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SB-1312 State public employees: sick leave: veterans with service-related disabilities. (2017-2018)

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Senate Bill No. 1312

CHAPTER 516

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

[Approved by Governor September 18, 2018. Filed with Secretary of State September 18, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1312, Jackson. State public employees: sick leave: veterans with service-related disabilities.

Existing law, the California Wounded Warriors Transitional Leave Act, grants a state officer or employee who is a veteran hired on or after January 1, 2016, with a 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. Existing law requires 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.

This bill would extend that benefit to a state officer or employee employed on or after January 1, 2016, who is a veteran with a service-connected disability rated at 30% or more by the United States Department of Veterans Affairs. The bill would require credit for leave of absence under this provision to be credited to a state officer or employee on the effective date of the officer's or employee's disability rating decision from the United States Department of Veterans Affairs, or on the first day the officer or employee begins, or returns to, employment after active duty, whichever is later, except under specified circumstances when provisions authorizing alternative leave arrangements would be applicable. The bill would state that sick leave credited under these provisions is ineligible for conversion to service credit, 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. 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) (1) In addition to any other entitlement for sick leave with pay, a state officer or employee hired on or after, or employed on or after, January 1, 2016, who is a veteran with a 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, including mental health treatment, for his or her service-connected disability. Credit for sick leave granted under this paragraph shall be credited to a qualifying officer or employee on the effective date of the officer's or employee's disability rating decision from the United States Department of Veterans Affairs, or on the first day the officer or employee begins, or returns to, employment after active duty, whichever is later, 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 paragraph is used for treatment of a service-connected disability may be required pursuant to rules adopted by the department.

(2) Notwithstanding paragraph (1), credit for leave of absence for illness or injury granted under this subdivision shall be credited to an officer or employee on the date the officer or employee receives confirmation of submission of his or her disability application to the United States Department of Veterans Affairs. When the officer or employee receives his or her disability rating decision from the United States Department of Veterans Affairs, he or she shall report that information to the employer. If the officer's or employee's disability rating decision makes the employee ineligible pursuant to paragraph (1), the employer may change the leave of absence for illness or injury time used before the disability rating decision to an alternative leave balance. If the officer's or employee's disability rating decision makes him or her eligible pursuant to paragraph (1), the officer or employee shall be entitled to up to 96 hours, pursuant to paragraph (1), for the purpose of undergoing medical treatment, including mental health treatment, for his or her service-connected disability minus the time used before the disability rating decision, for the 12-month period beginning with the confirmation of submission of his or her disability application.

(3) In addition to any other entitlement for sick leave with pay, a state officer or employee who serves as a member of the National Guard or federal military reserve force who is called up to active service and as a result sustains a 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, including mental health treatment, for his or her service-connected disability. Credit for sick leave granted under this paragraph shall be credited to a qualifying officer or employee on the effective date of the employee's disability rating decision from the United States Department of Veterans Affairs or on the first day that the qualifying employee begins, or returns to, employment after active duty, whichever is later, and shall remain available for use for the following 12 months of employment. Sick leave credited under this paragraph 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 paragraph is used for treatment of a 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.

(d) Any sick leave credited pursuant to subdivision (b) shall be ineligible for conversion to service credit pursuant to Section 20963.