

AMENDED IN ASSEMBLY MARCH 14, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1690**

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**Introduced by Assembly Member Medina**

January 21, 2016

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An act to add Section 87482.3 to the Education Code, relating to community colleges.

LEGISLATIVE COUNSEL'S DIGEST

AB 1690, as amended, Medina. Community colleges: part-time, temporary employees.

(1) 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 that 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, be classified as a temporary employee and not a contract employee.

This bill would require community college districts without a collective bargaining agreement with part-time, temporary faculty in effect as of January 1, 2017, to, on or after January 1, 2017, commence negotiations with the exclusive representatives for part-time, temporary faculty regarding the terms and conditions required by the bill. The bill would specify minimum standards for the treatment of part-time, temporary faculty to be met by community college collective bargaining

agreements negotiated on or after January 1, 2017, that are not exempt, as specified. These standards would relate to, among other issues, evaluation procedures, workload distribution, and seniority rights.

To the extent that this bill would impose new duties on community college districts, it would constitute a state-mandated local program.

(2) 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.

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. Section 87482.3 is added to the Education Code,  
2 to read:

3 87482.3. (a) (1) On or after January 1, 2017, community  
4 college districts that do not have a collective bargaining agreement  
5 with part-time, temporary faculty in effect as of January 1, 2017,  
6 shall commence negotiations with the exclusive representatives  
7 for part-time, temporary faculty regarding the terms and conditions  
8 required by subdivision (b). The parties shall negotiate these rights  
9 for part-time, temporary faculty.

10 (2) It is the intent of the Legislature that both of the following  
11 shall occur:

12 (A) The adoption of provisions in compliance with subdivision  
13 (b) shall be included as part of the usual and customary negotiations  
14 between the community college district and the exclusive  
15 representative for part-time, temporary faculty.

16 (B) A community college district shall meet the minimum  
17 standards established by this section through the negotiation  
18 process between the community college district and the exclusive  
19 representative for part-time, temporary faculty.

20 (b) (1) A community college district that enters into a collective  
21 bargaining agreement on or after January 1, 2017, shall comply  
22 with all of the following:

1 (A) Upon initial hire, *and subsequently thereafter*, a part-time,  
2 temporary faculty member shall be evaluated ~~by a committee that~~  
3 ~~shall include, but not necessarily be limited to, a contract or regular~~  
4 ~~faculty peer evaluator who has expertise in the subject matter of~~  
5 ~~the part-time, temporary faculty member's assignment. The~~  
6 ~~evaluation committee may additionally include other evaluators,~~  
7 ~~such as a department chair, dean, or a second peer. The terms and~~  
8 ~~conditions of the evaluation process and procedures shall be locally~~  
9 ~~negotiated between the community college district and the~~  
10 ~~exclusive representative for part-time, temporary faculty.~~  
11 Subsequent to his or her initial hire, each part-time, temporary  
12 faculty member shall be evaluated at least once every six semesters  
13 or nine quarters of service, exclusive of summer and intersession  
14 terms: *pursuant to the requirements of Section 87663.*

15 (B) After six semesters or nine quarters of service, exclusive of  
16 summer and intersession terms, each part-time, temporary faculty  
17 member who has not received a less-than-satisfactory evaluation  
18 during the preceding six semesters or nine quarters of service shall  
19 be placed on a seniority list for each assignment at each college  
20 where he or she holds a current assignment during the seventh  
21 semester or 10th quarter of service, irrespective of how many times  
22 he or she has completed each unique assignment. The seniority  
23 for all assignments shall be determined based on the first date of  
24 hire at the applicable college. Seniority lists shall be by campus  
25 unless otherwise locally negotiated between the community college  
26 district and the exclusive representative for part-time, temporary  
27 faculty.

28 (C) For semester seven or quarter 10 and beyond, each  
29 community college district shall endeavor to maintain the workload  
30 equivalent that the part-time, temporary faculty member was  
31 assigned during semester six or quarter nine, subject to all of the  
32 following:

33 (i) As new assignments become available due to growth or  
34 attrition, these assignments shall be offered in seniority order to  
35 those part-time, temporary faculty members who have qualified  
36 to be placed on the seniority list pursuant to subparagraph (B), and  
37 previously successfully completed that same assignment. These  
38 assignments may be made up to a maximum annualized load,  
39 exclusive of summer and intersession terms, in the range of 60 to  
40 67 percent of a full-time equivalent load.

(ii) In cases where a reduction in assignment needs to occur due to program needs, budget constraints, or more contract faculty hires, the reduction shall occur first from among those part-time, temporary faculty members who have not yet qualified to be placed on the seniority list, and thereafter in reverse seniority order, with the least senior part-time, temporary faculty member reduced first. Any rights to a certain workload equivalent shall be maintained for a period of 18 months. In cases of class cancellation due to low enrollment, faculty members shall displace faculty members who are lower than they are on the seniority list, ~~provided that if~~ the class cancellation occurs prior to the first class meeting day.

(iii) Each new assignment successfully completed shall be added to the part-time, temporary faculty member seniority list.

(D) Procedures governing refusal or rejection of offered assignments, diminution or loss of seniority rights, and additional leave or break-in-service provisions shall be locally negotiated between the community college district and the exclusive representative for part-time, temporary faculty.

(E) In cases where a part-time, temporary faculty member, subsequent to qualifying to be placed on the seniority list, receives a less-than-satisfactory evaluation, as that term is defined in the collective bargaining agreement between the community college district and the exclusive representative for part-time, temporary faculty, the faculty member shall be provided a written plan of remediation with concrete suggestions for improvement. The faculty member shall be evaluated again the following semester. If the outcome of this subsequent evaluation is also less than satisfactory, the faculty member shall lose all seniority rights, and may be dismissed at the discretion of the district. Appeal and grievance rights and procedures, if any, shall be subject to local collective bargaining.

(F) In all cases, part-time faculty assignments are temporary in nature, contingent on enrollment and funding, and subject to program changes, and no part-time faculty member has a reasonable assurance of continued employment at any point, irrespective of the status, length of service, or reemployment preference seniority of that part-time, temporary faculty member.

(2) (A) A community college district that has a collective bargaining agreement in effect as of January 1, 2017, that has provisions in place that require implementation of all of the

1 following, and executes a signed written agreement pursuant to  
2 subparagraph (B), shall be exempt from this subdivision upon the  
3 expiration of that agreement:

4 (i) Part-time, temporary faculty assignment based on seniority  
5 up to the range of 60 to 67 percent of a full-time equivalent load.

6 (ii) A regular evaluation process for part-time, temporary faculty.

7 (iii) Due process for termination once a part-time, temporary  
8 faculty member has qualified for the negotiated provisions.

9 (B) A written agreement, confirming that provisions requiring  
10 the implementation of clauses (i) to (iii), inclusive, have been  
11 included in a collective bargaining agreement in effect as of  
12 January 1, 2017, shall be signed by the exclusive representative  
13 for part-time, temporary faculty and the community college district,  
14 who are subject to that agreement, in order for the district to be  
15 exempt from this subdivision pursuant to subparagraph (A).

16 SEC. 2. If the Commission on State Mandates determines that  
17 this act contains costs mandated by the state, reimbursement to  
18 local agencies and school districts for those costs shall be made  
19 pursuant to Part 7 (commencing with Section 17500) of Division  
20 4 of Title 2 of the Government Code.