

AMENDED IN ASSEMBLY APRIL 14, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 381

Introduced by Assembly Member Block

February 23, 2009

An act to amend Section ~~702.6~~ 710.5 of the Unemployment Insurance Code, relating to unemployment insurance.

LEGISLATIVE COUNSEL'S DIGEST

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

Existing law permits any public agency, as defined, to elect to become an employer subject to specified requirements pertaining to disability compensation coverage, with respect to all employees who are a part of an appropriate employee organization bargaining unit if the election is the result of a negotiated agreement between the public agency and the recognized employee organization, as defined. Existing law authorizes the public agency employer to elect to provide coverage to its management and confidential employees and to its employees who are not a part of an appropriate unit, but prohibits the election from being contingent upon coverage of other employees of the public agency employer.

This bill would permit a public agency employer that employs a community college academic employee, as defined, to elect to provide coverage to permanent, to part-time, or to temporary academic employees, including permanent, part-time, temporary, or substitute faculty or instructors, but would prohibit the election from being contingent upon coverage of all other academic employees of the public agency employer.

~~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 710.5 of the Unemployment Insurance
2 Code is amended to read:
3 710.5. (a) (1) Notwithstanding Section 709, any public agency,
4 as defined in subdivision (c) of Section 3501 of the Government
5 Code, may elect to become an employer subject to Part 2
6 (commencing with Section 2601) with respect to all employees
7 who are a part of an appropriate unit established pursuant to
8 Chapter 10 (commencing with Section 3500) of Division 4 of Title
9 1 of the Government Code, provided the election is the result of
10 a negotiated agreement between the public agency and the
11 recognized employee organization, as those terms are defined in
12 Section 3501 of the Government Code. The public agency
13 employer also may elect to provide coverage to its management
14 and confidential employees and to its employees who are not a

1 part of an appropriate unit, but the election shall not be contingent
2 upon coverage of other employees of the public agency employer.

3 (2) *A public agency employer that employs a community college
4 academic employee, as defined in subdivision (a) of Section 87001
5 of the Education Code, may elect to provide coverage to
6 permanent, to part-time, or to temporary academic employees,
7 including permanent, part-time, temporary, or substitute faculty
8 or instructors, but the election shall not be contingent upon
9 coverage of all other academic employees of the public agency
10 employer.*

11 ~~Upon~~

12 (b) Upon filing of such an election, the filing entity shall, upon
13 approval by the director, become an employer subject to Part 2
14 (commencing with Section 2601) to the same extent as other
15 employers, and services performed by its employees who are
16 subject to an election under this section shall constitute
17 employment subject to that part.

18 ~~Sections~~

19 (c) Sections 986 and 2903 shall apply to an employer making
20 an election pursuant to this section.

21 ~~SECTION 1. Section 702.6 of the Unemployment Insurance
22 Code is amended to read:~~

23 ~~702.6. (a) Any employing unit who is an employer under this
24 division may file with the director a written election to cover, for
25 the purposes of Part 2 (commencing with Section 2601) only,
26 services performed by any of the following:~~

27 ~~(1) All eligible employees who are a part of a labor organization,
28 if the election is the result of a negotiated agreement between the
29 employer and the recognized employee organization.~~

30 ~~(2) (A) All eligible permanent or temporary academic
31 employees, with the exception of employees covered under a
32 community college district bargaining unit, who are a part of a
33 labor organization, if the election is the result of a negotiated
34 agreement between the employer and the recognized employee
35 organization.~~

36 ~~(B) For purposes of this paragraph, "academic employee" means
37 an "academic employee" as defined in subdivision (a) of Section
38 87001 of the Education Code.~~

39 ~~(3) All eligible employees in its employ in one or more distinct
40 establishments or places of business who are not part of a labor~~

1 organization, if the election is requested by a written petition signed
2 by a majority of the eligible employees to be covered by the
3 election.

4 (b) “Eligible employee,” as used in this section, means an
5 employee who is a California resident whose services are covered
6 under the unemployment compensation laws of another state which
7 does not have a disability insurance program, and who is an
8 “employee,” as defined in Section 13004, for whom the employer
9 complies with the personal income tax withholding provisions of
10 Division 6 (commencing with Section 13000).

11 (c) Upon the filing of an election, the filing entity shall, upon
12 approval by the director, become an employer subject to Part 2
13 (commencing with Section 2601) to the same extent as other
14 employers, and services performed by its employees who are
15 subject to the election shall be deemed to constitute employment
16 subject to that part. Sections 704, 707, 986, and 2903 shall apply
17 to elections under this section.