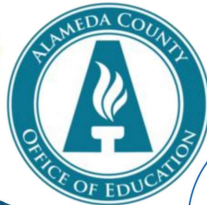


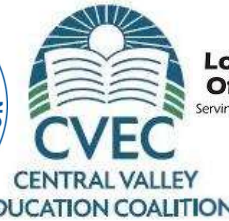
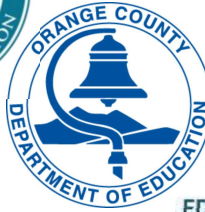
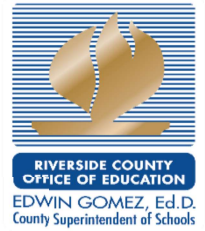
Assembly Bill 2088 (McCarty) - OPPOSE



CALIFORNIA COUNTY SUPERINTENDENTS



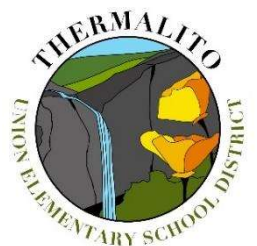
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HUNTINGTON BEACH CITY SCHOOL DISTRICT



Tulare Joint Union High School District



Santa Maria Joint Union High School District



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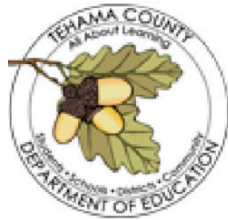
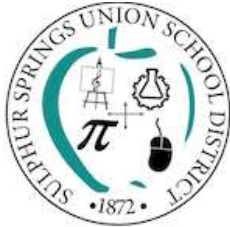
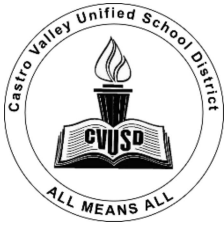
RIVERSIDE COMMUNITY COLLEGE DISTRICT

MORENO VALLEY COLLEGE | NORCO COLLEGE | RIVERSIDE CITY COLLEGE



FOOTHILL-DE ANZA Community College District





June 7, 2024

The Honorable Lola Smallwood-Cuevas  
Chair, Senate Labor, Public Employment and Retirement Committee  
1021 O Street, Room 6740  
Sacramento, CA 95814

**RE: Assembly Bill 2088 (McCarty).** K–14 classified employees: part-time or full-time vacancies: public postings.  
**OPPOSE** (as amended 5/16/24)

Dear Senator Smallwood-Cuevas:

On behalf of the undersigned organizations representing school districts, county offices of education, community colleges, and regional and statewide associations, we write in respectful opposition to Assembly Bill 2088 (McCarty), related to school employer hiring of classified positions. This measure would create restrictions on how and when classified position vacancies are filled, to the detriment of TK-14 students and other current and future school employees.

Governor’s Veto Message

We recognize the modifications in AB 2088 from substantially similar legislation that was acted on by the Legislature in 2023 (AB 1699, McCarty) and the technical, clarifying amendments dated May 16, 2024. However, many concerning provisions remain and are summarized by Governor Newsom’s veto message of AB 1699. It states, “While I support the author’s goal of seeking to provide opportunities for current classified staff to apply for other open positions, this bill may have unintended consequences that are not in the best interest of students.”

### Priority Given Based on Years of Services Over Relevant Experience

AB 2088 offers “right of first refusal” to an internal employee that meets the minimum qualification of a position who has the most seniority, regardless of the prior positions held with the employer. In an example where multiple internal candidates meet the minimum qualifications, an employee who has ever only worked in an office or warehouse would be guaranteed a TK classroom paraeducator position, bypassing another candidate who has direct experience working with four-year old students. This creates a precedent that a candidate’s time spent with an employer means more than a candidate’s experience and suitability.

