

Frequently Asked Questions on the 80% Proposal: *Raising the Employment Ceiling for Part Time Faculty From 60% to 80% of a Full Time Load* -- Martin Goldstein, Robert Yoshioka, & Sandra Baringer

What is the 60% law?

California Education Code 87482.5 (a):

“Notwithstanding any other provision of law, any person who is employed to teach adult or community college classes for not more than 60 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.”

The text for this and any other California law can always be found at www.leginfo.ca.gov.

Will raising the teaching load from 60% to 80% for part-time faculty jeopardize TENURE?

NO, raising the possibility for part time instructors teaching more courses in a particular district is NOT an attack on tenure. Modifications to the Ed. Code in 1968 created a class of non-tenurable faculty in the California Community College System, who, **37 years later**, make up more than 2/3rds of all California Community College teachers who teach more than 1/3 of all California Community College classes. Raising the employment ceiling for these teachers will not affect the total number of classes taught by part time faculty within the system.

Full-time tenure-track hiring and tenure-related issues are matters that can be resolved by negotiations between community college administrations and faculty unions at the district level. Or, the Chancellor’s office could take measures to enforce the 75% ratio mandated by AB 1725 (see front page article). Or, the legislature could impose penalties on districts that fail to comply with the 75/25 ratio.

It is no longer appropriate to “blame the victims” of this artificial and arbitrary teaching load ceiling for many of the problems facing the California Community College System.

Who will benefit from this change?

Part-time faculty, full-time tenured faculty, faculty unions, district administrations (especially human resources departments), departmental and campus-wide committees, statewide faculty organizations (such as FACCC), local and statewide academic senates, classified staff unions and perhaps most importantly: **OUR STUDENTS** will benefit from this adjustment of teaching load.

The ability to teach more classes on fewer campuses will allow part-time faculty to become more integrated into campus life and will allow them to participate more fully in shared governance, union negotiations and other student oriented activities, resulting in higher rates of student success.

Reducing “freeway flyer” practices, with their attendant expensive transportation costs will go a long way toward allowing part time faculty to keep more of what they earn, AND provide better service to students and other members of the academic community. **This is a WIN/WIN situation!**

Will this change in teaching load mean an increase in part-time benefits?

All benefits for faculty (both full time and part time) are negotiated at the local level between union representatives and district administration. Many districts allow for paid office hours, sick/compassionate leave, health benefits and a choice in retirement plans. Provisions are fairly common that make health benefits contingent upon employment at or above either a 40% or 50% FTE threshold.

Other districts treat part time faculty as serfs, routinely offering no representation at the bargaining table, no paid office hours, no sick/compassionate leave, no health benefits, and even supposedly no choice as to retirement options.

What about the law that gives contract status (i.e. benefits and reemployment rights) to all people employed over 75% of the school year?

What about it? Is that a *bad* thing? If it were found to be applicable (87482.5 would appear to override it to the extent that it is relevant at all), our proposed change would allow up to 80% FTE, but certainly doesn't require it.

This argument is based on California Education Code 87605. Read it for yourself. When people repeat rumors about federal health benefits law or whatever urban legend is current next week, ask them to produce a copy of the law to which they are referring.

Why do you think the first step leading to “regularization” of part-time faculty is raising the 60% limit to 80%?

“Regularization” is the term used in the collective bargaining agreement for two-year college instructors in British Columbia. After employment for a specified amount of time, part-time faculty are “regularized” by being placed on the tenure track with commensurate pay and benefits. A similar system applies to K-12 faculty under the California Education Code. The only thing that stands between part-time faculty and “regularization” under existing Education Code provisions is the 60% law, which defines “temporary” as part-time.

Lifting the limit to 80% doesn't change that, but on the other hand, it doesn't cost anything nor harm anyone — nor does it place any obligations on the system, whether individual campuses or departments. It simply gives them more flexibility, by taking away limits to more effective use of faculty, and we find it hard to believe that anyone could be against that.

Even at 80%, at measly part-time salary rates, part-timers won't be making enough to live on working at one district, so how will this reduce freeway flying?

Working at two districts is better than working at three – or four – or eight, as did one real estate instructor with whom one of us spoke recently.

But if some part-time faculty members are raised to 80% FTE, other part-timers in that district will lose their jobs.

Look at the big picture. Much as some of us have tried, no one can teach everywhere at once. As some people get increased loads in some districts, they will reduce their loads in other districts. Then people who lose assignments in the former districts will pick up increased assignments in the latter districts.

Who knows? Maybe the increased competition among districts for the more highly sought part-timers will result in increased pay scales – or even hiring them into full-time tenure-track jobs.

It seems like this change wouldn't really help many part-timers. Most of them are already employed substantially below the 60% ceiling. How do we know districts will hire people over 60% just because the limit is raised?

We don't. But we do know through our own contacts that some departments in some districts will. Also, we think many departments will raise part-timers from below 60% to 60% because raising the limit will remove the fear of a lawsuit for tenured status. Such lawsuits have actually been very rare, but can occur when districts employ someone at over 60% by mistake.

Assuming a standard 15-credit hour load per term, a part-timer teaching 5-credit classes, such as intensive language classes, could teach 2 instead of 1 (66% FTE). A part-timer teaching 4-credit classes could teach 3 instead of 2 (80% FTE), and a part-timer teaching 3-credit classes could teach 4 classes instead of 3 (80% FTE).

How much will this change cost?

Since the change being contemplated involves **only a minor modification of the Ed. Code**, we anticipate that there will be **NO COST** associated with this change. Remember, we are not asking for MORE classes, nor are we advocating for the hiring of MORE part-time faculty. **Raising the allowable teaching load from 60% to 80% will result in part-time faculty being able to teach MORE classes in a district.** The improved hiring flexibility will make scheduling easier, and will result in part time faculty being able to play a larger role in campus life.