

**Assembly Bill No. 1772**

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Passed the Assembly August 29, 2005

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*Chief Clerk of the Assembly*

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Passed the Senate August 22, 2005

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*Secretary of the Senate*

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This bill was received by the Governor this \_\_\_\_\_ day  
of \_\_\_\_\_, 2005, at \_\_\_\_\_ o'clock \_\_\_\_M.

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*Private Secretary of the Governor*

## CHAPTER \_\_\_\_\_

An act to amend Sections 45240, 45262, 45272.5, 45277.5, 45278, and 45387 of the Education Code, relating to classified school employees.

## LEGISLATIVE COUNSEL'S DIGEST

AB 1772, Committee on Public Employees, Retirement and Social Security. Classified school employees.

(1) Existing law requires a personnel commission to prescribe, amend, and interpret rules regarding the merit system. Existing law requires that those rules be printed and made available to a school, among others.

This bill would provide that those rules may be electronically transmitted.

(2) Existing law, until January 1, 2006, in a school district with a pupil population over 400,000, authorizes an appointment for a school-based position to be made from any rank on an eligibility list, but requires consideration of certain factors.

The bill would, until January 1, 2007, in a school district with a pupil population over 400,000, authorize an appointment for an open, entry-level, school-based position to be made from any rank on an eligibility list, with consideration of certain factors.

(3) Existing law, until January 1, 2006, in a school district with a pupil population over 400,000, authorizes an appointment to be made from other than the first 3 ranks of eligible applicants on an eligibility list if one of several specified conditions is satisfied.

The bill would change the date on which that authorization is to be repealed to January 1, 2007.

(4) Existing law provides that certain requirements regarding giving written notice of tests, vacancies, and transfer opportunities do not apply to a school district that publishes and distributes examination bulletins to all work locations at least once each month, as specified.

This bill would authorize a school district to publish and distribute examination bulletins by electronic means.

(5) Existing law authorizes the governing board of a school district to grant reimbursement of the costs, including tuition fees, to a permanent classified employee who satisfactorily completes approved training to improve his job knowledge, ability, or skill.

This bill would authorize the governing board of a school district to permit a permanent classified employee to attend a minimum of one schoolday each year, during working hours, for job-related in-service training, with pay.

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

SECTION 1. Section 45240 of the Education Code is amended to read:

45240. A school district that adopts the provisions of this article in accordance with Section 45222 or 45224.5 shall appoint a personnel commission in the manner prescribed in Sections 45245, 45246 and 45247. The personnel commission shall appoint a director in the manner provided in Section 45264 after appointment of at least two members.

SEC. 2. Section 45262 of the Education Code is amended to read:

45262. (a) The rules of the commission and copies of this article shall be printed and made available or electronically transmitted to each school, office, and permanent worksite where employees report, and shall be distributed to school libraries for loan to employees.

(b) Within one year of the adoption of the merit system, the commission shall adopt rules pursuant to Section 45260 and shall give to each new regular employee a handbook that summarizes the basic rules and working conditions for classified employees and provides information regarding access to copies of the complete rules and the merit system.

SEC. 3. Section 45272.5 of the Education Code is amended to read:

45272.5. (a) Notwithstanding subdivision (a) of Section 45272, in a school district with a pupil population over 400,000, an appointment for an open, entry-level, school-based position, may be made from any rank on the eligibility list. However, in making appointments pursuant to this section, at least three

eligible candidates from the list, if available, shall be considered and appointing authorities shall consider job-related background and training that are related to successful job performance, placement on the eligibility lists, and seniority, prior to making a job offer.

(b) This section shall remain in effect only until January 1, 2007, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2007, deletes or extends that date.

SEC. 4. Section 45277.5 of the Education Code is amended to read:

45277.5. Notwithstanding Section 45277, in a school district with a pupil population of over 400,000 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 school district personnel commission, 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 which may accumulate to a total of 90 working days. Successive provisional appointments of 90 working days or less each may be made in the absence of an appropriate eligibility list containing applicants who meet the

special requirements if the personnel commission 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 may not be additionally extended if certification can later be made from an appropriate eligibility list.

(d) This section shall remain in effect only until January 1, 2007, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2007, deletes or extends that date.

SEC. 5. Section 45278 of the Education Code is amended to read:

45278. (a) Written notices concerning tests, vacancies, transfer opportunities, and other selections of shifts, positions, assignments, classifications, or locations shall be posted at all work locations of employees who may be affected, not later than 15 working days prior to the closing date of filing appropriate applications, together with the normal use of newspapers and bulletins for public notice for open or promotional vacancies. If the subject of those notices affects a probationary or permanent classified employee who will not be reporting at his or her work location during periods when that employee is not normally required to work, including Christmas, Easter, summer recesses, and other paid or unpaid leaves of absences, including vacations, and who has previously requested notification, those notices shall be mailed to the employee. However, the failure of an employee to receive that notice shall not invalidate any procedure, if in fact the notice was placed in the U.S. mail and postage paid.

(b) (1) Subdivision (a) does not apply to a school district that publishes and distributes to all work locations examination bulletins at least once each month, provided that records of employee requests for transfer and change of location are maintained and that the names of all candidates for transfer and change of location to a vacancy are certified to the appointing authority along with names of appropriate applicants from employment lists.

(2) A school district may publish and distribute pursuant to paragraph (1) by electronic means.

(c) The personnel commission shall establish procedures for the maintenance of employee requests for transfer, change of

location, change of shift, and notification of forthcoming examinations.

SEC. 6. Section 45387 of the Education Code is amended to read:

45387. (a) The governing board of a school district may grant reimbursement of the costs, including tuition fees, to a permanent classified employee who satisfactorily completes approved training to improve his or her job knowledge, ability, or skill. Programs eligible for that reimbursement shall include courses of study at approved academic institutions, seminars and training institutes conducted by recognized professional associations, and conferences, meetings and other training programs that are designed to upgrade the classified service and to encourage retraining of employees who may otherwise be subject to layoff as the result of technological changes. Eligibility for reimbursement shall be in accordance with rules established by the personnel commission in those districts that have adopted a merit system. This section does not apply to an employee who is receiving training and is eligible for reimbursement by another governmental agency, organization, or association.

(b) The governing board of a school district may permit a permanent classified employee to attend a minimum of one schoolday each year, during working hours, for job-related in-service training, with pay.

SEC. 7. It is the intent of the Legislature that because of the unique size of the Los Angeles Unified School District, and to maintain consistency with the merit system provisions of the Education Code, Sections 45272.5 and 45277.5 of the Education Code shall not be expanded to include school districts with a pupil population of 400,000 or less.



Approved \_\_\_\_\_, 2005

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*Governor*