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AB-2134 School employees: transfer of leave of absence for illness or injury. (2023-2024)

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Assembly Bill No. 2134

CHAPTER 381

An act to amend Sections 44979, 44980, 44982, and 45202 of the Education Code, relating to school employees.

[Approved by Governor September 22, 2024. Filed with Secretary of State September 22, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2134, Muratsuchi. School employees: transfer of leave of absence for illness or injury.

(1) Existing law provides that a certificated employee of a school district and a classified employee of a school district, county superintendent of schools, or community college district who meets specified criteria involving employment with another school district, county superintendent of schools, or community college district is entitled to have their total earned amount of leave of absence for illness or injury transferred to the 2nd employing school district, county superintendent of schools, or community college district, as specified. Existing law requires the State Board of Education to adopt rules and regulations related to these provisions, as specified.

This bill would delete the requirement on the state board to adopt those rules and regulations. The bill would require the employing school district, county superintendent of schools, or community college district receiving an employee's transfer of leave of absence for illness or injury to honor the transfer request at any time during the employee's employment with the subsequent employing district or county superintendent of schools. The bill would require state special schools to comply with these requirements. The bill would require the former employing school district, county superintendent of schools, state special school, or community college district to provide certain information in response to a request for the transfer of the total number of days, or the total amount, of leave of absence for illness or injury from the subsequent employing entity, as provided. By imposing additional duties on school districts, community college districts, and county offices of education, the bill would impose a state-mandated local program.

(2) Existing law provides that a certificated employee of a school district or an office of a county superintendent of schools who accepts a position requiring certification qualifications in another school district or office of a county superintendent of schools to have their total amount of leave of absence for illness or injury transferred to that subsequent employing school district or office of a county superintendent of schools. Existing law provides that a person employed by the State Department of Education in a position requiring certification qualifications, and an employee of the office of the Chancellor of the California Community Colleges and a certificated employee of the Commission on Teacher Credentialing who accepts a position requiring certification qualifications, in any school district or office of a county superintendent of schools to have their total number of days of leave of absence for illness or injury transferred with the employee to the subsequent position. Existing law requires a person employed by a school district or county superintendent of schools in a position requiring certification qualifications who accepts a professional education position in the department that is, or is intended to be, permanent, to have their accumulated leave of absence for illness or injury transferred with the employee to the department.

This bill would require the total number of days of leave of absence for illness or injury of an employee described above transferred to the subsequent position. The bill would apply the provisions described in this paragraph to state special schools, as specified. By imposing new duties on local educational agencies, the bill would impose a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

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

SECTION 1. Section 44979 of the Education Code is amended to read:

44979. (a) A certificated employee of a school district, county office of education, or state special school who has been an employee of that employing entity for a period of one school year or more and who accepts a position requiring certification qualifications with another school district, county office of education, state special school, or community college district shall have the total number of days of leave of absence for illness or injury that the employee has accumulated with the first employing entity pursuant to Section 44978 transferred to the subsequent employing entity. The subsequent employing entity shall honor a transfer request made at any time during the certificated employee's employment with that school district, community college district, county office of education, or state special school.

(b) The former employing school district, county office of education, or state special school shall provide all of the following information in responding to a request for the transfer of accumulated leave of absence for illness or injury from the subsequent employing entity:

(1) The name and identification number for the employee requesting the transfer.

(2) The contact information for that former employing entity.

(3) The time period of the service, including start date and end date, for the employee requesting the transfer.

(4) The number of days of leave of absence, including any fraction thereof, for illness or injury to be transferred based on the former employing entity's workday.

(5) The contact information for the subsequent employing entity.

(6) The signature of the person completing and verifying the accuracy of the information provided pursuant to this subdivision, including that person's name, title, and contact information.

(c) A school district, community college district, county office of education, or state special school shall not adopt a policy or rule, written or unwritten, that requires a certificated employee transferring to that school district, community college district, county office of education, or state special school to waive any part or all of the leave of absence that the certificated employee may be entitled to have transferred pursuant to this section.

SEC. 2. Section 44980 of the Education Code is amended to read:

44980. A certificated employee of any school district or state special school who accepts a position requiring certification qualifications in the office of any county superintendent of schools; or, any certificated employee of any county superintendent of schools who accepts a position requiring certification qualifications in a school district, state special school, or office of another county superintendent of schools; or, any person employed by the department in a position requiring certification qualifications or an employee of the office of the Chancellor of the California Community Colleges who accepts a position requiring certification qualifications in any school district, state special school, or office of any county superintendent of schools; or, any certificated employee of the Commission on Teacher Credentialing who accepts a position requiring certification qualifications in any school district, state special school, or office of any county superintendent of schools; shall have transferred with the employee to the second position the employee's accumulated total number of days of leave of absence for illness or injury. The amount of leave to be transferred shall be determined in the same manner as provided in Section 44979. All other provisions of Section 44979 shall also apply to the employees and employers described in this section.

SEC. 3. Section 44982 of the Education Code is amended to read:

44982. A person employed by a school district, county superintendent of schools, or state special school in a position requiring certification qualifications who accepts a professional education position in the department, the appointment that is, or is intended to become, permanent, shall have transferred with the employee to the department the employee's accumulated total number of days of leave of absence for illness or injury. The amount of that leave to be transferred shall be determined in the same manner as provided in Section 44979, except the transferred accumulated sick leave shall not exceed that amount of accumulated sick leave that the person would have earned as an employee in the system to which the employee is transferring. All other provisions of Section 44979 shall also apply to the employees and employers described in this section.

SEC. 4. Section 45202 of the Education Code is amended to read:

45202. (a) A classified employee of a school district, county superintendent of schools, state special school, or community college district who has been employed for a period of one calendar year or more whose employment is terminated for reasons other than action initiated by the employer for cause shall have the total amount of earned leave of absence for illness or injury that the employee accumulated with that first employing school district, community college district, county superintendent of schools, or state special school pursuant to Section 45191 or 88191 transferred to the subsequent employing school district, county superintendent of schools, or state special school. This transfer shall be in the same manner as provided for certificated employees. The subsequent employing entity shall honor a transfer request made at any time during the classified employee's employment with that employing entity.

(b) In a case where an employee was terminated as a result of action initiated by the employer for cause, the transfer may be made if agreed to by the governing board or body of the subsequent employing entity.

(c) All or any part of the previous service, not separated by a break in service greater than one year as of the last day of paid service, may, if agreed to by the subsequent employing entity, be construed to have been served with the subsequent employing entity for seniority purposes, except that the previous service may not be counted, for seniority purposes, when position or personnel reduction is ordered, for any reason, by the governing board or body of the subsequent employing entity.

(d) The school district, community college district, county superintendent of schools, or state special school shall not adopt a policy or rule, written or unwritten, which requires all classified employees, or any individual classification, or group of classifications of employees transferring to that school district, community college district, county superintendent of schools, or state special school to waive any part or all benefits that they may be entitled to have transferred pursuant to this section.

(e) The former employing school district, county office of education, state special school, or community college district shall provide all of the following information when responding to a request for the transfer of accumulated leave of absence for illness or injury from the subsequent employing entity:

(1) Name and identification number for the employee requesting the transfer.

(2) Contact information for that former employer.

(3) The time period of the service, including start date and end date, for the employee requesting the transfer.

(4) The total amount of leave of absence, including any fraction thereof, for illness or injury to be transferred based on the former employer's workday.

(5) Contact information for the subsequent employing entity.

(6) Signature of the person completing and verifying the accuracy of the information provided pursuant to this subdivision, including that person's name, title, and contact information.

(f) This section shall apply to school 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. 5. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.