

AMENDED IN ASSEMBLY APRIL 9, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 1343

Introduced by Assembly Member Mendoza

February 23, 2007

An act to add Article 10 (commencing with Section 66090) to Chapter 2 of Part 40 of Division 5 of Title 3 of the Education Code, relating to public postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

AB 1343, as amended, Mendoza. Public postsecondary education: Faculty and College Excellence Act.

(1) Existing law, known as the Donahoe Higher Education Act, sets forth, among other things, the missions and functions of California's public and independent segments of higher education, and their respective institutions of higher education. Provisions of the act apply to the University of California only to the extent that the Regents of the University of California, by appropriate resolution, act to make a provision applicable.

Under existing law, 2 of the 3 segments of public postsecondary education in the state are the California State University, administered by the Trustees of the California State University, and the California Community Colleges, administered by the Board of Governors of the California Community Colleges.

Existing law provides incentives to encourage community college districts to employ full-time instructors to teach at least 75% of the hours of credit instruction offered.

This bill would enact the Faculty and College Excellence Act, and place that act within the Donahoe Higher Education Act. The bill would

~~express the intent of the Legislature to enact legislation that would provide that at least 75% of the full-time equivalent faculty of each department on each campus of the California State University and the California Community Colleges be tenured or tenure-track, as defined, and that all part-time and temporary faculty shall receive pay and benefits that are equal with those of tenured and tenure-track faculty of comparable qualifications doing comparable work, as determined on a pro rata basis.~~

The bill would require each campus of the California State University and each community college district to determine the number of undergraduate courses that will be taught by part-time, temporary, nontenured, tenure-track, and tenured faculty in each ~~academic department~~ *campus* of that institution. The bill would require *every campus subject to the bill's requirements with less than 75% of its full-time equivalent faculty being tenured and tenure track faculty*, commencing in the fall term of the 2008–09 academic year, and each academic term thereafter, ~~any academic department in any campus of the California State University or the California Community Colleges the full-time equivalent faculty of which does not consist of at least 75% tenured and tenure-track faculty~~ to increase the percentage of full-time tenured and tenure-track faculty so that the 75% minimum is accomplished no later than the fall term of the 2014–15 academic year, in accordance with a plan, the development and adoption of which is subject to a collective bargaining process that includes the exclusive representatives of the full-time and part-time faculty serving at that institution.

The bill would require each campus of the California State University and each community college district to determine a minimum salary goal for part-time and temporary faculty employed in each ~~academic department~~ *campus* that would be prorated to the salaries of full-time tenured faculty who have comparable qualifications and do comparable work, subject to a collective bargaining process that includes the exclusive representatives of faculty serving at that institution. The bill would, commencing with the 2008–09 academic year, require each campus of the California State University and each community college district, to increase part-time and nontenure-track faculty salary by an amount sufficient to close any gap between the pro rata salaries of part-time faculty and full-time faculty no later than the fall term of the 2014–15 academic year.

The bill would require that, if, during a calendar year, a part-time or other nontenure-track faculty member of a campus of the California State University or the California Community Colleges teaches at least 40% of the hours per week that is considered to be a full-time assignment for tenured and tenure-track faculty, that part-time faculty member be eligible for the same health care benefits that are received by tenured and tenure-track faculty at that campus.

The bill would require each campus of the California State University and each community college district to establish a process under which part-time and other nontenure-track faculty may, after successful completion of a probationary period, receive timely notice of, and priority consideration for, appropriate teaching assignments in future academic terms, as well as preferential consideration for attaining a tenure-track position when one becomes available, as specified.

The bill would require each campus of the California State University and each community college district to establish a Faculty Restoration and Equity Fund. The bill would express the intent of the Legislature that, commencing with the 2009–10 fiscal year, and in each fiscal year thereafter, appropriations for the purposes of the bill be made in the annual Budget Act or in other statutes in amounts sufficient to: advance at least 20% of the way toward meeting a 5-year goal of increasing the percentage of full-time ~~equivalent faculty that is tenured or~~ *and tenure-track faculty* to 75% ~~in each academic department of each campus~~ of that institution by the commencement of the fall term of the 2014–15 academic year; and to advance at least 20% of the way toward meeting a 5-year goal of ensuring that part-time and other nontenure-track faculty receive, by the commencement of the fall term of the 2014–15 academic year, salaries, as well as health benefits, that are fully comparable to those received by full-time tenured and tenure-track faculty.

