

Date of Hearing: April 29, 2014

ASSEMBLY COMMITTEE ON HIGHER EDUCATION  
Das Williams, Chair  
AB 2295 (Ridley-Thomas) – As Amended: April 10, 2014

SUBJECT: Community colleges: academic employees.

SUMMARY: Provides that a community college academic employee's entitlement to transfer leave of absence for injury or illness applies if the employee signifies acceptance of his or her election or employment with another district within 5 school years succeeding the school year in which the employment with the first district is terminated.

EXISTING LAW

- 1) Allows every academic employee employed five days a week by a community college district (CCD) 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 (Education Code § 87781).
- 2) 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).
- 3) Allows any academic employee of a CCD who has been an employee of that district for a period of one school year or more and who accepts an academic position in a school district or CCD at any time during the second or any succeeding school year of his or her employment with the first district, or who, within the school year succeeding the school year in which the employment is terminated, signifies acceptance of his or her election or employment in an academic position in another district, shall have transferred with him or her to the second district the total amount of leave of absence for illness or injury to which he or she is entitled under (as specified in EC § 87781). Authorizes that the board of governors shall adopt rules and regulations prescribing the manner in which the first district shall certify to the second district the total amount of leave of absence for illness or injury to be transferred. Current law also specifies that no governing board shall adopt any policy or rule, written or unwritten, which requires any employee transferring to its district to waive any part or all of the leave of absence which he or she may be entitled to have transferred (EC § 87782).

FISCAL EFFECT: Unknown

COMMENTS: Background. Education Code § 87782 (as described above) was initially designed for tenure track faculty. Current law requires the transfer of sick leave between CCDs to be transferred from one district to another within the year succeeding termination of employment from a district. However, according to the Faculty Association of California Community Colleges (FACCC), sponsors of the measure, "Due to the lack of reasonable assurance of employment, part-time faculty are never truly terminated from employment." FACCC contends that part-time faculty are not offered subsequent courses to teach and that this

may cause some faculty lapses longer than a year of employment at any one district. Because of this situation, some faculty have experienced difficulty requesting their sick leave be transferred from one district to another once it has become clear they are not returning to work at a specific district, or if they are ready to retire and were not aware they only had one year to transfer sick leave.

Additionally, upon retirement, faculty are entitled solely to sick leave reported by their employer to the California State Teachers' Retirement System (CalSTRS) in his or her final year of employment, not any year of employment.

Purpose of the bill. According to the author, part-time faculty often work in multiple CCDs for the span of their entire career and are unaware they are able to transfer their unused sick leave between districts, thereby missing out on potential sources of a safety net in the event of an illness or the benefit of service credit upon retirement. The author argues that there is no statewide policy on the rules for transferring unused sick leave for part-time faculty, subsequently; this has resulted in confusion for CCDs and part-time faculty. The author states, "AB 2295 will allow for a part-time faculty member to reasonably determine if he or she is not returning to work at a specific campus. Most re-employment rights' contracts, which are locally bargained, expire after three years if there have been no courses taught during that time. That would leave a faculty member another two years to learn of their ability to transfer his or her sick leave, and to facilitate the transfer."

FACCC contends that in order for all sick leave to be properly credited to a part-time faculty when his or her time is being reported to CalSTRS, that he or she needs additional time to complete the reporting process. FACCC states, "AB 2295 will greatly aid this effort and allow all part-time faculty to fully capture their unused sick leave for both medical necessity and for CalSTRS reporting.

Related legislation. AB 2705 (Williams), which is scheduled to be heard in this committee on May 6, 2014, seeks to change the name of "part-time" faculty to another term that best describes the role they play in the CCDs.

Moving forward, the authors of these measures should work together to ensure that the name change proposed by AB 2705 is accurately reflected, as needed, in AB 2295.

REGISTERED SUPPORT / OPPOSITION:

Support

Faculty Association of California Community Colleges (sponsors)  
All Faculty Association of Santa Rosa Junior College

Opposition

None on file.