

Date of Hearing: April 21, 2026

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Mike Fong, Chair

AB 2142 (Garcia) – As Introduced February 18, 2026

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

**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. Specifically, **this bill:**

- 1) Establishes for non-merit K-12 school districts a rebuttable presumption that a K-12 district is required to employ a “short-term employee” as a classified employee if either of the following occurs:
  - a) The short-term employee voluntarily leaves, is laid off, or is terminated from employment as a short-term employee before a date equaling 195 working days in a school year and is then rehired by the non-merit K-12 school district, at any point; or,
  - b) The short-term employee performs the required contracted service or any other combination of other contracted services that results in their employment for longer than 195 working days in a school year.
- 2) Establishes for non-merit community college district (CCD) a rebuttable presumption that a CCD is required to employ a “short-term employee” as a classified employee if either of the following occurs:
  - a) The short-term employee voluntarily leaves, is laid off, or terminated from employment as a short-term employee before a date equaling 195 working days in a school year and is then rehired by the non-merit CCD, at any point; or,
  - b) The short-term employee performs the required contracted service or any other combination of other contracted services that results in their employment for longer than 195 working days in a school year.
- 3) Defines “short-term employee” as a person who is employed to perform a service to either a K-12 district or a CCD where the service requirement is finite and not on a continuing basis. The service performed is not academic and is service that is recognized by the district as a classified service with a specified ending date that will not extend beyond 75% of the school year or 195 working days.

**EXISTING LAW:** *For a review of existing state laws on public employment, please review the analysis completed by the Assembly Public Employment and Retirement Committee.*

*State law pertaining to community college districts.*

- 1) Establishes the California Community Colleges (CCC) under the administration of the Board of Governors of the CCC, as one of the segments of public postsecondary education in this

state. The CCC shall be comprised of community college districts (Education Code (EDC) Section 70900).

- 2) Establishes that community college districts (CCD) are under the control of a board of trustees, known as the governing board, who has the authority to establish, maintain, operate, and govern one or more community colleges, within its district as specified (EDC Section 70902).
- 3) Authorizes a governing board of a CCD to employ a person in positions that are not academic in nature and permits the governing board to classify the employees and their positions. Exempts from the definition of classified service substitute employees, short – term employees, as defined, apprentices, professional experts, and student employees, as defined. Exempts from this provision CCD who have a merit system (EDC Section 88003).

**FISCAL EFFECT:** This bill has been keyed nonfiscal by Legislative Counsel.

**COMMENTS:** *Double referred.* This measure was heard by the Assembly Public Employment and Retirement Committee on April 08, 2026, where it passed with a vote of 5 – 0. A review on the issues germane to the public employment and retirement is addressed in the Committee’s analysis.

*Author’s intent.* As explained by 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.”

*Rebuttable presumption.* According to the Cornell Law School, Legal Information Institute, a rebuttable presumption is a legal assumption that a court accepts as true unless it is disproven by competent evidence. A rebuttable presumption requires the opposing party (in this case the CCD) to provide sufficient evidence to persuade the court the presumption – that short-term employees are classified employees in specific circumstances– is overcome by clear and convincing evidence to the contrary.<sup>1</sup>

*Personnel commission and merit system.* A personnel commission is an independent board separate from the governing board and the leadership of a college within a 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. The personnel commission’s 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 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 community college district is hiring, placing, and

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<sup>1</sup> [https://www.law.cornell.edu/wex/rebuttable\\_presumption](https://www.law.cornell.edu/wex/rebuttable_presumption)

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. In a “merit district” or a CCD that uses a personnel commission and merit system, the CCD is limited in who it can exempt from being a classified employee. Education Code Section 88076 limits the CCD to only exempting the following entities from “classified employment” even if the employee is part-time:

- Academic positions;
- Full-time students employed in part-time positions;
- Part-time students employed in college work-study programs or in work experience education programs conducted by the community college that is financed by either state or federal funds;
- Part-time student employed as student tutors;
- Apprentices; and,
- Professional experts employed on a temporary basis for a specific project.

