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AB-264 Community colleges: Lunar New Year holiday. (2023-2024)

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Date Published: 10/10/2023 09:00 PM

Assembly Bill No. 264

CHAPTER 517

An act to amend Sections 79020 and 88203 of the Education Code, relating to public postsecondary education.

[Approved by Governor October 08, 2023. Filed with Secretary of State October 08, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

AB 264, Ting. Community colleges: Lunar New Year holiday.

Existing law establishes various holidays in this state, including Lunar New Year. Existing law requires community colleges to close on specified holidays, including February 12, known as "Lincoln Day," and the third Monday in February, known as "Washington Day." Existing law entitles certain community college employees to be given time off with pay for specified holidays, including for Lincoln Day and Washington Day.

This bill would authorize the governing board of a community college district, pursuant to a memorandum of understanding, to replace closing on Lincoln Day or Washington Day with the date corresponding with the second new moon following the winter solstice, or the third new moon following the winter solstice should an intercalary month intervene, known as "Lunar New Year." The bill would require that certain community college employees, in lieu of a paid holiday for Lincoln Day or Washington Day, receive a paid holiday for the Lunar New Year if the governing board of the community college replaces closing on Lincoln Day or Washington Day with closing on Lunar New Year.

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

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

SECTION 1. Section 79020 of the Education Code is amended to read:

79020. Except as otherwise provided the community colleges shall continue in session or close on specified holidays as follows:

(a) The community colleges shall close on January 1, the third Monday in January, commencing in the 1989–90 fiscal year, known as "Dr. Martin Luther King, Jr. Day," February 12 known as "Lincoln Day," the third Monday in February known as "Washington Day," the last Monday in May known as "Memorial Day," July 4, the first Monday in September known as "Labor Day," November 11 known as "Veterans Day," that Thursday in November proclaimed by the President as "Thanksgiving Day," and December 25.

(b) Any contractual provision between any community college district and its employees in effect on the effective date of the act that adds this subdivision shall prevail over any conflict regarding Dr. Martin Luther King, Jr. Day until the termination date of the contract or upon termination by mutual agreement of the parties, whichever occurs first.

- (c) The Governor in appointing any other day for a public fast, thanksgiving, or holiday may provide whether the community colleges shall close on the day. If the Governor does not provide whether the community colleges shall close, they shall continue in session on all special or limited holidays appointed by the Governor, but shall close on all other days appointed by the Governor for a public fast, thanksgiving, or holiday.
- (d) (1) The community colleges shall close on every day appointed by the President as a public fast, thanksgiving, or holiday, unless it is a special or limited holiday.
- (2) For purposes of this subdivision, "appointed by the President" includes the President signing into law legislation that creates a nationwide federal holiday, including the legal public holidays listed in subsection (a) of Section 6103 of Title 5 of the United States Code, but does not include Columbus Day. This definition is declaratory of existing law.
- (e) The community colleges shall continue in session on all legal holidays other than those designated by or pursuant to this section, and shall hold proper exercises commemorating the day.
- (f) When any of the holidays on which the schools would be closed fall on Sunday, the community colleges shall close on the Monday following, except that (1) if Lincoln Day falls on a Sunday, the community colleges may observe this holiday on the preceding or following Friday, the following Monday, or the following Tuesday, and maintain classes on the date specified in subdivision (a) where applicable, or (2) if Lincoln Day falls on a Monday, the community colleges may observe this holiday on the preceding or following Friday, that Monday, or the following Tuesday, and maintain classes on the date specified in subdivision (a) where applicable.
- (g) When any of the holidays on which the schools would be closed, except Lincoln Day, fall on Saturday, the community colleges shall close on the preceding Friday, and that Friday shall be declared a state holiday.
- (h) If any holiday on which the community colleges are required to close pursuant to subdivision (a) occurs under federal law on a date different than the date specified in subdivision (a), the governing board of any community college district may close the community colleges of the district on the date recognized by federal law and maintain classes on the date specified in subdivision (a).
- (i) When Veterans Day would fall on Tuesday, the governing board of a community college district may close the colleges on the preceding Monday, and maintain classes on the date specified in subdivision (a). When Veterans Day would fall on Wednesday, the governing board of a community college district may close the colleges on either the preceding Monday or the following Friday, and maintain classes on the date specified in subdivision (a). When Veterans Day would fall on Thursday, the governing board of a community college district may close the colleges on the following Friday, and maintain classes on the date specified in subdivision (a).
- (j) When Lincoln Day would fall on Tuesday, the governing board of a community college district may close the colleges on the preceding Monday, the preceding Friday, or the following Friday, and maintain classes on the date specified in subdivision (a) where appropriate. When Lincoln Day would fall on Wednesday, the governing board of a community college district may close the colleges on the preceding Monday, the preceding Friday, or the following Friday, and maintain classes on the date specified in subdivision (a). When Lincoln Day would fall on Thursday, the governing board of a community college district may close the colleges on the preceding Friday or the following Friday, and maintain classes on the date specified in subdivision (a). When Lincoln Day falls on Saturday, the governing board of a community college district may close the colleges on the preceding Friday or the following Friday, and maintain classes on the date specified in subdivision (a) where appropriate.
- (k) In addition to the holidays specified in subdivision (a), a community college may close on March 31, known as "Cesar Chavez Day," if the governing board, pursuant to a memorandum of understanding reached pursuant to Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, agrees to close the community college for that purpose.
- (l) In addition to the holidays specified in subdivision (a), a community college may close on April 24, known as "Genocide Remembrance Day," and the fourth Friday in September, known as "Native American Day," if the governing board, pursuant to a memorandum of understanding reached pursuant to Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, agrees to close the community college for that purpose.
- (m) In addition to the holidays specified in subdivision (a), Glendale Community College may close on April 24, known as "Genocide Remembrance Day," if the governing board, pursuant to a memorandum of understanding reached pursuant to Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, agrees to close the community college for that purpose.
- (n) Notwithstanding subdivision (a), a community college may replace closing on February 12, Lincoln Day, or the third Monday in February, Washington Day, with the date corresponding with the second new moon following the winter solstice, or the third new moon following the winter solstice should an intercalary month intervene, known as "Lunar New Year," if the governing board of

