

**ASSEMBLY BILL**

**No. 1908**

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**Introduced by Assembly Member Alejo  
(Principal coauthor: Assembly Member Butler)  
(Coauthors: Assembly Members Eng and Lara)**

February 22, 2012

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An act to amend Sections 45117 and 88017 of the Education Code, relating to classified employees.

LEGISLATIVE COUNSEL'S DIGEST

AB 1908, as introduced, Alejo. Classified employees: notice of layoff.

Under existing law, classified employees of school districts and community college districts subject to layoff as a result of the expiration of a specially funded program at the end of a school year are required to be given written notice on or before April 29 informing them of certain rights. Existing law also requires that notice be given not less than 45 days before the effective layoff date if the termination date of a specially funded program is other than June 30, or if classified employees are subject to layoff as a result of a bona fide reduction or elimination of a service performed by a department.

This bill would instead require that written notice be given to a classified employee of a school district or community college district subject to layoff not less than 60 days before the effective layoff date if the termination date of a specially funded program is other than June 30, or if a classified employee is subject to layoff as a result of a bona fide reduction or elimination of a service performed by a department. To the extent that this bill would impose new duties on school districts and community college districts, it would impose a state-mandated local program.

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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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 45117 of the Education Code is amended  
2 to read:

3 45117. (a) When, as a result of the expiration of a specially  
4 funded program, classified positions must be eliminated at the end  
5 of any school year, and classified employees will be subject to  
6 layoff for lack of funds, the employees to be laid off at the end of  
7 the school year shall be given written notice on or before April 29  
8 informing them of their layoff effective at the end of the school  
9 year and of their displacement rights, if any, and reemployment  
10 rights. However, if the termination date of any specially funded  
11 program is other than June 30, the notice shall be given not less  
12 than ~~45~~ 60 days prior to the effective date of their layoff.

13 (b) When, as a result of a bona fide reduction or elimination of  
14 the service being performed by any department, classified  
15 employees shall be subject to layoff for lack of work, affected  
16 employees shall be given notice of layoff not less than ~~45~~ 60 days  
17 prior to the effective date of layoff, and informed of their  
18 displacement rights, if any, and reemployment rights.

19 (c) (1) A classified employee may not be laid off if a short-term  
20 employee is retained to render a service that the classified employee  
21 is qualified to render. This subdivision does not create a ~~45-day~~  
22 60-day layoff notice requirement for any individual hired as a  
23 short-term employee, as defined in Section 45103, for a period not  
24 exceeding ~~45~~ 60 days.

25 (2) This subdivision does not apply to the retention of a  
26 short-term employee, as defined in Section 45103, who is hired  
27 for a period not exceeding ~~45~~ 60 days after which the short-term  
28 service may not be extended or renewed.

1 (d) This section does not preclude the governing board of a  
2 school district from implementing either of the following actions  
3 without providing the notice required by subdivision (a) or (b):

4 (1) A layoff for a lack of funds in the event of an actual and  
5 existing financial inability to pay the salaries of classified  
6 employees.

7 (2) A layoff for a lack of work resulting from causes not  
8 foreseeable or preventable by the governing board.

9 (e) This section shall apply to districts that have adopted the  
10 merit system in the same manner and effect as if it were a part of  
11 Article 6 (commencing with Section 45240).

12 SEC. 2. Section 88017 of the Education Code is amended to  
13 read:

14 88017. (a) When, as a result of the expiration of a specially  
15 funded program, classified positions must be eliminated at the end  
16 of any school year, and classified employees will be subject to  
17 layoff for lack of funds, the employees to be laid off at the end of  
18 the school year shall be given written notice on or before April 29  
19 informing them of their layoff effective at the end of the school  
20 year and of their displacement rights, if any, and reemployment  
21 rights. However, if the termination date of any specially funded  
22 program is other than June 30, the notice shall be given not less  
23 than ~~45~~ 60 days prior to the effective date of their layoff.

24 (b) When, as a result of a bona fide reduction or elimination of  
25 the service being performed by any department, classified  
26 employees shall be subject to layoff for lack of work, affected  
27 employees shall be given notice of layoff not less than ~~45~~ 60 days  
28 prior to the effective date of layoff, and informed of their  
29 displacement rights, if any, and reemployment rights.

30 (c) (1) A classified employee may not be laid off if a short-term  
31 employee is retained to render a service that the classified employee  
32 is qualified to render. This subdivision does not create a ~~45-day~~  
33 60-day layoff notice requirement for any individual hired as a  
34 short-term employee, as defined in Section 88003, for a period not  
35 exceeding ~~45~~ 60 days.

36 (2) This subdivision does not apply to the retention of a  
37 short-term employee, as defined in Section 88003, who is hired  
38 for a period not exceeding ~~45~~ 60 days after which the short-term  
39 service may not be extended or renewed.

1 (d) This section does not preclude the governing board of a  
2 community college district from implementing either of the  
3 following without providing the notice required by subdivision (a)  
4 or (b):

5 (1) A layoff for a lack of funds in the event of an actual and  
6 existing financial inability to pay the salaries of classified  
7 employees.

8 (2) A layoff for a lack of work resulting from causes not  
9 foreseeable or preventable by the governing board.

10 (e) This section shall apply to districts that have adopted the  
11 merit system in the same manner and effect as if it were a part of  
12 Article 3 (commencing with Section 88060) of this chapter.

13 SEC. 3. If the Commission on State Mandates determines that  
14 this act contains costs mandated by the state, reimbursement to  
15 local agencies and school districts for those costs shall be made  
16 pursuant to Part 7 (commencing with Section 17500) of Division  
17 4 of Title 2 of the Government Code.