According to the California School Personnel Commission Association as of 2026, there are only six community college districts with personnel commissions and merit system: Grossmont-Cuyamaca Community College District, Los Angeles Community College District, State Center Community College District, Ventura Community College District, Compton Community College District, and Long Beach Community College District.<sup>2</sup>

These six community colleges would be exempt from implementing the provisions of AB 2142 (Garcia), the remaining 67 CCD would be required to implement the provisions of the measure. AB 2142 (Garcia) seeks to provide parity between merit and non-merit districts by limiting who would be considered exempt from classified employment at non-merit district to substitutes and the merit-district exemption list.

*Classified staff.* Between the 73 CCD in the fall of 2025, the CCC employed 27,780 classified employees.<sup>3</sup> For a CCD without a personnel commission or a merit system, the governing board of the CCD is tasked with assigning employee designations and the employment of people for the operations of the districts. The term classified staff is recognized in the Education Code as anyone who is employed by a CCD to fulfill a non-academic service for the CCD and is not serving in one of the following capacities:

- An apprentice;
- A full-time or part-time student employed as part of a work-study program or in a work experience education program;

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<sup>2</sup> <https://meritsystem.org/1092-2/>

<sup>3</sup> CCC Chancellor’s Office Management Information Systems Data Mart – Faculty & Staff – Annual Statewide Staffing Reports – Headcount by District – Fall 2025

- A professional expert contracted to provide a temporary service for a specific project;
- A substitute employee who is employed to temporarily replace a classified employee who is absent from duty. The substitute is only permitted to be employed for no more than 60 days or to the extent of time permitted by the CCD's collective bargaining agreement allows; and,
- A short-term employee who is employed to perform a service for a community college district; where, upon the completion of the service the employee will be terminated. The employment for the specific service or services will not be extended beyond 195 working days, including holidays, sick leave, vacation and other leave of absences, irrespective of the number of hours worked per day.

Classified staffing positions are nonacademic positions that have a designated title, regular scheduled work hours and work weeks, specific duties assigned to the classification, and regular monthly salary ranges for each position.<sup>4</sup> Positions that are deemed “classified positions” at a community college include: information technology staff, clerical staff, admission and records assistant, mechanic, custodian, groundkeeper, registered nurse, and in some circumstance non-teaching direct academic support such as a counselor, librarian, disabilities service staff, instructional aides, and lab assistants.<sup>5</sup>

AB 2142 (Garcia) solidifies the spirit of the law for who should be considered a classified employee at a CCD with all the protections enumerated for classified employees in state law and in the CCD's collective bargaining agreement. Short-term employees were meant to fulfill a specific and finite service for the CCD. The positions was never meant to be a revolving door of staff who continually provide the same services to the CCD year over year. This measure not only provides further parity between merit and non-merit districts, but it strengthens the protections afforded to staff at the CCD by increasing the recognition of who is designated as classified employees.

*Arguments in support.* As stated by sponsors of the measure, CFT – A union of educators and classified professionals, “we’ve heard many examples of employers taking advantage of a certain section of the Education Code to further degrade wage and benefit standards for these struggling workers. EC 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.

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<sup>4</sup> Education Code Section 88001.

<sup>5</sup> <https://webdata.cccco.edu/ded/ej/ej01.pdf>

CFT, further contends, “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. We strongly believe this language is a clarification of current law and not something new that employers must invest resources assessing how to comply with. If an employer is keeping workers out of the classified service following this 75% cutoff, that employer is in violation of this statute, and this bill does not change that. All this bill does is help employers understand their responsibilities under the law. With these reforms, 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.”

