

Date of Hearing: April 8, 2026

ASSEMBLY COMMITTEE ON PUBLIC EMPLOYMENT AND RETIREMENT

Tina S. McKinnor, Chair

AB 2120 (Solache) – As Introduced February 18, 2026

SUBJECT: School district employees: merit system

SUMMARY: Makes changes to existing law relating to classified school employees in K-12 public schools in the Los Angeles Unified School District (LAUSD), among other provisions. Specifically, **this bill:**

- 1) Removes the classification “information technology electronics communications technician” from the list of appointments that may be made from a list of eligible applicants.
- 2) Permanently extends the authority of the LAUSD to make an appointment from other than the first three ranks on the eligibility list by repealing the existing sunset date of January 1, 2027, granting this authority.
- 3) Authorizes the LAUSD to retain, without regard to seniority, classified employees hired from other than the first of three ranks of an eligibility list, if the employee’s layoff would deprive the district of the following qualifications that was the basis for their original employment:
 - 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 personnel commission of the school district, that cannot reasonably be acquired during the probationary period.
 - d) A specific gender, if it is a bona fide occupational qualification.
- 4) Makes technical and clarifying changes for these purposes.
- 5) Includes legislative findings and declarations relating to the need for a special statute specific to the LAUSD, and that reimbursement is not required pursuant to Section 6, art. XIIB of the California Constitution, as specified.

EXISTING LAW:

- 1) Authorizes, until January 1, 2027, the LAUSD to make an appointment to specified classifications of positions to be made from other than the first three ranks on the eligibility list, if one or more of specified criteria are required for successful job performance of the position filled, in which case the appointment must be made from among the highest three ranks of eligible candidates on the list who meet the special requirements and are ready and willing to accept the position. (Section 45277.5, Educ. Code.)

- 2) Requires the governing board of a school district, except as provided, to employ persons not requiring certification qualifications or that are not academic positions, and to classify these employees and positions known as the “classified service.” (Sections 45100 et seq., Educ. Code.)
- 3) Authorizes a school district that adopts a merit system to appoint a personnel commission and, among other things, prescribes appointment to, powers, duties and composition of, the personnel commission. (Sections 45240 et seq., Educ. Code.)
- 4) Prohibits a school district that has adopted the merit system from demoting or removing a permanent classified employee, except for reasonable cause designated by rule of the personnel commission, but does not prevent layoffs for lack of work or funds, as prescribed. However, when classified employees are subject to layoff for lack of work or lack of funds, the order of layoff within the class must be determined by length of service, providing that the employee who has been employed the shortest time in the class, plus higher classes, be laid off first, and reemployment must be in order of seniority. Among other things, provides various requirements, discretionary authority, and rights relating to the suspension, demotion or dismissal of classified employees, as prescribed. (Sections 45302 through 45306 and 45308, Educ. Code.)
- 5) Authorizes the governing board of a school district to fix the duties of all classified service positions, and to recommend the minimum educational and work experience requirements for those positions to the personnel commission where minimum qualification requirements must be subject to approval of the commission. In addition, the criteria to be used by the personnel commission in approving minimum educational and work experience requirements for these positions is provided. (Section 45276, Educ. Code.)
- 6) Authorizes appointments to be made from other than the first three ranks of applicants on the eligibility list 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 to be filled. The recruitment bulletin announcing the examination must indicate the special requirements that may be necessary for filling one or more of the positions in the class. Where a position is to be filled, as provided, the appointment must be made from among the highest three ranks of applicants on the appropriate eligibility list who meet the special requirements and who are ready and willing to accept the position. If there are insufficient applicants who meet the special requirements, an employee who meets those special requirements may receive a provisional appointment that may accumulate a total of 90 working days, and successive provisional appointments of 90 working days or less may be made if an appropriate eligibility list does not exist containing applicants who meet the special requirements if the commission finds that certain requirements have been met. Further, such appointments are authorized to continue for the period of the provisional appointment, but they may not be additionally extended if certification can later be made from an appropriate eligibility list. (Section 45277, Educ. Code.)
- 7) Governs collective bargaining in the private sector under the federal National Labor Relations Act (NLRA) but leaves to the states the regulation of collective bargaining in their respective public sectors. (Sections 151 et seq., Title 29, United States Code.) While the NLRA and the decisions of its National Labor Relations Board often provide persuasive

precedent in interpreting state collective bargaining law, public employees generally have no collective bargaining rights absent specific statutory authority establishing those rights.

- 8) Provides several statutory frameworks under California law to provide public employees collective bargaining rights, govern public employer-employee relations, and limit labor strife and economic disruption in the public sector through a reasonable method of resolving disputes regarding wages, hours and other terms and conditions of employment between public employers and recognized public employee organizations or their exclusive representatives. These include the Educational Employment Relations Act (EERA), which governs employment relations for California's K-12 public schools and CCDs. (Sections 3512 et seq., Gov. Code.)
- 9) Establishes the Public Employment Relations Board (PERB), a quasi-judicial administrative agency charged with administering certain statutory frameworks governing employer-employee relations, resolving disputes, and enforcing the statutory duties and rights of public agency employers and employee organizations, but provides the City and County of Los Angeles a local alternative to PERB oversight. (Sections 3541 et seq., Gov. Code.)

