

Assembly Bill No. 1293

CHAPTER 145

An act to amend Section 45277.5 of the Education Code, relating to public school employees.

[Approved by Governor August 5, 2009. Filed with
Secretary of State August 6, 2009.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1293, Hall. Public school employees: merit system.

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 other specified methods. Existing law requires that if a vacancy is filled from applicants on an eligibility list, the appointment is to be made from the eligible candidates having the first 3 ranks on the list.

Existing law, until January 1, 2012, in a school district with a pupil population over 400,000, authorizes 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 is required to be made from among the highest 3 ranks of applicants on the list who meet the special requirements. Existing law makes these provisions apply only to specified classifications of positions and to classifications that have been designated as management.

This bill would make these provisions applicable to the classifications of accountant, contract assistant, coordinating contract assistant, assistant contracts supervisor, senior administrative analyst, senior financial analyst, senior administrative assistant, principal financial analyst, and principal administrative analyst.

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

SECTION 1. 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 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 shall 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) Accountant.
- (2) Administrative analyst.
- (3) Administrative assistant.
- (4) Assistant contract administration analyst.
- (5) Assistant contracts supervisor.
- (6) Assistant realty agent.
- (7) Contracts administration analyst.
- (8) Contract assistant.
- (9) Coordinating contract assistant.
- (10) Educational research analyst.
- (11) Financial analyst.
- (12) Grants specialist.
- (13) Health care advocate.
- (14) Human resources specialist III.
- (15) Insurance representative II.
- (16) Insurance representative III.
- (17) Occupational health nurse.
- (18) Parent community facilitator.
- (19) Principal financial analyst.
- (20) Principal administrative analyst.
- (21) Senior administrative analyst.
- (22) Senior administrative assistant.
- (23) Senior financial analyst.
- (24) Senior internal auditor.
- (25) Web developer.

(26) Any classifications that have been designated as management.

(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.