

 News

## Part-Time Playground Aides Now Part of Classified Service

September 2018

**On September 18, 2018, Governor Jerry Brown signed Assembly Bill 2160 (“AB 2160”), which expands the rights of part-time playground positions (commonly called “noon duty aides”) by making them part of the classified service for merit system districts. This bill is analogous to AB 670, which was passed in 2017 but only affected non-merit system districts.**

Before AB 2160, noon duty aides were among those positions exempted from classified service in merit system districts. The new law eliminates this exemption effective January 1, 2019. As a result, AB 2160 effectively places noon duty aides on the same level as all other classified employees in merit system school districts. Noon duty aides will now be entitled to all benefits and protections afforded to other classified employees under the Education Code. For an analysis of those benefits and protections—including, among other items, the right to serve a probationary period and attain permanency, due process prior to being terminated, reemployment rights following a layoff, and paid leaves of absence.

Merit system districts should note, however, that AB 2160 differs from AB 670 in one significant way. Under the new law, noon duty aides in merit system districts who were employed as of January 1, 2019 will become permanent employees without having to serve a probationary period. The new law also specifies that those noon duty aides are not subject to placement on an eligibility list and may not be forced to undergo examination through the personnel commission. These exceptions do not apply to noon duty aides who are hired after January 1, 2019. As a result, all noon duties aides still employed as of January 1, 2019 will automatically become permanent. Those hired after January 1, 2019 may be required to serve the proscribed probationary period before attaining permanency.

In anticipation of these changes going into effect, merit system districts should assess how many noon duty aides they will need to employ, the additional costs of employing them as classified employees, and what

actions, if any, to take between now and January 1, 2019. Merit system districts that have already added noon duty aides to their classified employee unions may also need to review and reopen their collective bargaining agreements to ensure that these aides receive the same rights that other classified employees receive. Those districts that have not added noon duty aides to their classified employee unions should anticipate receiving unit modification requests in the near future.

If you have any questions regarding these changes or to seek additional information on how your school district should approach collective bargaining or employment decisions related to noon duty aides, please contact one of our six offices.

## Related Services

---

- Employment Law

## Professionals

---



**Jordan I. Bilbeisi**  
Partner  
**San Diego**  
760.304.6002  
jbilbeisi@f3law.com



**Seth N. Eckstein**  
Partner  
**Oakland**  
510.550.8236  
seckstein@f3law.com