terms.
 - c) Placement on a seniority list for assignments, following six semesters of satisfactory service. The seniority for all assignments shall be determined based on the first date of hire at the applicable college and seniority lists shall be by campus unless otherwise locally negotiated between the community college district and the exclusive representative for part-time, temporary faculty.
 - d) Maintenance of the faculty member's workload for semester seven or quarter ten and beyond, as specified. As new assignments become available due to growth or attrition, these assignments shall be offered in seniority order to those part-time, temporary faculty members who have qualified to be placed on the seniority list, as specified. In cases where a reduction in assignment needs to occur due to program needs, budget constraints, or more contract faculty hires, the reduction shall occur first from among those part-time, temporary faculty members who have not yet qualified to be placed on the seniority list, and thereafter in reverse seniority order (i.e., use of "last in, first out" for reductions in assignments), as specified.
 - e) Procedures governing refusal or rejection of offered assignments, diminution or loss of seniority rights, and additional leave or break-in-service provisions that are locally negotiated between the community college district and the exclusive representative for part-time faculty.
 - f) Requirement that in cases where a part-time faculty, subsequent to qualifying to be placed on the seniority list, receives a less-than satisfactory evaluation, as defined, the faculty member shall be provided a written plan of remediation with concrete suggestions for improvement, as specified. The faculty member shall be evaluated again the following semester and if the outcome is less than satisfactory, the faculty member shall lose all seniority rights and may be dismissed at the discretion of the district. Appeal and grievance rights and procedures, if any, shall be subject to local collective bargaining.
 - g) Requirement that part-time faculty assignments are temporary in nature, contingent on enrollment and funding, and subject to program changes, and no part-time faculty member has a reasonable assurance of continued employment at any point, as specified.
- 2) Provides that a community college district with a collective bargaining agreement with part-time faculty in effect as of January 1, 2016, shall be exempt from the above requirements if the agreement takes into account all of the following:
- a) Part-time faculty assignments are based on seniority up to 60% to 67% of a full-time equivalent teaching load.
 - b) A regular evaluation process for part-time faculty.

- c) Due process for termination for part-time faculty that have qualified for negotiated provisions.
- 3) Provides legislative intent language, as specified.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author's office, job instability, lack of promotion to full-time positions, and limited engagement with students are some of the biggest concerns for part-time/temporary faculty. The inability to negotiate reemployment policies at most community college districts has resulted in unreliable reemployment practices, which leave many part-time faculty wondering if they will have a job the following semester. Additionally, many part-time/temporary faculty are left with no option but to piece together full-time teaching schedules through employment in two or more community college districts. The various differences in reemployment policies in these community college districts also make it difficult for part-time/temporary faculty to plan their upcoming teaching schedules. The author's office contends that in most cases, part-time instructors are paid significantly less than full-time faculty for the same duties of preparation, teaching and grading, and assessment. In addition to receiving significantly less in compensation than their full-time counterparts, in most cases PT faculty receive no health coverage and are not compensated for office hours outside of class to meet with students. The author argues that, "This lack of dignity, fairness, and equity translates to poor prospects for career advancement, resulting in many qualified part-time faculty leaving the profession annually."
- 2) ***Existing reemployment policies.*** Current law requires that reappointment rights for temporary faculty are a subject of negotiation during collective bargaining and provides that reappointment rights may be based on whatever factors are agreed to by both parties. Accordingly, many community college districts have established policies and practices regarding reappointment rights through the bargaining process. Additionally, several community college districts have successfully negotiated bargaining agreements that contain standards that are similar to those proposed by this measure, including the Grossmont-Cuyamaca, Los Angeles, San Diego, San Francisco, and Ventura community college districts. While this bill is intended to provide job security for part-time faculty and minimum standards for how they are treated, the Committee may wish to consider whether this bill is necessary as community college districts and local bargaining units already have the ability to negotiate reemployment policies. Should all community college districts be mandated to do so or should this continue to be left to local discretion?
- 3) ***Limits discretion of the community college districts.*** In providing job security and establishing minimum standards for how part-time faculty are treated, this bill specifies prescriptive requirements for local bargaining agreements that all community college districts would be required to adhere to. The Committee may wish to consider whether this bill could reduce the ability of the districts to meet their local community needs in offering course selections and quickly responding to changing market demands. The Community College League of California indicates, "By mandating a one-size fits all approach, this bill will impose conditions of

employment that may not reflect local district needs, increase costs for districts and ultimately reduce student success.”

- 4) **Conflicts with existing contracts?** The bill provides that a community college district with a collective bargaining agreement with part-time faculty in effect as of January 1, 2016, shall be exempt from its requirements if the agreement takes into account specified requirements, including seniority based assignments and a regular evaluation process. It appears that if an existing contract does not meet these requirements, the community college district would be required to commence negotiations pursuant to the bill’s provisions. Therefore, the bill could have the effect of abrogating an existing contract and have potential legal ramifications.
- 5) **Part-time faculty.** For some time, the Legislature has considered various efforts to address the issue of community college districts hiring part-time faculty members in lieu of full-time faculty. Much of the reason to utilize temporary faculty is the lower costs associated with such faculty. Several studies on temporary faculty found that community college districts pay temporary faculty significantly less than full-time faculty performing the same duties, and nearly half of temporary faculty reported not receiving any type of benefits from their district.

According to the Center for Community College Student Engagement's (CCCSE) April 2014 report, entitled, "Contingent Commitments: Bringing Part-Time Faculty Into Focus," 70% of the 400,000 faculty members of public, two-year colleges hired in 2009 were part-time instructors. The CCCSE report also found that the part-time faculty, teach 58% of community college classes and 53% of community college students. Additionally, the CCCSE report found that differences in the actions of part-time and full-time faculty cannot necessarily be attributed to differences in the will or abilities of part-time faculty. The report contends that, "Most likely, they exist at least in part because colleges too often are not fully supporting part-time faculty or engaging them in critical elements of the faculty experience."

According to the California Federation of Teachers, nearly 50% of the California Community College (CCC) course selections are taught by part-time faculty and part-time faculty outnumber full-time faculty by two to one.

- 6) **Fiscal impact.** According to the Assembly Appropriations Committee, all districts currently have collective bargaining agreements that include provisions regarding part-time faculty. At least 41 community college districts, however, do not maintain a seniority list. Assuming costs of \$5,000 to \$10,000 per district to establish such lists, presumably for each academic department, one-time Proposition 98 General Fund reimbursable state-mandated costs would be \$205,000 to \$410,000 per district. Once established, the ongoing cost to maintain the seniority lists should be minor and absorbable.
- 7) **Related and prior legislation.**

SB 373 (Pan) proposed a cap on the number of part-time faculty for each community college district based on the 2014-15 fiscal year, thereby limiting new hires to only full-time faculty until the district reaches a 75% threshold of full-time faculty. This bill failed passage in the Senate Appropriations Committee.

AB 626 (Low) requires community college districts to provide funding to increase their full-time/part-time faculty ratio and to increase support for part-time faculty. This bill is pending referral in the Senate.

AB 1807 (Fong, 2010) proposed to require community college districts, through collective bargaining, to establish and implement reemployment preference lists for part-time faculty. This measure was held in the Assembly Appropriations Committee.

SUPPORT

California Community College Independents
California Faculty Association
California Federation of Teachers (co-sponsor)
California Labor Federation
California Part-time Faculty Association
California Teachers Association (co-sponsor)
Faculty Association of California Community Colleges

OPPOSITION

Community College League of California
Riverside Community College District

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