



April 12, 2021

The Honorable Jim Cooper
Chair, Assembly Public Employment and Retirement Committee
1020 N Street, Room 153
Sacramento, CA 95814

Re: AB 438 (Reyes)

Position: Oppose

Dear Assemblymember Cooper:

On behalf of the Association of California Community College Administrators (ACCCA), I am writing to respectfully express our opposition to Assembly Bill (AB) 438 (Reyes). As amended on April 5, 2021, the bill is intended to standardize the layoff process so that permanent classified community college employees receive the same layoff notice and hearing rights as academic employees.

A classified employee is anyone employed by a community college district not in an academic position, such as secretarial staff, computer and program technicians, instructional aides, accountants, and maintenance personnel. Classified employees play an essential role at community colleges, and we agree with the statement in the author's fact sheet that classified employees play a vital role in ensuring the success of our students.

The author and sponsors of AB 438 state that the bill's primary goal is to achieve equity between classified and academic school employees with regard to layoff protections and hearing rights. The bill essentially defines "equity" as the creation of a notice and layoff process for classified employees that mirrors the current process for academic employees.

The bill is premised on the notion that existing statutory provisions governing layoff and notice procedures for academic employees represent a standard of efficiency that is worthy of replication. However, a 2012 Legislative Analyst's Office report highlights that those provisions are imperfect and possibly in need of a comprehensive review. The report found that one of the most significant problems with the existing layoff process is the notification timeline. The state-imposed layoff time for academic employees is disconnected from both the State Budget cycle and the availability of critical local information. This problem will exist to a much greater degree in the case of classified employees because of the domino effect of reassignments that ensue as part of the layoff process.

The bill would lead to our community college districts needing to take a more conservative approach in hiring practices and significant cost increases related to hiring an Administrative Law Judge, court reporter, legal fees, and other matters associated with the current academic employee hearing process. The increase in layoff cases will result in a significant increase in layoff appeals, which ultimately appear before the Office of Administrative Hearings (OAH). The state would need to increase the budget for the OAH, as school and community college districts already struggle for enough Administrative Law Judges under the current construct.

Finally, given all of the things that our districts are considering as we look to safely transition students back to the classroom under the ongoing COVID-19 pandemic, we believe now is not the appropriate time to make changes of this scale to the employment process; our focus should remain on how we can continue to best serve our students and staff in a constantly shifting environment.

For the above reasons, ACCCA must respectfully oppose AB 438 and urge members of the Assembly Public Employment and Retirement Committee to vote “no” on this measure.

Sincerely,

A handwritten signature in black ink, appearing to read "Susan Bray". The signature is fluid and cursive, written over a white background.

Susan Bray
Executive Director

cc: Members, Assembly Public Employment and Retirement Committee
The Honorable Eloise Reyes
Michelle McKay Underwood, Legislative Advocate