

AMENDED IN ASSEMBLY APRIL 29, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1668**

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**Introduced by Assembly Member Knox**

March 15, 1999

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An act to amend Sections 45048 and 45049 of the Education Code, relating to certificated school employees.

LEGISLATIVE COUNSEL'S DIGEST

AB 1668, as amended, Knox. Certificated school employees: salary payment.

Existing law authorizes each salary payment for a certificated school employee for any calendar month to be made on the last working day of the month and prohibits it from being paid earlier than the last working day of the month and later than the 5th day of the succeeding calendar month except for salary payments of teachers employed for less than full time in classes for adults, in a day or evening high school, or in a special day or evening class maintained in connection with an elementary school who are required to be paid on or before the 10th day of the succeeding calendar month for services performed during the preceding calendar month. Existing law authorizes each salary payment for a certificated employee to be made on the last working day of the payroll period and prohibits it from being paid earlier than the last working day of the payroll period and later than the 8th working day of the following payroll period if the school

district provides for the payment of the salary once each 2 weeks, twice a month, or once each 4 weeks.

Existing law requires a school district to pay a certificated employee for performing teaching or other services in addition to his or her regular teaching duties or at a summer school maintained by the district for those services either in one lump sum or at an hourly, daily, biweekly, quadriweekly, or monthly rate of pay. If the pay is in one lump sum, existing law requires the district to pay the employee within 10 days after the termination of the services. If the pay is at an hourly, daily, biweekly, quadriweekly, or monthly rate, existing law requires the district to pay the employee within 10 days after the end of each calendar month or pay period during which the services are performed.

This bill would require, if the above-described salary payments are not made timely, the amount of the salary payment due to be increased by an amount of interest determined by a specified method in the Revenue and Taxation Code with respect to the unpaid amount for each day of delay.

*This bill would also provide that a certificated employee of a school district who qualifies for a salary increase is required to be paid the increased salary not later than 2 pay periods after the employee first files for the increase. The bill would require that all amounts due the employee resulting from the salary increase and not paid to the employee at the time that the employee actually received the increase be paid within 10 business days of the date that the employee actually received the salary increase.*

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 45048 of the Education Code is  
 2 amended to read:  
 3 45048. (a) Each salary payment for any calendar  
 4 month may be made on the last working day of the month  
 5 and shall be paid not earlier than the last working day of  
 6 the month and not later than the fifth day of the



1 succeeding calendar month except that teachers  
2 employed for less than full time in classes for adults, in a  
3 day or evening high school, or in a special day or evening  
4 class maintained in connection with an elementary school  
5 shall be paid on or before the 10th day of the succeeding  
6 calendar month for services performed during the  
7 preceding calendar month.

8 (b) If the school district provides for the payment of  
9 the salary of employees employed in positions requiring  
10 certification qualifications once each two weeks, twice a  
11 month, or once each four weeks, pursuant to Section  
12 45038, each salary payment may be made on the last  
13 working day of the payroll period and shall be made not  
14 earlier than the last working day of the payroll period and  
15 not later than the eighth working day of the following  
16 payroll period.

17 (c) If a salary payment is not made timely as required  
18 by this section, the amount of the salary payment due  
19 shall be increased by ~~the amount of interest determined~~  
20 ~~by the method established in Section 19521 of the~~  
21 ~~Revenue and Taxation Code with respect to the unpaid~~  
22 *an amount of interest on the unpaid amount* for each day  
23 of delay.

24 (d) *A certificated employee of a school district who*  
25 *qualifies for a salary increase shall be paid the increased*  
26 *salary not later than two pay periods after the employee*  
27 *first files for the salary increase. The district shall*  
28 *additionally pay the employee daily interest on the*  
29 *amount owed to the employee calculated from the date*  
30 *that the employee was entitled to the salary increase if the*  
31 *school district does not pay the employee his or her salary*  
32 *increase within two pay periods after the employee first*  
33 *files for the salary increase. All amounts due the employee*  
34 *resulting from the salary increase and not paid to the*  
35 *employee at the time that the employee actually receives*  
36 *the salary increase shall be paid to the employee within*  
37 *10 business days of the date that the employee actually*  
38 *received the salary increase. The district shall*  
39 *additionally pay the employee daily interest on the*  
40 *amount owed to the employee calculated from the date*



1 *that the employee was entitled to the salary increase if the*  
2 *district does not pay the employee all amounts due the*  
3 *employee resulting from the salary increase within 10*  
4 *business days following the date that the employee*  
5 *actually received the salary increase.*

6 *(e) The amount of interest required by subdivisions*  
7 *(c) and (d) shall be determined by the method*  
8 *established in Section 19521 of the Revenue and Taxation*  
9 *Code.*

10 *(f) This section shall not prohibit a school district from*  
11 *making a payment of earned salary before the last*  
12 *working day of the month or payroll period.*

13 SEC. 2. Section 45049 of the Education Code is  
14 amended to read:

15 45049. (a) When any school district employs a  
16 certificated employee to perform teaching or other  
17 services in addition to his or her regular teaching duties,  
18 or when a school district employs a certificated employee  
19 to perform teaching or other services at a summer school  
20 maintained by the district, the district shall pay the  
21 employee for the services either in one lump sum or at an  
22 hourly, daily, biweekly, quadriweekly, or monthly rate of  
23 pay. If the pay is in one lump sum, the district shall pay  
24 the employee within 10 days after the termination of the  
25 services. If the pay is at an hourly, daily, biweekly,  
26 quadriweekly or monthly rate, the district shall pay the  
27 employee within 10 days after the end of each calendar  
28 month or pay period during which the services are  
29 performed.

30 (b) If a salary payment is not made timely as required  
31 by this section, the amount of the salary payment due  
32 shall be increased by ~~the amount of interest determined~~  
33 ~~by the method established in Section 19521 of the~~  
34 ~~Revenue and Taxation Code with respect to the unpaid~~  
35 *an amount of interest on the unpaid amount* for each day  
36 of delay.

37 (c) *A certificated employee of a school district who*  
38 *qualifies for a salary increase shall be paid the increased*  
39 *salary not later than two pay periods after the employee*  
40 *first files for the salary increase. The district shall*



1 *additionally pay the employee daily interest on the*  
2 *amount owed to the employee calculated from the date*  
3 *that the employee was entitled to the salary increase if the*  
4 *school district does not pay the employee his or her salary*  
5 *increase within two pay periods after the employee first*  
6 *files for the salary increase. All amounts due the employee*  
7 *resulting from the salary increase and not paid to the*  
8 *employee at the time that the employee actually receives*  
9 *the salary increase shall be paid to the employee within*  
10 *10 business days of the date that the employee actually*  
11 *received the salary increase. The district shall*  
12 *additionally pay the employee daily interest on the*  
13 *amount owed to the employee calculated from the date*  
14 *that the employee was entitled to the salary increase if the*  
15 *district does not pay the employee all amounts due the*  
16 *employee resulting from the salary increase within 10*  
17 *business days following the date that the employee*  
18 *actually received the salary increase.*

19 *(d) The amount of interest required by subdivisions*  
20 *(b) and (c) shall be determined by the method*  
21 *established in Section 19521 of the Revenue and Taxation*  
22 *Code.*

