

ASSEMBLY BILL

No. 381

Introduced by Assembly Member Block

February 23, 2009

An act to amend Section 702.6 of the Unemployment Insurance Code, relating to unemployment insurance.

LEGISLATIVE COUNSEL'S DIGEST

AB 381, as introduced, Block. Unemployment compensation disability benefits: academic employees.

Existing law permits any employing unit, as defined, who is an employer for purposes of unemployment compensation to file with the Director of Employment Development a written election to cover, for purposes of disability compensation, services performed by all eligible employees, as defined, who either are part of a labor organization, if the election is the result of a negotiated agreement between the employer and the recognized employee organization, or are not part of a labor organization but are in the employing units employ in one or more distinct establishments or places of business, if the election is requested by a written petition signed by a majority of the eligible employees to be covered by the election.

This bill would additionally permit any employing unit, who is an employer for purposes of unemployment compensation to file with the director a written election to cover, for purposes of disability compensation, services performed by all eligible permanent or temporary academic employees, as defined, with the exception of those employees covered under a community college district bargaining unit, who are a part of a labor organization, if the election is the result of a negotiated

agreement between the employer and the recognized employee organization.

Vote: majority. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 702.6 of the Unemployment Insurance
 2 Code is amended to read:
 3 702.6. (a) Any employing unit who is an employer under this
 4 division may file with the director a written election to cover, for
 5 the purposes of Part 2 (commencing with Section 2601) only,
 6 services performed by any of the following:
 7 (1) All eligible employees who are a part of a labor organization,
 8 ~~provided~~ *if* the election is the result of a negotiated agreement
 9 between the employer and the recognized employee organization.
 10 (2) (A) *All eligible permanent or temporary academic*
 11 *employees, with the exception of employees covered under a*
 12 *community college district bargaining unit, who are a part of a*
 13 *labor organization, if the election is the result of a negotiated*
 14 *agreement between the employer and the recognized employee*
 15 *organization.*
 16 (B) *For purposes of this paragraph, “academic employee”*
 17 *means an “academic employee” as defined in subdivision (a) of*
 18 *Section 87001 of the Education Code.*
 19 (3) All eligible employees in its employ in one or more distinct
 20 establishments or places of business who are not part of a labor
 21 organization, ~~when~~ *if* the election is requested by a written petition
 22 signed by a majority of the eligible employees to be covered by
 23 the election.
 24 (b) “Eligible employee,” as used in this section, means an
 25 employee who is a California resident whose services are covered
 26 under the unemployment compensation laws of another state which
 27 does not have a disability insurance program, and who is an
 28 “employee,” as defined in Section 13004, for whom the employer
 29 complies with the personal income tax withholding provisions of
 30 Division 6 (commencing with Section 13000).
 31 (c) Upon the filing of an election, the filing entity shall, upon
 32 approval by the director, become an employer subject to Part 2
 33 (commencing with Section 2601) to the same extent as other

1 employers, and services performed by its employees who are
2 subject to the election shall be deemed to constitute employment
3 subject to that part. Sections 704, 707, 986, and 2903 shall apply
4 to elections under this section.

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