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

By [John Martin](#)



I, and other members of CPFA, are often asked how the 67% cap came about. The current "official history" says that CPFA was not instrumental in raising the old 60% cap to the current cap of 67%. History demands an honest, short review of how the 67% cap became law so our readers will have a greater appreciation of CPFA's efforts in raising the cap. Many readers were not there when a new law changed the cap from 60% to 67%, so it is important that CPFA set the historical record straight about how this section of the Ed Code was changed with Assembly member Mervyn Dymally's bill, AB 591.

During the winter and spring of 2007-2008, Peg McCormack (Butte)

worked directly for Assembly member Mervyn Dymally as a paid legislative staff member. She was also an active member of CPFA and worked very closely with our Executive Council and other activists within CPFA. People should know that Peg worked for Assemblymember Dymally to facilitate raising the cap and this was her only duty at the time. Furthermore, Robert Yoshioka (Allan Hancock) was CPFA's Legislative Analyst at the time and would travel to Sacramento to join Peg's legislative efforts. These two worked tirelessly during late fall and winter of 2007-08 to raise the unfair 60% cap. No other higher education system in California or anywhere in this country has an arbitrary cap like the one imposed on California's Community College part-time faculty.

Peg, Robert, and other activists like myself began by drafting legislative

language to raise the cap to 100%, but then 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.

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

Continued on page 2

CPFA at 20 (Part II)



By [Robert Yoshioka](#)

Too often, full-timers, union bosses, and administrators see part-time faculty as disposable, replaceable cogs in their educational juggernaut, and we are told repeatedly to "suck it up," when it comes to agreeing to teach less-than-prime time classes, let alone not having offices or not being paid for holding "office hours" online, in the student union, or in our cars. We are called upon to staff classes at satellite campuses, and when a full-time faculty member's classes do not enroll sufficient students, we are relieved of our classes by full-timers exercising their "bumping" rights with little or no compensation or a replacement class offered.

Let's not discuss the inevitable foot-dragging when it comes to accommodating part-timers with disabilities. When our disabilities are perceived to be a problem, our "consistency" is first eroded, and then we are simply not offered any classes. Done, problem solved, on to the next part timer waiting in the wings for their crack at the broken dream.

The latest wrinkle in our organization has been our push for local involvement in CPFA via Institutional Membership (IM). When presented properly, we have been successful in enrolling individual part-timers locally or under the aegis of their local bargaining units. This is similar to the way FACCC includes part-timers in its organization,

but CPFA is different in that we represent and advocate solely for part-time faculty interests, making us the only professional organization in California that maintains such an advocacy goal/profile.

Can social media revitalize us and give us access to new members, organizers? How do we help shape the future of the CCC's - perhaps more in our own image? How do we combine organizing with effective and sustained successful teaching...no matter the discipline?

Can social media revitalize us and give us access to new members, organizers? How do we help shape the future of the CCC's - perhaps more in our own image? How do we combine organizing with effective

and sustained successful teaching...no matter the discipline?

Occasionally, social science comes up with useful words and concepts. For those of us toiling in the part-time ranks, the new word is PRECARIAT, which is defined as, "in sociology and economics, the precariat is a social class formed by people suffering from precarity, which is a condition of existence without predictability or security, affecting material or psychological welfare." Part-time faculty are all members of the PRECARIAT, and looking to the future, we might want to consider calling ourselves: The California Precariat Faculty Association (CPFA) . . . no change to our acronym, but a significant change in terms of how we define ourselves and who we are, while getting rid of the pesky conundrum of deciding whether we are "Part Time," or "Part-Time,"

