

AMENDED IN ASSEMBLY MAY 28, 1999
AMENDED IN ASSEMBLY MARCH 24, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 420

Introduced by Assembly Member Wildman

February 12, 1999

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.

(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 a 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 bill would make specified provisions of the bill operative in any fiscal year only if funds are appropriated for purposes of the bill in the annual Budget Act or in another measure. The bill would require the chancellor to prorate the funds among the community college districts affected by the bill if the amount appropriated in the annual Budget Act or in another measure is insufficient to fully fund those provisions.

(6) 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: yes.

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

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

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

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

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

20 (d) However, rapidly expanding community colleges
21 are now overusing part-time faculty. Community
22 colleges often utilize part-time positions for financial
23 reasons alone, rather than reasons related to the
24 enhancement of the curriculum. California’s Community
25 College system currently employs 67 percent of its



1 teaching force in part-time positions. Temporary
2 contracts are being misused to employ part-time faculty
3 members when the duration and nature of prior service,
4 together with the overall circumstances of the
5 employment relationship, indicate that a full-time
6 position would be more appropriate. This practice is
7 unfair to the part-time faculty member because, as a
8 part-time faculty member, the person will not be able to
9 attain a salary commensurate with the nature and type of
10 service that the person has provided to the community
11 college.

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

19 SEC. 2. Section 87482.4 is added to the Education
20 Code, to read:

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

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

36 (c) A community college district that provides
37 benefits to faculty employed over 60 percent of the hours
38 per week that is considered a full-time assignment for
39 regular employees having comparable duties may not



1 discriminate against temporary academic employees in
2 the provision of benefits.

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

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

12 *(f) This section shall be operative in any fiscal year*
13 *only if funds are appropriated for purposes of this section*
14 *in the annual Budget Act or in another measure. If the*
15 *amount appropriated in the annual Budget Act or in*
16 *another measure for purposes of this section is insufficient*
17 *to fully fund the requirements imposed by this section for*
18 *the fiscal year, the chancellor shall prorate the funds*
19 *among the community college districts affected by this*
20 *section.*

21 SEC. 3. Section 87482.5 of the Education Code is
22 amended to read:

23 87482.5. (a) Notwithstanding any other provision of
24 law, any person who is employed to teach adult or
25 community college classes for not more than 60 percent
26 of the hours per week considered a full-time assignment
27 for regular employees having comparable duties shall be
28 classified as a temporary employee, and shall not become
29 a contract employee under Section 87604.

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

34 (c) Any person employed as a temporary employee
35 pursuant to this section who has served each regular
36 quarter or semester in the current and preceding three
37 consecutive academic years shall have a preferred right
38 to reappointment in the order of employment date as
39 determined by the community college district in
40 accordance with this subdivision, unless the person is



1 notified on or before March 15 of the current academic
2 year that the community college district has made a
3 decision not to offer the person reemployment for the
4 next consecutive academic year. The right to
5 reappointment granted by this subdivision is subject to all
6 of the following:

7 (1) The prior right of regular and contract employees
8 subjected to a reduction in force pursuant to Section
9 87743.

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

12 (3) The prior right of regular and contract employees
13 of the community college district established in this code
14 or in an agreement entered into pursuant to Chapter 10.7
15 (commencing with Section 3540) of Division 4 of Title 1
16 of the Government Code.

17 (d) Any person employed as a temporary employee
18 pursuant to this section who has served each regular
19 quarter or semester in the current and preceding three
20 consecutive academic years may challenge a decision by
21 a community college district not to offer reemployment
22 in the next consecutive academic year under the
23 procedures and conditions described in Section 87610.1
24 and this subdivision. Allegations that a community
25 college district, in a decision not to offer the person
26 reemployment in the next consecutive academic year,
27 made a decision that, to a reasonable person, was
28 unreasonable, or violated, misinterpreted, or misapplied
29 any of its policies or procedures concerning the
30 evaluation of employees, shall be classified and
31 procedurally addressed as a grievance. If there is no
32 contractual grievance procedure, these allegations shall
33 proceed to hearing in accordance with Section 87740.

