

AMENDED IN ASSEMBLY APRIL 23, 2001

AMENDED IN ASSEMBLY APRIL 4, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 1245

Introduced by Assembly Member Alquist

February 23, 2001

An act to add Section 87482.9 to the Education Code, relating to community colleges.

LEGISLATIVE COUNSEL'S DIGEST

AB 1245, as amended, Alquist. Community colleges: temporary employees.

~~(1) Existing~~

Existing law establishes the California Community Colleges under the administration of the Board of Governors of the California Community Colleges, and authorizes the provision of instruction by community college districts throughout the state. Existing law requires that a person employed to teach adult or community college classes for not more than 60% of the hours per week of a full-time employee having comparable duties, excluding substitute service, be classified as a temporary employee and not become a contract employee.

This bill would ~~provide that~~ *require the issue of earning and retaining annual reappointment rights* by any person employed as a temporary employee, and any part-time faculty member whose teaching assignment exceeds 20% of the equivalent of a minimum full-time teaching assignment, and who has received satisfactory job performance reviews, ~~shall have the right to earn and retain annual~~

~~reappointment rights, as negotiated, to be a subject of negotiation with respect to all collective bargaining relating to community college districts and their employees occurring on or after January 1, 2002. These rights, if negotiated and agreed to, would be based on the order of employment date, as defined, and subject to specified prior rights of regular and contract employees. By imposing additional duties on community college districts, this bill would constitute a state-mandated local program.~~

~~(2) 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.~~

~~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 no. State-mandated local program: yes no.~~

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

1 SECTION 1. Section 87482.9 is added to the Education Code,
 2 to read:
 3 87482.9. (a) *The issue of earning and retaining of annual*
 4 *reappointment rights pursuant to subdivision (b) shall be a*
 5 *mandatory subject of negotiation with respect to all collective*
 6 *bargaining between community college districts and their*
 7 *employees occurring on or after January 1, 2002.*
 8 (b) Notwithstanding Section 87482 or any other provision of
 9 law:
 10 ~~(a) (1)~~
 11 (1) (A) Any person employed as a temporary employee
 12 pursuant to Section 87482.5, and any part-time faculty member
 13 whose teaching assignment exceeds 20 percent of the equivalent
 14 of a minimum full-time teaching assignment, and who has
 15 received satisfactory job performance reviews, ~~shall have the right~~
 16 ~~to~~ may earn and retain annual reappointment rights, as negotiated



1 *pursuant to subdivision (a)*, based on the order of employment
2 date.

3 ~~(2)~~

4 (B) The right to earn and retain annual reappointment rights
5 ~~granted by this subdivision~~ *negotiated and agreed to pursuant to*
6 *subdivision (a)* is subject to both of the following:

7 ~~(A)~~

8 (i) The prior right of regular and contract employees subjected
9 to a reduction in force pursuant to Section 87743.

10 ~~(B)~~

11 (ii) The prior right of regular and contract employees of the
12 community college district established in this code or in an
13 agreement entered into pursuant to Chapter 10.7 (commencing
14 with Section 3540) of Division 4 of Title 1 of the Government
15 Code.

16 ~~(b) As used in this section~~

17 (2) *As used in this subdivision*, “order of employment date”
18 refers to the date on which the person first rendered paid service
19 as temporary faculty under ~~this section~~ *Section 87482.5* with no
20 break in service.

21 ~~(c) This section does not preclude the implementation of any~~
22 ~~agreement entered into pursuant to Chapter 10.7 (commencing~~
23 ~~with Section 3540) of Division 4 of Title 1 of the Government~~
24 ~~Code that is in effect on January 1, 2001. To the extent that an~~
25 ~~agreement conflicts with this section, the agreement shall prevail.~~

26 ~~SEC. 2. Notwithstanding Section 17610 of the Government~~
27 ~~Code, if the Commission on State Mandates determines that this~~
28 ~~act contains costs mandated by the state, reimbursement to local~~
29 ~~agencies and school districts for those costs shall be made pursuant~~
30 ~~to Part 7 (commencing with Section 17500) of Division 4 of Title~~
31 ~~2 of the Government Code. If the statewide cost of the claim for~~
32 ~~reimbursement does not exceed one million dollars (\$1,000,000),~~
33 ~~reimbursement shall be made from the State Mandates Claims~~
34 ~~Fund.~~