We support having every qualified candidate available to fill vacant positions. Local educational agencies (LEAs) and community colleges have established procedures to provide existing employees with opportunities for extra hours or overtime, as appropriate, to minimize the impact of vacancies during the recruitment process. Furthermore, school employers shared that if and when they have an interested, suitable internal candidate to fill a new position or take on new shifts, they encourage those candidates to apply.

### Longer Vacancies Mean Student Services Suffer

We are also deeply concerned that AB 2088 would impede timely hiring and prolong vacancies by creating a ten-business day restriction when only internal candidates may apply for and be offered a position. Even when there are no qualified or interested internal candidates, external candidates may not be offered the position for ten business days. Lengthy vacancies mean student services will suffer.

Recruiting individuals into classified, classroom-based positions such as paraprofessionals is particularly crucial at this time because of the need to implement universal transitional kindergarten and the Expanded Learning Opportunities Program. School employers also note the continued need for Individualized Education Plan (IEP) special assistants who serve students with a disability. AB 2088 would create an unnecessary delay before schools may fill a position.

### AB 2088 Holds Back Qualified, Existing Classified Staff

Furthermore, while AB 2088 is intended to improve opportunities for classified employees it could have broader, long-lasting negative consequences for recruitment and retention within the classified workforce. Highly qualified internal employees will have limited opportunities to be promoted within the proposed framework without seniority. AB 2088 could further exasperate retention and morale issues as employees struggle to find a promotional pathway that aligns with their career goals. LEAs and community colleges will also be unable to infuse diversity, attract talent, and address the local community’s needs unless all minimally qualified internal candidates reject an open assignment.

### Added Administrative Burdens Mid-School Year

Finally, should AB 2088 be signed it would require a revamped hiring process to be established less than three months after it becomes law, in the middle of the 2024-25 school year. This creates new costs and demands on existing staff resources without creating a benefit to students or student services.

For the aforementioned reasons, we respectfully oppose AB 2088. If you should have any questions regarding our position, please contact Dorothy Johnson, Association of California School Administrators Legislative Advocate, at (916) 329-3807.