34 (e) Nothing in this section shall preclude the
35 implementation of any agreement entered into pursuant
36 to Chapter 10.7 (commencing with Section 3540) of
37 Division 4 of Title 1 of the Government Code, as in effect
38 on January 1, 2000. To the extent that agreement conflicts
39 with this section, the agreement shall prevail.



1 (f) As used in this section, “order of employment date”
2 is the date on which the person first rendered paid service
3 as temporary faculty under this section with no break in
4 service. A “break in service” is the failure to serve during
5 any regular quarter or semester. A summer session shall
6 not be considered a regular quarter or semester.

7 (g) *Subdivisions (c) and (d), as enacted during the*
8 *1999 portion of the 1999–2000 Regular Session of the*
9 *Legislature, shall be operative in any fiscal year only if*
10 *funds are appropriated for purposes of those subdivisions*
11 *in the annual Budget Act or in another measure. If the*
12 *amount appropriated in the annual Budget Act or in*
13 *another measure for purposes of those subdivisions is*
14 *insufficient to fully fund the rights granted by those*
15 *subdivisions for the fiscal year, the chancellor shall*
16 *prorate the funds among the community college districts*
17 *affected by this section.*

18 SEC. 4. Section 87802 of the Education Code is
19 amended to read:

20 87802. The governing board of each community
21 college district shall adopt and cause to be printed and
22 made available to each academic employee a schedule of
23 salaries to be paid on the basis of a uniform allowance for
24 years of training and years of experience.

25 SEC. 5. Section 87861 of the Education Code is
26 amended to read:

27 87861. For the purposes of this article:

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

30 (b) “Part-time faculty” refers to any faculty member
31 whose teaching assignment equals or exceeds 40 percent
32 of the cumulative equivalent of a minimum full-time
33 teaching assignment.

34 (c) *The changes made to subdivision (b) during the*
35 *1999 portion of the 1999–2000 Regular Session of the*
36 *Legislature shall be operative in any fiscal year only if*
37 *funds are appropriated for purposes of those changes in*
38 *the annual Budget Act or in another measure. If the*
39 *amount appropriated in the annual Budget Act or in*
40 *another measure for purposes of this section is insufficient*



1 *to fully fund those changes for the fiscal year; the*
2 *chancellor shall prorate the funds among the community*
3 *college districts affected by this section.*

4 SEC. 6. Section 87863 of the Education Code is
5 amended to read:

6 87863. (a) A part-time faculty member and his or her
7 eligible dependents are eligible to participate in the
8 program established pursuant to this article.

9 (b) *The changes made to subdivision (a) during the*
10 *1999 portion of the 1999–2000 Regular Session of the*
11 *Legislature shall be operative in any fiscal year only if*
12 *funds are appropriated for purposes of those changes in*
13 *the annual Budget Act or in another measure. If the*
14 *amount appropriated in the annual Budget Act or in*
15 *another measure for purposes of this section is insufficient*
16 *to fully fund those changes for the fiscal year, the*
17 *chancellor shall prorate the funds among the community*
18 *college districts affected by this section.*

19 SEC. 7. Section 87865 of the Education Code is
20 repealed.

21 SEC. 8. Section 87883 of the Education Code is
22 amended to read:

23 87883. (a) The governing board of a community
24 college district may provide compensation for office
25 hours to part-time faculty.

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

31 (c) *The change made to subdivision (b) during the*
32 *1999 portion of the 1999–2000 Regular Session of the*
33 *Legislature shall be operative in any fiscal year only if*
34 *funds are appropriated for purposes of that change in the*
35 *annual Budget Act or in another measure. If the amount*
36 *appropriated in the annual Budget Act or in another*
37 *measure for purposes of this section is insufficient to fully*
38 *fund that change for the fiscal year, the chancellor shall*
39 *prorate the funds among the community college districts*
40 *affected by this section.*

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.

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