

**ASSEMBLY BILL**

**No. 1807**

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

February 10, 2010

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1807, as introduced, 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. 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.

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. ~~If the provisions of this~~  
9 ~~section are in conflict with the terms of a collective bargaining~~  
10 ~~agreement in effect on or before January 1, 2009, the provisions~~  
11 ~~of this section shall govern the employees subject to that agreement~~  
12 ~~upon the expiration of the agreement.~~

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

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

23 (2) This subdivision ~~may~~ shall not be construed to affect the  
24 requirements of subdivision (d) of Section 84362.

25 (d) (1) *A district shall place on a reemployment preference list*  
26 *for each faculty service area, as defined by Section 87743.1, the*  
27 *name of each temporary employee subject to this section who meets*  
28 *all of the following criteria:*

29 (A) *Completion of six semesters or nine quarters of employment*  
30 *at a community college within the period of the six most recent*  
31 *academic years of employment at the community college. Subject*  
32 *to the terms of a local collective bargaining agreement, this*  
33 *minimum term may be a lesser number of semesters or quarters.*

34 (B) *Has no break in service exceeding 24 consecutive months*  
35 *within the period of the six most recent academic years of*

1 *employment at the community college. Subject to the terms of a*  
2 *local collective bargaining agreement, the maximum break in*  
3 *service may be a greater number of consecutive months.*

4 *(C) Has at least one assignment per term of employment within*  
5 *a faculty service area, at a minimum of 20 percent of a full-time*  
6 *load or the equivalent thereof.*

7 *(D) The employee's most recent evaluation of performance was*  
8 *satisfactory, or the employee is in good standing under the terms*  
9 *of the applicable local collective bargaining agreement.*

10 *(2) For purposes of placing employee names on the*  
11 *reemployment preference list, the list shall be prioritized based*  
12 *on the earliest date of hire. Subject to the terms of a local collective*  
13 *bargaining agreement, this priority may, instead, be based on the*  
14 *number of semesters employed at a community college district or*  
15 *other professional employment rankings. For purposes of ranking*  
16 *employees pursuant to this paragraph, the community college*  
17 *district shall utilize existing personnel documentation and*  
18 *practices.*

19 *(3) The district shall provide a temporary employee whose name*  
20 *appears on the list described in paragraph (1) with the right of*  
21 *first refusal to teach an assignment in the faculty service area, for*  
22 *any semester or quarter, that is equal to either the total number*  
23 *of hours or units assigned to the employee for the prior semester*  
24 *or quarter of employment or the number of hours or units set forth*  
25 *under the terms of the applicable local collective bargaining*  
26 *agreement. The employee shall have the right of first refusal to*  
27 *teach that assignment before any person who is ranked lower on*  
28 *the reemployment preference list or whose name does not appear*  
29 *on that list, for as long as there is a need for the assignment for*  
30 *which the employee is qualified and as long as the employee's*  
31 *name remains on the list pursuant to this subdivision.*

32 *(4) If a reduction in course offerings, funding, or enrollment*  
33 *results in the suspension of employment of a temporary employee*  
34 *subject to this section, the employee's name shall remain on the*  
35 *list described in paragraph (1), and the employee shall continue*  
36 *to have the right of first refusal described in paragraph (3), for a*  
37 *period not exceeding two years after the last date on which the*  
38 *employee would have been eligible to be placed on the list. Subject*  
39 *to the terms of a local collective bargaining agreement, that period*  
40 *may be a greater number of years, semesters, or quarters.*

- 1     (5) A determination as to the effect of an assessment of  
2 performance or good standing, course scheduling and assignment  
3 priority, a break in service, program needs and reductions, removal  
4 from the reemployment preference list and procedures for that  
5 removal, consideration for an increase in assignment, or any other  
6 matters affecting the reemployment preference under this  
7 subdivision, is subject to local collective bargaining agreements.
- 8     (6) Employment rights established by this subdivision shall not  
9 be construed as a reasonable assurance of reemployment for  
10 purposes of unemployment compensation eligibility between  
11 academic terms.
- 12     (7) Compliance with this subdivision may be addressed through  
13 local collective bargaining units, the Public Employment Relations  
14 Board, or any other appropriate governmental agency.
- 15     (e) (1) It is the intent of the Legislature that subdivision (d)  
16 should supplement, and not supplant, reemployment preference  
17 rights negotiated pursuant to local collective bargaining  
18 agreements in effect, or any other reemployment preference rights  
19 established at the local level, on or before January 1, 2011.
- 20     (2) If the provisions of this section are in conflict with the terms  
21 of a collective bargaining agreement in effect on or before January  
22 1, 2011, the provisions of this section shall govern the employees  
23 subject to that agreement upon the expiration of the agreement.