

Assembly Bill No. 226

Passed the Assembly May 13, 2013

Chief Clerk of the Assembly

Passed the Senate June 24, 2013

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2013, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

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

LEGISLATIVE COUNSEL'S DIGEST

AB 226, 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 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.

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

SECTION 1. Section 45133.5 is added to the Education Code, to read:

45133.5. (a) Notwithstanding Sections 45127 and 45131, a governing board of a school district or a county superintendent of schools may establish a 12-hour-per-day, 80-hour-per-2-week work schedule for school police departments, provided the

establishment of the work schedule is consented to in a valid collective bargaining agreement that contains all of the following:

(1) Express provisions for the wages, hours of work, and working conditions of employees.

(2) Express provisions for meal periods of employees, and final and binding arbitration of disputes concerning application of the meal period provisions.

(3) Premium wage rates for all overtime hours worked.

(4) A regular hourly rate of pay of not less than 30 percent more than the state minimum wage rate.

(b) When a 12-hour-per-day, 80-hour-per-2-week work schedule is established, it shall consist of seven work days, six of which shall be 12-hour days, and one of which shall be an eight-hour day. The overtime rate shall be paid for all hours worked in excess of the required workday, at a rate equal to one and one-half times the regular rate of pay for the employee designated and authorized to perform the work.

(c) When a 12-hour-per-day, 80-hour-per-2-week work schedule is established, the workweek shall be defined so that no employee will be required to work more than 40 hours during any given workweek.

Approved _____, 2013

Governor