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AB-2294 The California State University: employees: leaves of absence without loss of compensation.
(2015-2016)

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Assembly Bill No. 2294

CHAPTER 569

An act to amend Section 89512 of, and to add Section 89511 to, the Education Code, relating to the California State University.

[Approved by Governor September 24, 2016. Filed with Secretary of State September 24, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2294, Gomez. The California State University: employees: leaves of absence without loss of compensation.

Existing law establishes the California State University, under the administration of the Board of Trustees of the California State University, as one of the 3 segments of public postsecondary education in California. Existing law requires the trustees to provide by rule for the government of their appointees and employees, and authorizes the trustees to grant a leave of absence without compensation to any nonacademic employee.

This bill would require the California State University to grant to any employee, upon a request that provides at least 30 days notice before commencement and, when possible, 30 days notice before the academic term, a leave of absence without loss of compensation, including retirement fund contributions, for the purpose of enabling the employee to serve as an elected officer of any California State University campus public employee organization or any statewide or national public employee organization with which the university campus organization is affiliated. The bill would require the university or campus of the university to be reimbursed by the employee organization for all compensation paid during the leave of absence. The bill would provide that the leave of absence without loss of compensation provided by these provisions would be in addition to the released time without loss of compensation granted to representatives of an exclusive representative for purposes of meeting and conferring or for the processing of grievances. The bill would provide that the employee, upon expiration of the leave of absence, is entitled to reinstatement in the position the employee held at the time leave was granted, if it still exists, or to a comparable existing position for which the employee is qualified.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 89511 is added to the Education Code, to read:

89511. (a) (1) The California State University shall grant to any employee, upon a request that provides at least 30 days notice before commencement, a leave of absence without loss of compensation for the purpose of enabling the employee to serve as an elected officer of any California State University campus public employee organization or any statewide or national public employee organization with which the university campus organization is affiliated.

(2) When possible, the employee shall provide the request described in paragraph (1) at least 30 days before the start of the academic term during which the leave will occur.

(b) The leave shall include, but is not limited to, absence for purposes of attendance by the employee at periodic, stated, special, or regular meetings of the body of the organization on which the employee serves as an officer. Compensation during the leave shall include retirement fund contributions required of the university or a campus of the university as employer. Required retirement contributions shall include the amount necessary to pay any unfunded liability cost for the retirement plan. The employee shall earn full service credit during the leave of absence and shall pay member contributions as prescribed by Chapter 8 (commencing with Section 20671) of Part 3 of Division 5 of Title 2 of the Government Code. The maximum amount of the service credit earned shall not exceed 12 calendar years. 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.

(c) Following the university's or campus of the university's payment of the employee for the leave of absence, the university or campus of the university 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. Reimbursement by the employee organization shall be made within 10 days after its receipt of the certification of payment of compensation to the employee.

(d) The leave of absence without loss of compensation provided for by this section 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.

SEC. 2. Section 89512 of the Education Code is amended to read:

89512. (a) Upon the expiration of the leave of absence granted pursuant to Section 89510 or 89511, the employee to whom the leave of absence was granted is entitled to reinstatement in the position the employee held at the time the leave of absence was granted, if the position is still in existence, or to any other comparable existing vacant position for which the employee is qualified.

(b) If the provisions of this section are in conflict with the provisions of a memorandum of understanding reached pursuant to Chapter 12 (commencing with Section 3560) of Division 4 of Title 1 of the Government Code, the memorandum of understanding shall be controlling without further legislative action, except that if provisions of a memorandum of understanding require the expenditure of funds, the provisions shall not become effective unless approved by the Legislature in the annual Budget Act.