

AMENDED IN ASSEMBLY MARCH 24, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

**ASSEMBLY BILL**

**No. 420**

**Introduced by Assembly Member Wildman**

February 12, 1999

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An act to amend Sections 87482.5, 87802, 87861, 87863, and 87883 of, to add Section 87482.4 to, and to repeal Section 87865 of, the Education Code, relating to community colleges.

LEGISLATIVE COUNSEL'S DIGEST

AB 420, as amended, Wildman. Community colleges: faculty.

~~Under existing law, persons employed in academic positions by community college districts are faculty or faculty members.~~

~~This bill would provide that it is the intent of the Legislature that an amount be appropriated to fund 5,000 newly created full-time faculty positions over a 7-year period commencing during the 1999–2000 fiscal year.~~

~~(1) Existing law requires that a person employed to teach adult or community college classes for not more than 60% of the hours per week of a full-time employee having comparable duties, excluding substitute service, be classified as a temporary employee and not become a contract employee.~~

~~This bill would require, commencing July 1, 2003, each person employed by a community college district as a temporary academic employee to be compensated at a salary~~

or hourly rate that is directly proportional to the salary of a full-time regular employee with comparable training and experience. The bill would require community college districts to compute the proportional pay based on the teaching load of the temporary employee compared to that of a full-time academic employee with like training and experience. The bill also would require that the schedule of salaries to be paid be made on the basis of a uniform allowance for years of training and years of experience. By increasing the duties of community college districts, the bill would impose a state-mandated local program.

This bill would provide that any person employed as temporary employee who has served each regular quarter or semester in the current and preceding 3 consecutive academic years shall have a preferred right to reappointment in the order of employment date, as determined by the community college district, unless the person is notified on or before March 15 of the current academic year that the community college district has made a decision not to offer the person reemployment and subject to specified prior rights of regular and contract employees. The bill would also provide that these persons may challenge a decision by a community college district not to offer reemployment in the next consecutive academic year under specified procedures and conditions applicable to the evaluation of probationary employees. By imposing additional duties on community college districts, this bill would constitute a state-mandated local program.

(2) Existing law requires the governing board of each community college district to adopt and cause to be printed and made available to each academic employee a schedule of salaries to be paid.

This bill would require the schedule of salaries to be paid to be based on a uniform allowance for years of training and years of experience, thereby increasing the responsibilities of community college district governing boards and imposing a state-mandated local program.

(3) Existing law establishes the Part-Time Community College Faculty Health Insurance Program for the purpose of providing a state incentive program to encourage community



college districts to offer health insurance for part-time faculty. Existing law defines “part-time faculty,” for the purposes of the program, as any faculty member whose teaching assignment in 2 or more community college districts equals or exceeds the cumulative equivalent of a minimum full-time teaching assignment.

This bill would revise that definition by deleting the requirement that the faculty member teach in 2 or more districts and would define the term, instead, to mean any faculty member whose teaching assignment equals or exceeds 40% of the cumulative equivalent of a minimum full-time teaching assignment.

Under existing law, a part-time faculty member and his or her eligible dependents are eligible to participate in the program no earlier than the commencement of the faculty member’s 3rd consecutive semester of teaching or 4th consecutive quarter of teaching where the quarter system is used, as specified.

This bill would delete that limitation.

Under existing law, if a part-time faculty member is employed by more than one community college district, and both or all of the community college districts for whom he or she works offers health insurance pursuant to the program, the employee is required to select only one district to provide health insurance coverage.

This bill would repeal that provision.

(4) Existing law authorizes the governing boards of community college districts to provide compensation for office hours to part-time faculty.

This bill would authorize the governing boards of community college districts to provide compensation to part-time faculty equal to at least one paid office hour for every 2 classes or more taught per week or 40% of a full-time load as defined by the district.

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other



procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: ~~no~~ yes.

