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


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% of a full-time equivalent load, 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. This bill would require the community college to commence the negotiation of these terms no later than the expiration of any negotiated agreement in effect on January 1, 2021, and for any community college that does not have a collective bargaining agreement in effect as of January 1, 2021, upon the effective date of the bill. 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.


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

SECTION 1. Section 87482.3 of the Education Code is amended to read:

87482.3. (a) (1) As a condition of receiving funds allocated for the Student Success and Support Program in the annual Budget Act, community college districts shall negotiate with the exclusive bargaining representative for part-time, temporary faculty the terms and conditions required by subdivision (b) as follows:

(A) A community college district that does not have a collective bargaining agreement with part-time, temporary faculty in effect as of January 1, 2021, shall commence negotiations upon the effective date of this section.

(B) A community college district that has a collective bargaining agreement with part-time, temporary faculty in effect as of January 1, 2021, shall commence negotiations no later than the expiration date of the collective bargaining agreement.

(C) The parties shall negotiate these rights for part-time, temporary faculty.
(2) It is the intent of the Legislature that both of the following shall occur:

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

(B) (i) A community college district shall establish minimum standards for the terms of reemployment preference for part-time, temporary faculty assignments through the negotiation process between the community college district and the exclusive representative for part-time, temporary faculty. These standards shall include all of the following:

(I) The length of time part-time, temporary faculty have served at the community college or district.

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

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

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

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

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

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

(II) Evaluating part-time, temporary faculty.

(b) As a condition of receiving funds allocated for the Student Success and Support Program in the annual Budget Act and except as provided in subdivision (c), a community college district described in subparagraph (A) or (B) of paragraph (1) of subdivision (a) and the exclusive representative of the part-time, temporary faculty shall negotiate in good faith all of the following:

(1) The terms of reemployment preference for part-time, temporary faculty assignments based on the minimum standards not exceeding the range of 80–85 percent of a full-time equivalent load. The district shall not restrict the negotiated terms to less than
the range of 80–85 percent, unless explicitly agreed upon for an
individual part-time, temporary faculty member by that faculty
member and the district. These terms shall also contain policies
for termination, including, but not limited to, the evaluation process
negotiated pursuant to paragraph (2).

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

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

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

87482.5. (a) Notwithstanding any other law, a person who is
employed to teach adult or community college classes for not more
than 85 percent of the hours per week considered a full-time
assignment for regular employees having comparable duties shall
be classified as a temporary employee, and shall not become a
contract employee under Section 87604. If the provisions of this
section are in conflict with the terms of a collective bargaining
agreement in effect on or before January 1, 2021, the
provisions of this section shall govern the employees subject to
that agreement upon the expiration of the agreement.

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

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

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