

AMENDED IN SENATE AUGUST 17, 1999
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
(Coauthors: Assembly Members Havice, Honda, Kuehl, and Washington)
(Coauthors: Senators Alpert and Vasconcellos)

February 12, 1999

An act to amend Sections ~~87482.5~~, 87802, 87861, 87863, ~~and~~ 87883, ~~and~~ 87884 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.

Under existing law, if a governing board of a community college district establishes a program to provide part-time faculty office hours, those hours may not be applied toward the 60% hours per week requirement for determining part-time faculty status.

This bill would additionally provide that those office hours may not be counted towards the hours per week of teaching adult or community college classes for purposes of acquiring eligibility for tenure or for purposes of fulfilling any probationary hour requirements.

(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



1 growth. In some cases, part-time faculty are able to
2 provide colleges with technical expertise that regular
3 full-time faculty may lack, and can do so at a lower cost
4 than full-time faculty.

5 (c) Part-time faculty are usually paid only for the
6 hours they are actually in the classroom, with no
7 compensation for related work performed outside of the
8 classroom, including, but not limited to, research,
9 preparation time, and evaluation of student work.

10 (d) However, rapidly expanding community colleges
11 are now overusing part-time faculty. Community
12 colleges often utilize part-time positions for financial
13 reasons alone, rather than reasons related to the
14 enhancement of the curriculum. California's Community
15 College system currently employs 67 percent of its
16 teaching force in part-time positions. Temporary
17 contracts are being misused to employ part-time faculty
18 members when the duration and nature of prior service,
19 together with the overall circumstances of the
20 employment relationship, indicate that a full-time
21 position would be more appropriate. This practice is
22 unfair to the part-time faculty member because, as a
23 part-time faculty member, the person will not be able to
24 attain a salary commensurate with the nature and type of
25 service that the person has provided to the community
26 college.

27 (e) The principle of equal pay for equal work requires
28 that part-time faculty be provided compensation that is
29 directly proportionate to full-time faculty employment.
30 In this way, part-time faculty employed in settings that
31 more closely resemble full-time situations will receive
32 compensation that more closely resembles full-time
33 compensation.

34 SEC. 2. Section 87482.4 is added to the Education
35 Code, to read:

36 87482.4. (a) Notwithstanding subdivision (a) of
37 Section 87482.5, commencing July 1, 2003, each person
38 employed by a community college district as a temporary
39 academic employee shall be compensated at a salary or
40 hourly rate that is directly proportional to the salary of a

1 full-time regular employee with comparable training and
2 experience. Community college districts shall compute
3 the proportional pay of the temporary academic
4 employee based on the teaching load of the temporary
5 employee compared to that of a full-time academic
6 employee with like training and experience.

7 (b) It is the intent of the Legislature that community
8 college districts make reasonable progress each year
9 toward pay equity so that proportional pay is fully
10 operational by July 1, 2003.

11 (c) A community college district that provides
12 benefits to faculty employed over 60 percent of the hours
13 per week that is considered a full-time assignment for
14 regular employees having comparable duties may not
15 discriminate against temporary academic employees in
16 the provision of benefits.

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

19 (e) Nothing in this section shall be construed to
20 diminish or otherwise affect the requirements,
21 guarantees, or protections under any collective
22 bargaining agreement, district policy, or state or federal
23 law that provides for greater or additional requirements,
24 guarantees, or protections than those provided under this
25 section.

26 (f) This section shall be operative in any fiscal year
27 only if funds are appropriated for purposes of this section
28 in the annual Budget Act or in another measure. If the
29 amount appropriated in the annual Budget Act or in
30 another measure for purposes of this section is insufficient
31 to fully fund the requirements imposed by this section for
32 the fiscal year, the chancellor shall prorate the funds
33 among the community college districts affected by this
34 section.

35 ~~SEC. 3. Section 87482.5 of the Education Code is~~
36 ~~amended to read:~~

37 ~~87482.5. (a) Notwithstanding any other provision of~~
38 ~~law, any person who is employed to teach adult or~~
39 ~~community college classes for not more than 60 percent~~
40 ~~of the hours per week considered a full-time assignment~~

1 ~~for regular employees having comparable duties shall be~~
2 ~~classified as a temporary employee, and shall not become~~
3 ~~a contract employee under Section 87604.~~

4 ~~(b) Service as a substitute on a day-to-day basis by~~
5 ~~persons employed under this section shall not be used for~~
6 ~~purposes of calculating eligibility for contract or regular~~
7 ~~status.~~

8 ~~(c) Any person employed as a temporary employee~~
9 ~~pursuant to this section who has served each regular~~
10 ~~quarter or semester in the current and preceding three~~
11 ~~consecutive academic years shall have a preferred right~~
12 ~~to reappointment in the order of employment date as~~
13 ~~determined by the community college district in~~
14 ~~accordance with this subdivision, unless the person is~~
15 ~~notified on or before March 15 of the current academic~~
16 ~~year that the community college district has made a~~
17 ~~decision not to offer the person reemployment for the~~
18 ~~next consecutive academic year. The right to~~
19 ~~reappointment granted by this subdivision is subject to all~~
20 ~~of the following:~~

