

## ASSEMBLY THIRD READING

AB 2142 (Garcia)

As Amended April 23, 2026

Majority vote

**SUMMARY**

Establishes a rebuttable presumption for when a "short-term employee" is considered a classified employee for services rendered to a K-12 or community college district (CCD).

**Major Provisions**

Establish that there must be a rebuttable presumption that a school district or CCD to replace a short-term employee position in a classified service position if any of the following occurs:

- 1) The short-term employee performs the required service of the position beyond 75 % of the school year, or
- 2) The short-term employee voluntarily separates, or is laid off or terminated for at least 50 % but less than 75 % of a school year, and the same employee is rehired in the next school year to perform substantially the same services for at least 50 % of the school year, or
- 3) The services of the short-term employee position are used at least 50 % of a school year for three of five consecutive school or college years.

**COMMENTS***Classified Employees – Who They Are and What They Do*

Generally, classified employees in the state's public education system are those who are not required to hold certain certification qualifications and provide custodial and maintenance, transportation, office and technical support, food service, and school safety services to students. Individuals in this classification provide basic needs, and help to maintain the social and emotional support of students in school districts. These employees help to keep students safe and schools operational. In some instances, classified employees also may serve as paraeducators where students may require personalized educational support while the paraeducator is under the tutelage of a certificated employee, i.e., teacher.

*Personnel Commission and Merit System*

A personnel commission is an independent board separate from the governing board and the leadership of school district or CCD. The purpose of the personnel commission is to maintain a "merit system" for the classified employees of the district and to oversee the work of the executive director and personnel commission staff, and its main directive is to ensure fair and objective treatment of all applicants and employees.

A merit system is a set of rules and procedures to ensure that the selection, promotion, and retention of classified staff is conducted in a manner without favoritism or prejudice. The personnel commission provides oversight to ensure a district is hiring, placing, and retaining classified staff in a fair and equitable manner. As part of its role, the personnel commission is

tasked with classifying and reclassifying positions and serve as an appeal body for disciplined classified staff.

### *This Bill*

The terms "short-term employee" and "seventy-five % of a school year" are respectively defined in statute, and Sections 45103(b)(1) and 88003(a), Education. Code expressly prohibit short-term employees who are paid for less than 75 % from being part of the classified service.

This bill proposes to address the "revolving door" phenomenon of public K-12 schools and CCDs hiring short-term employees for a period of time then subsequently rehiring them to perform the same or similar duties, which results in these employees not being deemed as within the classified service. Further, such activity may deprive these employees of other benefits associated with employment (e.g., employment protections, health, and retirement, etc.) To address these matters, this bill expressly makes clear that, as a rebuttable presumption, short-term employees who provide services beyond 75 % of the school year, or those whose employment is terminated prior to attaining work constituting 75 % of the school year then rehired, must be placed into the classified service.

Please refer to the policy committee analyses for a full discussion of this bill.

### **According to the Author**

"As an educator and a former school administrator, I understand the importance of all school and college employees and their very important role in shaping the future generations. Whether they are short-term, classified, or permanent, they deserve to be valued for the work they do. Unfortunately, many short-term employees work as long as permanent classified staff without the right classification, protection, or benefits. AB 2142 clarifies that workers needed on a recurring and continuous basis for longer than just 75% of a school year are automatically placed into the classified service, granting them their rightfully earned protections and benefits."

### **Arguments in Support**

In part, the California Federation of Teachers - A Union of Educators and Classified Professionals, AFT, AFL-CIO states, "[in] the education system, workers with jobs not requiring certification qualifications are known as "classified" workers. The descriptor "classified" stems from existing Education Code language requiring local district boards to group these workers into different classifications. Paraeducators, custodians, administrative staff, and maintenance workers are a few examples, but many, many others exist. While types of classified workers are varied, one factor unites them all: schools cannot run without them. When the front office is understaffed, essential school functions begin to collapse. When custodians have too much to do, hazardous conditions arise that threaten school safety. When the classroom needs a paraeducator but doesn't have one, teachers are overwhelmed and educational quality suffers. That's why we must ensure that all possible steps are taken to recruit and retain qualified and effective classified workers throughout our education system, from transitional kindergarten through higher education. Sadly, the often inadequate wages and benefits offered to classified workers mean that the previously described negative outcomes exist in far too many schools across California. These positions commonly pay hourly rates barely above the minimum wage, don't offer anything close to full-time hours, and leave workers unable to even qualify for

[California Public Employees' Retirement System] benefits. With [the reforms proposed by this bill], we take a small but significant step toward rewarding classified staff for their essential service. While this bill does not raise wages or create any new benefits, it does help guarantee that workers at least will earn the benefits and rights established by current law. Such a reform will help us keep the classified workers we currently have, attract new ones, and better protect the workers doing and devoting so much to keep our education system running strong."

Others offers similar statements in support of this bill.

### **Arguments in Opposition**

Among other things, a coalition of local education agencies (LEAs) express that, "[we] recognize the intent of the bill but remain deeply concerned due to the technical, fiscal and policy impacts on school districts and community colleges that could limit student service delivery while draining resources from other critical staffing needs. This bill would impair long-standing flexibilities that school districts and community colleges rely on to maximize resources and provide students with relevant services and programs. It also increases legal and grievance risk by potentially accelerating permanent status for roles that are not continuous or full-time in nature. Specifically, [this bill] would drastically change the way that a short-term, temporary or substitute employee may become eligible for permanent classified status by removing the requirement that the minimum service day threshold must be completed in just one school year. Instead, the "75 % of the school year," also defined at 195 working days, is over the lifetime of that individual. The calculation includes all afforded leave time as well as the undefined term "other services" in the working days calculation. [This bill] also creates a rebuttable presumption that an employee reaches permanent status after completing 195 days of service, including all leave allowances. Given current trends impacting education funding that include declining enrollment, escalating special education costs, and major liability exposure due to AB 218-related claims, a bill that seeks to further restrict flexibility is especially concerning. In TK-12 districts, the needs of the student population can change significantly when there are changes in enrollment. Small school districts feel this even more deeply. In special education, a single student can change staffing needs." Among other concerns, the coalition expresses, "we believe this bill could result in the unintended consequence of experienced, trusted employees not being hired in future school years," [and] "[s]chools will not be able to support the cost of returning employees becoming permanent and will seek other candidates to fill positions.

### **FISCAL COMMENTS**

According to the Assembly Committee on Appropriations, this bill would result in ongoing Proposition 98 General Fund costs of an unknown amount, but possibly in the millions of dollars statewide, to school districts and CCDs. There are nearly 1,000 school districts in the state and 72 community college districts with more than 300,000 classified staff statewide. An exact cost estimate depends on the number of temporary employees that a district must retain as permanent employees as a result of this bill.

The Legislative Analyst's Office recently warned of General Fund structural deficits of around \$35 billion per year in the 2027-28 fiscal year and ongoing.

**VOTES**

**ASM PUBLIC EMPLOYMENT AND RETIREMENT: 5-0-2**

**YES:** McKinnor, Boerner, Garcia, Nguyen, Michelle Rodriguez

**ABS, ABST OR NV:** Lackey, Alanis

**ASM HIGHER EDUCATION: 7-3-0**

**YES:** Fong, Boerner, Jackson, Muratsuchi, Patel, Ramos, Sharp-Collins

**NO:** DeMaio, Macedo, Tangipa

**ASM APPROPRIATIONS: 11-4-0**

**YES:** Wicks, Aguiar-Curry, Calderon, Caloza, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache

**NO:** Hoover, Dixon, Ta, Tangipa

**UPDATED**

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