

**ASSEMBLY BILL**

**No. 1070**

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**Introduced by Assembly Member Laird**

February 20, 2003

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An act to amend Sections 45285 and 88104 of the Education Code, relating to classified school employees.

LEGISLATIVE COUNSEL'S DIGEST

AB 1070, as introduced, Laird. Classified school employees: reclassification.

Existing law requires the personnel commission in a school district that has adopted the merit system to classify all employees and positions that do not require certification qualifications or that are otherwise exempted. Other existing law requires the personnel commission of a community college district that has adopted the merit system to classify all employees and positions that are not in academic positions or that are otherwise exempted. All of these classified employees and positions are known as the classified service.

Existing law provides that when all of the positions in a class are reclassified to a higher class, the incumbents of the positions who have been in the class for 3 or more years may be reclassified with their positions, and when a portion of the positions within a class are reclassified to a higher class, an incumbent who has a continuous employment record of 3 or more years in one or more positions being reclassified may be reclassified with the position. Under existing law, an employee who has been reclassified with his or her position is ineligible for subsequent reclassification for a period of at least 3 years from the initial action.

This bill would decrease all of those 3 year time requirements to 2 years.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 45285 of the Education Code is  
2 amended to read:

3 45285. (a) When all of the positions in a class are reclassified  
4 to a higher class, the incumbents of the positions who have been  
5 in the class for ~~three~~ two or more years may be reclassified with  
6 their positions by the personnel commission. When a portion of the  
7 positions within a class are reclassified to a higher class, an  
8 incumbent who has a continuous employment record of ~~three~~ two  
9 or more years in one or more of the positions being reclassified  
10 may be reclassified with his *or her* position as provided by  
11 personnel commission rule.

12 ~~The~~

13 (b) The basis for reclassification of the position ~~must~~ shall be  
14 a gradual accretion of duties and not a sudden change occasioned  
15 by a reorganization or the assignment of completely new duties  
16 and responsibilities. Determinations as to gradual accretion ~~will~~  
17 shall be on the basis of guidelines provided by personnel  
18 commission rules.

19 ~~An~~

20 (c) An employee who has been reclassified with his *or her*  
21 position ~~shall be~~ is ineligible for subsequent reclassification with  
22 his *or her* position for a period of at least ~~three~~ two years from the  
23 initial action.

24 SEC. 2. Section 88104 of the Education Code is amended to  
25 read:

26 88104. (a) When all of the positions in a class are reclassified  
27 to a higher class, the incumbents of the positions who have been  
28 in the class for ~~three~~ two or more years may be reclassified with  
29 their positions by the personnel commission. When a portion of the  
30 positions within a class are reclassified to a higher class, an  
31 incumbent who has a continuous employment record of ~~three~~ two  
32 or more years in one or more of the positions being reclassified



1 may be reclassified with his or her position as provided by  
2 personnel commission rule.

3 ~~The~~

4 (b) *The* basis for reclassification of the position ~~must~~ *shall* be  
5 a gradual accretion of duties and not a sudden change occasioned  
6 by a reorganization or the assignment of completely new duties  
7 and responsibilities. Determinations as to gradual accretion ~~will~~  
8 *shall* be on the basis of guidelines provided by personnel  
9 commission rules.

10 ~~An~~

11 (c) *An* employee who has been reclassified with his or her  
12 position ~~shall be~~ *is* ineligible for subsequent reclassification with  
13 his or her position for a period of at least ~~three~~ *two* years from the  
14 initial action.

