



District Business & Advisory Services

Nimrat Johal: Director- DBAS: 408-453-6599

Cathy McKim, Manager-DBAS: 408-453-6588

Bulletin: 13-055

Date: February 20, 2013

From: Cathy McKim

Re: Employee Notice- Deadline Reminders

The purpose of this bulletin is to remind you of changes to important employee notice deadlines.

Layoff Deadlines

LEAs will have to issue certificated and classified layoff notices in advance of the State Budget being adopted and without federal sequestration being resolved. That means planning now to issue preliminary certificated layoff notices no later than March 15, 2013.

Certificated managers are at-will employees (except for certificated contract employees with Superintendent in their titles), unless you plan to retain them in their current positions next year, you must serve them with a March 15 notice. Specifically, Education Code Section (E.C.) 44951 provides that unless a certificated employee holding a position requiring an administrative or supervisory credential is sent written notice by March 15 that he or she may be released from his or her position for the following school year, he or she shall be continued in the position the subsequent year.

If classified staffing reductions are needed, remember that Assembly Bill 1908 (Chapter 860/2012) changed the notice requirements contained in E.C. 45117. As of January 1, 2013, E.C. 45117 requires that written notice be given to a classified employee of a school district or community college district subject to layoff not less than **60 days** before the effective layoff date.

Federal Health Care Reform Deadline to Notify Employees Extended

The implementation dates of major provisions that affect school employers under the Patient Protection and Affordable Care Act (PPACA). The article included an implementation date of March 1, 2013, for covered employers to notify current employees and employees upon hire about insurance exchanges, eligibility for subsidies, and loss of employer contribution (if any) if an employee purchases a plan through the California Health Benefit Exchange.

The federal Departments of Labor, Health and Human Services, and the Treasury have jointly issued information specifying that the March 1, 2013, notice requirement should be delayed, acknowledging that the date is not realistic. The notice requirement is delayed to allow for further educational efforts and guidance on medical plan "minimum value" from the federal government to be included when employers provide this information to employees. It is expected that the notice requirement from employers will be delayed until the late summer or fall of this year. The Department of Labor will provide additional guidance with a specific implementation date.

Please distribute this memo within your District as deemed appropriate.