

California School Personnel Commissioners Association (CSPCA)  
Legislative Committee Report

Legislative Summary – April 2010

<i>Bill No.</i>	<i>Author</i>	<i>Description</i>	<i>Where Now?</i>	<i>Effect if Passed</i>	<i>Recommended Position</i>
AB 1651	De La Torre	Public Employees' Retirement Law: furloughs: retirement credit	Passed out of P.E., R. & S.S. cmte; sent to Approp. Cmte - to Suspense file.	<b>NON-URGENCY; NON-STATE-MANDATED PROGRAM; NON-APPROPRIATIONS</b> This bill would provide that the calculations for retirement allowances, under the Public Employees' Retirement Law, for specified local safety members and members who are employees of specified educational entities and who are subject to mandatory furloughs shall include, as credit for service and compensation, the amount of service and compensation that would have been credited and paid had the member not been subject to mandatory furloughs on or after July 1, 2008, as specified. An act to add Section 20969.2 to the Government Code, relating to public retirement.	<b>SUPPORT</b>
AB 1665	Swanson	School employees: scope of representation	Passed out of P.E., R. & S.S. cmte; sent to Approp. Cmte - to Suspense file.	<b>NON-URGENCY; IS STATE-MANDATED PROGRAM; NON-APPROPRIATIONS</b> This bill would require public school employers to give reasonable written notice of not less than 15 days to the exclusive representative of classified personnel of a public school employer's intent to make any change to matters within the scope of representation, including, but not necessarily limited to, start time. The bill would also require public school employers to provide a recognized employee organization with the opportunity to meet and negotiate with the public school employer. An act to amend Section 3543.2 of the Government Code, relating to school employees.	<b>NO POSITION</b>
AB 2005	Arambula	Classified school employees	In Educ. Cmte; hearing cancelled at request of author.	<b>NON-URGENCY; NON-STATE-MANDATED PROGRAM; NON-APPROPRIATIONS</b> Existing law requires that in every school district coterminous with the boundaries of a city and county, except for certain paraprofessionals, as specified, employees in classified positions be employed pursuant to the provisions of the city and county charter establishing a merit system, if the city and county has a charter that includes such a provision. This bill instead would make that provision <i>permissive</i> , thereby providing a school district under the conditions described above with discretion as to whether or not to employ persons in those classified positions pursuant to the merit system provisions of the city and county charter. An act to amend Section 45318 of the Education Code, relating to classified school employees.	<b>OPPOSE</b>
AB 2034	Knight	Public school volunteers: persons convicted of . . . .	In Senate 4/29; to Cmte on Rules for assignment.	<b>NON-URGENCY; NON-STATE-MANDATED PROGRAM; NON-APPROPRIATIONS</b> This bill would prohibit persons who have been convicted of designated sex or controlled substance offenses. (ref. sec. 44010 and 44011), and who have not been subsequently acquitted or had the charges against them dismissed, from serving as nonteaching volunteer aides. An act to amend Sections 35021, 35021.1, 35021.2, 44836, and 49024 of the Education Code, relating to public school volunteers.	<b>SUPPORT</b>
AB 2584	Torlackson	Schools: district employees	Passed fof P.E., R. & S.S. cmte; referred to Approp. Cmte - to Suspense file.	<b>NON-URGENCY; IS STATE-MANDATED PROGRAM; NON-APPROPRIATIONS</b> This bill would require the personnel commission to determine the compensation for, evaluate, and supervise the personnel director; would require the personnel commission to make an annual performance evaluation of the personnel director and authorize the exclusive representatives of classified employees of the applicable school or community college district and the district administration to participate in the annual performance evaluation of the director of the personnel commission by completing an evaluation or comment form distributed by the commission. The bill would require the personnel commission to review the submitted evaluation and comment forms, if any, and would require the commission to consider them as part of the overall evaluation process. The bill would grant the	<b>SUPPORT</b>

