

AMENDED IN ASSEMBLY JUNE 14, 2007  
AMENDED IN ASSEMBLY APRIL 24, 2007  
AMENDED IN ASSEMBLY MARCH 26, 2007  
CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 591**

---

---

**Introduced by Assembly Member Dymally**

February 21, 2007

---

---

An act to amend Section 87482.5 of the Education Code, relating to community colleges.

LEGISLATIVE COUNSEL'S DIGEST

AB 591, as amended, Dymally. Community colleges: non-tenure track temporary faculty employees.

(1) Existing law establishes the California Community Colleges under the administration of the Board of Governors of the California Community Colleges. 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. Existing law provides that service in professional ancillary services, including, but not necessarily limited to, governance, staff development, grant writing, and advising student organizations, by persons employed under these provisions 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 provision.

This bill would instead provide that any person who is employed to teach adult or community college classes for up to 100% of the hours

per week considered a full-time assignment for regular employees having comparable duties would be classified as a non-tenure track temporary faculty employee. The bill would require that a non-tenure track temporary faculty employee receive pay and benefits that are equal to those of tenured and tenure-track faculty of comparable qualifications doing comparable work, as determined on a parity basis, as defined.

The bill would require that, if a non-tenure track temporary faculty member teaches at least 40% of a full load, that faculty member be eligible for the same health care benefits that are received by tenured and tenure-track faculty in that district. The bill would require a district to hire at least 50% of its full-time tenure-track faculty from the pool of its qualified non-tenure track temporary faculty employees.

To the extent that the bill would impose additional duties on community college districts with respect to the classification and compensation of academic employees, it would impose 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 87482.5 of the Education Code is
- 2 amended to read:
- 3 87482.5. (a) (1) Notwithstanding any other provision of law,
- 4 any person who is employed to teach adult or community college
- 5 classes for up to 100 percent of the hours per week that constitute
- 6 a full-time assignment for regular employees having comparable
- 7 duties shall be classified as a non-tenure track temporary faculty
- 8 employee, and shall not become a contract employee under Section
- 9 87605.
- 10 (2) As used in this section:

1 (A) “Non-tenure track” means that the faculty member teaches  
2 a number of hours equal to or less than the number of hours per  
3 week that constitute a full-time assignment for a tenured or  
4 tenure-track faculty member, but is not on a tenure track, *except*  
5 *in accordance with Sections 87481 and 87482.*

6 (B) “Parity basis” means in accordance with a principle of equal  
7 pay for equal work.

8 (C) “Temporary” means that the faculty member’s position is  
9 for a limited term, and does not qualify him or her for evaluation  
10 for the possible conferral of tenured status, *except in accordance*  
11 *with Sections 87481 and 87482.*

12 (b) (1) A non-tenure track temporary faculty employee shall  
13 receive pay and benefits that are equal to the pay and benefits  
14 received by those tenured and tenure-track faculty of comparable  
15 qualifications doing comparable work, as determined on a parity  
16 basis. If a non-tenure track temporary faculty member teaches at  
17 least 40 percent of a full load, that faculty member shall be eligible  
18 for the same health care benefits that are received by tenured and  
19 tenure-track faculty in that district.

20 (2) A district shall reduce the difference between the amount  
21 of salaries and benefits paid to non-tenure track temporary and  
22 full-time faculty by 50 percent each academic year until these  
23 salaries and benefits are on a parity basis.

24 (c) Service as a substitute on a day-to-day basis by persons  
25 employed under this section shall not be used for purposes of  
26 calculating eligibility for contract or tenured or tenure-track status.

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

34 (2) This subdivision may not be construed to affect the  
35 requirements of subdivision (d) of Section 84362, ~~except in~~  
36 ~~accordance with Sections 87481 and 87482.~~

37 (e) A district shall hire at least 50 percent of its full-time  
38 tenure-track faculty from the pool of its qualified non-tenure track  
39 temporary faculty employees.

1 (f) All benefits, load calculations, and hiring may be subject to  
2 a collective bargaining process that includes exclusive  
3 representatives of full-time and non-tenure track temporary faculty  
4 employees serving at the institution.

5 SEC. 2. If the Commission on State Mandates determines that  
6 this act contains costs mandated by the state, reimbursement to  
7 local agencies and school districts for those costs shall be made  
8 pursuant to Part 7 (commencing with Section 17500) of Division  
9 4 of Title 2 of the Government Code.