

Senate Bill No. 830

CHAPTER 205

An act to amend Section 35556 of the Education Code, relating to school district reorganization.

[Approved by Governor July 27, 1999. Filed with Secretary of State July 28, 1999.]

LEGISLATIVE COUNSEL'S DIGEST

SB 830, Karnette. Employees of reorganized school districts.

Existing law authorizes the reorganization of school districts and provides for the disposition of the assets and obligations of reorganized school districts. With regard to persons employed by reorganizing school districts in positions not requiring certification qualifications, existing law requires that the reorganization not affect the rights of these persons to retain the salary, leaves, and other benefits that they would have had if the reorganization had not occurred. Existing law also requires that, when a portion of the territory of any district becomes part of another district, employees regularly assigned to perform their duties in the territory affected become employees of the acquiring district, and further requires that an employee regularly assigned by the original district to any school in the district be an employee of the district in which the school is located.

This bill would, with respect to reorganizations commenced on or after January 1, 2000, authorize an employee in these instances, in a manner consistent with relevant provisions of existing law and with any applicable collective bargaining agreement, to elect to accept a vacant position, for which he or she qualifies, that the first district elects to fill ; to fill, by exercise of his or her rights of seniority, a position, for which he or she qualifies, in the first district; or to have his or her name entered on a reemployment list of the first district.

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

SECTION 1. Section 35556 of the Education Code is amended to read:

35556. (a) The reorganization of any school district, or districts, shall not affect the rights of persons employed in positions not requiring certification qualifications to retain the salary, leaves, and other benefits which they would have had if the reorganization had not occurred. These persons shall be treated in the manner provided in this section.



(b) All employees of every school district that is included in any other district, or all districts included in a new district, shall become employees of the new district.

(c) (1) When a portion of the territory of any district becomes part of another district, employees regularly assigned to perform their duties in the territory affected shall become employees of the acquiring district unless, in a manner consistent with relevant provisions of this code and with any applicable collective bargaining agreement, one of the following occurs:

(A) An employee elects to accept a vacant position, for which he or she qualifies, that the first district elects to fill.

(B) An employee elects to fill, by exercise of his or her rights of seniority under existing law or the collective bargaining agreement with the first district, a position, for which he or she qualifies, in the first district.

(C) An employee elects to have his or her name entered on a reemployment list of the first district.

(2) Employees whose assignments pertained to the affected territory, but whose employment situs was not in that territory, may elect to remain with the original district or become employees of the acquiring district.

(d) When the territory of any district is divided between, or among, two or more districts and the original district ceases to exist, employees of the original district regularly assigned to perform their duties in any specific territory of the district shall become employees of the district acquiring the territory. Employees not assigned to specific territory within the original district shall become employees of any acquiring district at the election of the employees.

(e) An employee regularly assigned by the original district to any school in the district shall be an employee of the district in which the school is located unless that employee elects to continue in the employ of the first district pursuant to subdivision (c).

(f) Except as otherwise provided in this section, nothing in this section shall be construed to deprive the governing board of the acquiring district from making reasonable reassignments of duties.

(g) The amendments to this section made during the 1999–2000 Regular Session of the Legislature shall apply only to school district reorganizations commenced on or after January 1, 2000.

