

AMENDED IN ASSEMBLY APRIL 17, 2008

AMENDED IN ASSEMBLY APRIL 1, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 2481

Introduced by Assembly Member Mendoza

February 21, 2008

An act to add Section 45034.5 to the Education Code, relating to teacher salaries.

LEGISLATIVE COUNSEL'S DIGEST

AB 2481, as amended, Mendoza. Employee salaries: Los Angeles Unified School District Employee Recovery Act.

Existing law authorizes local educational agencies to employ persons as certificated personnel. Existing law requires that, if any school district fails to pay the salary of any certificated employee who has on file a contract of employment held valid by the legal adviser of the county superintendent of schools having jurisdiction over the district, the county superintendent of schools is authorized to transfer sufficient money from the funds of the district to the county school service fund and pay the salary of the certificated employee from that fund.

This bill would enact the Los Angeles Unified School District Employee Recovery Act. The bill would require the Los Angeles Unified School District to reimburse certificated or classified employees for any additional income taxes payable because of an overpayment error made by that district, and would afford specified additional rights to certificated or classified employees whose salaries have been overpaid or underpaid by the district. The bill would ~~prohibit~~ *authorize* the district from using any state funds apportioned to the district for the payment

~~of the~~ *to withhold an amount from the* salaries or expenses of the ~~members of the~~ superintendent or assistant superintendents of the district if a certificated or classified employee or an employee organization representing certificated or classified employees of the district files, with the governing board of the district, a declaration made under penalty of perjury to the effect that any outstanding underpayment or overpayment of a certificated or classified employee of the district has not been resolved, unless the error rate for the total payroll is *1% or less than 1%* of the total payroll. ~~By creating a new crime expanding the crime of perjury,~~ this bill would impose a state-mandated local program.

The bill would declare that due to the unique circumstances regarding the payroll system of the Los Angeles Unified School District, a general statute cannot be made applicable.

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.

State-mandated local program: yes.

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

- 1 SECTION 1. Section 45034.5 is added to the Education Code,
- 2 to read:
- 3 45034.5. (a) This section shall be known, and may be cited,
- 4 as the Los Angeles Unified School District Employee Recovery
- 5 Act.
- 6 (b) Notwithstanding any other provision of law, the Los Angeles
- 7 Unified School District shall comply with all of the following:
- 8 (1) The school district shall reimburse a certificated or classified
- 9 employee for any additional income taxes payable because of an
- 10 overpayment error made by that district.
- 11 (2) The school district shall release a certificated or classified
- 12 employee from his or her duties, without either docking his or her
- 13 pay or charging him or her for vacation or sick leave, when a
- 14 certificated or classified employee deems it necessary to visit
- 15 district payroll personnel to rectify payroll errors. If a certificated
- 16 or classified employee finds it necessary to visit district payroll

1 personnel on his or her own time, the school district shall reimburse
2 that employee for the time spent in accomplishing that task,
3 including travel time, at that person's hourly rate of salary, and
4 reimburse that person for mileage.

5 (3) If an underpayment is made by the school district, the school
6 district shall pay the amount of the underpayment, plus interest
7 equal to that earned by the Pooled Money Investment Account
8 pursuant to Section 16314 of the Government Code, to the affected
9 certificated employee by the end of the next pay period.

10 (4) If an overpayment is made by the school district, the affected
11 certificated or classified employee may consult a payroll specialist
12 employed by an employee organization or an independent payroll
13 specialist. No schedule for the employee's reimbursement of the
14 amount overpaid may be made, and no deduction relating to the
15 overpayment may be made from that employee's salary, unless
16 the employee has had an opportunity to consult with a payroll
17 specialist under this paragraph and the employee has agreed, in
18 writing, to the amount to be repaid and the term and manner of the
19 repayment.

20 (5) If a discrepancy arises with respect to an amount to be paid
21 with respect to a certificated or classified employee's retirement
22 benefits, that discrepancy shall be resolved, prior to the issuance
23 of the annual report of the status of that employee's retirement
24 benefits, or the school district shall be responsible for the payment
25 of the entire amount necessary for that employee's retirement
26 benefits to be held harmless for the year covered by that annual
27 report.

28 (6) If a certificated or classified employee or an employee
29 organization representing certificated or classified employees of
30 a school district files, with the governing board of the district, a
31 declaration made under penalty of perjury to the effect that any
32 outstanding underpayment or overpayment of a certificated or
33 classified employee has not been resolved, the school district ~~shall~~
34 ~~not use any state funds apportioned to the district for the payment~~
35 ~~of the salaries or expenses of the superintendent or assistant~~
36 ~~superintendents of the district if the error rate of the total payroll~~
37 ~~is greater than one percent of the total payroll.~~ *may withhold an*
38 *amount from the salary or expenses of the superintendent or*
39 *assistant superintendents of the district if the error rate of the total*
40 *payroll is greater than 1 percent of the total payroll. The amount*

1 *withheld shall not exceed one-half of the annual salary of the*
2 *superintendent or assistant superintendents of the school district.*
3 *Funds withheld pursuant to this section shall be held in trust by*
4 *the school district until the matter is resolved.*

5 SEC. 2. The Legislature finds and declares that due to the
6 unique circumstances regarding the payroll system of the Los
7 Angeles Unified School District, a general statute cannot be made
8 applicable within the meaning of Section 16 of Article IV of the
9 California Constitution.

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