

**AB 1699 McCarty (As Amended September 7, 2023)**  
**K-14 classified employees: part-time or full-time vacancies: public postings.**  
**CCLC Talking Points**

AB 1699 requires job opportunities to be posted for internal applicants for 10 days before external candidates may be considered. It also requires that an internal candidate that meets the minimum qualifications, or “could” meet the minimum qualifications, with paid on-the-job training before their start date, have the right of first refusal for a position.

Key Issues of concerns:

**1) AB 1699 conflicts with existing laws and policies guiding community colleges hiring practices:**

- a. Our district has established recruitment and hiring procedures consistent with the state education code, board policies, administrative regulations, and/or negotiated collective bargaining agreements.
- b. Specifically, AB 1699 places our colleges in direct conflict with Title 5 53021 which clearly emphasizes the importance of fair and open hiring.
- c. The intent of the regulations guiding our colleges to prevent in-house or promotional only recruitment except for interim positions. This Title 5 language supports and implements Equal Employment Opportunity (EEO) for all.

**2) AB 1699 will hamper efforts to increase diversity:**

- a. By providing first right of refusal based on seniority, AB 1699 undermines diversity, equity, and inclusion (DEI) efforts, negatively impacting their ability to strategically diversify their workforce, attract talent with currency in the field, and meet the needs of our community.
- b. This goes against EEO laws and DEI principles.
- c. This limits our ability to diversify our staff as it establishes an inequitable system by setting a higher bar for external candidates, who often must meet additional job requirements to even be considered.

**3) AB 1699 would be impossible to implement:**

- a. If a part-time person assumes another part time assignment there is no guarantee that the schedules for both positions will be compatible.
- b. Employees might have two managers for two different assignments, potentially in two very different departments.
- c. Districts that are fiscally dependent on a County Office of Education to issue their paychecks would be challenged to pay one person two different pay rates in this manner.

**4) AB 1699 restricts local control:**

- a. AB 1699 conflict with Education Code 70902 which provides our District the right of assignment.
- b. That section of code provides that **“The governing board of each community college district shall establish, maintain, operate, and govern one or more community colleges in accordance with law.”**

- c. The authority to manage the district granted by this Code also relates to the employment and assignment of **“all personnel not inconsistent with the minimum standards adopted by the board of governors and establish employment practices, salaries, and benefits for all employees”**.
- d. The question of internal candidate preferences and hiring processes should be left to the local bargaining table.