				personnel commission the authority to impose discipline upon the personnel director if cause has been established in accordance with commission rules applicable to all classified employees. The bill, in order to ensure due process for the personnel director, would grant the personnel director the option of requesting a hearing from an impartial hearing officer regarding disciplinary action imposed on the personnel director, the method for selecting the hearing officer to be designated in commission rules and would bind the commission by the findings of the hearing officer. An act to add Sections 45266.5 and 88026.25 to the Education Code, relating to school district employees.	
AB 2621	Norby	School districts: personal services contracting	Failed passage in P.E., R. & S.S. cmte - <i>inactive</i>	<del><b>NON-URGENCY; NON-STATE-MANDATED PROGRAM; NON-APPROPRIATIONS</b></del> <del>Existing law permits school districts to use personal services contracting, in order to achieve cost savings, for all services that are currently or customarily performed by classified school employees if specified conditions are satisfied. This bill would repeal those provisions. An act to repeal Section 45103.1 of the Education Code, relating to school districts.</del> <i>Failed passage – inactive.</i>	<b>NO POSITION</b>
AB 2685	De La Torre	Schools: criminal background of employees and board members	<i>Amended 4/15 to apply only to Charter Schools</i>	<del><b>URGENCY; IS STATE-MANDATED PROGRAM; NON-APPROPRIATIONS</b></del> <del>This bill would require a person who is elected, appointed, or is otherwise selected to serve on governing board to successfully complete a criminal background check, as specified, prior to taking office. The bill would require the CTC, with the assistance of the Department of Justice, to establish and maintain a database of all persons who do not possess a valid credential issued by the commission, who are or were employed by a private school in a position requiring contact with minor pupils, and who have been arrested or convicted of a sex offense.</del> <i>Amended to apply only to charter schools.</i>	<b>NO POSITION</b>
SB 1335	Cox	Employment: working hours	Failed passage in Labor & Industrial Relations Cmte - <i>inactive.</i>	<del><b>NON-URGENCY; NON-STATE-MANDATED PROGRAM; NON-APPROPRIATIONS</b></del> <del>This bill would permit an individual nonexempt employee to request an employee selected flexible work schedule providing for workdays up to 10 hours per day within a 40-hour workweek, and would allow an employer to implement this schedule without any obligation to pay overtime compensation. The bill would require the Division of Labor Standards Enforcement in the Department of Industrial Relations to enforce this provision and adopt regulations.</del> <i>Failed passage – inactive.</i>	<b>SUPPORT</b>
SB 1425	Simitian	Public retirement: final compensation: computation: retirees	Heard 4/12; passed from cmte on public empl. / retirement; re-referred to approp. Cmte; hearing set for May 10.	<del><b>NON-URGENCY; NON-STATE-MANDATED PROGRAM; NON-APPROPRIATIONS</b></del> <del>This bill would provide, effective July 1, 2011, that any change in salary, compensation, or remuneration principally for the purpose of enhancing a member’s benefits would not be included in the calculation of a member’s final compensation for purposes of determining that member’s defined benefit. The bill would require the board of each state and local public retirement system to establish, by regulation, accountability provisions that would include an ongoing audit process to ensure that a change in a member’s salary, compensation, or remuneration is not made principally for the purpose of enhancing a member’s retirement benefits. <u>This bill would limit the calculation of a member’s final compensation to an amount not to exceed the average increase in compensation received within the final compensation period and the 2 preceding years by employees in the same or a related group as that member.</u> This bill would also require a board of each state and local public retirement system to establish, by regulation, a requirement that a retired person may not perform services for any employer covered by a state or local retirement system until that person has been separated from service for a period of at least 6 months. An act to amend Sections 22112.5, 22119.2, 22461, 22905, 24214.5, 26505, and 26806 of the Education Code, and to amend Sections 20221, 20630, 20636, 20636.1, and 21220 of, and to add Sections 7500.5 and 21220.3 to, the Government Code, relating to public retirement systems.</del>	<b>NO POSITION</b>  <b>ENCOURAGE REMOVAL OF 6 MONTH WAITING PERIOD FOLLOWING RETIREMENT, AND REMOVAL OF UNDERLINED PORTION SHOWN AT LEFT.</b>