

AMENDED IN SENATE JUNE 30, 2010

AMENDED IN ASSEMBLY APRIL 13, 2010

AMENDED IN ASSEMBLY MARCH 18, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1712**

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**Introduced by Assembly Member Furutani**

February 2, 2010

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An act to add Sections 45211 and 88211 to the Education Code, relating to school employees.

LEGISLATIVE COUNSEL'S DIGEST

AB 1712, as amended, Furutani. School employees: leaves of absence: classified employees elected to Legislature.

(1) Existing law requires that every person employed by a school district as a permanent employee in a position requiring certification qualifications who is elected to the Legislature be granted a leave of absence from his or her duties as an employee of the district by the governing board of the district, as specified.

This bill would provide the same leave rights to a permanent employee in classified service who is elected to the Legislature and serves on or after December 6, 2010.

Existing law requires that the governing board of a community college district grant to any classified employee, upon request, a leave of absence without loss of compensation for the purpose of enabling the employee to serve as an elected officer of any local community college district public employee organization, or of any statewide or national public employee organization with which the local organization is affiliated, as specified.

This bill would require that every person who is employed by a community college district as a permanent employee in classified service who is elected to the Legislature, and who serves in the Legislature on or after December 6, 2010, be granted a leave of absence from his or her duties as an employee of the district by the governing board of the district, as specified.

*The bill would specify that permanent classified school district or community college employees who hold the office of Member of the Assembly or State Senator on or after December 6, 2010, and prior to January 1, 2011, are entitled to leaves of absence from their duties as district employees retroactive to December 6, 2010.*

Because the bill would impose new duties on school districts and community college districts, it would constitute a state-mandated local program.

(2) 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 these statutory provisions.

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

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

- 1 SECTION 1. Section 45211 is added to the Education Code,
- 2 to read:
- 3 45211. (a) Every person employed by a school district as a
- 4 permanent employee in classified service who is elected to the
- 5 Legislature shall be granted a leave of absence from his or her
- 6 duties as an employee of the district by the governing board of the
- 7 district.
- 8 (b) During the term of a leave of absence granted pursuant to
- 9 this section, an employee may be employed by the school district
- 10 to perform less than full-time service, for compensation, and upon
- 11 the terms and conditions, as may be mutually agreed upon.
- 12 (c) The absence of an employee under this section shall not
- 13 affect in any way the classification of that employee.

1 (d) Within six months after the expiration of the term of office  
2 of an employee granted a leave of absence under this section, he  
3 or she shall be entitled to return to the position held by him or her  
4 at the time of his or her election, at the salary to which he or she  
5 would have been entitled had he or she not been absent from the  
6 service of the school district under this section.

7 (e) Notwithstanding any provision of this code to the contrary,  
8 a person first employed to take the place of any employee who  
9 holds office as a Member of the Assembly or as a State Senator  
10 shall not have any right to the position following the return of the  
11 Member of the Assembly or the State Senator to the position.  
12 However, at any time, the employee may be employed or  
13 transferred to any vacant classified position in the school district.  
14 When that employee is employed or transferred to another  
15 classified position, he or she shall attain all of the rights, benefits,  
16 and burdens of a classified employee as of the date of the transfer  
17 or employment. When a current classified employee agrees to  
18 transfer into the position vacated by a Member of the Assembly  
19 or a State Senator, the current employee shall retain rights as a  
20 classified employee for all purposes.

21 (f) This section shall apply to any permanent classified school  
22 district employee who holds the office of Member of the Assembly  
23 or State Senator on or after December 6, 2010. *A permanent*  
24 *classified school district employee who holds the office of Member*  
25 *of the Assembly or State Senator on or after December 6, 2010,*  
26 *and prior to January 1, 2011, shall be entitled to a leave of absence*  
27 *from his or her duties as an employee of the district retroactive to*  
28 *December 6, 2010.*

29 SEC. 2. Section 88211 is added to the Education Code, to read:

30 88211. (a) Every person employed by a community college  
31 district as a permanent employee in classified service who is elected  
32 to the Legislature shall be granted a leave of absence from his or  
33 her duties as an employee of the district by the governing board  
34 of the district.

35 (b) During the term of a leave of absence granted pursuant to  
36 this section, the employee may be employed by the community  
37 college district to perform less than full-time service, for  
38 compensation and upon the terms and conditions, as may be  
39 mutually agreed upon.

1 (c) The absence of an employee under this section shall not  
2 affect in any way the classification of that employee.

3 (d) Within six months after the expiration of the term of office  
4 of an employee granted a leave of absence under this section, he  
5 or she shall be entitled to return to the position held by him or her  
6 at the time of his or her election, at the salary to which he or she  
7 would have been entitled had he or she not been absent from the  
8 service of the community college district under this section.

9 (e) Notwithstanding any provision of this code to the contrary,  
10 a person first employed to take the place of any employee who  
11 ~~hold~~ holds office as a Member of the Assembly or as a State  
12 Senator shall not have any right to the position following the return  
13 of the Member of the Assembly or the State Senator to the position.  
14 However, at any time, the employee may be employed or  
15 transferred to any vacant classified position in the community  
16 college district. When that employee is employed or transferred  
17 to another classified position, he or she shall attain all of the rights,  
18 benefits, and burdens of a classified employee as of the date of the  
19 transfer or employment. When a current classified employee agrees  
20 to transfer into the position vacated by a Member of the Assembly  
21 or a State Senator, the current employee shall retain rights as a  
22 classified employee for all purposes.

23 (f) This section shall apply to any permanent classified  
24 community college district employee who holds the office of  
25 Member of the Assembly or State Senator on or after December  
26 6, 2010. *A permanent classified community college district*  
27 *employee who holds the office of Member of the Assembly or State*  
28 *Senator on or after December 6, 2010, and prior to January 1,*  
29 *2011, shall be entitled to a leave of absence from his or her duties*  
30 *as an employee of the district retroactive to December 6, 2010.*

31 SEC. 3. If the Commission on State Mandates determines that  
32 this act contains costs mandated by the state, reimbursement to  
33 local agencies and school districts for those costs shall be made  
34 pursuant to Part 7 (commencing with Section 17500) of Division  
35 4 of Title 2 of the Government Code.

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