Everything You Need to Know About How the 67% Law (AB 591) Came About But Were Afraid to Ask

By John Martin

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2. How would increasing the PT load limit from 67% to 80% or 100% affect your teaching career?

3. I think the part-time teaching load limit should...

A survey created by the California Part-time Faculty Association (CPFA), sent to adjuncts across the state with 447 respondents.

The survey consisted of three questions:

1. How has the 67% affected your career as a teacher?

Please select all answers which apply to you.

Q1. How has the 67% affected your career as a teacher?

| Reduces my ability to earn a living | 50 | 0 |
| 60 | 10 |
| 70 | 15 |
| 80 | 20 |
| 90 | 25 |
| 100 | 30 |

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It is that storm of protest that I wish to address. It was brutal, uncivil, and fueled by lies and half-truths. A high powered CFT lobbyist, Judith Michaels, packed the room with CFT full-time faculty members from Los Rios, among them was Dean Murakami (American River). At this meeting, the CFT contingent tossed out absurd arguments, saying that raising the cap to 100%, but later offered 80% to other community college organizations like the California Federation of Teachers (CFT). This proposed compromise of 80% felt right to us, so Peg organized a meeting with all the stakeholders in Dymally’s office in January. All who were there that day in January 2008 have a clear memory of what transpired the representatives from CFT offered an unforgettable, angry storm of protest.

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REPORT (with some personal commentary)

ON THE CFT 80% RESOLUTION

By John Govsky

The CFT, at its 2018 convention, passed a resolution stating that the CFT will work to change the California Ed. Code to raise the current cap on how much a part-timer can teach in a single community college district. The law currently sets the cap at 67% of a full-time load; the resolution would raise that limit to 80%. The resolution passed overwhelmingly, which surprised many on both sides of the debate.

Even though most of us on the CFT’s Part-Time Faculty Committee have always wanted to push the CFT to an 80% position (and some of us feel the cap should be eliminated altogether), the CFT PT Committee did not submit this resolution. Mindful of the history of the intense battle some years ago to get the cap on 80% to support moving from what was then the 60% law to 67%, I think that many of us, myself included, are not sure that the time was yet ready to push such a resolution. Obviously, we were wrong.

Last month there were two separate developments that it’s time to change this. One, there has been a noticeable shift in the general attitude toward part-timers and part-timer issues, at least within the CFT. I would say that this shift is due to many of the organizing efforts of all of us, but my guess is that another major factor is that in a post-Janus environment we need to do more to keep adjunct faculty involved and engaged, if only to stem the bleeding of membership losses.

Two, this demonstrates that the old hands, the vets of organizing, who have been doing this for a long time, sometimes get a bit used to the slow pace of change. Veronica Miranda and the folks at Cerritos College Faculty Association submitted the resolution. Seeing an injustice and deciding to do something about it, they carried the day. In organizing for such a major change, we need both the wisdom and experience of the “seasoned” folks, as well as the fresh perspectives and energy of those who are not burdened by the history of how difficult the challenges can be.

Now that the official position of the CFT is that for 80% cap should be changed to 80%, we need to get the other major players on board. Perhaps this new CFT position will help PT activists in CTA and FACCC to rekindle the discussion on raising the cap.

John Govsky teaches at Cabrillo Community College and he’s CFT Part-Time Faculty Committee Co-Chair.

UPTE Resolution - 67% WORKLOAD CAP

WHEREAS current California Ed Code prohibits community college part-time faculty from teaching more than 67% of a full-time workload and CFT PT Committee did not submit a resolution stating that the CFT will work to change the California Ed. Code to raise the cap on how much a part-timer can teach in a single community college district. The law currently sets the cap at 67% of a full-time load; the resolution would raise that limit to 80%.

WHEREAS this simple change in the law would increase the quality of teaching part-timers would be able to provide to students as they would be able to teach more classes on the same campus as well as be more available for student contact; and

WHEREAS this simple change would lighten the load of administrators, departments, and districts while simultaneously improving student advising, evaluating and enriching the general education curriculum. The current California Ed Code restricts the number of classes a part-timer can teach in a single community college district. The law currently sets the cap at 67% of a full-time load; the resolution would raise that limit to 80%.

WHEREAS a deletion of this current restrictive law would result in dramatic and immediate improvements to the lives of substantial numbers of California Community College teachers who must currently frequently travel to and from multiple Colleges in order to teach a full load; and

WHEREAS a deletion of this current restrictive law would significantly increase the motivation of part-time faculty to teach in a single district that would be more available for student contact. This demonstrates that the old hands, the vets of organizing, who have been doing this for a long time, sometimes get a bit used to the slow pace of change. Veronica Miranda and the folks at Cerritos College Faculty Association submitted the resolution. Seeing an injustice and deciding to do something about it, they carried the day. In organizing for such a major change, we need both the wisdom and experience of the “seasoned” folks, as well as the fresh perspectives and energy of those who are not burdened by the history of how difficult the challenges can be.