Because the 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. Article 10 (commencing with Section 66090) is
2 added to Chapter 2 of Part 40 of Division 5 of Title 3 of the
3 Education Code, to read:

4

5 Article 10. Faculty and College Excellence Act

6

7 66090. (a) This article shall be known and may be cited as the
8 “Faculty and College Excellence Act.”

9 (b) The Legislature finds and declares all of the following:

10 (1) An increasing percentage of the courses offered in our
11 colleges and universities are being taught by part-time and other
12 nontenure-track faculty.

13 (2) Our system of higher education has become dependent upon
14 a contingent workforce that is poorly compensated and too often
15 lacks basic supports such as health insurance.

16 (3) These twin developments—the economic exploitation of
17 part-time and other contingent faculty along with the shrinking of
18 the ranks of full-time tenured faculty—limit the ability of the state’s
19 higher education system to provide high-quality education,
20 research, and support for economic development.

21 (4) Providing sufficient numbers of faculty with full-time
22 tenured and tenure-track employment and improving the conditions
23 under which part-time and other nontenure-track faculty work will
24 result in better service for our students, communities, and the
25 economy.

26 (c) Therefore, it is the intent of the Legislature ~~to enact~~
27 ~~legislation to provide for both of the following:~~

28 (1) That at least 75 percent of the full-time equivalent faculty
29 ~~of each academic department~~ on each campus of the California
30 State University and the California Community Colleges be tenured
31 or tenure-track.

32 (2) That all part-time and temporary faculty receive pay and
33 benefits that are equal with those of tenured and tenure-track
34 faculty of comparable qualifications doing comparable work, as
35 determined on a pro rata basis.

36 (d) As used in this article:

1 (1) “Part-time” means that the faculty member teaches less than
2 the number of hours per week that is considered to be a full-time
3 assignment for a tenured or tenure-track faculty member.

4 (2) “Public postsecondary institution” means a campus of the
5 California State University or the California Community Colleges.

6 (3) “Temporary” means that the faculty member’s position is
7 for a limited term and does not qualify him or her for evaluation
8 for the possible conferral of tenured status.

9 (4) “Tenured” means that the faculty member’s position is based
10 on a presumption of continuing employment.

11 (5) “Tenure-track” means that the faculty member has a full-time
12 position that qualifies him or her for evaluation, in accordance
13 with prescribed criteria, after a designated period, for the possible
14 conferral of tenured status.

15 66091. Notwithstanding any other provision of law:

16 (a) Each campus of the California State University and each
17 community college district shall determine the number of
18 undergraduate courses that will be taught by part-time, temporary,
19 nontenured, tenure-track, and tenured faculty ~~in each academic~~
20 ~~department~~ *on each campus* of that institution. Commencing in
21 the fall term of the 2008–09 academic year, and continuing each
22 academic term thereafter, ~~any academic department in each public~~
23 ~~postsecondary institution subject to this article the full-time~~
24 ~~equivalent faculty of which does not consist of at least 75 percent~~
25 ~~tenured and tenure-track faculty~~ *every campus of a public*
26 *postsecondary institution subject to this article with less than 75*
27 *percent of its full-time equivalent faculty being tenured and*
28 *tenure-track faculty*, shall increase the percentage of full-time
29 tenured and tenure-track faculty so that the 75-percent minimum
30 is accomplished no later than the fall term of the 2014–15 academic
31 year.

32 (b) It is the intent of the Legislature that public postsecondary
33 institutions have flexibility in meeting the goals set forth in
34 subdivision (a). However, commencing with the fall term of the
35 2008–09 academic year, ~~an academic department~~ *a campus* to
36 which subdivision (a) applies shall reduce the gap between 75
37 percent and the ~~percentage of its current percentage of~~ full-time
38 equivalent faculty who are tenured or tenure-track by at least 10
39 percent each academic year.