Continued on page 4

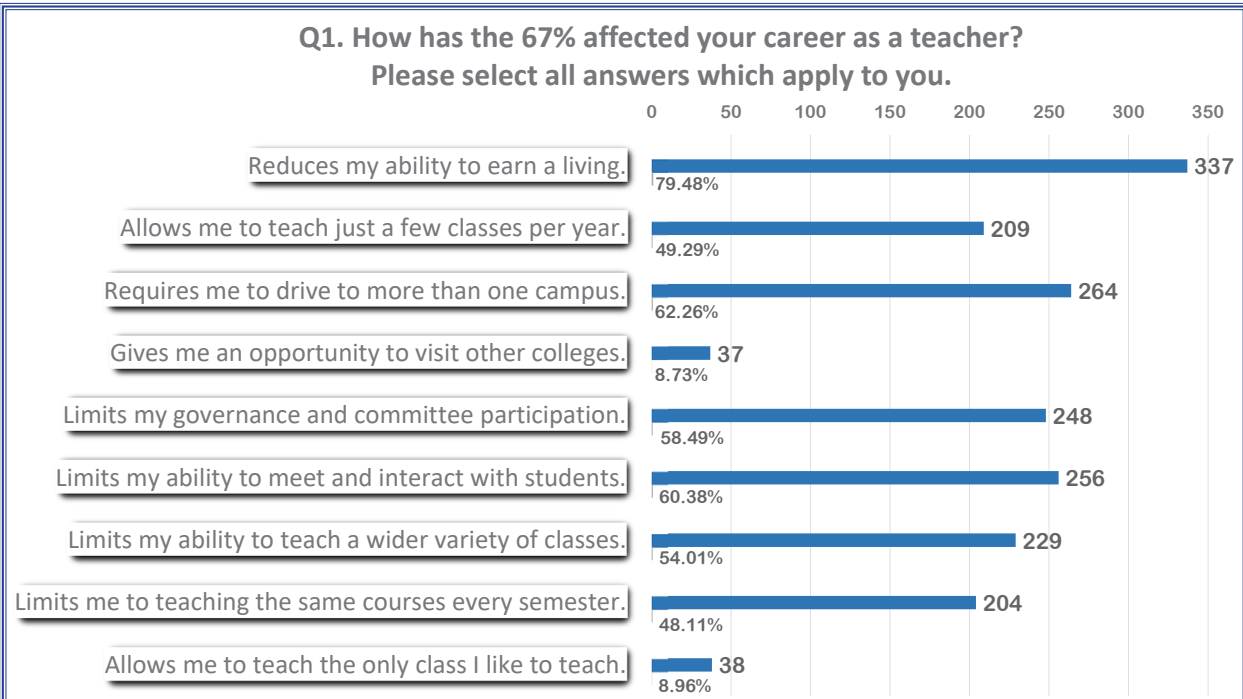
What Do You Think About the 67% Limit?

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?
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...

Continued on page 4



UPTE RESOLUTION – 67% WORKLOAD CAP

WHEREAS current California Ed Code prohibits community college part-time faculty from teaching more than 67% of what a full-time faculty is mandated to teach even though there are no laws prohibiting part-time faculty in the UC and Cal State systems to teach 100% loads; and

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, department chairs, and full time faculty since employing fewer faculty to teach more

*Voted on and ratified
January 15, 2018*

classes means less time would be involved in the hiring, evaluating and constant orientating that currently occurs; and

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 now Freeway Fly to teach classes in multiple Districts in order to teach a full load; and

WHEREAS a deletion of this current restrictive law would significantly decrease the miles driven by Freeway Flyers that would in turn reduce gasoline consumption

and pollution, offering a significant environmental as well as economic benefit to all, and would additionally allow part time faculty to become involved and invested in just one District so that they would be able to engage in many of the crucial non-teaching activities such as student advising, sharing committee work, and engaging in shared governance responsibilities;

BE IT RESOLVED THAT UPTE will promote California Legislature to change Education Code 87482.5 provisions that effectively prohibit part-time faculty from teaching more than a 67% load in any one district, commonly known as “The 67% Law,” from 67% to zero restrictions.

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 CFT to support moving from what was then the 60% law to 67%, I think that many of us, myself included, didn’t feel that the time was yet right to push such a resolution. Obviously, we were wrong.

To me, there are two takeaways from 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 like to think that it’s due to many of the organizing efforts of all of us, but my guess is that another major factor is that many are realizing that in a post-Janus environment we need to do more to keep adjunct faculty involved and engaged, if only to stem 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 Federation submitted the resolution. Seeing an injustice and deciding to do something about it, they carried the day. In organizing for social 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 the 67% cap should be changed to 80%, we need to get the other major players on board. Perhaps this new CFT position can 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.

