

Date of Hearing: May 13, 2015

ASSEMBLY COMMITTEE ON EDUCATION
Patrick O'Donnell, Chair
AB 1339 (Santiago) – As Amended April 6, 2015

SUBJECT: School district employees: merit system: appointments.

SUMMARY: Extends, until December 31, 2020, exemptions from the requirement that a merit system school district fill classified employee vacancies with applicants from the first three ranks on an eligibility list. Specifically, **this bill**:

- 1) Extends, until December 31, 2020, provisions of law which authorize a school district with a student population of over 400,000 (the Los Angeles Unified School District) 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.

EXISTING LAW:

- 1) Allows an appointment may 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) A school district that makes an appointment pursuant to this section shall 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) Sunsets these provisions on December 31, 2015.

FISCAL EFFECT: This bill has been keyed non-fiscal.

COMMENTS:

Need for the bill. The rationale for the exemptions extended by this bill, as described in an analysis of AB 424 (Richman), Chapter 881, Statutes of 2003, was that these provisions would “provide efficiencies, economies and flexibility in the examination and selection process for classified employees of the Los Angeles Unified School District.” The sponsor of that bill stated that the “Rule of Three Ranks” takes between one and four months to fill a vacancy, and that “at any given time, there are tens of vacancies in any given classification. If one school must select from the top three ranks before the next school can select, inordinate delays are created in the hiring of qualified employees.” The sponsor argued that an exemption would reduce hiring time to two to three weeks.

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, the sponsor of this bill, 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. Appointments may be made from other than the first three ranks when the ability to speak, read, or write a language in addition to English or possession of a valid driver's license is a requirement of the position.

Previous legislation. The exemption from the requirement to appoint from the first three ranks was first provided by AB 424 (Richman), Chapter 881, Statutes of 2003. That bill did not restrict the exemption to specified positions. The original exemption expired on January 1, 2006 and was extended to January 1, 2007 by AB 1772 (PER&SS Committee), Chapter 547, Statutes of 2005. AB 580 (Smyth), Chapter 528, Statutes of 2007, extended the expiration date again to January 1, 2012 and limited its application to 16 specified positions. AB 415 (Karnette), Chapter 186, Statutes of 2008, added "any classifications that have been designated as management" to the 16 positions added by AB 580. AB 1293 (Hall), Chapter 145, Statutes of 2009, added nine additional positions to which the exemption may apply. AB 2125 (Hall), Chapter 56, Statutes of 2012, extends the exemption from the requirement to appoint from the first three ranks to December 31, 2015 and applied it to nine positions.

REGISTERED SUPPORT / OPPOSITION:**Support**

Los Angeles Unified School District (sponsor)

Opposition

None on file

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