

ASSEMBLY BILL

No. 2160

Introduced by Assembly Member Thurmond

February 12, 2018

An act to amend Sections 45256, 88003, and 88076 of the Education Code, relating to classified employees.

LEGISLATIVE COUNSEL'S DIGEST

AB 2160, as introduced, Thurmond. Classified employees: school and community college districts: part-time playground positions.

Existing law authorizes a school district or a community college district to adopt a merit system that establishes how to employ, pay, and otherwise control the services of classified employees of the school district or community college district. Existing law requires a school district or community college district that adopts a merit system to appoint a personnel commission and requires the commission to classify all employees and positions within the jurisdiction of the governing board of the community college district or school district or of the commission, except for specified positions that are exempt from the classified service. Existing law, for purposes of these provisions, exempts part-time playground positions from the classified service, except as specified.

In a community college district not incorporating the merit system, existing law requires the governing board of the community college district to employ persons for positions that are not academic positions, which are known as the classified service. Existing law, for purposes of this provision, exempts part-time playground positions from the classified service.

This bill would delete the above-described provisions exempting part-time playground positions from the classified service, thereby making those positions part of the classified service. To the extent that the bill would impose additional duties on school districts and community college districts, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 45256 of the Education Code is amended
2 to read:
3 45256. (a) The commission shall classify all employees and
4 positions within the jurisdiction of the governing board *of the*
5 *school district* or of the commission, except those that are exempt
6 from the classified service, as specified in subdivision (b). The
7 employees and positions shall be known as the classified service.
8 “To classify” shall include, but not be limited to, allocating
9 positions to appropriate classes, arranging classes into occupational
10 hierarchies, determining reasonable relationships within
11 occupational hierarchies, and preparing written class specifications.
12 (b) All of the following are exempt from the classified service:
13 (1) Positions ~~which~~ *that* require certification qualifications.
14 (2) Full-time students employed part time.
15 (3) Part-time students employed part time in ~~any~~ *a* college
16 ~~workstudy~~ *work-study* program, or in a work experience education
17 program conducted by a community college district pursuant to
18 Article 7 (commencing with Section 51760) of Chapter 5 of Part
19 28 *of Division 4* and that is financed by state or federal funds.
20 (4) Apprentice positions.
21 (5) Positions established for the employment of professional
22 experts on a temporary basis for a specific project by the governing

board of the school district or by the commission when so designated by the commission.

~~(6) Part-time playground positions, where the employee is not otherwise employed in a classified position. Part-time playground positions shall be considered part of the classified service when the employee in the position also works in the same school district in a classified position.~~

(c) (1) Employment of either full-time or part-time students in any a college workstudy work-study program, or in a work experience education program shall not result in the displacement of classified personnel or impair existing contracts for services.

(2) Nothing in this section shall prevent an employee, who has attained regular status in a full-time position, from taking a voluntary reduction in time and retaining his or her regular status under the provisions of this law.

(d) ~~No~~ A person whose contribution consists solely in the rendition of individual personal services and whose employment does not come within the scope of the exceptions listed above shall not be employed outside the classified service.

(e) A part-time position is one for which the assigned time, when computed on an hourly, daily, weekly, or monthly basis, is less than 87 ½ percent of the normally assigned time of the majority of employees in the classified service.

SEC. 2. Section 88003 of the Education Code is amended to read:

88003. (a) The governing board of any a community college district shall employ persons for positions that are not academic positions. The governing board, board of a community college district, except where Article 3 (commencing with Section 88060) or Section 88137 applies, shall classify all those employees and positions. The employees and positions shall be known as the classified service. Substitute and short-term employees, employed and paid for less than 75 percent of a college year, shall not be a part of the classified service. ~~Part-time playground positions, apprentices~~ Apprentices and professional experts employed on a temporary basis for a specific project, regardless of length of employment, shall not be a part of the classified service. Full-time students employed part time, and part-time students employed part time in any a college work-study program, or in a work experience education program conducted by a community college district and

1 ~~which~~ *that* is financed by state or federal funds, shall not be a part
2 of the classified service. Unless otherwise permitted, a person
3 whose position does not require certification qualifications shall
4 not be employed by a governing ~~board~~, *board of a community*
5 *college district*, except as authorized by this section.