1 (c) Each campus of the California State University and each
 2 community college district shall develop and adopt plans to meet
 3 the requirements of subdivisions (a) and (b). The development and
 4 adoption of plans under this section shall be subject to a collective
 5 bargaining process that includes the exclusive representatives of
 6 the full-time and part-time faculty serving at that institution.

7 66092. Notwithstanding any other provision of law:

8 (a) Each campus of the California State University and each
 9 community college district shall determine a minimum salary goal
 10 for part-time and temporary faculty employed ~~in each academic~~
 11 ~~department~~ *on each campus*. This minimum salary goal shall be
 12 prorated to the salaries of full-time tenured faculty who have
 13 comparable qualifications and do comparable work. The
 14 determination of the method of prorating salaries pursuant to this
 15 subdivision shall be subject to a collective bargaining process that
 16 includes the exclusive representatives of faculty serving at that
 17 institution.

18 (b) Commencing with the fall term of the 2008–09 academic
 19 year, each campus of the California State University and each
 20 community college district shall increase part-time and
 21 nontenure-track faculty salary by an amount sufficient to close
 22 any gap between the pro rata salaries of part-time faculty and
 23 full-time faculty no later than the fall term of the 2014–15 academic
 24 year. The determination of the method of prorating salaries
 25 pursuant to this subdivision shall be subject to a collective
 26 bargaining process that includes the exclusive representatives of
 27 faculty serving at that institution.

28 (c) A public postsecondary institution subject to the article shall
 29 reduce the gap between the salaries of part-time and temporary
 30 faculty and full-time tenured and tenure-track faculty by at least
 31 15 percent each academic year.

32 66093. Notwithstanding any other provision of law, if, during
 33 a calendar year, a part-time or other nontenure-track faculty
 34 member of a public postsecondary institution subject to this article
 35 teaches at least 40 percent of the number of hours per week that
 36 is considered to be a full-time assignment for tenured and
 37 tenure-track faculty, that part-time faculty member shall be eligible
 38 for the same health care benefits that are received by tenured and
 39 tenure-track faculty at that campus.

40 66094. Notwithstanding any other provision of law:

1 (a) Each campus of the California State University and each
2 community college district shall establish a process under which
3 part-time and other nontenure-track faculty may, after successful
4 completion of a probationary period, receive both of the following:

5 (1) Timely notice of, and priority consideration for, appropriate
6 teaching assignments in future academic terms.

7 (2) Preferential consideration for attaining a tenure-track position
8 when one becomes available.

9 (b) The process established pursuant to subdivision (a) shall
10 ensure that part-time and other nontenure-track faculty receive all
11 of the following:

12 (1) The accumulation of seniority.

13 (2) Notification about job openings at that institution prior to
14 the publication of announcements of those openings outside of
15 that institution.

16 (3) Preferential consideration for appointments to tenure-track
17 positions.

18 (c) The implementation of the requirements of this section at a
19 public postsecondary institution subject to this article is subject to
20 a collective bargaining process that includes the exclusive
21 representatives of the full-time and part-time faculty serving at
22 that institution.

23 66095. Notwithstanding any other provision of law, each
24 campus of the California State University and each community
25 college district shall establish a Faculty Restoration and Equity
26 Fund. It is the intent of the Legislature that, commencing with the
27 2009–10 fiscal year, and in each fiscal year thereafter,
28 appropriations for the purposes of this article shall be made in the
29 annual Budget Act or in other statutes in amounts sufficient to
30 accomplish both of the following:

31 (a) Advance at least 20 percent of the way toward meeting a
32 five-year goal of increasing the percentage of full-time equivalent
33 faculty that is tenured or tenure-track to 75 percent ~~in each~~
34 ~~academic department~~ *on each campus* of that institution by the
35 commencement of the fall term of the 2014–15 academic year.

36 (b) Advance at least 20 percent of the way toward meeting a
37 five-year goal of ensuring that part-time and other nontenure-track
38 faculty receive, by the commencement of the fall term of the
39 2014–15 academic year, salaries, as well as health benefits, that

1 are fully comparable to those received by full-time tenured and
2 tenure-track faculty.

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

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