
SENATE COMMITTEE ON EDUCATION

Senator Carol Liu, Chair
2015 - 2016 Regular

Bill No: AB 1339
Author: Santiago
Version: April 6, 2015
Urgency: No
Consultant: Lenin Del Castillo
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Fiscal: No

Subject: School district employees: merit system: appointments

SUMMARY

This bill extends the exemption from the requirement that a merit system school district fill classified employee vacancies with applicants from the first three ranks on an eligibility list until December 31, 2020.

BACKGROUND

Existing law:

- 1) Allows an appointment to be made from other than the first three ranks of eligible applicants on the eligibility list if one or more of the following are required for successful job performance of a position to be filled:
 - a) The ability to speak, read, or write a language in addition to English.
 - b) A valid driver's license.
 - c) Specialized licenses, certifications, knowledge, or ability, as determined by the school district personnel commission that cannot reasonably be acquired during the probationary period.
 - d) A specific gender, if it is a bona fide occupational qualification.
- 2) Requires that the recruitment bulletin announcing the examination indicate the special requirements that may be necessary for filling one or more of the positions in the classification.
- 3) Requires that, if a position is to be filled using the authority of this section, the appointment be made from among the highest three ranks of eligible candidates on the appropriate eligibility list who meet the special requirements of the position and who are ready and willing to accept the position.
- 4) Requires that, if there are insufficient applicants who meet the special requirements, an employee who meets the special requirements may receive provisional appointments that may accumulate to a total of 90 working days. This provision applies only to the following classifications:
 - a) Principal financial analyst.

- b) Principal administrative analyst.
 - c) Senior administrative analyst.
 - d) Senior administrative assistant.
 - e) Senior financial analyst.
 - f) Information technology electronic communications technician.
 - g) Information technology solution technician.
 - h) Senior human resource specialist.
 - i) Any classifications that have been designated as management or confidential.
- 5) Requires a school district that makes an appointment pursuant to this section to study the effectiveness of the selection method, the vacancy rates for each class, and the length of time to hire for each class, and submit a report on its findings to any affected labor union.
- 6) Provides that these provisions shall become inoperative on December 31, 2015.

ANALYSIS

This bill applies only to the Los Angeles Unified School District (LAUSD). Specifically, this bill:

- 1) Extends until December 31, 2020, the provisions in current law that authorize a school district with a student population of over 400,000 to fill a classified vacancy with an applicant who is not among the first three ranks of an eligibility list if the position requires a person of a specific gender or requires specialized licenses, certifications, knowledge, or ability which cannot reasonably be acquired during the probationary period.
- 2) Removes “information technology solution technician” from the list of classifications subject to this exemption.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author’s office, by providing flexibility in the appointments process, this bill will help the LAUSD simplify and expedite the hiring process and ensure vacant positions are filled with qualified personnel without affecting the merit system.
- 2) **Merit systems.** Current law establishes a system of classified personnel management, known as the merit system, which has been adopted by nearly 100 school districts in California, including the LAUSD which adopted the merit system in 1936.

In a merit system district, a personnel commission establishes guidelines that the district governing board must follow in the hiring, retention, and promotion of classified employees. The commission is comprised of one commissioner selected by the exclusive representative of the classified employees, one commissioner selected by the school district, and a third commissioner selected by the other two.

Vacancies in the classified service are filled from applicants on eligibility lists, except for vacancies filled by transfer, demotion, reinstatement, and reemployment in accordance with rules of the commission. An applicant's place on an eligibility list is determined by his or her performance on a competitive examination. All eligible applicants with the same score are considered as having the same rank, and positions generally are filled by applicants from the first three ranks on an eligibility list.

- 3) ***History of the exemption.*** Current law, until January 1, 2015, authorizes the Los Angeles Unified School District (LAUSD) to fill vacancies in specified job classifications from ranks other than the top three ranks of an employment list if specialized licenses, certifications, knowledge, ability or a specific gender is required. The unique selection process established for LAUSD was originally authorized by AB 424 (Richman, Chapter 881, Statutes of 2003). The original exemption expired on January 1, 2006, and was extended to January 1, 2007, by AB 1772 (Assembly Public Employees Retirement and Social Security Committee, Chapter 547, Statutes of 2005). AB 5480 (Smyth, Chapter 528, Statutes of 2007) extended the expiration date again to January 1, 2012, and limited its application to 16 specified positions. AB 2125 (Hall, Chapter 56, Statutes of 2012) extended the exemption from the requirement to appoint from the first three ranks to December 31, 2015 and applied it to nine positions. AB 415 (Karnette, Chapter 186, Statutes of 2008) added "any classifications that have been designated as management" to the listed classifications. AB 1293 (Hall, Chapter 145, Statutes of 2009) added nine additional positions to which the exemption applied.

SUPPORT

Los Angeles Unified School District (sponsor)

OPPOSITION

None received.

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