

## FACT SHEET – AB 438 (REYES)

### SCHOOL LAYOFF NOTICE PARITY

#### Purpose

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AB 438 provides the same layoff notice and hearing rights to school employees regardless of job title.

#### Background

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This bill standardizes the layoff process so that classified employees receive the same layoff notice and hearing rights as teachers and certificated administrators.

Certificated employee layoff and hearing rights:

1. Teachers and administrators must receive layoff notice by March 15th, or their jobs are protected for the next academic year. They also have hearing rights to contest the layoff.
2. If the State COLA is less than two percent, certificated employees can be laid off, but only from the day the budget is signed until August 15<sup>th</sup>. This statute is almost always waived to protect teachers.

Classified employee layoff rights:

1. Classified employees can be laid off at any time of the year with 60 days-notice and have no hearing rights.

2. Classified employees are the only employees who can be laid off without notice for lack of funds or lack of work any time of the year.
3. Last year, for the first time, the Legislature protected classified employees from layoffs in the State Budget. Food service workers, custodians, and transportation employees were protected, and intent language was enacted to protect all classified employees from layoffs. Even with this language, over 2,000 classified employees were laid off so far.

#### What This Bill Will Do

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Classified employees are essential workers on the front line of the COVID-19 pandemic. They are taking care of our vulnerable students, preparing and transporting meals, transporting laptops and Internet service, cleaning classrooms and cafeterias to ensure student safety, and much more. They are putting their lives on the line to care for our students.



Nearly 80 percent of classified employees are women. They are the most diverse group of employees working in our schools and are the least paid. Those making the least should not have to absorb all the cuts while highly paid employees are protected.

Classified employees provide important services to students and when they are laid off, students and parents suffer from this layoff at least as much as when a teacher or administrator is laid off, particularly our special education students served by paraeducators.

This bill simply requires districts to plan ahead like they do for teachers, instead of accounting for half of their staff and using the other vulnerable half to balance their budgets.

Districts are familiar with the March 15<sup>th</sup> layoff notice and hearing requirements because they already use this for teachers and administrators. This bill will standardize the process in an equitable way for all employees.

## **Support**

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California Labor Federation, AFL-CIO  
(Co-Sponsor)

California School Employees Association,  
AFL-CIO (Sponsor)

California Federation of Teachers, AFL-CIO  
(Co-Sponsor)

American Federation of State, County and  
Municipal Employees, AFL-CIO (Co-Sponsor)

Service Employees International Union, AFL-CIO  
(Co-Sponsor)

California Teachers Association (Co-Sponsor)

California Professional Firefighter

## **Key Contacts**

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