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AMENDED IN SENATE SEPTEMBER 2, 1999
AMENDED IN SENATE AUGUST 18, 1999
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)
(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 the California Postsecondary Education Commission to conduct a comprehensive study of the part-time faculty, employment, salary, and compensation patterns, as specified, of the California Community Colleges. The bill would require the commission to release its preliminary findings regarding the study *to the Legislature and the Governor* by March 31, 2000, and would require the *completed* study to be transmitted to the Legislature and the Governor by July 1, 2000.

(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.

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 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 provide that changes made to the Part-time Community College Faculty Health Insurance Program and the Community College Part-time Faculty Office Hours Program by the bill shall not affect any part-time health insurance program or office hour program in effect on January 1, 2000.*

(6) 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)~~

(7) 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)~~

(8) 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: 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.

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) The Legislature finds and declares that,
37 in the state's community college system, teaching
38 constitutes a greater share of the faculty workload, as
39 compared to the California State University or the
40 University of California systems. California's community

1 college system requires that a faculty member hold, as a
2 basic qualification, a master's degree. Furthermore, the
3 community college system uses a different professional
4 review process, as compared to the California State
5 University or the University of California systems.

6 (b) The California Postsecondary Education
7 Commission shall conduct a comprehensive study of the
8 California Community College system's part-time faculty
9 employment, salary, and compensation patterns as they
10 relate to full-time community *college* faculty with similar
11 education credentials and work experience. The study
12 shall include a representative sample of urban, rural, and
13 suburban community colleges, ~~both in and outside of the~~
14 ~~state in California and shall also refer to similarly situated~~
15 ~~community colleges in other states.~~

16 (c) The study specified in subdivision (b) shall
17 include, but not necessarily be limited to, the addressing
18 of policy options available to achieve pay equity between
19 community college part-time faculty and full-time faculty
20 and shall also include both of the following:

21 (1) A quantitative analysis examining duties and tasks
22 of part-time faculty as compared to full-time faculty. The
23 duties and tasks examined shall include classroom
24 teaching, preparation, office hours, ~~maintenance of~~
25 ~~student records, and other professional practices which~~
26 ~~differentiate a part-time faculty position from a full-time~~
27 ~~recordkeeping, student evaluations, recommendations,~~
28 ~~and other professional practices that compare the~~
29 ~~similarities and differences between a part-time and~~
30 ~~full-time faculty position.~~ This quantitative analysis shall
31 also include both of the following:

32 (A) An examination of whether part-time faculty
33 salaries vary significantly among community colleges;
34 ~~and the factors that are associated with any salary~~
35 ~~differential, and the impact of the production and supply~~
36 ~~of master's degree holders and other required experience~~
37 ~~on part-time salary rates.~~

38 (B) Data concerning the ~~average wage rate for~~
39 ~~part-time community college faculty in other states, and~~
40 ~~the average pay gap salary compensation pattern for~~

1 *part-time community college faculty in California and in*
2 *similarly situated community colleges in other states, and*
3 *the disparity between part-time and full-time*
4 *compensation for the equivalent education and*
5 *experience.*

6 (2) An identification of specific policy and fiscal
7 recommendations that would enable the California
8 Community Colleges ~~system~~ to achieve a compensation
9 schedule that achieves pay equity for part-time faculty.

10 (d) The California Postsecondary Education
11 Commission shall, in conducting the study required by
12 this section, consult various representatives of the
13 education community, including the Board of Governors
14 of the California Community Colleges, community
15 college faculty groups, and other interested parties.

16 (e) Notwithstanding Section 7550.5 of the
17 Government Code, the California Postsecondary
18 Education Commission shall release the preliminary
19 findings of the study required by this section *to the*
20 *Legislature and the Governor*, on or before March 31,
21 2000, and shall transmit the study to the Legislature and
22 the Governor on or before July 1, 2000.

23 (f) It is the intent of the Legislature that funding for
24 conducting the study required by this section shall be
25 made available through an appropriation, either in future
26 legislation or in the annual Budget Act, in an amount of
27 up to one hundred fifty thousand dollars (\$150,000).

28 ~~SEC. 3. Section 87802 of the Education Code is~~
29 ~~amended to read:~~

30 ~~87802. The governing board of each community~~
31 ~~college district shall adopt and cause to be printed and~~
32 ~~made available to each academic employee a schedule of~~
33 ~~salaries to be paid on the basis of a uniform allowance for~~
34 ~~years of training and years of experience.~~

35 ~~SEC. 4.~~

36 ~~SEC. 3.~~ Section 87861 of the Education Code is
37 amended to read:

38 87861. For the purposes of this article:

39 (a) "Health insurance benefits" include medical
40 benefits but do not include vision or dental benefits.

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

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

~~SEC. 5.~~

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

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

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

~~SEC. 6.~~

(c) Any changes made pursuant to this section to the Part-time Community College Faculty Health Insurance Program shall not affect any part-time health insurance program in effect on January 1, 2000.

SEC. 5. Section 87865 of the Education Code is repealed.

~~SEC. 7.~~

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

1 87883. (a) The governing board of a community
2 college district may provide compensation for office
3 hours to part-time faculty.

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

9 (c) Nothing in this section precludes compensation
10 under this program for paid office time for each 20
11 percent of a full-time load, or fraction thereof, as defined
12 by the community college district.

13 ~~(e)~~

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

24 ~~SEC. 8.~~

25 SEC. 7. Section 87884 of the Education Code is
26 amended to read:

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

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

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

~~SEC. 9.~~

(d) *Any changes made by this section to the Community College Part-time Faculty Office Hours Program shall not affect any part-time faculty office hours program in effect on January 1, 2000.*

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

~~SEC. 10.~~

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