



SCHOOL & COLLEGE LEGAL SERVICES  
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LEGAL UPDATE

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To: Superintendents/Presidents/Chancellors, Member Community  
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From: Carl D. Corbin, General Counsel CDC  
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Subject: SB 98 Limits Certain Certificated and Classified Layoffs for  
2020-2021  
ADDENDUM to Memo No. 23-2020(CC)

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The State Senate Committee on Budget and Fiscal Review has issued a letter interpreting Section 94 of Senate Bill (“SB”) 98. A copy of this letter is attached to this Addendum.

The letter addresses the intent of the Senate regarding the prohibition of classified layoffs in the categories of transportation, nutrition, and custodial.

The letter clarifies, “If as of July 1, 2020, a school district, county office of education, community college district, or joint powers authority has provided a layoff notice to an employee covered by this section, but the 60-day notice period has not concluded, then the employer is barred from carrying out the layoff from July 1, 2020, to June 30, 2021.”

Therefore, if your college issued a layoff notice to a classified employee with a classification of transportation, nutrition, or custodian after May 2, 2020, and the 60-day notice period has not yet expired, the college may not move forward with the layoff. Layoffs of classified employees in other classifications (including secretarial, information technology, etc.) may still move forward.

Please contact our office with questions regarding this Legal Update or any other legal matter.

*The information in this Legal Update is provided as a summary of law and is not intended as legal advice. Application of the law may vary depending on the particular facts and circumstances at issue. We, therefore, recommend that you consult legal counsel to advise you on how the law applies to your specific situation.*

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**Legislative Intent—Senate Bill No. 98**

Erika Contreras  
Secretary of the Senate  
State Capitol, Room 3044 Sacramento, California

Dear Ms. Contreras:

This letter is to clarify the intent of Section 94 of SB 98, which provides as follows:

From July 1, 2020, to June 30, 2021, inclusive, the governing board of a school district, county office of education, community college district, or joint powers authority shall not implement layoffs or releases of any permanent or probationary classified employees of the school district, county office of education, community college district, or joint powers authority who hold classifications in, or are assigned to positions in, nutrition, transportation, or custodial services.

The word “implement” refers to the actual effectuation of layoffs between July 1, 2020, to June 30, 2021, which includes layoffs for which notice was given to employees between May 2, 2020 and the time up to and including July 1, 2020. If as of July 1, 2020, a school district, county office of education, community college district, or joint powers authority has provided a layoff notice to an employee covered by this section, but the 60-day notice period has not concluded, then the employer is barred from carrying out the layoff from July 1, 2020, to June 30, 2021.

Thank you for this opportunity to clarify the intent.

Respectfully,

A handwritten signature in black ink that reads "H. Mitchell".

Holly J. Mitchell  
Chair