FISCAL EFFECT: Unknown. This bill is flagged as fiscal by Legislative Counsel.

COMMENTS: *The committee is informed that this bill is also referred to the Assembly Committee on Education. As such, this writing only discusses matters that are germane to the jurisdiction of this committee and defers to the Assembly Committee on Education to discuss matters that are specifically germane to its jurisdiction.*

Among other things, information provided by the author states, “[s]elective certification, authorized under Personnel Commission Rule 635 and [Sections 45277 and 45277.5, Educ. Code], permits the certification of eligible candidates possessing special qualifications necessary for certain positions within a classification.

“As the largest district in California, four times larger than the next largest district, [the LAUSD] faces unique needs under the merit system. While other districts may have only a handful of applicants on a list for a position, or have the bandwidth to offer specified positions, [the LAUSD] maintains hundreds of classified positions, some of which have lists with over 100 qualified applicants. In addition, [the LAUSD] performs many functions in-house that in other districts are provided by the local County Office of Education or other entities. The size of the district, in both employment numbers and geography, as well as the highly diverse and specialized nature of [its] workforce, requires certain flexibilities that the original merit system was not designed to offer. Selective certification allows [the LAUSD] to maintain the rigorous hiring standards created by the merit system while effectively hiring for a district with over 30,000 classified employees across schools and offices. Without selective certification, if the first three ranks do not possess the necessary knowledge or certification, the hiring division faces significant operational risks. The division is compelled to onboard individuals who require immediate, intensive remedial training. This results in a prolonged skills and productivity gap of up to two years, increased turnover, and the additional cost of restarting the recruitment cycle should the candidate fail to achieve the necessary competencies. Selective certification allows

the district to most efficiently utilize taxpayer dollars by hiring candidates who are able to effectively perform the job on day one.

“Additionally, in the event of a reduction in force, the [LAUSD] may be compelled to lay off a recently-hired employee who was hired specifically due to possessing a certain skill set or qualification. This bill would allow the district to skip over these employees during reductions in force, if following the typical layoff pattern would deprive the district of the special skill for which the employee was hired.”

Brief History of the Establishment of Merit Systems in California Public Schools

“Merit systems,” also commonly referred to as district “civil service systems” relating to public education in California are independent of the school or community college district’s governing board where the personnel commission of a “merit system” district is responsible for administering the hiring and retention of classified school employees through a statutory framework pursuant to the Educ. Code. A personnel commission is an independent board separate from the governing board of a school district where a personnel commission has been formally adopted to cover employees.

Merit systems derive from the late 19th and early 20th century civil service movement that sought to curtail the “spoils” resulting from political patronage in the system whereby elected political candidates rewarded their supporters with government positions. These systems arose out of a particularly egregious school board decision to discharge over 700 classified employees in the 1930s upon the new board’s election. This history strongly suggests that the Legislature intended the merit system framework as a means to protect classified employees from local political mistreatment at a time prior to public sector collective bargaining, and in which such systems continue to exist. The personnel commission’s main directive is to ensure fair and objective treatment of all applicants and employees.

Generally, in the public education employment arena, districts that have not formally adopted the merit system are referred to as “nonmerit” districts. For such districts, employment matters are not addressed by a personnel commission.

Examples of Selective Certification Use in Other Jurisdictions

Similar to California’s various civil service statutes, the federal Office of Personnel Management’s process for federal employment involves the selection of eligible candidates for appointment based on merit and fitness. This process is governed by specific regulations and guidelines to ensure a fair and open competition. The selection is made from a list of eligibles, known as a certificate, which may be prepared from the most nearly appropriate existing register.¹ The OPM may re-rate the eligibles on the register based on the particular requirements of the position.

This authorization, pursuant to Section 332.403, Title 5 of the Code of Federal Regulations expressly provides, “[w]hen there is no register appropriate as a whole for the certification of eligibles for a particular position, [the federal Office of Personnel Management (OPM)] may

¹ “Certificate” means a list of eligibles from which an appointing officer selects one or more applicants for appointment.

prepare a certificate from the most nearly appropriate existing register by the selective certification of eligibles qualified for the particular position in the order of their ranking on the register. Special overseas selection factors may also be used as a basis for selective certification from a register used for filling overseas positions. When appropriate, [the OPM] may rerate the eligibles on the register on the basis of the particular requirements of the position.”

In New York City, the “selective certification process allows for candidates with specialized skills to be preferentially hired for positions requiring specific qualifications. This enables agencies... to identify candidates with special qualifications not tested in exams [and,] creates a smaller, specialized list of candidates from the broader eligible list, facilitating faster hiring needs for roles.”²

The City of Sacramento also uses selective certification. Its Civil Service Board Rules and Regulations provide that, “[i]f a vacancy exists within a classification, the appointing authority may request a selective certification (special qualifications) of eligibles having the specialized qualifications required if such request is made prior to certification. If the Board, after public hearing, determines that the facts and reasons justify such selective certification, the highest ranking eligibles who possess the special qualifications shall be certified. Notwithstanding any other provision of these rules, the Board must initiate selective certification (special qualifications) whenever the City workforce is constituted in such a manner that certain segments of the population are being insufficiently served because the workforce cannot adequately relate to their needs or culture. Such certification shall be applicable in all classifications where open competitive examinations are given and where the Board determines that the desired special qualifications will most effectively meet the needs of those under-served citizens of Sacramento and help further the goal of achieving a diversified workforce.” (Rule 6.7(b), Rules and Regulations of the Sacramento City Civil Service Board.)

