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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:~~ *(Principal coauthors:* Senators Alpert and
Vasconcellos)

February 12, 1999

An act to amend Sections 87802, 87861, 87863, 87883, and 87884 of, to add Section 87482.4 to, and to repeal Section 87865 of, the Education Code, relating to community colleges, *and making an appropriation therefor.*

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~~ *work the temporary academic employee is required to perform, as specified*. 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.

(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.~~

The bill would state that this provision does not preclude compensation under the Community College Part-Time Faculty Office Hours Program for paid office time for each 20% of a full-time load, or fraction thereof, as defined by the community college 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~~ *toward* 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.

(7) The bill would appropriate \$500,000 from the General Fund to the Board of Governors of the California Community Colleges in augmentation of a specified item of the Budget Act of 1999 for purposes of the Part-Time Community College Faculty Health Insurance Program. The funds appropriated by this bill would be applied toward the minimum funding requirements for school districts and community college districts imposed by Section 8 of Article XVI of the California Constitution.

Vote: majority. Appropriation: ~~no~~—yes. 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.



1 (b) Part-time faculty also provide hiring flexibility,
2 and often fill voids created by unanticipated enrollment
3 growth. In some cases, part-time faculty are able to
4 provide colleges with technical expertise that regular
5 full-time faculty may lack, and can do so at a lower cost
6 than full-time faculty.

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

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

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

36 SEC. 2. Section 87482.4 is added to the Education
37 Code, to read:

38 87482.4. (a) Notwithstanding subdivision (a) of
39 Section 87482.5, commencing July 1, 2003, each person
40 employed by a community college district as a temporary



1 academic employee shall be compensated at a salary or
2 hourly rate that is directly proportional to the salary of a
3 full-time regular employee with comparable training and
4 experience. Community college districts shall compute
5 the proportional pay of the temporary academic
6 ~~employee based on the teaching load of the temporary~~
7 ~~employee compared to that of a full-time academic~~
8 ~~employee with like training and experience.~~ *employee*
9 *based on the work he or she is required to perform,*
10 *including, but not limited to, class hours, class preparation*
11 *time, and office hours, as determined through the district*
12 *collective bargaining process. If there is no bargaining*
13 *unit, the district shall meet and confer with faculty.*

14 (b) It is the intent of the Legislature that community
15 college districts make reasonable progress each year
16 toward pay equity so that proportional pay is fully
17 operational by July 1, 2003.

18 (c) A community college district that provides
19 benefits to faculty employed over 60 percent of the hours
20 per week that is considered a full-time assignment for
21 regular employees having comparable duties may not
22 discriminate against temporary academic employees in
23 the provision of benefits.

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

26 (e) Nothing in this section shall be construed to
27 diminish or otherwise affect the requirements,
28 guarantees, or protections under any collective
29 bargaining agreement, district policy, or state or federal
30 law that provides for greater or additional requirements,
31 guarantees, or protections than those provided under this
32 section.

33 (f) This section shall be operative in any fiscal year
34 only if funds are appropriated for purposes of this section
35 in the annual Budget Act or in another measure. If the
36 amount appropriated in the annual Budget Act or in
37 another measure for purposes of this section is insufficient
38 to fully fund the requirements imposed by this section for
39 the fiscal year, the chancellor shall prorate the funds



1 among the community college districts affected by this
2 section.

3 SEC. 3. Section 87802 of the Education Code is
4 amended to read:

5 87802. The governing board of each community
6 college district shall adopt and cause to be printed and
7 made available to each academic employee a schedule of
8 salaries to be paid on the basis of a uniform allowance for
9 years of training and years of experience.

10 SEC. 4. Section 87861 of the Education Code is
11 amended to read:

12 87861. For the purposes of this article:

13 (a) "Health insurance benefits" include medical
14 benefits, but do not include vision or dental benefits.

15 (b) "Part-time faculty" refers to any faculty member
16 whose teaching assignment equals or exceeds 40 percent
17 of the cumulative equivalent of a minimum full-time
18 teaching assignment.

19 (c) The changes made to subdivision (b) during the
20 1999 portion of the 1999–2000 Regular Session of the
21 Legislature shall be operative in any fiscal year only if
22 funds are appropriated for purposes of those changes in
23 the annual Budget Act or in another measure. If the
24 amount appropriated in the annual Budget Act or in
25 another measure for purposes of this section is insufficient
26 to fully fund those changes for the fiscal year, the
27 chancellor shall prorate the funds among the community
28 college districts affected by this section.

29 SEC. 5. Section 87863 of the Education Code is
30 amended to read:

31 87863. (a) A part-time faculty member and his or her
32 eligible dependents are eligible to participate in the
33 program established pursuant to this article.

34 (b) The changes made to subdivision (a) 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 87865 of the Education Code is
5 repealed.

6 SEC. 7. Section 87883 of the Education Code is
7 amended to read:

8 87883. (a) The governing board of a community
9 college district may provide compensation for office
10 hours to part-time faculty.

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

16 *(b) Nothing in this section precludes compensation
17 under this program for paid office time for each 20
18 percent of a full-time load, or fraction thereof, as defined
19 by the community college district.*

20 (c) The change made to subdivision (b) 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 that change in the
24 annual Budget Act or in another measure. If the amount
25 appropriated in the annual Budget Act or in another
26 measure for purposes of this section is insufficient to fully
27 fund that change for the fiscal year, the chancellor shall
28 prorate the funds among the community college districts
29 affected by this section.

30 SEC. 8. Section 87884 of the Education Code is
31 amended to read:

32 87884. (a) The governing board of each community
33 college district that establishes a program pursuant to this
34 article shall negotiate with the exclusive bargaining
35 representative, or in instances where there is no
36 bargaining unit shall meet and confer with the faculty, to
37 establish a program to provide part-time faculty office
38 hours.

39 (b) Any hours negotiated under this program shall not
40 be applied ~~towards~~ *toward* the 60-percent requirement



1 as specified in Section 87882. These hours shall not be
2 counted towards the hours per week of teaching adult or
3 community college classes for purposes of acquiring
4 eligibility for tenure or for purposes of fulfilling any
5 probationary hour requirements.

6 (c) On or before June 1 of each year, each community
7 college district participating in the program shall send a
8 verification to the Chancellor of the California
9 Community Colleges specifying the total costs of the
10 compensation paid for office hours of part-time faculty
11 participating in the program.

12 SEC. 9. Notwithstanding Section 17610 of the
13 Government Code, if the Commission on State Mandates
14 determines that this act contains costs mandated by the
15 state, reimbursement to local agencies and school
16 districts for those costs shall be made pursuant to Part 7
17 (commencing with Section 17500) of Division 4 of Title
18 2 of the Government Code. If the statewide cost of the
19 claim for reimbursement does not exceed one million
20 dollars (\$1,000,000), reimbursement shall be made from
21 the State Mandates Claims Fund.

22 *SEC. 10. The sum of five hundred thousand dollars*
23 *(\$500,000) is hereby appropriated from the General Fund*
24 *to the Board of Governors of the California Community*
25 *Colleges in augmentation of Schedule (p) of Item*
26 *6870-101-0001 of Section 2.00 of the Budget Act of 1999*
27 *(Ch. 50, Stats. 1999) for purposes of the Part-Time*
28 *Community College Faculty Health Insurance Program*
29 *established pursuant to Article 9 (commencing with*
30 *Section 87860) of Chapter 3 of Part 51 of the Education*
31 *Code.*

