

Modified Classified Layoff Procedures

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Assembly Bill (AB) 438, which provides classified employees the same layoff notice timelines and layoff procedures provided to academic employees, was signed into law today, October 8, 2021, and takes effect on January 1, 2022. AB 438 institutes significant changes in operational procedures and statutory timelines to reduce community college district (CCD) classified staff positions. Of note is that these changes impact the process to reduce or eliminate classified positions for the 2022–2023 fiscal year.

There are many operational questions remaining regarding AB 438, but with the implementation process for personnel reductions beginning in just a few months, there are key considerations to contemplate now, should your CCD be required to reduce staff for the 2022–23 school year:

- Education Code Section (EC §) 88017 is amended to require a March 15 layoff notice to classified employees and eliminates the 60-day notice timeline as a result of a reduction in service
- The CCD retains the ability to layoff classified employees with 60 days' notice due to the expiration of a specifically funded program per EC § 88017 (k)
- Classified employees are provided the right to a hearing to determine if there is cause for not reemploying the employee for the ensuing year

AB 438 will have far-reaching operational impacts to CCDs, especially for the finance and human resources departments. Stay tuned as we at School Services of California Inc. will continue to examine the procedural implications and prepare to provide resources and practical guidance to navigate the road ahead.