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AB-275 Classified community college employees. (2021-2022)

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Assembly Bill No. 275

CHAPTER 556

An act to amend Sections 88013 and 88120 of the Education Code, relating to community college employees.

[Approved by Governor October 06, 2021. Filed with Secretary of State October 06, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 275, Medina. Classified community college employees.

(1) Existing law requires the governing board of a community college district to employ persons for positions that are not academic positions in what is known as the classified service. Existing law requires the governing board of a community college district to prescribe written rules and regulations governing the personnel management of the classified service, whereby classified employees are designated as permanent employees of the district after serving a prescribed period of probation that is prohibited from exceeding one year.

This bill would shorten the maximum length of a prescribed period of probation for classified employees of a community college district to 6 months or 130 days of paid service, whichever is longer, except that a full-time peace officer or public safety dispatcher employed by a community college district operating a dispatch center certified by the Commission on Peace Officer Standards and Training would be required to serve a probationary period of not less than one year of paid service from their date of appointment to that full-time position to be designated as a permanent employee of the district. These changes would not apply to a conflicting collective bargaining agreement entered into before January 1, 2022, until the expiration or renewal of that collective bargaining agreement.

(2) Existing law requires that, in a community college district that has adopted a merit system for its classified employees, a person who has served an initial probationary period in a class not to exceed 6 months or 130 days of paid service, whichever is longer, as prescribed by the rules of the personnel commission of that district, is deemed to be in the permanent classified service, except that the personnel commission may establish a probationary period in a class not to exceed one year for classes designated by the personnel commission as executive, administrative, or police classes.

This bill would provide that, to receive permanent classified service status, full-time peace officers and public safety dispatchers employed by a community college district operating a dispatch center certified by the Commission on Peace Officer Standards and Training would be required to serve in a probationary status for a period not less than one year from their date of appointment to that full-time position. These changes would not apply to a conflicting collective bargaining agreement entered into before January 1, 2022, until the expiration or renewal of that collective bargaining agreement.

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

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

SECTION 1. Section 88013 of the Education Code is amended to read:

88013. (a) The governing board of a community college district shall prescribe written rules and regulations governing the personnel management of the classified service. These written rules and regulations shall be printed and made available to employees in the classified service, the public, and those concerned with the administration of this section, whereby these employees are, except as provided in Section 72411, designated as permanent employees of the district after serving a prescribed period of probation that shall not exceed six months or 130 days of paid service, whichever is longer. However, for a full-time peace officer or public safety dispatcher employed by a district operating a dispatch center certified by the Commission on Peace Officer Standards and Training to be designated as a permanent employee of the district, they shall serve a probationary period of not less than one year of paid service from their date of appointment to that full-time position. A permanent employee who accepts a promotion and fails to complete the probationary period for that promotional classification, shall be employed in the position from which the employee was promoted.

(b) An employee designated as a permanent employee shall be subject to disciplinary action only for cause as prescribed by rule or regulation of the governing board, but the governing board's determination of the sufficiency of the cause for disciplinary action shall be conclusive.

(c) The governing board shall adopt rules of procedure for disciplinary proceedings that shall contain a provision for informing the employee by written notice of the specific charges against the employee, a statement of the employee's right to a hearing on those charges, and the time within which the hearing may be requested which shall be not less than five days after service of the notice to the employee, and a card or paper, the signing and filing of which shall constitute a demand for hearing, and a denial of all charges. The burden of proof shall remain with the governing board, and any rule or regulation to the contrary shall be void.

(d) Disciplinary action shall not be taken for any cause that arose before the employee became permanent, or for any cause that arose more than two years preceding the date of the filing of the notice of cause, unless the cause was concealed or not disclosed by the employee when it could be reasonably assumed that the employee should have disclosed the facts to the employing district.

(e) This section shall not be construed to prohibit the governing board, pursuant to the terms of an agreement with an employee organization under Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, from delegating its authority to determine whether sufficient cause exists for disciplinary action against classified employees, excluding peace officers as defined in Section 830.32 of the Penal Code, to an impartial third party hearing officer. However, the governing board shall retain authority to review the determination under the standards set forth in Section 1286.2 of the Code of Civil Procedure.

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

(g) To the extent that this section, as amended by Assembly Bill 275 of the 2021–22 Regular Session, conflicts with a provision of a collective bargaining agreement entered into by a public school employer and an exclusive bargaining representative before January 1, 2022, pursuant to Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, the changes made to this section by Assembly Bill 275 of the 2021–22 Regular Session shall not apply to the community college district until expiration or renewal of that collective bargaining agreement.

SEC. 2. Section 88120 of the Education Code is amended to read:

88120. (a) A person who has served an initial probationary period in a class not to exceed six months or 130 days of paid service, whichever is longer, as prescribed by the rules of the commission shall be deemed to be in the permanent classified service, except that the commission may establish a probationary period in a class not to exceed one year for classes designated by the commission as executive, administrative, or police classes. To receive permanent classified service status, each full-time peace officer and public safety dispatcher employed by a community college district operating a dispatch center certified by the Commission on Peace Officer Standards and Training shall serve in a probationary status for a period not less than one year from their date of appointment to that full-time position.

(b) An employee shall not attain permanent status in the classified service until that employee has completed a probationary period in a class. In any case, the rules of the commission may provide for the exclusion of time while employees are on a leave of absence. The rights of appeal from disciplinary action before attainment of permanent status in the classified service shall be in accordance with Section 88124.

(c) To the extent that this section, as amended by Assembly Bill 275 of the 2021–22 Regular Session, conflicts with a provision of a collective bargaining agreement entered into by a public school employer and an exclusive bargaining representative before January 1, 2022, pursuant to Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, the

changes made to this section by Assembly Bill 275 of the 2021–22 Regular Session shall not apply to the community college district until expiration or renewal of that collective bargaining agreement.