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AB-472 Classified school district and community college employees: compulsory leaves of absence: compensation. (2023-2024)

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Assembly Bill No. 472

CHAPTER 331

An act to amend Sections 45190 and 88190 of the Education Code, relating to classified employees.

[Approved by Governor October 07, 2023. Filed with Secretary of State October 07, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

AB 472, Wicks. Classified school district and community college employees: compulsory leaves of absence: compensation.

Existing law requires the governing board of a school district to employ persons for positions not requiring certification qualifications, and requires the governing board of a community college district to employ persons for positions that are not academic. For those employees, known as the classified service, existing law authorizes those governing boards to grant leaves of absence and vacations with or without pay.

This bill would explicitly provide that the above-referenced authority of the governing boards of school districts and community college districts, to grant leaves of absence and vacations with or without pay, applies to voluntary leaves of absence and vacations.

Existing law establishes procedures for a school district or community college district to adopt a merit system for its classified employees and, if adopted, requires compliance with specified laws related to imposing discipline on its classified employees. For certain criminal charges for which a compulsory leave of absence or suspension without pay is imposed, existing law requires the employee to receive back pay after an acquittal or dismissal of the charges. Existing law authorizes a school district or community college that has not adopted a merit system to adopt rules for imposing discipline on its classified employees, subject to limited restrictions.

This bill would require a classified employee placed on an involuntary leave of absence while the employee has criminal charges, a criminal investigation, or an administrative matter pending, to receive full compensation for the period of involuntary leave if the matter is resolved in favor of the employee, regardless of whether or not a merit system has been adopted.

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

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

SECTION 1. Section 45190 of the Education Code is amended to read:

45190. (a) Governing boards of school districts may grant voluntary leaves of absence and vacations, with or without pay, to persons employed in the classified service of the district.

(b) If a school district places an employee on an involuntary leave of absence during the period the employee is charged with a criminal offense, is under a criminal investigation, or is waiting due to administrative delay for necessary job-related administrative determinations, then upon the conclusion of the proceedings in favor of the employee, the school district shall pay to the employee the employee's full compensation for the period of the involuntary leave of absence upon the employee's return to service in the school district. For purposes of this subdivision, "involuntary leave of absence" includes, but is not limited to, a compulsory leave of absence or a suspension. This subdivision shall not reduce any entitlement to paid leave or replace any relevant procedures under any other law.

(c) This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 6 (commencing with Section 45240) of this chapter.

SEC. 2. Section 88190 of the Education Code is amended to read:

88190. (a) Governing boards of community college districts may grant voluntary leaves of absence and vacations, with or without pay, to persons employed in the classified service of the district.

(b) If a community college district places an employee on an involuntary leave of absence during the period the employee is charged with a criminal offense, is under a criminal investigation, or is waiting due to administrative delay for necessary job-related administrative determinations, then upon the conclusion of the proceedings in favor of the employee, the community college district shall pay to the employee the employee's full compensation for the period of the involuntary leave of absence upon the employee's return to service in the community college district. For purposes of this subdivision, "involuntary leave of absence" includes, but is not limited to, a compulsory leave of absence or a suspension. This subdivision shall not reduce any entitlement to paid leave or replace any relevant procedures under any other law.

(c) This section shall apply to 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) of this chapter.