

ASSEMBLY BILL

No. 852

Introduced by Assembly Member Fong

February 17, 2011

An act to add Section 87482.1 to the Education Code, relating to community colleges.

LEGISLATIVE COUNSEL'S DIGEST

AB 852, as introduced, Fong. Public postsecondary education: community colleges: temporary faculty.

Existing law establishes the California Community Colleges, which are administered by the Board of Governors of the California Community Colleges. Governing bodies of community college districts are authorized to employ any person holding appropriate certification documents, and to classify these employees as temporary employees, as prescribed.

This bill would provide that beginning July 1, 2012, temporary community college faculty members have a right of first refusal for assignments, as defined, subject to any greater rights provided in a collective bargaining agreement or otherwise provided by a district. A temporary faculty member would only be denied the right of first refusal for just cause, as defined, must be notified promptly in writing of the denial and would be entitled to a procedure providing due process for promptly challenging the denial. This bill would provide that the right of first refusal may not be construed as "reasonable assurance" of employment for purposes of unemployment compensation eligibility between academic terms.

Because this bill would impose additional duties on community college districts, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

1 SECTION 1. Section 87482.1 is added to the Education Code,
2 to read:
3 87482.1. (a) Commencing July 1, 2012, temporary community
4 college faculty members shall have a right of first refusal for
5 assignments as set forth in this section, subject to any greater rights
6 provided in a collective bargaining agreement or otherwise
7 provided by a district.
8 (b) A temporary faculty member who has been employed in a
9 community college district for at least four of the preceding eight
10 semesters or at least six of the preceding 12 quarters and whose
11 last evaluation, if any, was satisfactory shall have the right of first
12 refusal for any assignment in that district which the faculty member
13 has performed within the preceding eight semesters or preceding
14 12 quarters. Where two or more temporary faculty members claim
15 the same assignment, the assignment shall be offered in the order
16 of seniority. All temporary faculty members shall have access to
17 the seniority list in any department in which they have the right
18 of first refusal.
19 (c) A faculty temporary member may be denied the right of first
20 refusal only for just cause, shall be notified promptly in writing
21 of the just cause, and shall be entitled to a procedure providing
22 due process for promptly challenging the denial as provided in this
23 chapter. Just cause includes, but is not limited to, giving the
24 assignment to a more senior faculty member, failure of a faculty
25 member to timely request the assignment in writing if required by
26 the district, or a district decision not to offer the assignment because
27 of recent low enrollment, funding, or program changes.

1 (d) The right of first refusal of an assignment granted by this
2 section shall not be construed as “reasonable assurance” of
3 employment for purposes of unemployment compensation
4 eligibility between academic terms.

5 SEC. 2. If the Commission on State Mandates determines that
6 this act contains costs mandated by the state, reimbursement to
7 local agencies and school districts for those costs shall be made
8 pursuant to Part 7 (commencing with Section 17500) of Division
9 4 of Title 2 of the Government Code.

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