
SENATE COMMITTEE ON LABOR, PUBLIC EMPLOYMENT AND RETIREMENT
Senator Lola Smallwood-Cuevas, Chair
2025 - 2026 Regular

Bill No: AB 2142 **Hearing Date:** July 1, 2026
Author: Garcia
Version: April 23, 2026
Urgency: No **Fiscal:** No
Consultant: Glenn Miles

SUBJECT: School districts: community college districts: short-term employees: classified service

KEY ISSUE

This bill would require school and community college districts using a merit system to replace short-term positions with permanent classified positions under specified conditions unless the district could rebut the presumption that positions meeting the conditions are classified, not short-term positions.

ANALYSIS

Existing law:

- 1) Requires the governing board of a school district to employ persons for positions not requiring certification qualifications and classify all of these employees and positions, except as specified. The employees and positions shall be known as the classified service. (Education Code § 45103)
- 2) Allows school districts to employ short-term employees who are employed and paid for less than 75 percent of a school year, and provides that short-term employees are not part of the classified service. (Education Code § 45103 (b))
- 3) Defines “short-term employee” to mean a person who is employed to perform a service for the school district, upon the completion of which, the service required or similar services will not be extended or needed on a continuing basis. Before employing a short-term employee, the governing board of a school district, at a regularly scheduled board meeting, shall specify the service required to be performed by the employee pursuant to the definition of “classification” in subdivision (a) of Section 45101, and shall certify the ending date of the service. The ending date may be shortened or extended by the governing board of a school district, but shall not extend beyond 75 percent of a school year. (Education Code 45103 (d)(2))
- 4) Provides that the provisions described above apply only to school districts not incorporating the merit system. (Education Code 45103 (f))
- 5) Requires the governing board of a community college district to employ persons for positions that are not academic positions and classify those employees and positions, as specified, to be known as the classified service. (Education Code § 88003)

- 6) Allows community college districts to employ short-term employees who are employed and paid for less than 75 percent of a college year, and provides that short-term employees are not part of the classified service. (Education Code § 88003)
- 7) Defines “short-term employee” to mean a person who is employed to perform a service for the community college district, upon the completion of which, the service required or similar services will not be extended or needed on a continuing basis. Before employing a short-term employee, the governing board of a community college district, at a regularly scheduled meeting of the governing board of the community college district, shall specify the service required to be performed by the employee pursuant to the definition of “classification” in subdivision (a) of Section 88001, and shall certify the ending date of the service. The ending date may be shortened or extended by the governing board of the community college district, but shall not extend beyond 75 percent of a school [college] year. (Education Code § 88003 (c)(1))
- 8) Provides that the provisions described above applicable to a community college district, apply only to a community college district not incorporating the merit system. (Education Code 88003 (f))

This bill:

- 1) Provides a rebuttable presumption that a school or community college district is required to replace a short-term employee position with a position in the classified service if any of the following occurs:
 - a) The short-term employee performs the required service of the position beyond 75 percent of a school year.
 - b) The short-term employee voluntarily separates or is laid off or terminated from employment for at least 50 percent but less than 75 percent of a school year, and the same employee is then rehired in the next school year to perform substantially the same services for at least 50 percent of the school year.
 - c) The services of the short-term employee position are used at least 50 percent of a school year for three of five consecutive school years.

COMMENTS**1. Need for this bill?**

According to the author:

“School districts and community colleges are allowed to hire classified ‘short-term’ workers for a variety of classified positions. These workers are defined largely as anyone who is employed to perform a service for the school, upon the completion of which, the service required will not be extended or needed on a continuing basis. These “short-term” employees may only be employed for 75 percent of a school year.

Although these positions are deemed ‘not needed on a continuing basis’, in theory; they are in fact utilized continuously for many years.

... [The bill's supporters] have shared many such situations where people are being worked as short-term employees for 10 years or more. The practice denies employees the status and benefits of regular employment.”

