

## Assembly Bill No. 1651

### CHAPTER 765

An act to add Section 87623 to the Education Code, relating to community colleges.

[Approved by Governor October 13, 2017. Filed with  
Secretary of State October 13, 2017.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 1651, Reyes. Community colleges: academic employees: involuntary administrative leave.

Existing law establishes the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, as one of the segments of public postsecondary education in this state. Existing law establishes community college districts throughout the state that employ faculty and provide instruction at the community college campuses they operate. Existing law, for purposes of provisions relating to community college employees, defines an "academic employee" as a person employed by a community college district in a type of service, excluding paraprofessional service, for which minimum qualifications have been established, and thus, for this purpose, the term "academic employee" is synonymous with "certificated employee."

This bill, at least 2 business days before an academic employee of a community college is placed on involuntary paid administrative leave related to an allegation or allegations of misconduct, would require the employee to be provided with the general nature of the accusations related to the proposed involuntary paid administrative leave and notification in writing of the general nature of the allegation or allegations upon which the decision to place the employee on involuntary paid administrative leave is based, as specified. The bill would provide that the employer should complete its investigation of the accused misconduct and initiate disciplinary proceedings against, or reinstate, the academic employee within 90 days of placing the employee on involuntary paid administrative leave.

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

SECTION 1. Section 87623 is added to the Education Code, to read:

87623. (a) Each academic employee who is subject to accusations of misconduct is entitled to be provided with the general nature of the accusations made against him or her at least two business days before the employee is placed on involuntary paid administrative leave. At least two business days before he or she is placed on involuntary paid administrative

leave, the employee shall be notified in writing of the general nature of the allegation or allegations of misconduct upon which the decision to place the employee on involuntary paid administrative leave is based.

(b) The requirements of subdivision (a) do not apply in the event of a serious risk of physical danger or other necessity arising from the specific allegations, and the employee may immediately be placed on involuntary paid administrative leave. The employee shall be provided with, at minimum, the general nature of the accusations made against him or her within five business days of the employee being placed on involuntary paid administrative leave.

(c) Within 90 days of placing an academic employee on involuntary paid administrative leave, the employer should complete its investigation of the accused misconduct and initiate disciplinary proceedings against, or reinstate, the employee. The Board of Governors may, by regulation, establish a required amount of time in which an employer is expected to comply with this subdivision.

(d) For purposes of this section, “paid administrative leave” means a temporary leave from a job assignment, with pay and benefits intact.

(e) This section shall not supersede the rights of labor organizations or employees pursuant to the Educational Employment Relations Act established in Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code.