NOW THUS RESOLVED THAT UPTE will promote California Legislature to change Education Code 67% law to 80%. This will result in dramatic and immediate improvements to the lives of all teachers of part-time faculty who currently must frequently travel to and from multiple Colleges in order to teach a full load. This will result in a significant, positive change in the quality of teaching part-timers can provide to students.

Voted on and ratified January 15, 2018

Continued from page 1, “...How the 67% Law Came About…”

The cap to 80% would destroy tenure (ignoring completely that legislative funding was the REAL reason why there weren’t many part-timers in the first place). If the representatives present argued that raising the cap would hurt part-time faculty because they would be “exploited” (as in the “exploitive and mean-spirited” so common to Sacramento, but CFT’s mean-spiritedness, mendacity, and viciousness were new to me), there were two reasons that I didn’t feel that the time was yet right to push such a resolution. Obviously, we were wrong.

Now that we have a new major player in the legislative arena that is the California Community College Presidents’ Association (CCCPI) political lobbyist, and Andrea York from the Faculty Association of California Community Colleges (FACCC) were there to support raising the cap as well. Once a new draft that dropped the proposed cap from 80% to 67% was completed, Peg took it to the Legislative Council, and the next day, we had a new bill that Mr. Dymally agreed to carry.

That bill passed, and I will say, our CWA (Communication Workers of America) legislative advocate at the time worked for this bill every step of the way. It was only after it cleared the Assembly that CFT saw the handwriting on the wall and jumped on board with other fair weather friends of part-time faculty. (Note: CPFA was late writing a Support letter during the final stages of this bill, which is why there is no record of one from CPFA.)

CPFA hopes this correction to CFT’s revisionist history describing the creation of the bill that changed the cap will enable those reading this article to have a true understanding of the history of how the 67% cap came into being.

In closing, if it weren’t for CPFA’s dedicated and direct involvement in Sacramento, the 67% law would never have seen the light of day. CPFA initiated the process. CPFA wrote the bill. CPFA worked with Assembly member Dymally. Most importantly, CPFA had its own people in Sacramento to get this change. Period.

Thank you for working with other statewide stakeholders in Sacramento to either raise the current 67% cap or eliminate it entirely during the next legislative cycle.

Special thanks to Stacey Burks and Peg McCormack for their contributions to this article.

For the CPFA Journal, October 2018
The time has come again for us in CPFA to make another move to eliminate the 67% cap in Sacramento. CPFA has always been steadfast on this issue. What makes this new push timely, is the fact that CFT recently passed a resolution to raise the cap from 67% to 80% (see John Govsky's article, page 2) and UPTE local 9119 passed a resolution earlier this year to completely eliminate the cap (see UPTE’s Convention Resolution, page 2). CCCI is also taking a stand to raise the cap to 100% or eliminate it. All monumental achievements by these institutions this year!

The cap that prevents part-time faculty in California, the only state in this country, to teach more than 67% in any one district is discriminatory and downright wrong. Nowhere in higher education has such restrictions. This archaic law is just that: an old-fashioned way of segregating otherwise qualified instructors by prohibiting them from teaching a similar course load as their full-time colleagues.

Full-time faculty often make the claim that their part-time counterparts would be further exploited if there were no health insurance provided, a point that just doesn't hold weight with many of us part-timers. We are already being exploited through poor working conditions, low wages, no tenure (the list can go on), all on top of the fact that we already have no health benefits. So if the concern is primarily about the exploitation of part-time faculty, then why is the help from the majority full-time faculty unions on these issues? (Answer: The ones who benefit from the system of exploitation are of course nowhere to be found when it comes to fighting for issues that make a real day-to-day difference in the lives of part-time faculty.)

Below, I've started a list of important talking points for part-time advocates, which we need our allies to consider seriously.

Brief Background on Current Law

Part-time, adjunct faculty in the California Community College System were limited to teaching 60% of a full-time load of 15 units during the mid-1960s. In 2007, CPTF succeeded in passing legislation, with the support of Assemblymember Mervyn Dymally, which increased the load from 60% to 67%. For more on how this happened, see “Everything You Need to Know about how the 67% Law (AB 591) came about But Were Afraid to Ask,” page one.

The important thing to note is that the push for (our already compromised) 80% legislative language was met with strong resistance by one of the faculty unions (CFT), and CPFA was obliged to settle for the 67% cap, which was better than 60%, but far from ideal.

Recently, CPFA has teamed up with another faculty association (CCCI) and a union (UPTE) to make another push in Sacramento for achieving our zero cap milestone.

I encourage everyone to add fuel to the discussion - even if you oppose it! Let's keep the momentum going. Please email your points to me directly, jmartin@cpfa.org, so they can be published in the CPFA Journal, Spring 2019 edition.

