

## Assembly Bill No. 580

### CHAPTER 528

An act to add and repeal Section 45277.5 of the Education Code, relating to school employees.

[Approved by Governor October 12, 2007. Filed with Secretary of State October 12, 2007.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 580, Smyth. Classified school employees.

Existing law requires all vacancies in the classified service of a school district that has adopted the merit system to be filled from applicants on eligibility lists that are made up from promotional examinations or by appointments made by means of transfer, demotion, reinstatement, or reemployment, as specified. If a vacancy is filled from applicants on an eligibility list, the appointment is required to be made from the eligible candidates having the first 3 ranks on the list who are ready and willing to accept the position.

Existing law authorizes, in a school district that has adopted the merit system, an appointment to be made from other than the first 3 ranks when the ability to speak, read, or write a language in addition to English, or possession of a driver's license is a requirement of the position to be filled, but in that case existing law requires the appointment to be made from among the highest 3 ranks of applicants on the list who meet the special requirements and are ready and willing to accept the position.

This bill would, in a school district with a pupil population over 400,000, authorize an appointment to be made from other than the first 3 ranks on the eligibility list if specialized licenses, certifications, knowledge, or ability that cannot reasonably be acquired during the probationary period or a specific gender is required for successful job performance of a position, in which case the appointment would be required to be made from among the highest 3 ranks of applicants on the list who meet the special requirements and are ready and willing to accept the position. This authorization would apply only to specified classifications of positions. A school district making an appointment pursuant to this selection method would be required to study, among other things, the effectiveness of the method and submit a report on the study to the affected labor unions.

The bill would repeal this provision on January 1, 2012.

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

SECTION 1. Section 45277.5 is added to the Education Code, 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 that 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 applies only to the following classifications:

- (1) Administrative analyst.
- (2) Administrative assistant.
- (3) Assistant contract administration analyst.
- (4) Assistant realty agent.
- (5) Contracts administration analyst.
- (6) Educational research analyst.
- (7) Financial analyst.
- (8) Grants specialist.
- (9) Health care advocate.
- (10) Human resources specialist III.
- (11) Insurance representative II.
- (12) Insurance representative III.
- (13) Occupational health nurse.
- (14) Parent community facilitator.
- (15) Senior internal auditor.
- (16) Web developer.

(e) A school district that makes an appointment pursuant to this section shall study the effectiveness of this selection method, vacancy rates for each

classification, and the length of time to hire for each classification, and submit a report on the study to the affected labor unions.

(f) This section shall remain in effect only until January 1, 2012, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2012, deletes or extends that date.