



Home	Bill Information	California Law	Publications	Other Resources	My Subscriptions	My Favorites
------	------------------	----------------	--------------	-----------------	------------------	--------------

**AB-2931 Community colleges: classified employees: merit system: part-time student-tutors.** (2023-2024)

SHARE THIS:  

Date Published: 09/23/2024 09:00 PM

**Assembly Bill No. 2931**

**CHAPTER 422**

An act to amend Section 88076 of the Education Code, relating to community colleges.

[ Approved by Governor September 22, 2024. Filed with Secretary of State September 22, 2024. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 2931, Mike Fong. Community colleges: classified employees: merit system: part-time student-tutors.

Existing law authorizes 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 community college district. Existing law requires a 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 of the commission. Existing law exempts certain positions and employees from the classified service, including part-time students employed part time in a college work-study program or in a work experience education program conducted by a community college that is financed by state or federal funds. Under existing law, any person who willfully or through culpable negligence violates certain provisions that apply to community college district merit systems is guilty of a misdemeanor.

This bill would additionally exempt from the classified service part-time students employed part time as student-tutors by their community college district of enrollment. Because a violation of the bill would be a crime, 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 no reimbursement is required by this act for a specified reason.

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

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

**SECTION 1.** It is the intent of the Legislature that part-time students employed part time as student-tutors by their community college district of enrollment are hired to supplement, not supplant, existing classified staff within the community college district.

**SEC. 2.** Section 88076 of the Education Code is amended to read:

**88076.** (a) The commission shall classify all employees and positions within the jurisdiction of the governing board of the community college district or of the commission, except those that are exempt from the classified service, as specified in subdivision (b). The employees and positions shall be known as the classified service. "To classify" shall include, but not be

limited to, allocating positions to appropriate classes, arranging classes into occupational hierarchies, determining reasonable relationships within occupational hierarchies, and preparing written class specifications.

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

(1) Academic positions.

(2) Full-time students employed part time.

(3) Part-time students employed part time in a college work-study program or in a work experience education program conducted by a community college that is financed by state or federal funds.

(4) Part-time students employed part time as student-tutors by their community college district of enrollment.

(5) Apprentice positions.

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

(c) Employment of either full-time or part-time students in a college 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.

(d) This section shall not prevent an employee who has attained regular status in a full-time position from taking a voluntary reduction in time and retaining the employee's regular status under the provisions of this law.

(e) 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.

(f) A part-time position is one for which the assigned time, when computed on an hourly, daily, weekly, or monthly basis, is less than  $87\frac{1}{2}$  percent of the normally assigned time of the majority of employees in the classified service.

(g) An employee employed by a community college district in a part-time playground position as of the effective date of the laws placing part-time playground positions into the classified service shall be deemed a permanent employee of the community college district without placement on an eligibility list under Section 88091 or examination under Section 88092.

**SEC. 3.** No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.