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 more full-time hires), and CFT’s representatives present argued that raising the cap would hurt part-time faculty because they would be “exploited” (as if limiting the number of classes that one can teach in a single District causing most to commute to other Districts is not “exploitive.” And more to the point, who anointed full timers to be the adjuncts’ keepers?).

CFT threatened Assemblymember Dymally with various political actions which, when carried out, were instrumental in depriving Assemblymember Dymally of an endorsement from the Los Angeles County Federation of Labor, and this was the reason for Mr. Dymally’s unsuccessful effort to win a seat in the California Senate. CFT knows how to play political hard ball. Hard ball tactics are not unusual in Sacramento, but CFT’s mean-spiritedness, mendacity, and viciousness were new to us in CPFA. Their lies and threats worked. Instead of collaboration and trying to reach a consensus, what transpired in the Assembly member’s office that day was anything but cooperative and union spirited leaving CPFA’s activists who were present stunned and shocked by CFT’s insulting and bullying behavior.

After CFT’s minions left, Assembly member Dymally was disheartened by their immature behavior and asked us to see if we could come up with something else, and then, severely distraught, he walked out. Thus, the “compromise” which would have raised the cap to 80%

didn’t materialized due to this infamous meeting and CFT’s interference.

In addition to Peg McCormack and myself, David Milroy of Mesa College, Stacey Burks, president of Butte College’s PFA, Pamela Hanford of Shasta, and Bob Pierce of Butte College were in Dymally’s office at this time. All of the aforementioned were CPFA activists working collectively at Dymally’s request to rewrite the bill. It is worth noting that David Balla-Hawkins, a former California Faculty Association (CFA) advocate who is now California Community College Independents’ (CCCI) 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 along 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 to get it signed by the Governor. Most importantly, CPFA had its own people in Sacramento to get this changed. Period.

We look forward to 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.

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California Community College Independents


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Redwoods, Santa Barbara,
Santa Monica, Santa Rosa,
Yosemite, Yuba

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CHAIR'S REPORT

By John Martin, CPFA Chair

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 where 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, CPFA 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 75/25 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 75/25 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

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 100 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.◊



CPFA and SDAFA leadership attended the COCAL XIII conference on contingent faculty issues in the U.S., Canada and Mexico.

Hosted by the San José State University CFA team coordinated by Jonathan Karpf. Speakers included labor advocates and union leaders from Mexico City, Quebec, Canada and the U.S. The next COCAL conference will be held in Querétaro, Mexico in August 2020. For more information go to: COCALInternational.org.

DO YOU KNOW A PART-TIME ACTIVIST WHO SHOULD BE RECOGNIZED IN THE NEXT EDITION OF THE CPFA JOURNAL?

Contact John Martin
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Part-Time Faculty Association (PFA-UPTE)
Contact: Stacey Burks, burkst@butte.edu

College of the Sequoias

Contact: Jodi Baker, jodib@cos.edu

Mt. San Jacinto

Contact: Thom Milazzo, tmilazzo1@yahoo.com



UPTE supports the
elimination of the
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• The reality is that a great deal of part-time teachers are already working at 100% or more but have to do it by teaching for more than one college. Why not allow them to do so at one? I guess though, that would force the colleges to admit that these are really full-time teachers.

• I often feel taken advantage of, as I work very hard, frequently traveling 100 miles a day, for two schools but only at half-time at each. But both entities do not provide affordable insurance for part-timers and specifically limit my work hours for that reason. It seems unfair. I have no health insurance for myself or my spouse for this reason. It is risky and scary.

• ...I want to be treated fairly! Is that too much to ask for? Create a fair and just system where adjuncts can remain adjuncts by choice and have the ability to move into contract positions after proving themselves. Having ‘no’ avenue or very slight chances of moving forward into a full time position is discouraging. ...

• As a math instructor this increase will help as many colleges are adapting new course sequences due to the passing of AB 705. A math course will now be 5 to 8 units, thus with a 67% restriction in our teaching load math instructors will be forced to teach only one course per college. At 80% or more we will be given the opportunity to teach our usual two courses.

