

AMENDED IN ASSEMBLY MAY 6, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1807

**Introduced by Assembly Members Fong and Nava
(Principal coauthor: Assembly Member Ma)**

February 10, 2010

An act to amend Section 87482.5 of the Education Code, relating to community colleges.

LEGISLATIVE COUNSEL'S DIGEST

AB 1807, as amended, Fong. California Community Colleges: 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 considered a full-time assignment for regular employees having comparable duties, excluding substitute service, be classified as a temporary employee.

This bill would require a community college district to place the name of a temporary employee employed under those provisions, who meets specified requirements, on a reemployment preference list *and determine designated areas of faculty assignments, or other locally bargained determinations of service or discipline areas associated with faculty assignments*. The bill would provide a temporary employee on that list

with specified rights of first refusal to a teaching assignment in his or her ~~faculty service area, as defined~~ *designated area of faculty assignment, or another locally bargained determination of service or discipline area.*

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 87482.5 of the Education Code is
2 amended to read:

3 87482.5. (a) Notwithstanding any other law, a person who is
4 employed to teach adult or community college classes for not more
5 than 67 percent of the hours per week considered a full-time
6 assignment for regular employees having comparable duties shall
7 be classified as a temporary employee, and shall not become a
8 contract employee under Section 87604.

9 (b) Service as a substitute on a day-to-day basis by persons
10 employed under this section shall not be used for purposes of
11 calculating eligibility for contract or regular status.

12 (c) (1) Service in professional ancillary activities by persons
13 employed under this section, including, but not necessarily limited
14 to, governance, staff development, grant writing, and advising
15 student organizations, shall not be used for purposes of calculating
16 eligibility for contract or regular status unless otherwise provided
17 for in a collective bargaining agreement applicable to a person
18 employed under this section.

19 (2) This subdivision shall not be construed to affect the
20 requirements of subdivision (d) of Section 84362.

21 (d) (1) ~~A district shall place on a reemployment preference list~~
22 ~~for each faculty service area, as defined by Section 87743.1,~~
23 *Through local bargaining, a district shall determine designated*
24 *areas of faculty assignments, or other locally bargained*
25 *determinations of service or discipline areas, including, but not*
26 *limited to, faculty service areas as defined by Section 87743.1,*
27 *associated with faculty assignments, and place on a reemployment*
28 *preference list for each area the name of each temporary employee*
29 *subject to this section who meets all of the following criteria:*

30 ~~(A) Completion of six semesters or nine quarters of employment~~
31 ~~at a community college within the period of the six most recent~~

1 academic years of employment at the community college. Subject
2 to the terms of a local collective bargaining agreement, this
3 minimum term may be a lesser number of semesters or quarters.

4 (A) Completion of a specified number of semesters or quarters
5 of employment at a community college, as determined by the terms
6 of a local collective bargaining agreement, within the period of
7 the four most recent academic years of employment at the
8 community college.

9 (B) Has no break in service exceeding 24 consecutive months
10 within the period of the ~~six~~ four most recent academic years of
11 employment at the community college. Subject to the terms of a
12 local collective bargaining agreement, the maximum break in
13 service may be a greater number of consecutive months. As used
14 in this subdivision, a “break in service” does not mean involuntary
15 breaks, or breaks resulting from permissible leaves of absence.

16 (C) Has at least one assignment per term of employment within
17 a ~~faculty service area~~ designated area of faculty assignment, or
18 another locally bargained determination of service or discipline
19 area, as determined pursuant to subparagraph (A), at a minimum
20 of 20 percent of a full-time load or the equivalent thereof.

21 (D) The employee’s most recent evaluation of performance was
22 satisfactory, ~~or~~ and the employee is in good standing under the
23 terms of the applicable local collective bargaining agreement.

24 (2) ~~For purposes of placing employee names on the~~
25 ~~reemployment preference list, the list shall be prioritized based on~~
26 ~~the earliest date of hire. Subject to the terms of a local collective~~
27 ~~bargaining agreement, this priority may, instead, be based on the~~
28 ~~number of semesters employed at a community college district or~~
29 ~~other professional employment rankings—The names on the~~
30 ~~reemployment preference list shall be prioritized subject to the~~
31 ~~terms of a local collective bargaining agreement.~~ For purposes of
32 ranking employees pursuant to this paragraph, the community
33 college district shall utilize existing personnel documentation and
34 practices.

35 (3) The district shall provide a temporary employee whose name
36 appears on the list described in paragraph (1) with the right of first
37 refusal to teach an assignment in the ~~faculty service area, for any~~
38 ~~semester or quarter, that is equal to either the total number of hours~~
39 ~~or units assigned to the employee for the prior semester or quarter~~
40 ~~of employment or designated area of faculty assignment, or~~

1 *another locally bargained determination of service or discipline*
2 *area, as determined pursuant to subparagraph (A) of paragraph*
3 *(1), for the number of hours or units set forth under the terms of*
4 *the applicable local collective bargaining agreement. The employee*
5 *shall have the right of first refusal to teach that assignment before*
6 *any person who is ranked lower on the reemployment preference*
7 *list or whose name does not appear on that list, for as long as there*
8 *is a need for the assignment for which the employee is qualified*
9 *and as long as the employee's name remains on the list pursuant*
10 *to this subdivision.*

11 (4) If a reduction in course offerings, funding, or enrollment
12 results in the suspension of employment of a temporary employee
13 subject to this section, the employee's name shall remain on the
14 list described in paragraph (1), and the employee shall continue
15 to have the right of first refusal described in paragraph (3), for a
16 period not exceeding two years after the last date on which the
17 employee would have been eligible to be placed on the list. Subject
18 to the terms of a local collective bargaining agreement, that period
19 may be a greater number of years, semesters, or quarters.

20 (5) A determination as to the effect of an assessment of
21 performance or good standing, course scheduling and assignment
22 priority, a break in service, program needs and reductions, removal
23 from the reemployment preference list and procedures for that
24 removal, consideration for an increase in assignment, or any other
25 matters affecting the reemployment preference under this
26 subdivision, is subject to local collective bargaining agreements.

27 (6) Employment rights established by this subdivision shall not
28 be construed as a reasonable assurance of reemployment for
29 purposes of unemployment compensation eligibility between
30 academic terms.

31 (7) Compliance with this subdivision may be addressed through
32 local collective bargaining units, the Public Employment Relations
33 Board,~~or~~ any other appropriate governmental agency, *or as*
34 *otherwise provided by law.*

35 (e) (1) It is the intent of the Legislature that subdivision (d)
36 should supplement, and not supplant, reemployment preference
37 rights negotiated pursuant to local collective bargaining agreements
38 in effect, or any other reemployment preference rights established
39 at the local level, on or before January 1, 2011.

1 (2) If the provisions of this section are in conflict with the terms
2 of a collective bargaining agreement in effect on or before January
3 1, 2011, the provisions of this section shall govern the employees
4 subject to that agreement upon the expiration of the agreement.

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