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AB-670 Classified employees: part-time playground positions. (2017-2018)

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Assembly Bill No. 670

CHAPTER 582

An act to amend Section 45103 of the Education Code, relating to classified employees.

[Approved by Governor October 08, 2017. Filed with Secretary of State October 08, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

AB 670, Thurmond. Classified employees: part-time playground positions.

(1) Existing law requires school districts to employ persons for positions not requiring certification qualifications and to classify, as defined, these persons. Under existing law, these employees make up the classified service. Existing law exempts a person employed in a part-time playground position from the classified service, where the person is not otherwise employed in a classified position. Existing law requires that a position not defined as requiring certification qualifications and not specifically exempted from the classified service is a part of the classified service.

This bill would delete the provision exempting a person employed in a part-time playground position from the classified service, where the person is not otherwise employed in a classified position, thereby making that person a part of the classified service. To the extent 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 45103 of the Education Code is amended to read:

45103. (a) The governing board of a school district shall employ persons for positions not requiring certification qualifications. The governing board of a school district shall, except where Article 6 (commencing with Section 45240) or Section 45318 applies, classify all of these employees and positions. The employees and positions shall be known as the classified service.

(b) (1) Substitute and short-term employees, employed and paid for less than 75 percent of a school year, shall not be a part of the classified service.

(2) 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.

(3) Full-time students employed part time, and part-time students employed part time in any college workstudy program, or in a work experience education program conducted by a community college district pursuant to Article 7 (commencing with Section 51760) of Chapter 5 of Part 28 and that is financed by state or federal funds, shall not be a part of the classified service.

(c) Unless otherwise permitted, a person whose position does not require certification qualifications shall not be employed by a governing board of a school district, except as authorized by this section.

(d) As used in this section:

(1) "Substitute employee" means a person employed to replace a classified employee who is temporarily absent from duty. In addition, if the school district is then engaged in a procedure to hire a permanent employee to fill a vacancy in any classified position, the governing board of the school district may fill the vacancy through the employment, for not more than 60 calendar days, of one or more substitute employees, except to the extent that a collective bargaining agreement then in effect provides for a different period of time.

(2) "Short-term employee" means a person who is employed to perform a service for the school district, upon the completion of which, the service required or similar services will not be extended or needed on a continuing basis. Before employing a short-term employee, the governing board of a school district, at a regularly scheduled board meeting, shall specify the service required to be performed by the employee pursuant to the definition of "classification" in subdivision (a) of Section 45101, and shall certify the ending date of the service. The ending date may be shortened or extended by the governing board of a school district, but shall not extend beyond 75 percent of a school year.

(3) "Seventy-five percent of a school year" means 195 working days, including holidays, sick leave, vacation, and other leaves of absence, irrespective of number of hours worked per day.

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

(f) This section shall apply only to school districts not incorporating the merit system as outlined in Article 6 (commencing with Section 45240).

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.