

AMENDED IN ASSEMBLY MAY 19, 1999
AMENDED IN ASSEMBLY APRIL 29, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 1668

Introduced by Assembly Member Knox

March 15, 1999

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~~ *3 regular* pay periods *or 3 months, whichever is longer*, after the employee ~~first~~ *files proper documentation where required* 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~~ *20* 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



1 and shall be paid not earlier than the last working day of
2 the month and not later than the fifth day of the
3 succeeding calendar month except that teachers
4 employed for less than full time in classes for adults, in a
5 day or evening high school, or in a special day or evening
6 class maintained in connection with an elementary school
7 shall be paid on or before the 10th day of the succeeding
8 calendar month for services performed during the
9 preceding calendar month.

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

19 (c) If a salary payment is not made timely as required
20 by this section, the amount of the salary payment due
21 shall be increased by an amount of interest on the unpaid
22 amount for each day of delay.

23 (d) A certificated employee of a school district who
24 qualifies for a salary increase shall be paid the increased
25 salary not later than ~~two pay periods after the employee~~
26 ~~first files~~ *three regular pay periods or three months,*
27 *whichever is longer, after the employee files proper*
28 *documentation where required* for the salary increase.
29 The district shall additionally pay the employee daily
30 interest on the amount owed to the employee calculated
31 from the date that the employee was entitled to the salary
32 increase if the school district does not pay the employee
33 his or her salary increase within ~~two pay periods after the~~
34 ~~employee first files~~ *three regular pay periods or three*
35 *months, whichever period is longer, after the employee*
36 *files proper documentation where required* for the salary
37 increase. All amounts due the employee resulting from
38 the salary increase and not paid to the employee at the
39 time that the employee actually receives the salary
40 increase shall be paid to the employee within ~~10~~ 20



1 business days of the date that the employee actually
2 received the salary increase. The district shall
3 additionally pay the employee daily interest on the
4 amount owed to the employee calculated from the date
5 that the employee was entitled to the salary increase if the
6 district does not pay the employee all amounts due the
7 employee resulting from the salary increase within ~~10~~ 20
8 business days following the date that the employee
9 actually received the salary increase.

10 (e) The amount of interest required by subdivisions
11 (c) and (d) shall be determined by the method
12 established in Section 19521 of the Revenue and Taxation
13 Code.

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

17 SEC. 2. Section 45049 of the Education Code is
18 amended to read:

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

34 (b) If a salary payment is not made timely as required
35 by this section, the amount of the salary payment due
36 shall be increased by an amount of interest on the unpaid
37 amount for each day of delay.

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



1 ~~first files~~ *three regular pay periods or three months,*
2 *whichever is longer, after the employee files proper*
3 *documentation where required* for the salary increase.
4 The district shall additionally pay the employee daily
5 interest on the amount owed to the employee calculated
6 from the date that the employee was entitled to the salary
7 increase if the school district does not pay the employee
8 his or her salary increase within ~~two pay periods after the~~
9 ~~employee first files~~ *three regular pay periods or three*
10 *months, whichever is longer, after the employee files*
11 *proper documentation where required* for the salary
12 increase. All amounts due the employee resulting from
13 the salary increase and not paid to the employee at the
14 time that the employee actually receives the salary
15 increase shall be paid to the employee within ~~10~~ 20
16 business days of the date that the employee actually
17 received the salary increase. The district shall
18 additionally pay the employee daily interest on the
19 amount owed to the employee calculated from the date
20 that the employee was entitled to the salary increase if the
21 district does not pay the employee all amounts due the
22 employee resulting from the salary increase within ~~10~~ 20
23 business days following the date that the employee
24 actually received the salary increase.
25 (d) The amount of interest required by subdivisions
26 (b) and (c) shall be determined by the method
27 established in Section 19521 of the Revenue and Taxation
28 Code.

