

ASSEMBLY BILL

No. 897

Introduced by Assembly Member Medina

February 20, 2019

An act to amend Sections 87482.3 and 87482.5 of the Education Code, relating to community colleges.

LEGISLATIVE COUNSEL'S DIGEST

AB 897, as introduced, Medina. Community colleges: part-time employees.

Existing law establishes the California Community Colleges under the administration of the Board of Governors of the California Community Colleges. Existing law authorizes the establishment of community college districts under the administration of community college governing boards, and authorizes these districts to provide instruction at community college campuses throughout the state. Existing law requires community colleges, as a condition of receiving funding allocated for the Student Success and Support Program, to negotiate in good faith with the exclusive representatives for part-time, temporary faculty, the terms of reemployment preference for part-time faculty assignments based on minimum standards up to the range of 60% to 67% of a full-time equivalent load.

This bill would instead require that negotiation on reemployment preference for part-time, temporary faculty assignments be based on the minimum standards not exceeding 80% to 85%, and would prohibit the district from restricting the terms of the negotiated agreement to less than that range, unless explicitly agreed upon by an individual part-time, temporary faculty member and the district, for any new agreement, or upon expiration of any negotiated agreement in effect on

January 1, 2020. The bill would make conforming changes and repeal obsolete provisions.

Under existing law, a person employed to teach adult or community college classes for not more than 67% of the hours per week of a full-time employee having comparable duties, excluding substitute service, is classified as a temporary employee and not a contract employee.

This bill would change the maximum time a part-time, temporary employee may teach, without becoming a contract employee, to 85% of the hours per week of a full-time employee having comparable duties.

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

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

1 SECTION 1. Section 87482.3 of the Education Code is
2 amended to read:
3 87482.3. (a) (1) As a condition of receiving funds allocated
4 for the Student Success and Support Program in the annual Budget
5 Act, ~~on or after July 1, 2017~~, community college districts that do
6 not have a collective bargaining agreement with part-time,
7 temporary faculty in effect as of January 1, ~~2017~~, 2020, shall
8 commence negotiations with the exclusive representatives for
9 part-time, temporary faculty regarding the terms and conditions
10 required by subdivision (b). The parties shall negotiate these rights
11 for part-time, temporary faculty.
12 (2) It is the intent of the Legislature that both of the following
13 shall occur:
14 (A) The adoption of provisions in compliance with subdivision
15 (b) shall be included as part of the usual and customary negotiations
16 between the community college district and the exclusive
17 representative for part-time, temporary faculty.
18 (B) (i) A community college district shall establish minimum
19 standards for the terms of reemployment preference for part-time,
20 temporary faculty assignments through the negotiation process
21 between the community college district and the exclusive
22 representative for part-time, temporary faculty. These standards
23 shall include all of the following:
24 (I) The length of time part-time, temporary faculty have served
25 at the community college or district.

1 (II) The number of courses part-time, temporary faculty have
2 taught at the community college or district.

3 (III) The evaluations of temporary faculty conducted pursuant
4 to Section 87663 and other related methods of evaluation that can
5 reliably be used to assess educational impact of temporary faculty
6 as it relates to student success.

7 (IV) The availability, willingness, and expertise of part-time,
8 temporary faculty to teach specific classes or take on specific
9 assignments that are necessary for student instruction or services.

10 (ii) Additional standards may be considered and established
11 through the negotiation process, as necessary.

12 (iii) Standards established pursuant to clause (ii) shall reflect
13 the processes and procedures for both of the following:

14 (I) Assigning part-time, temporary faculty to teach courses or
15 staff nonclassroom assignments.

16 (II) Evaluating part-time, temporary faculty.

17 (b) As a condition of receiving funds allocated for the Student
18 Success and Support Program in the annual Budget Act and except
19 as provided in subdivision ~~(d)~~, (c), a community college district
20 described in paragraph (1) of subdivision (a) and the exclusive
21 representative of the part-time, temporary faculty shall negotiate
22 in good faith all of the following:

23 (1) The terms of reemployment preference for part-time,
24 temporary faculty assignments based on the minimum standards
25 ~~up to not exceeding the range of 60 to 67 percent~~ 80-85 percent
26 of a full-time equivalent load. *The district shall not restrict the*
27 *negotiated terms to less than the range of 80-85 percent, unless*
28 *explicitly agreed upon for an individual part-time, temporary*
29 *faculty member by that faculty member and the district.* These
30 terms shall also contain policies for termination, including, but not
31 limited to, the evaluation process negotiated pursuant to paragraph
32 (2).

33 (2) A regular evaluation process for part-time, temporary faculty
34 pursuant to the requirements of Section 87663.

35 ~~(e) A community college district that has a collective bargaining~~
36 ~~agreement in effect as of July 1, 2017, that has satisfied the~~
37 ~~requirements of subdivision (b), and that executes a signed written~~
38 ~~agreement with the exclusive representative of the part-time,~~
39 ~~temporary faculty acknowledging implementation of subdivision~~

1 ~~(b), shall be deemed to be in compliance with this section while~~
2 ~~the bargaining agreement is in effect.~~

3 ~~(d)~~

4 (c) In all cases, part-time faculty assignments shall be temporary
5 in nature, contingent on enrollment and funding, and subject to
6 program changes, and no part-time faculty member shall have
7 reasonable assurance of continued employment at any point,
8 irrespective of the status, length of service, or reemployment
9 preference of that part-time, temporary faculty member.

10 SEC. 2. Section 87482.5 of the Education Code is amended to
11 read:

12 87482.5. (a) Notwithstanding any other law, a person who is
13 employed to teach adult or community college classes for not more
14 than ~~67~~ 85 percent of the hours per week considered a full-time
15 assignment for regular employees having comparable duties shall
16 be classified as a temporary employee, and shall not become a
17 contract employee under Section 87604. If the provisions of this
18 section are in conflict with the terms of a collective bargaining
19 agreement in effect on or before January 1, ~~2009~~, 2020, the
20 provisions of this section shall govern the employees subject to
21 that agreement upon the expiration of the agreement.

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

25 (c) (1) Service in professional ancillary activities by persons
26 employed under this section, including, but not necessarily limited
27 to, governance, staff development, grant writing, and advising
28 student organizations, shall not be used for purposes of calculating
29 eligibility for contract or regular status unless otherwise provided
30 for in a collective bargaining agreement applicable to a person
31 employed under this section.

32 (2) This subdivision may not be construed to affect the
33 requirements of subdivision (d) of Section 84362.