

Date of Hearing: March 18, 2014

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Das Williams, Chair

AB 1606 (Chávez) – As Amended: March 4, 2014

SUBJECT: Community college employee: leaves of absence.

SUMMARY: Authorizes academic employees and probationary or permanent classified employees of a community college to use, in specified circumstances, up to 30 days of leave in a school year; and, provides that if the provisions of this measure conflict with the terms of a collective bargaining agreement in effect before January 1, 2015, the provisions of this measure shall not apply to the public employer and public employees subject to that agreement until expiration or renewal of the agreement. Specifically, this bill:

- 1) Specifies that an academic employee and a contract or regular employee may take up to 30 days of leave in a school year, less than any days of leave authorized as specified in current law, in either of the following circumstances:
 - a) A biological parent may use leave within the first year of his or her infant's birth; and,
 - b) A nonbiological parent may use leave within the first year of legally adopting a child.
- 2) Specifies that if the provisions of this measure conflict with the terms of a collective bargaining agreement in effect before January 1, 2015, the provisions set forth by this measure shall not apply to the public employer and public employees subject to that agreement until the expiration or renewal of the agreement.

EXISTING LAW:

- 1) Defines "academic year" to mean a period between the first day of a fall semester or quarter and the last day of the following spring semester or quarter, excluding any intersession term that has been excluded pursuant to an applicable collective bargaining agreement (Education Code § 87661).
- 2) Mandates that the governing board of a community college district must provide for leave of absence from duty for any academic employee of the district who is required to be absent from duties because of pregnancy, miscarriage, childbirth, and recovery therefrom; specifies that the length of the leave of absence, including the date on which the leave began and the date on which the employee shall resume duties, must be determined by the employee and the employee's physician; and clarifies that this section of law shall be interpreted as requiring the governing board of a community college district to grant leave with pay only when it is necessary to do so in order that leaves of absence for disabilities caused or contributed to by pregnancy, miscarriage, or childbirth be treated the same as leaves for illness, injury, or disability (EC § 87766).
- 3) Allows every academic employee employed five days a week by a community college district to be entitled to 10 days' leave of absence for illness or injury and any additional days should the governing board allow for illness and injury (EC § 87781).

- 4) Authorizes the governing board of a community college district to adopt rules permitting academic employees of the district to use leave earned, as specified, in cases of compelling personal importance; and, specifies that the additional leave time shall not exceed six days in any single school year (EC § 87781.5).
- 5) Specifies that any days of leave of absence for illness or injury allowed, as specified, may be used by the employee, at his or her election, in cases of personal necessity; and, declares that no such accumulated leave in excess of six days may be used in any school year as specified (EC § 87784).
- 6) Specifies that every classified employee employed five days a week by a community college district shall be entitled to 12 days leave of absence for illness or injury and such additional days as the governing board may allow for illness and injury (EC § 88191).
- 7) Allows a contract or regular employee for a community college district at his or her election, to use any days of absence for illness or injury earned, as specified, in cases of personal necessity, including any of the following: a) death of a member of the employees immediate family when additional leave is required beyond what is already provided; b) accident involving the person or property of the employee or of a member of his or her immediate family; c) appearance in any court or before any administrative tribunal as a litigant, party or witness under subpoena or any order made with jurisdiction; and, d) any other reasons the governing board may prescribe; and, specifies that earned leave in excess of seven days may not be used in any college year as specified (EC § 88207).

FISCAL EFFECT: Unknown. This measure is key non-fiscal by the Legislative Counsel.

COMMENTS: Background. Current law provides no protection for faculty or classified employees who utilize sick leave or other types of leave, including unpaid leave to extend maternity or paternity leaves. Said types of leaves are subject to collective bargaining. To note, all full time employees and part-time employees (if they meet certain requirements) of a community college district are eligible for job protection through the federal Family Medical Leave Act (FMLA), the California Family Rights Act (CFRA), and the California Pregnancy Disability Leave (PDL) law.

Federal FMLA provides certain employees up to 12 weeks of unpaid, job-protected leave a year and requires group health benefits to be maintained during the leave as if employees continued to work instead of taking leave.

Employees of community college districts who do not buy into the State Disability Insurance Fund (SDIF) are not eligible for additional paid or unpaid family leave days pursuant to current law. It is presently unclear how many of the employees of the 72 community college districts buy into the SDIF and how many do not.

Need for the bill. The author contends that for working parents, it is of utmost importance to establish a work-life balance; unfortunately, when bonding with their new born or newly adopted child, many community college employees (faculty and/or classified) only receive the minimum days allowed by current law (six days for faculty and seven days for classified employees). This short window of time does not yield for an opportunity of bonding. AB 1606 expands the

minimum time allowed for bonding to 30 days and specifies the time off will be paid from employees' accrued sick-leave. Additionally, AB 1606 specifies that the leave must be used within the first year of the child's birth or adoption. The author states, "Providing paid leave to our families is critical to strengthening the bond that forms between parents and children. That bond is vital to the long-term health and well-being of children as they grow, and helps build strong families. This is a common sense measure that will improve the lives of children and help our communities."

REGISTERED SUPPORT / OPPOSITION:

Support

None on file.

Opposition

None on file.

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