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AB-2883 California State University: University of California: Lunar New Year holiday. (2023-2024)

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Assembly Bill No. 2883

CHAPTER 972

An act to amend Section 89005.7 of, and to add Article 9 (commencing with Section 92689) to Chapter 6 of Part 57 of Division 9 of Title 3 of, the Education Code, relating to public postsecondary education.

[Approved by Governor September 29, 2024. Filed with Secretary of State September 29, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2883, Low. California State University: University of California: Lunar New Year holiday.

Existing law designates specific days as holidays in this state, including the date corresponding with the 2nd new moon following the winter solstice, or the 3rd new moon following the winter solstice should an intercalary month intervene, known as "Lunar New Year."

The Donahoe Higher Education Act sets forth the missions and functions of California's public segments of higher education and their respective institutions of higher education. The California State University, under the administration of the Trustees of the California State University, and the University of California, under the administration of the Regents of the University of California, are 2 of the segments. Existing law authorizes the Trustees of the California State University to provide, by rule, for the holidays to be observed by their appointees and employees. Provisions of the act apply to the University of California only to the extent that the Regents of the University of California act, by appropriate resolution, to make them applicable.

This bill would authorize each campus of the California State University, and would request each campus of the University of California to be authorized, to observe Lunar New Year as a holiday and to be closed on that day, and to replace observing and closing on another prescribed holiday with observing Lunar New Year as a holiday. The bill would require a campus of the California State University, and request a campus of the University of California, if the campus observes the Lunar New Year holiday and Lunar New Year falls on another prescribed holiday that is not being replaced with the Lunar New Year holiday, to observe the Lunar New Year holiday on the preceding or following weekday. The bill would provide that if a campus observes the Lunar New Year holiday, employees of each campus of the California State University are entitled to, and employees of each campus of the University of California are requested to be entitled to, a paid holiday on that day if they are in a paid status during any portion of the working day immediately preceding or succeeding the Lunar New Year holiday.

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

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

SECTION 1. Section 89005.7 of the Education Code is amended to read:

89005.7. Notwithstanding any other law:

(a) (1) Each campus of the California State University shall observe November 11, known as Veterans Day, as a holiday, and shall be closed on that day.

(2) When November 11 falls on a Sunday, each campus of the California State University shall observe the following Monday as the Veterans Day holiday. When November 11 falls on a Saturday, each campus of the California State University shall observe the preceding Friday as the Veterans Day holiday.

(b) (1) Each campus of the California State University may observe 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," as a holiday, and be closed on that day. The campus may replace observing another prescribed holiday with observing Lunar New Year as a holiday. If the campus observes the Lunar New Year holiday and Lunar New Year falls on another prescribed holiday that is not being replaced by the Lunar New Year holiday, the campus shall observe the preceding or following weekday as the Lunar New Year holiday.

(2) If a campus of the California State University observes the Lunar New Year holiday pursuant to paragraph (1), employees of the campus shall be entitled to a paid holiday on that day if they are in a paid status during any portion of the working day immediately preceding or succeeding the Lunar New Year holiday.

(3) If this subdivision conflicts with the provisions of a memorandum of understanding reached pursuant to Chapter 12 (commencing with Section 3560) of Division 4 of Title 1 of the Government Code, the memorandum of understanding shall be controlling without further legislative action, except that if those 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.

SEC. 2. Article 9 (commencing with Section 92689) is added to Chapter 6 of Part 57 of Division 9 of Title 3 of the Education Code, to read:

Article 9. Lunar New Year Holiday

92689. (a) Each campus of the University of California is requested to be authorized to observe 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," as a holiday, and to be closed on that day. The campus is requested to be authorized to replace observing another prescribed holiday with observing Lunar New Year as a holiday. If the campus observes the Lunar New Year holiday and Lunar New Year falls on another prescribed holiday that is not being replaced by the Lunar New Year holiday, the campus is requested to observe the preceding or following weekday as the Lunar New Year holiday.

(b) If a campus of the University of California observes the Lunar New Year holiday pursuant to subdivision (a), employees of the campus are requested to be entitled to a paid holiday on that day if they are in a paid status during any portion of the working day immediately preceding or succeeding the Lunar New Year holiday.

(c) If this section conflicts with the provisions of a memorandum of understanding reached pursuant to Chapter 12 (commencing with Section 3560) of Division 4 of Title 1 of the Government Code, the memorandum of understanding shall be controlling without further legislative action, except that if those 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.