

Assembly Bill 1353

Probationary Periods for Non-Merit Employees

Assemblymember Buffy Wicks (AD-15)

THIS BILL

This bill will bring conformity to two parts of the Education Code by making the probationary period for non-merit and merit district classified staff to be six months or 130 days of paid service.

THE ISSUE

Merit systems, also called “civil service systems,” have existed in government since the 1800s and were enacted to eliminate the corruption of the “spoils system” in filling government jobs, where employment, continued employment, and promotions were handed out as rewards for supporting successful elected officials and their political parties.

School districts may, at the option of the classified employees of that district, operate under a merit system that allows for consistency and fairness in hiring, promotions, and other human resource related issues.

Today, in California’s public schools, there are over 100 merit system districts covering approximately 60 percent of classified employees. Schools that operate without a merit system rely on the collective bargaining process and other traditional human resource models.

Classified employees are crucial in our public education system by providing for the health, safety, nutrition, and academic support for all students. Moreover, classified employees perform the same job and acquire the same experience regardless of the type of district.

Current law sets a time limit when an employee transitions from a probationary

status to permanent status. However, there is a confusing misalignment in the Education Code that provides for a one year limit for non-merit district employees and a six month limit for merit-district employees.

SOLUTION

AB 1353 will bring conformity and clarity for K-12 classified staff, allowing for classified employees to obtain permanent status no later than six months or 130 days of paid service.

Many non-merit districts already conform to the merit-district time limits due to collective bargaining agreements. Aligning both of these codes simplifies the process.

SUPPORT

- California Federation of Teachers (Sponsor)
- American Federation State, County, and Municipal Employees (AFSCME)
- California School Employees Association
- California Teachers Association

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