

AMENDED IN ASSEMBLY MAY 27, 2011

AMENDED IN ASSEMBLY MARCH 21, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

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 amended, 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. The Legislature finds and declares all of the
- 2 following:
- 3 (a) California's community colleges have historically hired
- 4 temporary faculty to teach courses in basic skills, entry level
- 5 transfer courses, and career technical education. The employment
- 6 of temporary faculty enriches the curriculum, adds diversity of
- 7 experience and knowledge to the college, and strengthens the tie
- 8 between the college and its community.
- 9 (b) Temporary faculty comprise over 40,000 of the current
- 10 community college faculty and teach approximately 45 percent of
- 11 all community college courses in California.
- 12 (c) Student success is predicated on a consistent and stable
- 13 workforce that is knowledgeable, meets performance expectations
- 14 through satisfactory evaluations, and lends both expertise and
- 15 experience to the needs of the college and students. A secure pool
- 16 of temporary, part-time faculty is necessary on a long-term basis
- 17 to support students who require continuity of quality instruction,
- 18 mentoring, letters of recommendation, curriculum development,
- 19 and learning outcomes assessment that will improve student success
- 20 and retention.
- 21 (d) With workforce reductions and other adjustments in meeting
- 22 college needs, temporary faculty who have experience and
- 23 knowledge and meet the needs of students and the college are
- 24 being disenfranchised from the college workforce. This act will

1 provide the colleges with a proven pool of faculty who have
2 historically served the college, satisfactorily served student needs
3 and success, and have been proven to be an asset to the continued
4 needs of the college.

5 (e) This act should not be construed to diminish or otherwise
6 affect the requirements, guarantees, or other protections under a
7 collective bargaining agreement, district policy, or state or federal
8 law that provides for greater or additional requirements, guarantees,
9 or protections than those provided under this act.

10 SEC. 2. Section 87482.1 is added to the Education Code, to
11 read:

12 87482.1. (a) Commencing July 1, 2012, temporary community
13 college faculty members shall have a right of first refusal for
14 assignments as set forth in this section, subject to any greater rights
15 provided in a collective bargaining agreement or otherwise
16 provided by a district.

17 (b) A temporary faculty member who has been employed in a
18 community college for at least four of the preceding eight semesters
19 or at least six of the preceding 12 quarters and whose last
20 evaluation, if any, was satisfactory shall have the right of first
21 refusal for an assignment in the community college district that
22 the faculty member has performed within the preceding eight
23 semesters or preceding 12 quarters. If two or more temporary
24 faculty members claim the same assignment, the assignment shall
25 be offered in the order of seniority.

26 (c) ~~A faculty temporary~~ *temporary faculty* member may be
27 denied the right of first refusal only for just cause, ~~shall be notified~~
28 ~~promptly in writing of the just cause, and shall be entitled to a~~
29 ~~procedure providing due process for promptly challenging the~~
30 ~~denial as provided in this chapter. Just cause which~~ includes, but
31 is not limited to, giving the assignment to a more senior faculty
32 member, failure of a faculty member to timely request the
33 assignment in writing if required by the district, or a district
34 decision not to offer the assignment because of recent low
35 enrollment, funding, or program changes.

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

1 SEC. 3. If the Commission on State Mandates determines that
2 this act contains costs mandated by the state, reimbursement to
3 local agencies and school districts for those costs shall be made
4 pursuant to Part 7 (commencing with Section 17500) of Division
5 4 of Title 2 of the Government Code.