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**AB-1383 Community colleges: academic employees: involuntary administrative leave.** (2021-2022)

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**Assembly Bill No. 1383**

**CHAPTER 29**

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

[ Approved by Governor June 28, 2021. Filed with Secretary of State June 28, 2021. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 1383, Carrillo. 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 requires, 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, that the employee 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. Existing law provides 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.

This bill would specify that the 90-day period for the employer to complete its investigation of the accused misconduct and initiate disciplinary proceedings against, or reinstate, the academic employee is a 90-working-day period and would provide that the period of paid administrative leave may be extended by agreement of the parties, not to exceed 30 calendar days.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

**THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:**

**SECTION 1.** Section 87623 of the Education Code is amended 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 the employee at least two business days before the employee is placed on involuntary paid administrative leave. At least two business days before the employee 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 the employee within five business days of the employee being placed on involuntary paid administrative leave.

(c) (1) Within 90 working 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, unless the period of paid administrative leave is extended by agreement of the employee and employer. The extension may not exceed 30 calendar days. The board of governors may, by regulation, establish a required amount of time in which an employer is expected to comply with this subdivision.

(2) For purposes of this subdivision, "working days" means Monday through Friday and does not include weekends and state holidays.

(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 does 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.