



CLIENT NEWS BRIEF

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CLASSIFIED EMPLOYEES ARE NOT ENTITLED TO RECEIVE PAY FOR STAFF DEVELOPMENT DAYS

In California School Employees Association v. Torrance Unified School District (March 11, 2010) 182 Cal.App. 4th 1040, a California Court of Appeal determined that classified employees who did not work on staff development student free days were not entitled to regular wages.

In the 2006-2007 school year, the certificated staff at Torrance Unified School District ("District") was paid for working 185 days out of the school year, with 180 of those days designated as instructional days when students were present. The teachers worked several days before classes began and after classes ended and on three staff development days. These "in-service" days were not state-wide or local school holidays.

The California School Employees Association ("CSEA") filed a writ on behalf of three categories of classified employees (paraeducators, instructional assistants, and educational assistants in special education) to challenge their lack of pay for the in-service days. Even though these classified employees were not required to work on the in-service days, CSEA argued that the classified employees should have been paid regular wages. CSEA relied on Education Code section 45203 ("Section 45203"), which states in pertinent part: "Notwithstanding the adoption of separate work schedules for the certificated and the classified services, on any schoolday during which pupils would otherwise have been in attendance but are not and for which certificated personnel receive regular pay, classified personnel shall also receive regular pay whether or not they are required to report for duty that day."

The appellate court reasoned that section 45203 applies to school days during which students would "otherwise be in attendance" and since the in-service days were not part of the 180 instructional days, the statute did not apply. The court analyzed the language of section 45203 and found that the phrase "any school day during which pupils would otherwise be in attendance" was a reference to local school holidays, not in-service or staff development days.

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Thus, the court clarified that under section 45203 classified employees are only entitled to compensation for those days, such as local school holidays, where students would normally be in attendance but for the holiday and not for non-school, teacher in-service day.

If you have any questions regarding this decision, please do not hesitate to contact one of our [seven offices](#) located statewide, or consult our [website](#).

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