*Arguments in opposition.* As expressed by Community College League of California, the Association of California School Administrators, the California School Boards Association, Kern County Superintendent of Schools, the California Association of School Business Officials, the Central Valley Education Coalition and the California Association of Suburban School Districts, “AB 2142 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 percent 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. AB 2142 also creates a rebuttable presumption that an employee reaches permanent status after completing 195 days of service, including all leave allowances.”

The statewide and regional education organizations further contend, “we are also concerned with the potential impact AB 2142 would have on March 15 layoff notice requirements for TK-12 classified positions. Tying permanency to an individual’s rolling 195-day threshold makes alignment with the fixed layoff notice deadline extremely difficult. Currently, school employers can identify permanent classified positions and incumbents based on established calendars and full-time equivalency calculations. Under AB 2412, an employee’s status could change mid-year depending on accumulated days, including leave. An individual could cross the threshold between January and March 15, or even after March 15, unexpectedly acquiring permanent employee layoff rights. Layoff notice periods are already a difficult time for staff morale. AB 2142 creates the risk that schools may either fail to provide timely notice to someone who became permanent or, alternatively, over-notice employees of potential layoffs.”

In conclusion, the groups identified above, “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.”

*Moving forward comments.* AB 2142 (Garcia) modifies existing employment laws for K-12 districts and CCD by stating specific short-term employees will be considered classified employees for purposes of employment by the district unless the district can make a clear and convincing argument to the contrary. A short-term employee qualifies as a classified employee if:

- 1) The service(s) they were hired to complete are extended beyond the permissible 195 working days; and,
- 2) If they are re-hired for ANY short-term service, after leaving, being laid off, or terminated by the district.

*To address the concerns of the opposition, regarding the new definition of the limitation of service for "short-term employees" from specific services to the lifetime of the employee's employment by the CCD, the Committee has offered, and the author has agreed to the following amendments:*

- 1) Amends Education Code 45103, subdivision (d), paragraph (2), subparagraph (B) to read as follows:

*(B) There shall be a rebuttable presumption that a school district is required by this section to replace a short-term employee position with a position in a classified service if any of the following occur:*

*(i) A short-term employee performs the required service of the position beyond 75 percent of a school year.*

*(ii) A 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.*

*(iii) The services of the short-term employee position are utilized at least 50 percent of a school year for three of five consecutive years.*

~~*(B) There shall be a rebuttable presumption that a school district is required by this section to place a short term employee into the classified service if either of the following occurs:*~~

~~*(i) The short term employee performs required service or any other service, or any combination of services, beyond 75 percent of a school year.*~~

~~*(ii) The short term employee voluntarily separates or is laid off or terminated from employment as a short term employee before a date constituting 75 percent of a school year and is then rehired by the school district at any point, including subsequent school years.*~~

- 2) Amends Education Code Section 88003, subdivision (c), paragraph (2) to read as follows:

*(2) There shall be a rebuttable presumption that a school district is required by this section to replace a short-term employee position with a position in a classified service if any of the following occur:*

*(A) A short-term employee performs the required service of the position beyond 75 percent of a school year.*

*(B) A 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 utilized at least 50 percent of a school year for three of five consecutive years.*

~~(2) There shall be a rebuttable presumption that a school district is required by this section to place a short-term employee into the classified service if either of the following occurs:~~

~~(A) The short-term employee performs required service or any other service, or any combination of services, beyond 75 percent of a school year.~~

~~(B) The short-term employee voluntarily separates or is laid off or terminated from employment as a short-term employee before a date constituting 75 percent of a school year and is then rehired by the school district at any point, including subsequent school years.~~

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

California Federation of Teachers (CFT)– a Union of Educators & Classified Professionals,  
AFT, AFL-CIO  
California Labor Federation, AFL-CIO  
California School Employees Association  
California State Council of Service Employees International Union (SEIU California)  
California Teachers Association  
Teamsters California

### **Opposition**

Association of California School Administrators  
California Association of School Business Officials (CASBO)  
California Association of Suburban School Districts  
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  
Kern County Superintendent of Schools Office  
Small Schools Districts' Association

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