

AMENDED IN SENATE JUNE 1, 2009

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 710.5 of~~ *add Section 710.9* to the Unemployment Insurance Code, relating to unemployment insurance, *and making an appropriation therefor.*

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~~ *community college district to elect to become an employer subject to requirements pertaining to disability compensation coverage with respect to all employees who are part of an appropriate employee organization bargaining unit, if the election is the result of a negotiated agreement between the community college district and the certified employee organization, as defined, but would provide that the election would not be contingent upon coverage of other employees of the community college district employer. The bill would permit the community college district employer to elect to provide coverage to its management and confidential employees and to its employees who are not part of an appropriate unit, but would provide that the election would not be contingent upon coverage of other employees of the community college district employer. The bill would also permit a community college district that employs an academic employee to elect to provide disability compensation coverage to specified permanent, part-time, or temporary academic employees, but would provide that the election would not be contingent upon coverage of other academic employees of the community college district employer. By increasing the pool of potential recipients of payments from, and potential contributions into, a continually appropriated fund, the bill would make an appropriation.*

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

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

1 SECTION 1. Section 710.9 is added to the Unemployment
 2 Insurance Code, to read:
 3 710.9. (a) (1) Notwithstanding Section 709, a community
 4 college district established pursuant to Part 43 (commencing with
 5 Section 70900) of Division 7 of the Education Code may elect to
 6 become an employer subject to Part 2 (commencing with Section
 7 2601) with respect to all employees who are part of an appropriate
 8 unit established pursuant to Chapter 10.7 (commencing with
 9 Section 3540) of Division 4 of Title 1 of the Government Code, if
 10 the election is the result of a negotiated agreement between the
 11 community college district and the certified employee organization,
 12 as that term is defined in subdivision (b) of Section 3540.1 of the

1 *Government Code. The community college district employer may*
2 *also elect to provide coverage to its management and confidential*
3 *employees and to its employees who are not part of an appropriate*
4 *unit, but the election shall not be contingent upon coverage of*
5 *other employees of the community college district employer.*

6 (2) *Notwithstanding paragraph (1), a community college district*
7 *established pursuant to Part 43 (commencing with Section 70900)*
8 *of Division 7 of the Education Code that employs an academic*
9 *employee, as defined in Section 87001 of the Education Code, may*
10 *elect to provide coverage to permanent, part-time, or temporary*
11 *academic employees, including permanent, part-time, temporary,*
12 *or substitute faculty or instructors, but the election shall not be*
13 *contingent upon coverage of other academic employees of the*
14 *community college district employer.*

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

21 (c) *Sections 986 and 2903 shall apply to an employer making*
22 *an election pursuant to this section.*

23 SECTION 1. ~~Section 710.5 of the Unemployment Insurance~~
24 ~~Code is amended to read:~~

25 ~~710.5. (a) (1) Notwithstanding Section 709, any public agency,~~
26 ~~as defined in subdivision (c) of Section 3501 of the Government~~
27 ~~Code, may elect to become an employer subject to Part 2~~
28 ~~(commencing with Section 2601) with respect to all employees~~
29 ~~who are a part of an appropriate unit established pursuant to~~
30 ~~Chapter 10 (commencing with Section 3500) of Division 4 of Title~~
31 ~~1 of the Government Code, provided the election is the result of~~
32 ~~a negotiated agreement between the public agency and the~~
33 ~~recognized employee organization, as those terms are defined in~~
34 ~~Section 3501 of the Government Code. The public agency~~
35 ~~employer also may elect to provide coverage to its management~~
36 ~~and confidential employees and to its employees who are not a~~
37 ~~part of an appropriate unit, but the election shall not be contingent~~
38 ~~upon coverage of other employees of the public agency employer.~~

39 (2) ~~A public agency employer that employs a community college~~
40 ~~academic employee, as defined in subdivision (a) of Section 87001~~

1 of the Education Code, may elect to provide coverage to permanent,
2 to part-time, or to temporary academic employees, including
3 permanent, part-time, temporary, or substitute faculty or instructors,
4 but the election shall not be contingent upon coverage of all other
5 academic employees of the public agency employer.

6 (b) ~~Upon filing of such an election, the filing entity shall, upon~~
7 ~~approval by the director, become an employer subject to Part 2~~
8 ~~(commencing with Section 2601) to the same extent as other~~
9 ~~employers, and services performed by its employees who are~~
10 ~~subject to an election under this section shall constitute~~
11 ~~employment subject to that part.~~

12 (c) ~~Sections 986 and 2903 shall apply to an employer making~~
13 ~~an election pursuant to this section.~~