

AB 670: NOON DUTY AIDES NOW ENTITLED TO MORE EMPLOYMENT RIGHTS AND BENEFITS

On October 8, 2017, Governor Jerry Brown signed into law AB 670, amending the Education Code to make persons employed by non-merit system schools in part-time playground positions (often referred to as “noon duty aides”) part of the classified service. This change went into effect on January 1, 2018.

Because noon duty aides are now part of the classified service, they may be entitled to certain employment rights and benefits such as seniority, paid holidays, sick leave rollover, and paid leave time. This seemingly minor change in the Education Code will also impact how noon duty aides receive workers’ compensation benefits if they are injured while working.

Prior to this change in the law, a noon duty aide, injured in the course and scope of employment, would only be entitled to Temporary Total Disability (TTD) which is calculated as 2/3 of the employee’s average weekly wages subject to statutory minimum and maximums. The TTD payments would have been paid directly to the disabled noon duty aide, because the worker was not entitled to the Industrial Accident Leave (IAL) benefits available to injured classified workers under the Education Code. Under those circumstances, the district would not have been responsible for any additional payment to the injured worker on TTD.

As a result of AB 670, noon duty aides in non-merit system schools are now part of the classified service and are entitled to IAL under the Education Code. IAL entitles the employee to their full salary for up to 60 calendar days per injury.

As a result of this change, instead of paying the injured worker directly, workers’ compensation TTD will be paid to the district and the district pays the employee’s IAL. This will result in increased costs for school districts, as they pay the difference between the IAL rate (full salary for up to 60 calendar days) and the TDD rate (2/3 of the average weekly wage subject to statutory minimums and maximums).

Please contact your Keenan Claims Analyst for questions regarding this *Briefing*.

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