*The people of the State of California do enact as follows:*

1 ~~SECTION 1.—The Legislature finds and declares all of~~  
2 SECTION 1. The Legislature finds and declares all of  
3 the following:

4 (a) California’s community colleges have historically  
5 hired part-time faculty to meet short-term community  
6 needs. By employing working professionals as teachers,  
7 this practice has the effect of enriching the curriculum  
8 and strengthening the tie between the college and its  
9 community.

10 (b) Part-time faculty also provide hiring flexibility,  
11 and often fill voids created by unanticipated enrollment  
12 growth. In some cases, part-time faculty are able to  
13 provide colleges with technical expertise that regular  
14 full-time faculty may lack, and can do so at a lower cost  
15 than full-time faculty.

16 (c) Part-time faculty are usually paid only for the  
17 hours they are actually in the classroom, with no  
18 compensation for related work performed outside of the  
19 classroom, including, but not limited to, research,  
20 preparation time, and evaluation of student work.

21 (d) However, rapidly expanding community colleges  
22 are now overusing part-time faculty. Community  
23 colleges often utilize part-time positions for financial  
24 reasons alone, rather than reasons related to the  
25 enhancement of the curriculum. California’s community  
26 college system currently employs 67 percent of its  
27 teaching force in part-time positions. Temporary  
28 contracts are being misused to employ part-time faculty  
29 members when the duration and nature of prior service,



1 together with the overall circumstances of the  
2 employment relationship, indicate that a full-time  
3 position would be more appropriate. This practice is  
4 unfair to the part-time faculty member because, as a  
5 part-time faculty member, the person will not be able to  
6 attain a salary commensurate with the nature and type of  
7 service that the person has provided to the community  
8 college.

9 (e) The principle of equal pay for equal work requires  
10 that part-time faculty be provided compensation that is  
11 directly proportionate to full-time faculty employment.  
12 In this way, part-time faculty employed in settings that  
13 more closely resemble full-time situations will receive  
14 compensation that more closely resembles full-time  
15 compensation.

16 SEC. 2. Section 87482.4 is added to the Education  
17 Code, to read:

18 87482.4. (a) Notwithstanding subdivision (a) of  
19 Section 87482.5, commencing July 1, 2003, each person  
20 employed by a community college district as a temporary  
21 academic employee shall be compensated at a salary or  
22 hourly rate that is directly proportional to the salary of a  
23 full-time regular employee with comparable training and  
24 experience. Community college districts shall compute  
25 the proportional pay of the temporary academic  
26 employee based on the teaching load of the temporary  
27 employee compared to that of a full-time academic  
28 employee with like training and experience.

29 (b) It is the intent of the Legislature that community  
30 college districts make reasonable progress each year  
31 toward pay equity so that proportional pay is fully  
32 operational by July 1, 2003.

33 (c) A community college district that provides  
34 benefits to faculty employed over 60 percent of the hours  
35 per week that is considered a full-time assignment for  
36 regular employees having comparable duties may not  
37 discriminate against temporary academic employees in  
38 the provision of benefits.

39 (d) A community college district may prorate the  
40 benefits of temporary academic employees.



1 (e) Nothing in this section shall be construed to  
2 diminish or otherwise affect the requirements,  
3 guarantees, or protections under any collective  
4 bargaining agreement, district policy, or state or federal  
5 law that provides for greater or additional requirements,  
6 guarantees, or protections than those provided under this  
7 section.

8 SEC. 3. Section 87482.5 of the Education Code is  
9 amended to read:

10 87482.5. (a) Notwithstanding any other provision of  
11 law, any person who is employed to teach adult or  
12 community college classes for not more than 60 percent  
13 of the hours per week considered a full-time assignment  
14 for regular employees having comparable duties shall be  
15 classified as a temporary employee, and shall not become  
16 a contract employee under Section 87604.

17 (b) Service as a substitute on a day-to-day basis by  
18 persons employed under this section shall not be used for  
19 purposes of calculating eligibility for contract or regular  
20 status.