21 ~~(1) The prior right of regular and contract employees~~
22 ~~subjected to a reduction in force pursuant to Section~~
23 ~~87743.~~

24 ~~(2) Actions taken pursuant to Article 4 (commencing~~
25 ~~with Section 87100) of Chapter 1.~~

26 ~~(3) The prior right of regular and contract employees~~
27 ~~of the community college district established in this code~~
28 ~~or in an agreement entered into pursuant to Chapter 10.7~~
29 ~~(commencing with Section 3540) of Division 4 of Title 1~~
30 ~~of the Government Code.~~

31 ~~(d) Any person employed as a temporary employee~~
32 ~~pursuant to this section who has served each regular~~
33 ~~quarter or semester in the current and preceding three~~
34 ~~consecutive academic years may challenge a decision by~~
35 ~~a community college district not to offer reemployment~~
36 ~~in the next consecutive academic year under the~~
37 ~~procedures and conditions described in Section 87610.1~~
38 ~~and this subdivision. Allegations that a community~~
39 ~~college district, in a decision not to offer the person~~
40 ~~reemployment in the next consecutive academic year,~~

1 made a decision that, to a reasonable person, was
2 unreasonable, or violated, misinterpreted, or misapplied
3 any of its policies or procedures concerning the
4 evaluation of employees, shall be classified and
5 procedurally addressed as a grievance. If there is no
6 contractual grievance procedure, these allegations shall
7 proceed to hearing in accordance with Section 87740.

8 (e) Nothing in this section shall preclude the
9 implementation of any agreement entered into pursuant
10 to Chapter 10.7 (commencing with Section 3540) of
11 Division 4 of Title 1 of the Government Code, as in effect
12 on January 1, 2000. To the extent that agreement conflicts
13 with this section, the agreement shall prevail.

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

20 (g) Subdivisions (e) and (d), as enacted during the
21 1999 portion of the 1999-2000 Regular Session of the
22 Legislature, shall be operative in any fiscal year only if
23 funds are appropriated for purposes of those subdivisions
24 in the annual Budget Act or in another measure. If the
25 amount appropriated in the annual Budget Act or in
26 another measure for purposes of those subdivisions is
27 insufficient to fully fund the rights granted by those
28 subdivisions for the fiscal year, the chancellor shall
29 prorate the funds among the community college districts
30 affected by this section.

31 ~~SEC. 4.~~

32 *SEC. 3.* Section 87802 of the Education Code is
33 amended to read:

34 87802. The governing board of each community
35 college district shall adopt and cause to be printed and
36 made available to each academic employee a schedule of
37 salaries to be paid on the basis of a uniform allowance for
38 years of training and years of experience.

39 ~~SEC. 5.~~

1 *SEC. 4.* 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 equals or exceeds 40 percent
8 of the cumulative equivalent of a minimum full-time
9 teaching assignment.

10 (c) The changes made to subdivision (b) during the
11 1999 portion of the 1999–2000 Regular Session of the
12 Legislature shall be operative in any fiscal year only if
13 funds are appropriated for purposes of those changes in
14 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 those changes for the fiscal year, the
18 chancellor shall prorate the funds among the community
19 college districts affected by this section.

20 ~~SEC. 6.~~

21 *SEC. 5.* Section 87863 of the Education Code is
22 amended to read:

23 87863. (a) A part-time faculty member and his or her
24 eligible dependents are eligible to participate in the
25 program established pursuant to this article.

26 (b) The changes made to subdivision (a) during the
27 1999 portion of the 1999–2000 Regular Session of the
28 Legislature shall be operative in any fiscal year only if
29 funds are appropriated for purposes of those changes in
30 the annual Budget Act or in another measure. If the
31 amount appropriated in the annual Budget Act or in
32 another measure for purposes of this section is insufficient
33 to fully fund those changes for the fiscal year, the
34 chancellor shall prorate the funds among the community
35 college districts affected by this section.

36 ~~SEC. 7.~~

37 *SEC. 6.* Section 87865 of the Education Code is
38 repealed.

39 ~~SEC. 8.~~

1 *SEC. 7. Section 87883 of the Education Code is*
2 *amended to read:*

3 87883. (a) The governing board of a community
4 college district may provide compensation for office
5 hours to part-time faculty.

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

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

21 *SEC. 8. Section 87884 of the Education Code is*
22 *amended to read:*

23 87884. (a) The governing board of each community
24 college district that establishes a program pursuant to this
25 article shall negotiate with the exclusive bargaining
26 representative, or in instances where there is no
27 bargaining unit shall meet and confer with the faculty, to
28 establish a program to provide part-time faculty office
29 hours.

30 (b) Any hours negotiated under this program shall not
31 be applied towards the 60-percent requirement as
32 specified in Section 87882. *These hours shall not be*
33 *counted towards the hours per week of teaching adult or*
34 *community college classes for purposes of acquiring*
35 *eligibility for tenure or for purposes of fulfilling any*
36 *probationary hour requirements.*

37 (c) On or before June 1 of each year, each community
38 college district participating in the program shall send a
39 verification to the Chancellor of the California
40 Community Colleges specifying the total costs of the

1 compensation paid for office hours of part-time faculty
2 participating in the program.

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