Important Points to Consider
1. Raising/eliminating the cap would not affect tenure. Tenure is based on contractual hiring in which tenure or full-time permanent status is specifically being offered. The person hired under this contract has specific requirements and ultimately needs board approval to be granted tenure. The cap does not alter or affect this in any way.
2. Raising/eliminating the cap does not affect the 72/25 legislation. Seventy-five percent (75%) of courses are to be taught by “tenured, permanent” faculty. Twenty-five percent (25%) may be taught by non-tenure-track or non-permanent faculty. The purpose of 72/25 was to ensure that tenured faculty would teach the majority of courses because they are bound by a continual contract and are required to participate in shared governance. This would not change because the overall percentage of classes taught by part-time faculty would not change.
3. Raising/eliminating the cap does not affect STRS. Mandatory membership in Defined Benefit is not about having a full-time load; it is about whether one's status is classified as temporary or permanent. Therefore, the cap lifted or raised does not affect Defined Benefit numbers as long as we designate part-time assignments as temporary, or non-tenure-track. If a part-time faculty member works 100% equivalent load in one district or three districts — that is not an issue to STRS. Keeping a load in one district would actually be easier for STRS to keep track of and eliminate many mistakes and oversights (inevitably to the detriment of the part-time faculty member) that come with working in several districts.
4. Raising/eliminating the cap does not affect health insurance or other benefits. This is also based upon contractual status. If one’s assignment is on a temporary, non-permanent, or non-tenure-track basis, health care cannot be mandated. This should be spelled out in contract language. Increasing the limit would probably require districts to review and specify how or to whom they offer health care — but they would NOT be required under Ed Code to provide health care to faculty who are not “permanent, tenured or tenure-track faculty.”
5. Raising/eliminating the cap does not mandate that part-timers increase their loads or teach more classes. It would not force part-time faculty to take on a bigger load than they want. It just allows the option to take on more classes if they are available. This would also benefit districts that are struggling to staff classes, and it would prevent full-time faculty from having to teach overloads they do not want out of necessity.
6. Raising/eliminating the cap does not cost the district or full-time faculty any money. It does not matter if 100 people teach 100 sections or 10 people teach 10 sections. The cost is the same to the district, the state and STRS. It does however allow students greater access to instructors because more part-time instructors will be able to stay on one campus instead of “freeway flying.” This has the invaluable potential of boosting student success.◊
Continued from page 1, “CPFA at 20” or “part-time,” or “adjuncts,” or “contingent faculty.”

Finally, the recent Supreme Court JANUS decision has been seen as a setback for Unions and union organizing in general. However, looking at the world through our smudged dark glasses, the JANUS decision might be just the thing to get the Precariat geared up for a new and organized move to get ourselves more fully engaged and imbedded onto the fabric of unions, because we represent an ongoing and economically significant source of revenue that has to be actively courted because we represent an ongoing and economically significant source of revenue that has to be actively courted and hopefully paid attention to if the Unions are to once again become a viable negotiating force in the workplace. While the Supreme Court thought it dealt the blow to another organizing blow, the very act of requiring members and potential members like Precariats to actively “opt in,” as opposed to the past practice of merely taking our dues and not necessarily servicing our needs - as was, and still is, common practice for so many locals - will change as we need to actively commit to union leadership and representation OR NOT. Admittedly, the “opt in/opt out” period for Precariats has only been a scant few days at the beginning of the implementation of each new local contract - but it is better than before. Coupled with the possibility that the act of signing up for representation is a chance to inform new members of their rights and responsibilities - like our right to serve as full participating members of our institutions, but to organize our way into being taken seriously by the union hierarchy since we have come to understand that our dues constitute a significant portion of each college's operating revenues... for which we should now claim our right to fair representation and full participation in governance, contract negotiations, and grievance procedures.

My sincerest hope is that more of us will take up the cause and actively participate in our local's activities. Failing that, we should consider more radical solutions. BUT, we must commit to making our way into being taken seriously by the union hierarchy since we have come to understand that our dues constitute a significant portion of each college's operating revenues... for which we should now claim our right to fair representation and full participation in governance, contract negotiations, and grievance procedures. SBCC Faculty Association

Let’s use JANUS as a springboard to action, rather than seeing it as a setback for the labor movement.... we should now claim our right to fair representation and full participation in governance, contract negotiations, and grievance procedures.

Higher education because all the other players seem more interested in looking after their own self-interests rather than the well-being of the system as a whole.

Since we are presently “without portfolio” and have been gradually pushed to the margins of our institutions, I would suggest that we are the ONLY group that has nothing to lose by advocating for systemic change that will benefit students first, and coincidentally, everyone else who participates in the so-called Edu-Business.

Let’s use JANUS as a springboard to action, rather than seeing it as a setback for the labor movement.... we should now claim our right to fair representation and full participation in governance, contract negotiations, and grievance procedures.

This may be the last time that we will have a chance to work within the system to build healthy coalitions and renew members’ commitment to a focused union presence. Let’s use JANUS as a springboard to action, rather than seeing it as a setback for the labor movement. We are not quitters, and we should embrace the moment not only to take our rightful place as faculty in the community colleges we work in, but to organize our way into being taken seriously by the union hierarchy since we have come to understand that our dues constitute a significant portion of each college's operating revenues... for which we should now claim our right to fair representation and full participation in governance, contract negotiations, and grievance procedures.