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 another deliberate 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 and hopefully paid attention to if the Edu-Unions are to once again become a viable negotiating force in the workplace.

While the Supreme Court thought it dealt the Unions yet another crippling blow, the very act of requiring members and potential members like Precariats to actively “opt in,” as opposed to the past practice of simply 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 consent to union membership and representation OR NOT.

Admittedly, the “opt in/opt out” period for Precariats is brief - only 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 fully participating members of contract negotiating teams - is an opening that many “new” members might wish to avail themselves of.

Of course, it would behoove full time union members to keep the possibilities of more active engagement by Precariats to a minimum...merely suggesting that we Part timers paying our dues is “the

• I choose to only work at 2 campuses because it's all I can handle. The meetings, expectations, various rules, different policies, and more take a toll when you have keep up with more than 2 administrations. Being able to teach more than 67% would allow me to significantly increase my income without having to take on a third school. It would allow my schedule to be more manageable and it would reward me for being a great teacher. I'm limited right now by my employment status instead of being limited by my talent.

How has the 67% limit affected YOUR teaching career?
How would you improve the situation?
Please go to cpfa.org/67survey and take the survey.
Your participation is appreciated!

fair thing to do,” because of the benefits of union membership would help to maintain our current level of benefits, rather than encouraging Precariats to join and help shape the scope and direction of the colleges as a whole.

My best guess is that this new possibility will succeed only in part because there is just too much inertia and lack of interest on the part of Precariats to act in ways that could bring major changes to our work environment. If we cannot get organized and see the JANUS decision as a golden organizing opportunity, then we will contribute to the downfall and extinction of Edu-Unions—and parenthetically, unions in general.

We need to finally recognize that as an underrepresented but potentially important part of union membership, we can and should exert pressure to improve our own working/professional conditions while also

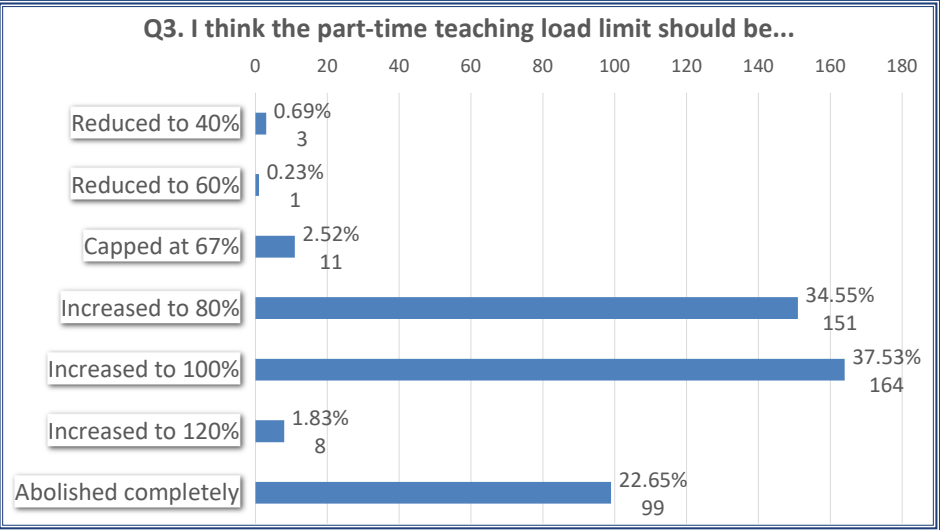
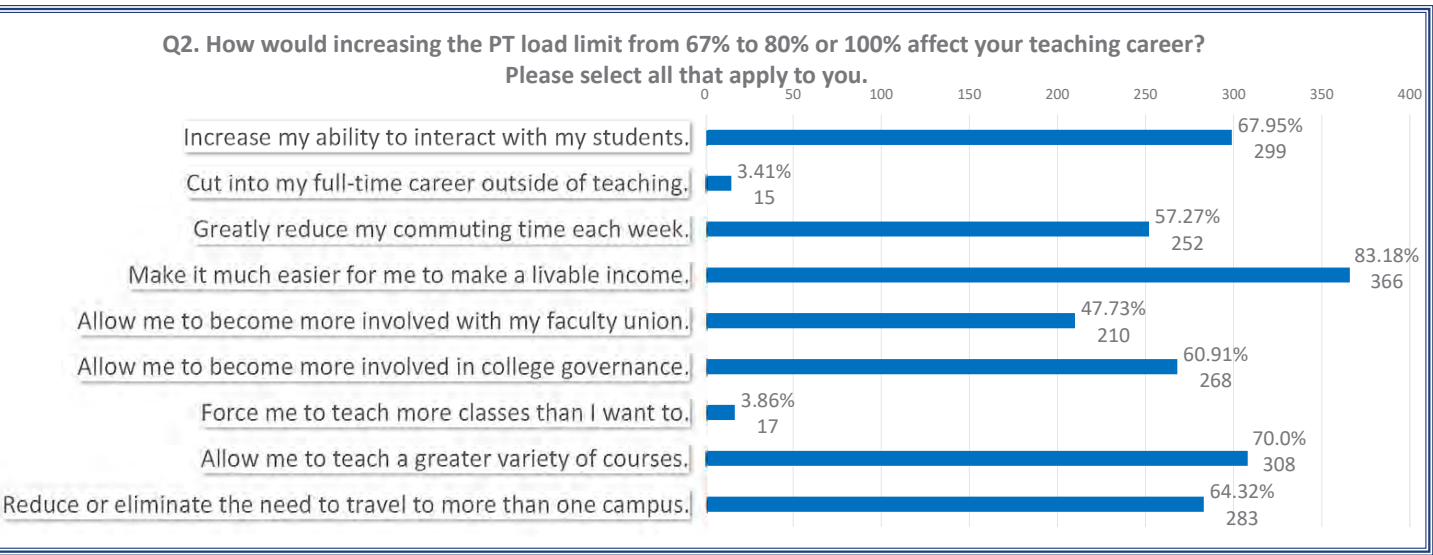
striving to make higher education more responsive and useful to our students.