the community college district, pursuant to a memorandum of understanding reached pursuant to Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, agrees to close the community college for that purpose. When Lunar New Year falls on another holiday, the community college shall observe Lunar New Year on a preceding or following weekday.

(o) This section shall not be interpreted as authorizing a community college district governing board to maintain community colleges in its district for a lesser number of days during the college year than the minimum established by law.

SEC. 2. Section 88203 of the Education Code is amended to read:

88203. (a) (1) All probationary or permanent employees who are part of the classified service shall be entitled to the following paid holidays if they are in a paid status during any portion of the working day immediately preceding or succeeding the holiday:

(A) January 1.

(B) February 12 known as "Lincoln Day."

(C) The third Monday in February known as "Washington Day."

(D) The last Monday in May known as "Memorial Day."

(E) July 4.

(F) The first Monday in September known as "Labor Day."

(G) November 11 known as "Veterans Day."

(H) That Thursday in November proclaimed by the President as "Thanksgiving Day."

(I) December 25.

(J) Every day appointed by the President, or the Governor of this state, as provided for in subdivisions (c) and (d) of Section 79020 for a public fast, thanksgiving, or holiday.

(K) Any day declared a holiday under Section 1318 for classified or academic employees.

(2) College recesses during the Christmas and Easter periods shall not be considered holidays for classified employees who are normally required to work during that period; provided, however, that this shall not be construed as affecting vacation rights specified in this section.

(3) For purposes of this section, "appointed by the President" includes the President signing into law legislation that creates a nationwide federal holiday, including the legal public holidays listed in subsection (a) of Section 6103 of Title 5 of the United States Code, but does not include Columbus Day. This definition is declaratory of existing law.

(b) Regular employees of the community college district who are not normally assigned to duty during the community college holidays of December 25 and January 1 shall be paid for those two holidays if they were in a paid status during any portion of the working day of their normal assignment immediately preceding or succeeding the holiday period.

(c) When a holiday listed in this section falls on a Sunday, the following Monday shall be deemed to be the holiday in lieu of the day observed. When a holiday listed in this section falls on a Saturday, the preceding Friday shall be deemed to be the holiday in lieu of the day observed. When a classified employee is required to work on any of the holidays listed in this section, they shall be paid compensation, or given compensating time off, for such work, in addition to the regular pay received for the holiday, at the rate of time and one-half their regular rate of pay.

(d) Article 3 (commencing with Section 79020) of Chapter 8 of Part 48 shall not be construed to in any way limit this section, nor shall anything in this section be construed to prohibit the governing board of a community college district from adopting separate work schedules for the academic and the classified services, or from providing holiday pay for employees who have not been in paid status on the days specified in this section. Notwithstanding the adoption of separate work schedules for the academic and the classified services, on any schoolday during which students would otherwise have been in attendance, but are not and for which faculty receive regular pay, classified personnel shall also receive regular pay whether or not they are required to report for duty that day.

(e) In addition to the other paid holidays specified in this section, the classified service may be entitled to a paid holiday on March 31 known as "Cesar Chavez Day," a paid holiday on April 24 known as "Genocide Remembrance Day," and a paid holiday on the fourth Friday in September known as "Native American Day," if they are in a paid status during any portion of the working day immediately preceding or succeeding the holiday, if the governing board of the community college district, pursuant to a

memorandum of understanding reached pursuant to Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, agrees to the paid holiday.

(f) In lieu of a paid holiday on February 12, Lincoln Day, or the third Monday in February, Washington Day, as specified in this section, the classified service shall be entitled to a paid holiday on the date corresponding to the Lunar New Year holiday selected pursuant to subdivision (n) of Section 79020, if they are in a paid status during any portion of the working day immediately preceding or succeeding the Lunar New Year holiday, if the governing board of the community college district, pursuant to a memorandum of understanding reached pursuant to Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, agrees to the replacement holiday pursuant to subdivision (n) of Section 79020.

(g) This section shall apply to community college districts that have adopted the merit system in the same manner and effect as if it were a part of Article 3 (commencing with Section 88060).