

1 SB128  
2 203253-1  
3 By Senators Roberts, Marsh, Livingston and Sessions  
4 RFD: Education Policy  
5 First Read: 04-FEB-20

SYNOPSIS: Under existing law, procedures governing the tenure, discipline, and termination of faculty and staff employed by two-year educational institutions operated under the authority and control of the Alabama Community College System are provided by the Students First Act of 2011.

This bill would provide that faculty and staff of community and technical colleges under the purview of the Alabama Community College System, hired on or after June 1, 2020, would be subject to policies adopted by the Board of Trustees of the Alabama Community College System, and faculty and staff hired before June 1, 2020, would remain subject to the Students First Act of 2011.

A BILL  
TO BE ENTITLED  
AN ACT

1           Relating to the Alabama Community College System; to  
2 amend Sections 16-60-111.4 and 16-60-111.7, Code of Alabama  
3 1975; to subject faculty and staff of community and technical  
4 colleges hired on or after June 1, 2020, to policies adopted  
5 by the Board of Trustees of the Alabama Community College  
6 System regarding tenure, discipline, and termination in lieu  
7 of the Students First Act of 2011.

8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

9           Section 1. Any provision of the Students First Act  
10 of 2011, Chapter 24C of Title 16, Code of Alabama 1975, to the  
11 contrary notwithstanding, the following shall apply to  
12 community and technical colleges:

13           (1) Any faculty or staff member hired before June 1,  
14 2020, shall remain subject to the Students First Act of 2011.

15           (2) Any faculty or staff member hired on or after  
16 June 1, 2020, shall be subject to policies adopted by the  
17 Board of Trustees of the Alabama Community College System  
18 pursuant to Section 16-60-111.4, Code of Alabama 1975, in lieu  
19 of the Students First Act of 2011. The policies shall provide  
20 for tenure, discipline, termination, transfer, reassignment,  
21 reductions-in-force, and other personnel actions as determined  
22 by the board.

23           Section 2. Sections 16-60-111.4 and 16-60-111.7 of  
24 the Code of Alabama 1975, are amended to read as follows:

25           "§16-60-111.4.

26           "(a) The board shall be authorized to:

1           "(1) Make rules and regulations for the government  
2 of community and technical colleges.

3           "(2) Prescribe for the community and technical  
4 colleges the courses of study to be offered and the conditions  
5 for granting certificates, diplomas, and degrees.

6           "(3) Appoint or terminate the employment of the  
7 presidents of the community and technical colleges.

8           "(4) Direct the expenditure of legislative  
9 appropriations of community and technical colleges including,  
10 but not limited to, the allocation of the annual legislative  
11 appropriation, as the board determines is in the best  
12 interests of the Alabama Community College System.

13           "(5) Prescribe qualifications for faculty and  
14 establish, publish, and maintain an annual salary schedule for  
15 each community and technical college employee classification  
16 and tenure requirements for faculty at community and technical  
17 colleges.

18           "(6) Before June 1, 2020, establish comprehensive  
19 policies relating to tenure, discipline, termination,  
20 transfer, reassignment, reductions-in-force, and other  
21 personnel actions as determined by the board. These policies  
22 shall apply to faculty and staff hired on or after June 1,  
23 2020, in lieu of the Students First Act of 2011.

24           "~~(6)~~ (7) Accept gifts, donations, and devises and  
25 bequests of money and real and personal property for the  
26 benefit of community and technical colleges or any one of  
27 them.

1           "~~(7)~~(8) Establish a performance-based allocation  
2 process that is equitable and compatible with the services and  
3 programs offered by each individual campus.

4           "(b) Any provision of law to the contrary  
5 notwithstanding, employees of the Alabama Community College  
6 System shall participate in the Teachers' Retirement System of  
7 Alabama pursuant to Chapter 25 and the State Employee's Health  
8 Insurance Plan pursuant to Chapter 29, Title 36. Employees of  
9 community and technical colleges shall participate in the  
10 Teachers' Retirement System of Alabama pursuant to Chapter 25  
11 and the Public Education Employees' Health Insurance Plan  
12 pursuant to Chapter 25A or other qualified health plans  
13 established pursuant to Section 1311 of the federal Patient  
14 Protection and Affordable Care Act of 2010.

15           "§16-60-111.7.

16           "~~The~~ Subject to Section 1 of the act adding this  
17 amendatory language, presidents of the community and technical  
18 colleges shall appoint the faculty and staff of the community  
19 and technical colleges according to qualifications prescribed  
20 by the board and such other regulations which may be adopted  
21 by the board."

22           Section 3. This act shall become effective  
23 immediately following its passage and approval by the  
24 Governor, or its otherwise becoming law.