

Date of Hearing: April 19, 2016

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Jose Medina, Chair

AB 2294 (Gomez) – As Introduced February 18, 2016

**SUBJECT:** The California State University: employees: leaves of absence without loss of compensation

**SUMMARY:** Requires the CSU Trustees to grant an employee a leave of absence to serve as an elected officer of any CSU campus public employee organization. Specifically, **this bill:**

- 1) Requires the CSU Trustees to grant any employee, upon request, a leave of absence without loss of compensation for the purpose of enabling the employee to serve as an elected officer of any CSU campus public employee organization, or of any statewide or national public employee organization with which the university campus organization is affiliated.
- 2) Provides that the leave shall include, but is not limited to, absence for purposes of attendance by the employee at meetings of the organization.
- 3) Provides that compensation during the leave shall include retirement fund contributions required of the employer, including any amount necessary to pay any unfunded liability cost for the retirement plan.
- 4) Provides that the employee shall earn full service credit during the leave of absence and shall pay member contributions as prescribed, and provides that the maximum amount of the service credit earned shall not exceed 12 calendar years.
- 5) Provides that any employee who serves as a full-time officer of a public employee organization shall not be eligible for disability benefits under the Public Employees' Retirement System while on the leave of absence.
- 6) Provides that following payment of the employee for the leave of absence, the CSU or campus shall be reimbursed by the employee organization of which the employee is an elected officer for all compensation paid the employee on account of the leave. Requires reimbursement by the employee organization to be made within 10 days after its receipt of the certification of payment of compensation to the employee.
- 7) Provides that the leave of absence without loss of compensation provided for by this bill is in addition to the released time without loss of compensation granted to representatives of an exclusive representative by Section 3569 of the Government Code.

**EXISTING LAW:** Establishes the CSU governed by the Board of Trustees (Trustees) and provides that that the Trustees are responsible for the rule of government of their appointees and employees (Education Code Section 89500 et seq.). Establishes the Higher Education Employer-Employee Relations Act (HEERA) to provide a statutory framework to regulate labor relations at UC, CSU, and Hastings College of Law and their employees; provides the Public Employment Relations Board (PERB) authority to enforce HEERA. (Government Code Sections 3560-3599)

**FISCAL EFFECT:** Unknown.

**COMMENTS:** *Background.* Pursuant to Education Code Section 44987, governing boards of a school district are required to provide paid leaves of absence to employees serving on a local district public employee organization or affiliated statewide or national employee organization consistent with the requirements proposed by this bill. Similarly, Education Code Section 87768.5 requires the same accommodations for community college district employees.

CSU policy governing faculty union leave is governed by the CSU/California Faculty Association (CFA) Collective Bargaining Agreement, which requires, upon the request of CFA, the CSU shall grant in a timely manner union leave without loss of compensation. Such leaves shall be granted up to the equivalent of 16 full-time positions per year. An employee on such leave shall continue to earn all campus service credit and retirement credit. Vacation time, holiday time, and sick leave shall not accrue during such leave. A faculty unit employee on such leave shall have the right to return to his/her former position upon expiration of the leave. CFA is required to reimburse CSU for all compensation paid to the faculty unit employee on leave and for any incidental costs, including the cost of benefits in an amount equal to the cost of CSU contributions for PERS retirement and an additional 10 percent of salary. Additionally, the agreement reads, "whenever possible, the foregoing shall be implemented only if the CFA notifies the CSU of the names of faculty unit members requesting leave thirty (30) days before the start of each academic term during which the leave will occur. The CFA agrees to meet with the CSU to discuss concerns regarding how release time under this provision impacts departmental instructional requirements."

*Arguments in support.* According to the author, this bill will bring parity to the CSU it does not currently have with other segments. The author argues that legislation is necessary to ensure that CSU employees have the right to take leave time to participate in leadership roles with their union affiliates. The author notes that CSU faculty participation in a union elected leadership position is subject to the discretion of the CSU, under relevant MOUs and Bargaining Agreements, and is not guaranteed in statute.

*CSU opposition.* The CSU opposes this bill, arguing the measure would sidestep the collective bargaining process and impact 13 collective bargaining units, hindering the system's ability to consider the leave request in the context of its impact on campus operations and instruction. For example, CSU notes that under the current faculty agreement there is a notice requirement and an opportunity to discuss the impact of the release time on academic departments.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

California Faculty Association (Sponsor)  
California Labor Federation  
SEIU California

### **Opposition**

California State University

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