

AMENDED IN ASSEMBLY MAY 1, 2007

AMENDED IN ASSEMBLY APRIL 9, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 618**

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**Introduced by Assembly Member Karnette**

February 21, 2007

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An act to add Section 45053 to the Education Code, relating to certificated school employees.

LEGISLATIVE COUNSEL'S DIGEST

AB 618, as amended, Karnette. Certificated school employees: salary payments.

Existing law establishes a salary payment schedule that school districts are required to comply with when making monthly salary payments to certificated employees and when making payments to those employees for performing teaching or other services in addition to their regular teaching duties or at a summer school maintained by the district.

~~This bill would require school districts or county offices of education that do not comply with that salary payment to be assessed a civil penalty of \$100 by the department for each incident of noncompliance and would require that the civil penalty be paid to the department. A certificated employee who is the subject of an incident of noncompliance, or the exclusive bargaining representative of the certificated employees of the school district or county office of education, would be authorized to bring a civil action to recover damages resulting from the noncompliance. A court would be authorized to award reasonable attorney's fees and costs to the prevailing party if one of the parties to the action requests attorney's fees and costs at the~~

~~commencement of the action~~ authorize the Superintendent of Public Instruction to withhold an amount from the next state funding apportionment to which the school district or county office of education would otherwise be entitled if a school district or county office of education does not comply with specified salary payment schedules for certificated and classified employees. The bill would require funds withheld to be held in trust by the Superintendent until he or she determines that the school district or county office of education is in compliance with the appropriate salary payment schedules.

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

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

1     SECTION 1. Section 45053 is added to the Education Code,  
 2 to read:

3     45053. (a) If a school district or county office of education  
 4 does not comply with the salary payment schedules for certificated  
 5 and classified employees set forth in Section 45048 or 45059 or  
 6 Article 2 (commencing with Section 45160) of Chapter 5, the  
 7 Superintendent may withhold an amount from the next state funding  
 8 apportionment to which the school district or county office of  
 9 education would otherwise be entitled. The amount so withheld  
 10 shall not exceed one-half of the annual salary of the superintendent  
 11 of the school district or of the county superintendent of schools,  
 12 as appropriate.

13     (b) Funds withheld pursuant to this section shall be held in trust  
 14 by the Superintendent until he or she determines that the school  
 15 district or county office of education is in compliance with the  
 16 appropriate salary payment schedules.

17     ~~SECTION 1. Section 45053 is added to the Education Code,~~  
 18 ~~to read:~~

19     ~~45053. In order to ensure that school districts and county offices~~  
 20 ~~of education pay their certificated employees in a timely and proper~~  
 21 ~~fashion, a school district or county office of education that does~~  
 22 ~~not comply with the salary payment schedule in Sections 45048~~  
 23 ~~and 45049, including the timely and proper payment of wages,~~  
 24 ~~shall be assessed a civil penalty of one hundred dollars (\$100) by~~  
 25 ~~the department for each incident of noncompliance that shall be~~  
 26 ~~paid to the department. A certificated employee who is the subject~~

1 ~~of an incident of noncompliance, or the exclusive bargaining~~  
2 ~~representative of the certificated employees of the school district~~  
3 ~~or county office of education, may bring a civil action to recover~~  
4 ~~damages resulting from the noncompliance. A court may award~~  
5 ~~reasonable attorney's fees and costs to the prevailing party if one~~  
6 ~~of the parties to the action requests attorney's fees and costs at the~~  
7 ~~commencement of the action.~~

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