Sincerely,

Lucy Salcido Carter, M.A., J.D., Director of Policy and Governance, **Alameda County Office of Education**  
Dr. Kevin Walthers Ph.D., Superintendent/President, **Allan Hancock College**  
Susan K. Bray, Executive Director, **Association of California Community College Administrators**  
Dorothy Johnson, Legislative Advocate, **Association of California School Administrators**  
Isaiah Roter, Chairperson; Timothy Carter, Vice-Chairperson; Heidi Goldstein, Commissioner  
Charlie Castillo, Secretary; **Berkeley Unified School District Personnel Commission**  
Dr. Randal Haggard, Superintendent, **Buellton Union School District**  
Mishaal Gill, Policy and Advocacy Director, **California Association of School Business Officials**  
Jeff Frost, Legislative Advocate, **California Association of Suburban School Districts**  
Derick Lennox, Senior Director, Governmental Relations & Legal Affairs, **California County Superintendents**  
Chris Reefe, Legislative Director, **California School Boards Association**  
Dr. Shelly Viramontez, Superintendent, **Campbell Union School District**  
Bob Presby, Associate Superintendent, Human Resource Services, **Capistrano Unified School District**  
Dr. Benjamin Churchill, Superintendent, **Carlsbad Unified School District**  
Bob Brauneisen, Superintendent, **Castaic Union School District**  
Parvin Ahmadi, Superintendent, **Castro Valley Unified School District**  
Andrea Ball, Legislative Advocate, **Central Valley Education Coalition**  
Ronald P. Gerhard, Chancellor, **Chabot-Las Positas Community College District**  
Dr. Meg Abrahamson, Assistant Superintendent of Human Resources, **Charter Oak Unified School District**  
Andrew Martinez, Senior Director of Government Relations, **Community College League of California**  
Jonathan A. Koch, Executive Director, **Cooperative Organization for the Development of Employee Selection Procedures (CODESP)**  
Melissa Moore, Ed.D., Superintendent, **El Segundo Unified School District**  
Lee D. Lambert, J.D., Chancellor, **Foothill-De Anza Community College District**  
David Chavez, Chief of Human Relations, **Fresno Unified School District**  
Lucy Alvarez, Director, Human Resources and Labor Relations, **Gavilan College**  
Leisa Winston, Ed.D., Superintendent, **Huntington Beach City School District**  
Carlos Rojas, Chief Governmental Relations Officer, **Kern County Superintendent of Schools**  
Dr. Helio Brasil, Superintendent, **Keyes Union Elementary School District**  
Dr. Mario Carlos, Superintendent, **La Habra City School District**  
Sheryl Bender, Chairperson, **Long Beach Unified School District Personnel Commission**  
Pamela Gibbs, Executive Director, **Los Angeles County Superintendent of Schools**  
Martha Alvarez, Chief of Legislative Affairs and Government Relations, **Los Angeles Unified School District**  
John A. Carroll, **Marin County Superintendent of Schools**  
Kristen Gracia, Superintendent, **Menlo Park City School District**  
Shelley Humphrey, CSRM, Director of Transportation; Kristen M. Clark, Administrative Director I, Classified Personnel, **Newport-Mesa Unified School District**  
Andrea Ball, Legislative Advocate, **Orange County Department of Education**  
BethAnn Arko, President, **Personnel Commissions Association of Southern California**  
Shellie Pote, Director Classified Human Resources, **Pleasant Valley School District**  
Dr. Nikki Wesley, Superintendent, **Redondo Beach Unified School District**  
Wolde-Ab Isaac, Chancellor, **Riverside Community College District**  
Jeffery A. Vaca, Chief Governmental Relations Officer, **Riverside County Superintendent of Schools**  
Joan Stiegelmar, Personnel Director, **Rowland Unified School District Personnel Commission**  
Diana Z. Rodriguez, Chancellor, **San Bernardino Community College District**

Ted Alejandre, **San Bernardino County Superintendent of Schools**  
Troy A. Brown, Ed.D., County Superintendent of Schools, **San Joaquin County Office of Education**  
Nancy Magee, **San Mateo County Superintendent of Schools**  
Randall Booker, Superintendent, **San Mateo Union High School District**  
Dr. Susan Salcido, County Superintendent of Schools, **Santa Barbara County Education Office**  
Kevin Platt, Assistant Superintendent, Human Resources, **Santa Maria Joint Union High School District**  
Dr. Angélica Garcia, Superintendent/President, **Santa Rosa Junior College**  
Dr. Sue Johnson, Superintendent, **Savanna School District**  
Caitlin Jung, Legislative Advocate, **School Employers Association of California**  
Jesse M. Najera, Superintendent, **Silver Valley Unified School District**  
Barrett Snider, Legislative Advocate, **Small Schools Districts' Association**  
Dr. Catherine Kawaguchi, Superintendent, **Sulphur Springs Union School District**  
Michael Gallagher, Ed.D., Superintendent, **Sunnyvale School District**  
Rich DuVarney, County Superintendent of Schools, **Tehama County Department of Education**  
Juris Burgos, Human Resources Director, **Temple City Unified School District**  
Cody Walker, Assistant Superintendent of Business and Operations, **Thermalito Union Elementary School District**  
Lucy Van Scyoc, Superintendent, **Tulare Joint Union High School District**

cc: Honorable Members, Senate Labor, Public Employment and Retirement Committee  
The Honorable Kevin McCarty, State Assembly Member  
Glenn Miles, Principal Consultant, Senate Labor, Public Employment and Retirement Committee  
Cory Botts, Consultant, Senate Republican Caucus  
Andrew Medina, Consultant, Office of Senate Pro Tem McGuire  
Nichole Muñoz-Murrillo, Deputy Legislative Secretary, Office of Governor Newsom