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AB-621 Classified employees: Classified School Employees Summer Furlough Fund. (2017-2018)

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Date Published: 09/16/2017 04:00 AM

ENROLLED SEPTEMBER 15, 2017
PASSED IN SENATE SEPTEMBER 12, 2017
PASSED IN ASSEMBLY SEPTEMBER 14, 2017
AMENDED IN SENATE SEPTEMBER 08, 2017
AMENDED IN SENATE SEPTEMBER 01, 2017
AMENDED IN SENATE JUNE 19, 2017
AMENDED IN ASSEMBLY MAY 30, 2017
AMENDED IN ASSEMBLY APRIL 25, 2017

CALIFORNIA LEGISLATURE— 2017–2018 REGULAR SESSION

ASSEMBLY BILL

NO. 621

**Introduced by Assembly Member Bocanegra
(Coauthor: Assembly Member Gipson)**

February 14, 2017

An act to add Section 45165.5 to the Education Code, relating to classified employees.

LEGISLATIVE COUNSEL'S DIGEST

AB 621, Bocanegra. Classified employees: Classified School Employees Summer Furlough Fund.

(1) Existing law authorizes the governing board of any school district not paying the annual or monthly salaries of persons employed by the school district in 12 equal monthly payments to withhold, upon election by the individual employee, a designated amount from each payment made to that employee.

This bill, notwithstanding the existing law referenced above, commencing with the 2018–19 school year, would authorize certain classified employees of school districts that do not pay the annual or monthly salaries of their classified employees in 12 equal monthly payments to participate in the Classified School Employees Summer Furlough Fund. The bill would require school districts to deposit the amounts withheld from the paychecks of a participating classified employee in accordance with that employee's choices in an account within its general fund, to be known as the Classified School Employees Summer Furlough Fund.

The bill would require the State Department of Education to apportion moneys to each school district with a classified employee who has opted to participate in the fund. The bill would specify that the apportionment would be in the amount of \$2 for each \$1, up to the equivalent of the amount paid to the classified employee during 80 hours of employment, or 10 days of employment, whichever is greater, during the school year, that has been deposited in the school district's Classified School Employees Summer Furlough Fund.

The bill would require the school district to pay the participating classified employee from the Classified School Employees Summer Furlough Fund the amounts withheld in accordance with the employee's choices, plus the amount apportioned by the department that is attributable to the amount withheld from that employee's paychecks during the school year, as specified.

Because this bill would impose new duties on school districts, it would constitute a state-mandated local program.

(2) 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 Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 45165.5 is added to the Education Code, to read:

45165.5. (a) (1) Notwithstanding Section 45165, commencing with the 2018–19 school year, a classified employee of a school district that does not pay the annual or monthly salaries of its classified employees in 12 equal monthly payments may opt to participate in the Classified School Employees Summer Furlough Fund. The employee may participate in the fund by informing the school district, in writing, no more than 30 calendar days after the beginning of the fall term of the school year or 30 calendar days after the employee begins employment with the school district, whichever is later, on a form developed and approved by the department, that he or she wishes to participate in the fund, and specifying the amounts that will be withheld from his or her paychecks during that school year and whether he or she chooses to have the amounts withheld paid out during the summer recess period in one or two payments.

(2) (A) A classified employee shall not be eligible to participate in the Classified School Employees Summer Furlough Fund if the employee's regular annual pay received directly from the school district is more than two and one-half times the full-time pay during the school year of an employee paid at the state minimum wage at the time of enrollment.

(B) A classified employee shall not be eligible to participate in the Classified School Employees Summer Furlough Fund if the employee's adjusted gross income is double the income threshold identified in subparagraph (A) or greater, adjusted for inflation, if filing taxes jointly as married or as a registered domestic partner.

(b) The school district shall deposit the amounts withheld in accordance with the choices made by participating classified employees pursuant to subdivision (a) in an account within its general fund, to be known as the Classified School Employees Summer Furlough Fund.

(c) (1) The department shall apportion moneys to each school district with a classified employee who has opted to participate in the fund. This apportionment shall be in the amount of two dollars (\$2) for each one dollar (\$1), up to the equivalent of the amount paid to the classified employee during 80 hours of employment, or 10 days of employment, whichever is greater, during the school year, that has been deposited in the school district's Classified School Employees Summer Furlough Fund.

(2) A participating classified employee may withhold an amount in excess of the amount paid to the classified employee during 80 hours or 10 days of employment, but the classified employee shall not receive matching funds from the school district or the department for the excess amount.

(d) The school district shall pay to the participating classified employee from the Classified School Employees Summer Furlough Fund the amounts withheld in accordance with the employee's choices, plus the amount apportioned by the department that is attributable to the amount withheld from that employee's paychecks during the school year. This amount shall be paid to the participating classified employee during the summer recess period, in either one or two payments, in accordance with the employee's option under subdivision (a). The Legislature finds and declares that payments made pursuant to this section are deferred compensation for the services rendered by the classified employee during the school year.

(e) Nothing in this section shall be construed to authorize a certificated employee or confidential employee of a school district to participate in the Classified School Employees Summer Furlough Fund.

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