2. Proponent Arguments:

According to the California Federation of Teachers:

“EC [Education Code] Sections 45103 and 88103 allow education employers to bring on “short-term employees” for up to 75% of a school year and deny them every single right explicitly guaranteed by law to classified workers. As concerning as this section of law is, the reality is even worse: sometimes these workers are kept on as short-term employees for years if not decades, leaving dedicated employees languishing in unacceptable working conditions for far too long and in clear violation of the law.

For example, classified workers are guaranteed certain rehire rights that reward seniority when bringing workers back on after layoffs. Another section of the Education Code guarantees vacation days, accrued at the rate of 5/6 of a day for each month of work, to those employed for six months or longer. A similar section ensures that classified workers earn 12 sick days for every year on the job. Short-term employees, meanwhile, are denied all of these rights and many more. Action must be taken to ensure that, at a minimum, workers who have passed the aforementioned 75% cutoff are immediately awarded all rights and benefits guaranteed by current law.

AB 2142 (Garcia) clarifies that workers employed for more than 75% of the school year are automatically placed into the classified service. The bill further details that employers cannot skirt the law by bringing workers back in future years and continue refusing to award workers their earned rights and benefits as members of the classified service.”

3. Opponent Arguments:

According to a coalition of statewide and regional education organizations and local educational agencies, including the Association of California School Administrators and the California School Boards Association:

“AB 2142 would drastically change the way that short-term or temporary classified positions are established and how those positions are filled. Regrettably, it establishes an arbitrary new set of thresholds and minimum days served, with carry-over between multiple years of service in subsequent academic years. AB 2142 also creates a rebuttable presumption that an employee reaches permanent status after completing 195 days of service, including all leave allowances.

... We are also concerned with the potential impact that AB 2142 would have on March 15 layoff notice requirements. Tying permanency to a percentage of an individual's rolling threshold makes alignment with the fixed layoff notice deadline extremely difficult.

... Finally, we believe this bill could result in the unintended consequence of experienced, trusted employees not being hired in future school years. Episodic hourly costs convert to multi-year salary and benefit obligations funded primarily by the general fund, with substantially increased per-employee costs and long-term fiscal exposure. Schools will not be

able to support the cost of returning employees becoming permanent and will seek other candidates to fill positions.”

4. Related/ Prior Legislation:

AB 1247 (Garcia, 2025) would have required that contracted employees at a school district or community college district (CCD) meet or exceed the minimum qualifications and standards required of direct hires with the same job functions, as prescribed, and would have required a district provide them with the same health care or retirement benefit contributions as a direct hire. The bills also would have required that a school district or CCD compensate classified employees for any time necessary to complete required training at the employee’s regular pay rate. *The Assembly Appropriations held the bill in committee.*

AB 2413 (Carrillo, Chapter 913, Statutes of 2022) prohibits K-12 and community college (CCC) districts from suspending without pay, suspending with a reduction in pay, demoting, or dismissing a permanent classified employee who timely requests a hearing on the charges against the employee before the district or hearing officer renders a decision on the matter except for certain conduct as specified.

AB 438 (Reyes, Chapter 665, Statutes of 2021) made specified changes related to layoff procedures for classified employees at school and community college districts including requiring district superintendents to provide notice no later than March 15 prior to the ensuing school year of the superintendent’s recommendation to the district governing board to initiate required layoff procedures.

SUPPORT

California Federation of Teachers (Co-Sponsor)
 California School Employees Association (Co-Sponsor)
 California Federation of Labor Unions
 California Teachers Association
 SEIU, California
 Teamsters California

OPPOSITION

Association of California School Administrators
 California Association of School Business Officials
 California Association of Suburban School Districts
 California County Superintendents
 California School Boards Association
 Central Valley Education Coalition
 Chief Executive Officers of the California Community Colleges Board
 Community College League of California
 Kern County Superintendent of Schools
 Small School Districts' Association