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SB-221 State public employees: sick leave: veterans with service-related disabilities. (2015-2016)

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Senate Bill No. 221

CHAPTER 794

An act to amend Section 19859 of the Government Code, relating to public employment.

[Approved by Governor October 11, 2015. Filed with Secretary of State October 11, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

SB 221, Jackson. State public employees: sick leave: veterans with service-related disabilities.

Existing law prescribes the general workweek policy for state employees, subject to specified exceptions, and the terms and conditions for accrual of vacation and sick leave. Existing law generally provides that a state officer or employee who is employed full time accrues one day of credit for sick leave for each calendar month of service. Existing law requires that if these provisions conflict with an adopted memorandum of understanding, the memorandum of understanding controls, as specified.

This bill would enact the California Wounded Warriors Transitional Leave Act. The bill would grant a state officer or employee who is a military veteran hired on or after January 1, 2016, with a military service-connected disability rated at 30% or more by the United States Department of Veterans Affairs an additional credit for sick leave with pay of up to 96 hours for the purpose of undergoing medical treatment for his or her military service-related disability. The bill would require that the sick leave be credited to a qualifying officer or employee on the first day of employment and remain available for use for the following 12 months of employment. The bill would prohibit this sick leave from being carried over after the 12-month period and would permit submission of satisfactory proof that the sick leave is being used for treatment of a military service-connected disability to be required, as specified.

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

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

SECTION 1. This act shall be known, and may be cited, as the California Wounded Warriors Transitional Leave Act.

SEC. 2. Section 19859 of the Government Code is amended to read:

19859. (a) Following completion of one month of continuous service, except as otherwise provided in Section 19863.1, each state officer and employee who is employed full time shall be allowed one day of credit for sick leave with pay. Thereafter, for each additional calendar month of service, except as provided in Section 19861, one day of credit for sick leave with pay shall be allowed. Each state officer or employee is entitled to this leave with pay, on the submission of satisfactory proof of the necessity for sick leave as provided by rule of the department. For purposes of computing sick leave, each employee shall be considered to work not more than five days each week. The department shall provide by rule for the regulation and method of accumulation of sick leave for civil service employees, and may provide sick leave for those who work less than full time. Subject to department rule, sick leave may be granted to employees for the purpose of physical examinations.

(b) In addition to any other entitlement for sick leave with pay, a state officer or employee hired on or after January 1, 2016, who is a military veteran with a military service-connected disability rated at 30 percent or more by the United States Department of Veterans Affairs shall be entitled to additional credit for sick leave with pay of up to 96 hours for the purpose of undergoing medical treatment for his or her military service-connected disability. Credit for sick leave granted under this subdivision shall be credited to a qualifying officer or employee on the first day of employment and shall remain available for use for the following 12 months of employment. Sick leave credited pursuant to this subdivision that is not used during the 12-month period shall not be carried over and shall be forfeited. Submission of satisfactory proof that sick leave granted under this subdivision is used for treatment of a military service-connected disability may be required pursuant to rules adopted by the department.

(c) If the provisions of this section are in conflict with the provisions of a memorandum of understanding reached pursuant to Section 3517.5, the memorandum of understanding shall be controlling without further legislative action, except that if the 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.