Although various other examples exist, the underling purpose for the use, when appropriate, of selective certification remains the same.

This Bill

It is noted that after multiple enacted statutes during the past 23 years specifically addressing a need for the LAUSD with respect to selective certification, each statute enacted included a sunset provision that was later extended.³ Among other things, this bill proposes to remove the existing sunset, thereby, granting the LAUSD the ability to permanently utilize this process – when appropriate – for filling vacancies in a timely manner.

It also is noted that Section 45308(b)(1) of this bill – which is current law – expressly defines “length of service” relating to school districts with an average daily attendance below 250,000 beginning or continuing after July 1, 1971. Further, the governing board of a school district is not precluded from entering into an agreement with the exclusive representative of classified employes that defines that term to mean the hire date. In those districts that exceed that average daily attendance threshold beginning or continuing after July 1, 1986, the term “length of

² “What is the selective certification process and how does it work for city positions?” Committee on Civil Service and Labor, New York City Council. February 27, 2024. Also see, “Rule 4.7.10 Selective Certification,” The Rules of the City of New York.

³ See “Prior or Related Legislation” below.

service” must be determined by the date of hire. Moreover, if the governing board of a school district and exclusive representative enter into an agreement that defines that term to mean the hire date, the governing board may define “length of service” to mean the hire date for a classification of an employee not represented by any exclusive bargaining unit.

The technical amendments in the subdivisions of this section of existing law with respect to the aforementioned provisions neither impair nor intrude upon the EERA collective bargaining framework.

Author’s Statement

“Selective certification has allowed [the] LAUSD to decrease the time to hire staff in certain, critical roles, who have the skills to effectively support our schools and families on day one. In a time of decreasing enrollment and increasing costs, every dollar counts. Selective Certification is cost-effective and provides decreased disruption of service.”

Comments by Supporters

Among other things, The LAUSD states that, “[it] has used Selective Certification since 2003, which allows the district to move quickly to fill certain positions that require skills that cannot be acquired on the job, such as fluency in a foreign language. Prior to the implementation of Selective Certification in 2003, the district required between one to three months to fill a vacancy. These positions are now filled in two to five weeks, greatly improving continued service for our staff and students. Additionally, Selective Certification allows the district to most efficiently utilize taxpayer dollars by hiring candidates who have the skills to effectively perform the job on day one. [This bill] will further the impact of this policy, by allowing the district to retain employees with specialized skill sets during reductions in force.”

Comments by Opponents

None on file.

Prior or Related Legislation

Chapter 67, Statutes of 2020 (Assembly Bill 1859, Santiago) extended from December 31, 2020, to January 1, 2027, authority for the LAUSD to fill a classified vacancy with an applicant who is not among the first three ranks of an eligibility list, as specified.

Chapter 243, Statutes of 2015 (Assembly Bill 1339, Santiago) extended 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.

Chapter 56, Statutes of 2012 (Assembly Bill 2125, Hall) provided, until December 31, 2015, exemptions from the requirement that merit system school districts fill classified employee vacancies with applicants from the first three ranks on an eligibility list, and only applied to school districts with a pupil population over 400,000.

Chapter 145, Statutes of 2009 (Assembly Bill 1293, Hall) extended, until January 1, 2012, authority granted to the LAUSD to fill specified job classification vacancies from ranks other than the top three ranks of an employment list under certain conditions.

Chapter 186, Statutes of 2008 (Assembly Bill 415, Karnette) extended, until January 1, 2012, authority granted to the LAUSD to fill specified job classification vacancies from ranks other than the top three ranks of an employment list under specified conditions to include classifications that were designated as management.

Chapter 528, Statutes of 2007 (Assembly Bill 580, Smyth) authorized, until January 1, 2012, the 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, or ability that cannot reasonably be acquired during the probationary period or a specific gender is required.

Chapter 547, Statutes of 2005 (Assembly Bill 1772, Assembly Committee on Public Employees, Retirement and Social Security) authorized, until January 1, 2007, a school district with a pupil population over 400,000 to make an appointment for an open entry-level position from any rank on the eligibility list but requires that consideration be given to at least three candidates from the list, if available and other factors, as specified, among other provisions.

Chapter 881, Statutes of 2003 (Assembly Bill 424, Richman) authorized, until January 1, 2006, the LAUSD to select an employee from any rank on a merit system employment list, provided that at least three candidates from the list are considered, among other provisions.

REGISTERED SUPPORT / OPPOSITION:**Support**

Los Angeles Unified School District (*Sponsor*)

Opposition

None on file.

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