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SB-1379 Community colleges: part-time, temporary employees. (2015-2016)

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Senate Bill No. 1379

CHAPTER 891

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

[Approved by Governor September 30, 2016. Filed with Secretary of State September 30, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1379, Mendoza. Community colleges: part-time, temporary employees.

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.

A.B. 1690 of the 2015–16 Regular Session 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 certain terms and conditions.

This bill would instead, among other things, require that minimum standards be established for the terms of reemployment preference for part-time, temporary faculty assignments, extend the time frame for compliance to July 1, 2017, and make compliance with the provisions a condition of receiving funds allocated for the Student Success and Support Program in the annual Budget Act.

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

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 Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 87482.3 of the Education Code, as added by Assembly Bill 1690 of the 2015–16 Regular Session, 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, on or after July 1, 2017, community college districts that do not have a collective bargaining agreement with part-time, temporary faculty in effect as of January 1, 2017, shall commence negotiations with the exclusive representatives for part-time, temporary faculty regarding the terms and conditions required by subdivision (b). 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 (d), a community college district described in 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 up to the range of 60 to 67 percent of a full-time equivalent load. 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) A community college district that has a collective bargaining agreement in effect as of July 1, 2017, that has satisfied the requirements of subdivision (b), and that executes a signed written agreement with the exclusive representative of the part-time, temporary faculty acknowledging implementation of subdivision (b), shall be deemed to be in compliance with this section while the bargaining agreement is in effect.

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