21 (c) Any person employed as a temporary employee  
22 pursuant to this section who has served each regular  
23 quarter or semester in the current and preceding three  
24 consecutive academic years shall have a preferred right  
25 to reappointment in the order of employment date as  
26 determined by the community college district in  
27 accordance with this subdivision, unless the person is  
28 notified on or before March 15 of the current academic  
29 year that the community college district has made a  
30 decision not to offer the person reemployment for the  
31 next consecutive academic year. The right to  
32 reappointment granted by this subdivision is subject to all  
33 of the following:

34 (1) The prior right of regular and contract employees  
35 subjected to a reduction in force pursuant to Section  
36 87743.

37 (2) Actions taken pursuant to Article 4 (commencing  
38 with Section 87100) of Chapter 1.

39 (3) The prior right of regular and contract employees  
40 of the community college district established in this code



1 *or in an agreement entered into pursuant to Chapter 10.7*  
2 *(commencing with Section 3540) of Division 4 of Title 1*  
3 *of the Government Code.*

4 *(d) Any person employed as a temporary employee*  
5 *pursuant to this section who has served each regular*  
6 *quarter or semester in the current and preceding three*  
7 *consecutive academic years may challenge a decision by*  
8 *a community college district not to offer reemployment*  
9 *in the next consecutive academic year under the*  
10 *procedures and conditions described in Section 87610.1*  
11 *and this subdivision. Allegations that a community*  
12 *college district, in a decision not to offer the person*  
13 *reemployment in the next consecutive academic year,*  
14 *made a decision that, to a reasonable person, was*  
15 *unreasonable, or violated, misinterpreted, or misapplied*  
16 *any of its policies or procedures concerning the*  
17 *evaluation of employees, shall be classified and*  
18 *procedurally addressed as a grievance. If there is no*  
19 *contractual grievance procedure, these allegations shall*  
20 *proceed to hearing in accordance with Section 87740.*

21 *(e) Nothing in this section shall preclude the*  
22 *implementation of any agreement entered into pursuant*  
23 *to Chapter 10.7 (commencing with Section 3540) of*  
24 *Division 4 of Title 1 of the Government Code, as in effect*  
25 *on January 1, 2000. To the extent that agreement conflicts*  
26 *with this section, the agreement shall prevail.*

27 *(f) As used in this section, "order of employment date"*  
28 *is the date on which the person first rendered paid service*  
29 *as temporary faculty under this section with no break in*  
30 *service. A "break in service" is the failure to serve during*  
31 *any regular quarter or semester. A summer session shall*  
32 *not be considered a regular quarter or semester.*

33 *SEC. 4. Section 87802 of the Education Code is*  
34 *amended to read:*

35 *87802. The governing board of each community*  
36 *college district shall adopt and cause to be printed and*  
37 *made available to each academic employee a schedule of*  
38 *salaries to be paid on the basis of a uniform allowance for*  
39 *years of training and years of experience.*



1 SEC. 5. Section 87861 of the Education Code is  
2 amended to read:

3 87861. For the purposes of this article:

4 (a) “Health insurance benefits” include medical  
5 benefits, but do not include vision or dental benefits.

6 (b) “Part-time faculty” refers to any faculty member  
7 whose teaching assignment ~~in two or more community~~  
8 ~~college districts~~ equals or exceeds 40 percent of the  
9 cumulative equivalent of a minimum full-time teaching  
10 assignment.

