

ASSEMBLY BILL

No. 1690

Introduced by Assembly Member Medina

January 21, 2016

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1690, as introduced, 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:

23 (A) Upon initial hire, a part-time, temporary faculty member
24 shall be evaluated by a committee that shall include, but not

1 necessarily be limited to, a contract or regular faculty peer evaluator
2 who has expertise in the subject matter of the part-time, temporary
3 faculty member's assignment. The evaluation committee may
4 additionally include other evaluators, such as a department chair,
5 dean, or a second peer. The terms and conditions of the evaluation
6 process and procedures shall be locally negotiated between the
7 community college district and the exclusive representative for
8 part-time, temporary faculty. Subsequent to his or her initial hire,
9 each part-time, temporary faculty member shall be evaluated at
10 least once every six semesters or nine quarters of service, exclusive
11 of summer and intersession terms.

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

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

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

38 (ii) In cases where a reduction in assignment needs to occur due
39 to program needs, budget constraints, or more contract faculty
40 hires, the reduction shall occur first from among those part-time,

1 temporary faculty members who have not yet qualified to be placed
2 on the seniority list, and thereafter in reverse seniority order, with
3 the least senior part-time, temporary faculty member reduced first.
4 Any rights to a certain workload equivalent shall be maintained
5 for a period of 18 months. In cases of class cancellation due to low
6 enrollment, faculty members shall displace faculty members who
7 are lower than they are on the seniority list, provided that the class
8 cancellation occurs prior to the first class meeting day.

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

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

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

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

35 (2) (A) A community college district that has a collective
36 bargaining agreement in effect as of January 1, 2017, that has
37 provisions in place that require implementation of all of the
38 following, and executes a signed written agreement pursuant to
39 subparagraph (B), shall be exempt from this subdivision upon the
40 expiration of that agreement:

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

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

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

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

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