

SCHOOL AND COLLEGE LEGAL SERVICES of California

General Counsel
Margaret M. Merchat

Attorneys
Carl D. Corbin
Marko H. Fong
Kristina T. Jansen
Nancy L. Klein
Loren W. Soukup
Patrick C. Wilson
Frank Zotter, Jr.

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LEGAL UPDATE

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Reply to:
Santa Rosa Office
5350 Skylane Blvd.
Santa Rosa, CA 95403
(707) 524-2690
Fax: (707) 578-0517
santarosa@sclsca.org

Of Counsel
Robert J. Henry
Janna L. Lambert
Virginia A. Riegel

Susanne K. Reed
Susanne K. Reed
(1947 - 2010)

To: Superintendents, Member School Districts (K-12)

From: Kristina T. Jansen, Schools Legal Counsel *KTJ*

Subject: Increase in Notification Time for Classified Layoffs (AB 1908)
Memo No. 25-2012

This update is intended to highlight a recent change in the Education Code section which provides a notification period to classified employees prior to any layoff. Under Education Code section 45117, in order to layoff a classified employee, a school agency must give the employee notice of the layoff 45 calendar days prior to the effective date.

Under AB 1908, (Chapter 860), the 45 day notice period will increase to 60 calendar days. This change is effective January 1, 2013.

Depending on the outcome of Proposition 30 and Proposition 38 many school agencies may need to lay off classified personnel after the election. Layoffs initiated prior to January 1, 2013 will have a 45 day notice requirement and layoffs initiated on or after January 1, 2013 will require 60 days of notice. School agencies also need to review collective bargaining agreements and applicable policies to determine if the school agency itself has established any other notice requirements.

If you have any questions, please do not hesitate to contact an attorney in our office.