



TO: Chief Executive Officers; Chief Human Resource Officers; Chief Instructional Officers; Chief Student Services Officers; Chief Business Officers

FROM: Marc LeForestier, General Counsel, Office of General Counsel

RE: Chancellor's Executive Order 2020-04: In-House and Promotion Recruitment

The Chancellor has issued Executive Order 2020-04 to temporarily suspend section 53021, subdivision (b)(1), of title 5, of the Code of California Regulations, and any related local district board policies or regulations that are in conflict with the regulatory suspension. The suspended provisions of this regulation limit specified interim appointments, including “in-house or promotional” recruitments, to “the minimum time necessary to allow for full and open recruitment,” and prohibit such interim appointments from exceeding two years in duration.

Executive Order 2020-04 addresses concerns from community college districts that restrictions on interim appointments will impose undue burdens on community college districts as they manage their personnel during the COVID-19 emergency. In particular, while the need to maintain staffing will persist in order to continue the educational mission of the community colleges, logistical obstacles to typical recruitment activities exist. The COVID-19 outbreak has resulted in emergency conditions hampering hiring cycles, increasing uncertainty over enrollment levels and funding, and delivery methods for educational and student support.

These circumstances all support providing additional flexibility to colleges with respect to interim appointments.

The temporary suspension allows college districts to have interim appointments extend beyond two years duration, and will resolve any interpretive concerns about what “the minimum time necessary to allow for full and open recruitment” might mean under the current emergency circumstances. The Executive Order suspends these provisions for the duration of the COVID-19 state of emergency.

Although the Chancellor's Executive Order grants community college districts with flexibility, this should not be interpreted as a deviation from our commitment to equal employment opportunity in hiring across all employment classifications. Similarly, community college districts are not prevented by the Executive Order from continuing to move forward with

Chancellor's Executive Order 2020-04: In-House and Promotion Recruitment

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hiring processes. Where possible, full and open recruitment should be conducted through remote communications, and social distancing where they are practicable.

When the COVID-19 emergency is over, the Executive Order requires community college districts to proceed expeditiously with “full and open recruitments” for those positions that have been filled through interim appointments for more than two years.

For any general questions regarding this memorandum, please contact Marc LeForestier, General Counsel, at mleforestier@cccco.edu.

cc: Eloy Ortiz Oakley, Chancellor
Dr. Daisy Gonzales, Deputy Chancellor
Lizette Navarette, Vice Chancellor
Chancellor's Office Staff