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AB-1859 School district employees: merit system: appointments. (2019-2020)

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Assembly Bill No. 1859

CHAPTER 67

An act to amend Section 45277.5 of the Education Code, relating to school district employees.

[Approved by Governor September 11, 2020. Filed with Secretary of State September 11, 2020.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1859, Santiago. School district employees: merit system: appointments.

Existing law requires, with certain exceptions, vacancies in the classified service of a school district that has adopted the merit system to be filled by appointments made from the eligible applicants having the first 3 ranks on the eligibility list who are ready and willing to accept the position. In a school district with a pupil population over 400,000, existing law authorizes, until December 31, 2020, an appointment to specified classifications of positions to be made from other than the first 3 ranks on the eligibility list if one or more of specified criteria are required for successful job performance of the position to be filled, in which case existing law requires the appointment to be made from among the highest 3 ranks of eligible candidates on the list who meet the special requirements and are ready and willing to accept the position. Existing law requires a school district that makes an appointment pursuant to this provision to study the effectiveness of the selection method, the vacancy rates for each class, and the length of time to hire for each class, and to submit a report of its findings to any affected labor union.

This bill would extend the operation of the latter provisions from December 31, 2020, until January 1, 2027, and apply those provisions to the Los Angeles Unified School District instead of a school district with a pupil population over 400,000.

This bill would make legislative findings and declarations as to the necessity of a special statute for the Los Angeles Unified School District.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

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

SECTION 1. Section 45277.5 of the Education Code is amended to read:

45277.5. Notwithstanding Section 45277, for the Los Angeles Unified School District, the following shall apply:

(a) An appointment may be made from other than the first three ranks of eligible applicants on the eligibility list if one or more of the following are required for successful job performance of a position to be filled:

- (1) The ability to speak, read, or write a language in addition to English.
- (2) A valid driver's license.

(3) Specialized licenses, certifications, knowledge, or ability, as determined by the personnel commission of the school district, that cannot reasonably be acquired during the probationary period.

(4) A specific gender, if it is a bona fide occupational qualification.

(b) The recruitment bulletin announcing the examination shall indicate the special requirements that may be necessary for filling one or more of the positions in the classification. If a position is to be filled using the authority of this section, the appointment shall be made from among the highest three ranks of eligible candidates on the appropriate eligibility list who meet the special requirements of the position and who are ready and willing to accept the position.

(c) If there are insufficient applicants who meet the special requirements, an employee who meets the special requirements may receive provisional appointments that may accumulate to a total of 90 working days. Successive provisional appointments of 90 working days or fewer each may be made in the absence of an appropriate eligibility list containing applicants who meet the special requirements if the personnel commission of the school district finds that the requirements of subdivisions (a) and (b) of Section 45288 have been met. These appointments may continue for the period of the provisional appointment, but shall not be additionally extended if certification can later be made from an appropriate eligibility list.

(d) This section applies only to the following classifications:

(1) Principal financial analyst.

(2) Principal administrative analyst.

(3) Senior administrative analyst.

(4) Senior administrative assistant.

(5) Senior financial analyst.

(6) Information technology electronic communications technician.

(7) Senior human resource specialist.

(8) Any classifications that have been designated as management or confidential.

(e) The school district that makes an appointment pursuant to this section shall study the effectiveness of the selection method, the vacancy rates for each class, and the length of time to hire for each class, and submit a report on its findings to any affected labor union.

(f) This section shall remain in effect only until January 1, 2027, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2027, deletes or extends that date.

SEC. 2. The Legislature finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique circumstances facing the Los Angeles Unified School District.