



July 31, 2014

California State Senate Floor Analysis
California State Senate
1020 N Street
Sacramento, CA 95814

UNIVERSITY
PROFESSIONAL
AND TECHNICAL
EMPLOYEES

CWA Local 9119
AFL-CIO

■
Representing
employees at the
University of
California; and part-time
faculty at the Community
Colleges of Butte,
Mt. San Jacinto, and
College of the Sequoias

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RE: UPTE-CWA Sponsorship of AB 2705

Attention: Patty Quate:

The University Professional and Technical Employees (UPTE-CWA Local 9119) is the primary sponsor of AB 2705 that will amend the language of the California Education Code that currently uses the terms “part-time” and “temporary” faculty and change those terms to “contingent” faculty. The current language is inconsistent, referring to "part-time" in some sections and "temporary" in others.

The language does not accurately reflect our employment status as many of us have taught for many years in the community college system. More importantly, calling us “part-time” and/or “temporary” has been used at many colleges to exclude us from shared governance, collective bargaining, and other employment rights for faculty employed by community colleges throughout the state.

Instructors at the community colleges, be they tenured or teaching as “contingents” must all have the same qualifications as defined under Course Outlines of Record. Furthermore, contingent faculty teach nearly half of the students in the California Community Colleges, and make up over half of the total teaching faculty. It is fair that we be accurately described and respected for the service they provide to California’s community college system.

Although there is wide support for AB 2705, there is only one opponent who is trying to defeat it by saying that this name change will disqualify contingent faculty from collecting Unemployment Insurance (UI). This is not true despite hard facts to the contrary, as the comments below from the bill itself and other reputable sources definitively state:

1. AB 2705 states: “Under Section I (b) It is the intent of the Legislature, in enacting this act, to act consistently with, and in no way to compromise or limit, the holding of the Court of Appeals in the case of Cervisi v. Unemployment Insurance Appeals Board (1989), 208 Cal.App.3d 635.”

2. The Legislative Counsel Bureau issued their findings on May 2, 2014, and concluded that, “a determination of UI benefits is based on the character and nature of employment, not the title of the applicant (a.k.a. “contingent faculty”) and further stated that “it would not alter, add, or remove particular conditions of employment.” Thus, “AB 2705 [any] name change ...would continue to qualify for those benefits...”



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3. The EDD in a letter on May 27, 2014 stated: “the UI program does not consider school employees’ title when determining eligibility for UI benefits and when applying the “reasonable assurance provision” as stated in the 1989 Cervisi Decision, therefore, calling us “contingent faculty” does not change our having “no reasonable assurance of work,” and will allow us to continue to qualify for UI benefits.

4. The California Faculty Association (CFA) similarly argues in their letter of July 29, 2014 that “regardless of what label is applied [in this case, “contingent faculty”] ... the eligibility for UI benefits hinges on the contingent nature of the academic appointment rather than the name that is used to describe such faculty.”

Please note: the four documents referenced above were given to every Senator’s staff consultant to brief the Senators on this bill. The electronic link is:
<http://www.upte.org/local/cc/legislative/>.

We strongly urge you to SUPPORT AB 2705.

Sincerely,

Jelger Kalmijn
president@upte-cwa.org