6 ~~“Substitute~~

7 (b) “*Substitute employee*,” as used in this section, means ~~any~~
8 a person employed to replace ~~any~~ a classified employee who is
9 temporarily absent from duty. In addition, if the *community college*
10 district is then engaged in a procedure to hire a permanent
11 employee to fill a vacancy in ~~any~~ a classified position, the
12 governing board *of the community college district* may fill the
13 vacancy through the employment, for not more than 60 calendar
14 days, of one or more substitute employees, except to the extent
15 that a collective bargaining agreement then in effect provides for
16 a different period of time.

17 ~~“Short-term~~

18 (c) “*Short-term employee*,” as used in this section, means ~~any~~
19 a person who is employed to perform a service for the *community*
20 *college district*, upon the completion of which, the service required
21 or similar services will not be extended or needed on a continuing
22 basis. Before employing a short-term employee, the governing
23 ~~board~~, *board of a community college district*, at a regularly
24 scheduled ~~board meeting~~, *meeting of the governing board of the*
25 *community college district*, shall specify the service required to
26 be performed by the employee pursuant to the definition of
27 “classification” in subdivision (a) of Section 88001, and shall
28 certify the ending date of the service. The ending date may be
29 shortened or extended by the governing ~~board~~, *board of the*
30 *community college district*, but shall not extend beyond 75 percent
31 of a school year.

32 ~~“Seventy-five~~

33 (d) “*Seventy-five percent of a college year*” means 195 working
34 days, including holidays, sick leave, ~~vacation~~ *vacation*, and other
35 leaves of absences, irrespective of number of hours worked per
36 day.

37 ~~Employment~~

38 (e) *Employment* of either full-time or part-time students in ~~any~~
39 a college work-study ~~program~~, *program* or in a work experience

1 education program shall not result in the displacement of classified
2 personnel or impair existing contracts for services.

3 ~~This~~

4 (f) *This* section shall apply only to *community college* districts
5 not incorporating the merit system as outlined in Article 3
6 (commencing with Section 88060).

7 SEC. 3. Section 88076 of the Education Code is amended to
8 read:

9 88076. (a) The commission shall classify all employees and
10 positions within the jurisdiction of the governing board *of the*
11 *community college district* or of the commission, except those
12 ~~which~~ *that* are exempt from the classified service, as specified in
13 subdivision (b). The employees and positions shall be known as
14 the classified service. "To classify" shall include, but not be limited
15 to, allocating positions to appropriate classes, arranging classes
16 into occupational hierarchies, determining reasonable relationships
17 within occupational hierarchies, and preparing written class
18 specifications.

19 (b) The following positions and employees are exempt from the
20 classified service:

21 (1) Academic positions.

22 ~~(2) Part-time playground positions.~~

23 ~~(3)~~

24 (2) Full-time students employed part time.

25 ~~(4)~~

26 (3) Part-time students employed part time in ~~any~~ *a* college
27 work-study program or in a work experience education program
28 conducted by a community college ~~which~~ *that* is financed by state
29 or federal funds.

30 ~~(5)~~

31 (4) Apprentice positions.

32 ~~(6)~~

33 (5) Positions established for the employment of professional
34 experts on a temporary basis for a specific project by the governing
35 board *of a community college district* or by the commission when
36 so designated by the commission.

37 ~~Employment~~

38 (c) *Employment* of either full-time or part-time students in ~~any~~
39 *a college work-study program, program* or in a work experience

1 education program shall not result in the displacement of classified
2 personnel or impair existing contracts for services.

3 ~~However, nothing~~

4 (d) *Nothing* in this section shall prevent an employee, who has
5 attained regular status in a full-time position, from taking a
6 voluntary reduction in time and retaining his or her regular status
7 under the provisions of this law.

8 ~~No~~

9 (e) A person whose contribution consists solely in the rendition
10 of individual personal services and whose employment does not
11 come within the scope of the exceptions listed above shall *not* be
12 employed outside the classified service.

13 ~~A~~

14 (f) A part-time position is one for which the assigned time, when
15 computed on an hourly, daily, weekly, or monthly basis, is less
16 than 87 ½ percent of the normally assigned time of the majority
17 of employees in the classified service.

18 SEC. 4. If the Commission on State Mandates determines that
19 this act contains costs mandated by the state, reimbursement to
20 local agencies and school districts for those costs shall be made
21 pursuant to Part 7 (commencing with Section 17500) of Division
22 4 of Title 2 of the Government Code.