If we cannot or will not do this simple thing, then we are doomed to participate in our own oppression and the eventual demise of public

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.

After spending forty-plus years watching helplessly as our efforts to attain better working conditions for full time faculty and administrators have been assailed and our contributions minimized, this may be the last time that we will have a



JOIN OR RENEW YOUR CPFA MEMBERSHIP ONLINE!

Go to the CPFA Forum and Blog, at www.cpfa.org, to fill out a new membership form and / or pay your dues online.

It's never been more simple and reliable to join CPFA and fight for quality higher education in the California Community Colleges system.

The screenshot shows the CPFA website with a navigation bar (HOME, ABOUT, ASSOCIATION, RESOURCES, LEGISLATION, JOIN, PRESS ROOM, EVENTS). The main content area is titled "Join The California Part-time Faculty Association" and includes a "Search CPFA Forum & Blog" box. Below this, there's a "Join CPFA" section with a "Read more..." link. To the right, there's a "Become A Member of CPFA Today" section with a "Join Now!" button. The website also features a "KeenanDirect" logo and a "KEENAN ONE-STOP ACCESS FOR INDIVIDUALS TO LOW-COST MEDICAL, DENTAL, VISION AND OTHER INSURANCE PLANS, INCLUDING COVERED CALIFORNIA" banner.

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 local'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 lot better for us and our students by whatever means are at our disposal. We need to change our mindset to include the possibility of considering new solutions for our situation.

So, here we are, twenty plus years down the road with much to show and many new challenges facing us individually and collectively. Could we have done more? Hell Yes! But, we have made a difference, and that is the most important thing about our quest.

Regularization, extending “tenure” to all who meet minimum qualifications, and reliable year round health care are but a few of the things that we can accomplish if we use our minds and our “dues,” to it. How Much Longer, Precariats?◇

SBCC Faculty Association

The collective bargaining agent for faculty at Santa Barbara City College

The FA is a member of the California Community College Independents (CCCI)

Adjunct faculty Representatives

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Geordie Armstrong
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<http://fa.sbcc.edu>