

AMENDED IN ASSEMBLY APRIL 24, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 226

Introduced by Assembly Member Atkins

February 4, 2013

An act to add Section 45133.5 to the Education Code, relating to school employees.

LEGISLATIVE COUNSEL'S DIGEST

AB 226, as amended, Atkins. Classified employees: *school police*: workweek.

Existing law generally prescribes the workweek of a classified school employee to be 40 hours, and prescribes the workday to be 8 hours. Existing law also authorizes the governing board of a school district or a county superintendent of schools to establish a 9-hour-per-day, 80-hour-per-2-week work schedule, subject to the concurrence of the employee organization, or, absent an employee organization, subject to the concurrence of the affected employee. Existing law generally provides for the payment of overtime compensation for hours worked in excess of the required workday, except as specified.

This bill would also authorize the governing board of a school district or a county superintendent of schools to establish a 12-hour-per-day, 80-hour-per-2-week work schedule for school police ~~officer dispatchers~~, ~~subject to the concurrence of the employee organization or the employee~~ *departments, provided the establishment of the work schedule is consented to in a valid collective bargaining agreement that contains specified provisions, including, among others, express provisions for the wages, hours of work, and working conditions of employees.* The bill would require the payment of overtime compensation for hours

worked in excess of the required workday, as specified, and would require the workweek to be defined so that no employee will be required to work more than 40 hours during any given workweek.

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

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

- 1 SECTION 1. Section 45133.5 is added to the Education Code,
 2 to read:
 3 45133.5. (a) Notwithstanding Sections 45127 and 45131, a
 4 governing board of a school district or a county superintendent of
 5 schools may establish a 12-hour-per-day, 80-hour-per-2-week
 6 work schedule for school police-officer-dispatchers departments,
 7 provided the establishment of the work schedule ~~has the~~
 8 ~~concurrence of the employee organization, or in the absence of an~~
 9 ~~employee organization, the concurrence of the affected employee.~~
 10 *is consented to in a valid collective bargaining agreement that*
 11 *contains all of the following:*
 12 *(1) Express provisions for the wages, hours of work, and*
 13 *working conditions of employees.*
 14 *(2) Express provisions for meal periods of employees, and final*
 15 *and binding arbitration of disputes concerning application of the*
 16 *meal period provisions.*
 17 *(3) Premium wage rates for all overtime hours worked.*
 18 *(4) A regular hourly rate of pay of not less than 30 percent more*
 19 *than the state minimum wage rate.*
 20 (b) When a 12-hour-per-day, 80-hour-per-2-week work schedule
 21 is established, it shall consist of seven work days, six of which
 22 shall be 12-hour days, and one of which shall be an eight-hour
 23 day. The overtime rate shall be paid for all hours worked in excess
 24 of the required workday, at a rate equal to one and one-half times
 25 the regular rate of pay for the employee designated and authorized
 26 to perform the work.
 27 (c) When a 12-hour-per-day, 80-hour-per-2-week work schedule
 28 is established, the workweek shall be defined so that no employee
 29 will be required to work more than 40 hours during any given
 30 workweek.

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