11 SEC. 6. Section 87863 of the Education Code is  
12 amended to read:

13 87863. A part-time faculty member and his or her  
14 eligible dependents are eligible to participate in the  
15 program established pursuant to this article ~~no earlier~~  
16 ~~than the commencement of the faculty member’s third~~  
17 ~~consecutive semester of teaching or fourth consecutive~~  
18 ~~quarter of teaching where the quarter system is used. A~~  
19 ~~summer session or any other interim session does not~~  
20 ~~constitute a semester or quarter for purposes of this~~  
21 ~~article.~~

22 SEC. 7. Section 87865 of the Education Code is  
23 repealed.

24 ~~87865. If a part-time faculty member is employed by~~  
25 ~~more than one community college district, and both or all~~  
26 ~~of the community college districts for whom he or she~~  
27 ~~works offers health insurance pursuant to this article, the~~  
28 ~~employee shall select only one district to provide health~~  
29 ~~insurance coverage.~~

30 SEC. 8. Section 87883 of the Education Code is  
31 amended to read:

32 87883. (a) The governing board of a community  
33 college district may provide compensation for office  
34 hours to part-time faculty.

35 (b) The compensation to part-time faculty under this  
36 article shall equal *at least* one paid office hour for every  
37 two classes or more taught per week or 40 percent of a  
38 full-time load as defined by the community college  
39 district.



1 SEC. 9. Notwithstanding Section 17610 of the  
2 Government Code, if the Commission on State Mandates  
3 determines that this act contains costs mandated by the  
4 state, reimbursement to local agencies and school  
5 districts for those costs shall be made pursuant to Part 7  
6 (commencing with Section 17500) of Division 4 of Title  
7 2 of the Government Code. If the statewide cost of the  
8 claim for reimbursement does not exceed one million  
9 dollars (\$1,000,000), reimbursement shall be made from  
10 the State Mandates Claims Fund.

11 ~~the following:~~

12 ~~(a) Campuses of the California Community Colleges~~  
13 ~~have historically hired part-time faculty to meet~~  
14 ~~short-term needs, to employ working professionals as~~  
15 ~~teachers, to strengthen the tie between the college and~~  
16 ~~its community, and to enrich the curriculum.~~

17 ~~(b) Part-time faculty provide hiring flexibility, and, in~~  
18 ~~some cases, needed expertise, at less cost than full-time~~  
19 ~~faculty.~~

20 ~~(c) Part-time faculty often fill voids created by~~  
21 ~~unanticipated enrollment growth, and may provide~~  
22 ~~technical expertise that regular full-time faculty may not~~  
23 ~~have.~~

24 ~~(d) With rapid expansion, community colleges began~~  
25 ~~to overutilize part-time faculty for financial rather than~~  
26 ~~curricular reasons.~~

27 ~~(e) In the late 1980's, the Legislature attempted to~~  
28 ~~reverse the ongoing trend of hiring part-time instructors~~  
29 ~~instead of full-time instructors through the passage of~~  
30 ~~Assembly Bill 1725 of the 1987-88 Regular Session~~  
31 ~~(Chapter 973 of the Statutes of 1988), which was intended~~  
32 ~~to increase the number of hours that students were taught~~  
33 ~~by full-time faculty members versus the number of hours~~  
34 ~~taught by part-time instructors.~~

35 ~~(f) California's community college students deserve~~  
36 ~~teachers who can devote full time to teaching and are~~  
37 ~~available for individual consultations with them.~~

38 ~~(g) California's community colleges presently employ~~  
39 ~~67 percent of their teaching force in part-time positions.~~



1 ~~(h) All Californians who are qualified and willing to~~  
2 ~~work deserve full-time jobs. Part-time faculty are~~  
3 ~~qualified for full-time appointments.~~  
4 ~~(i) Temporary contracts are being misused to employ~~  
5 ~~part-time faculty.~~  
6 ~~(j) Creating full-time teaching jobs in community~~  
7 ~~colleges is an educational quality issue, equivalent to class~~  
8 ~~size reduction in the elementary and secondary schools.~~  
9 ~~SEC. 2. It is the intent of the Legislature that an~~  
10 ~~amount be appropriated to the Board of Governors of the~~  
11 ~~California Community Colleges to fund 5,000 newly~~  
12 ~~created full-time faculty positions over a seven-year~~  
13 ~~period commencing during the 1999-2000 fiscal year.~~

