

AMENDED IN SENATE AUGUST 23, 2012

AMENDED IN SENATE AUGUST 22, 2011

AMENDED IN SENATE JULY 11, 2011

AMENDED IN ASSEMBLY APRIL 27, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1203**

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**Introduced by Assembly Member Mendoza  
(Coauthor: Assembly Member Lara)**

February 18, 2011

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An act to amend Sections 45210 and 88210 of the Education Code; ~~and to amend Section 3505.3 of the Government Code~~, relating to public *school* employee organizations.

LEGISLATIVE COUNSEL'S DIGEST

AB 1203, as amended, Mendoza. Public *school* employee organizations: *unelected* members: paid leaves of absence.

Existing law requires that the governing board of a school district or a community college district grant to any classified employee, upon request, a paid leave of absence to enable the employee to serve as an elected officer of any school district public employee organization or community college district public employee organization, as specified. Existing law requires that following the school district's or community college district's payment of the employee for the leave of absence, it be reimbursed by the employee organization of which the employee is an elected officer for all compensation paid to the employee on account of the leave.

This bill would expand these provisions to additionally require a school district or a community college district to provide a paid leave of absence to a *classified employee who is an unelected* member of ~~any~~ a school district public employee organization or community college district public employee organization for activities the member is authorized by the organization to attend; and would require the employee organization to reimburse the school district or community college district on behalf of ~~a~~ *an unelected* member who receives a paid leave of absence.

~~The Meyers-Milius-Brown Act requires that local public agencies allow a reasonable number of local public agency employee representatives of recognized employee organizations reasonable time off without loss of compensation or other benefits when formally meeting and conferring with representatives of the public agency.~~

~~This bill would additionally require the local public agency to give reasonable time off to public agency employee representatives when they are testifying or representing the employee organization in proceedings before the Public Employment Relations Board in matters relating to a charge filed by the employee organization against the public agency, or in other matters in furtherance of the employee organization's right to represent members in employment relations, including personnel and merit commission hearings, city council meetings, and labor management committee meetings.~~

~~This~~

~~The bill would additionally require an employee organization to provide reasonable notification to the employer requesting a leave of absence without loss of compensation for any of the above-described activities.~~

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

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

- 1 SECTION 1. Section 45210 of the Education Code is amended
- 2 to read:
- 3 45210. (a) (1) The governing board of a school district shall
- 4 grant to ~~any~~ a classified employee, upon request, a leave of absence
- 5 without loss of compensation for the purpose of enabling the
- 6 employee to serve as an elected officer ~~or a member of any~~ a local
- 7 school district public employee organization, or ~~any~~ a statewide

1 or national public employee organization with which the local  
2 organization is affiliated.

3 ~~The~~

4 (2) *The* leave shall include, but is not limited to, absence for  
5 purposes of attendance by the employee at periodic, stated, special,  
6 or regular meetings of the body of the organization on which the  
7 employee serves as an officer, ~~or if the employee is a member of~~  
8 ~~the organization, any organizational activities the member is~~  
9 ~~authorized by the organization to attend.~~ Compensation during the  
10 leave shall include retirement fund contributions required of the  
11 school district as employer. The employee shall earn full service  
12 credit during the leave of absence and shall pay member  
13 contributions as prescribed by subdivision (a) of Section 20677 of  
14 the Government Code. The maximum amount of the service credit  
15 earned shall not exceed 12 years.

16 (b) *Upon request of a recognized local school district public*  
17 *employee organization, or a statewide or national public employee*  
18 *organization with which the local organization is affiliated, the*  
19 *governing board of a school district shall grant a leave of absence,*  
20 *without loss of compensation, to a reasonable number of unelected*  
21 *classified employees for the purpose of enabling an employee to*  
22 *attend important organizational activities authorized by the public*  
23 *employee organization. Compensation during the leave shall*  
24 *include retirement fund contributions required of the school district*  
25 *as employer. The employee shall earn full service credit during*  
26 *the leave of absence and shall pay member contributions as*  
27 *prescribed by subdivision (a) of Section 20677 of the Government*  
28 *Code. The maximum amount of the service credit earned shall not*  
29 *exceed 12 years.*

30 ~~Following~~

31 (c) *Following* the school district's payment of the employee for  
32 the leave of absence, the school district shall be reimbursed by the  
33 employee organization of which the employee is an elected officer  
34 ~~or a~~ *an unelected* member for all compensation paid the employee  
35 on account of the leave. Reimbursement by the employee  
36 organization shall be made within 10 days after its receipt of the  
37 school district's certification of payment of compensation to the  
38 employee.

39 ~~The~~

1 (d) *The* leave of absence without loss of compensation provided  
2 for by this section is in addition to the released time without loss  
3 of compensation granted to representatives of an exclusive  
4 representative by subdivision (c) of Section 3543.1 of the  
5 Government Code.

6 ~~For~~

7 (e) *For* purposes of this section, “school district” also means  
8 “county superintendent of schools.”

9 ~~(b)~~

10 (f) The representing employee organization shall provide  
11 reasonable notification to the employer requesting a leave of  
12 absence without loss of compensation pursuant to subdivision (a)  
13 ~~of this section.~~

14 ~~(e)~~

15 (g) (1) A classified employee who after August 31, 1987, was  
16 absent on account of elected-officer service, shall receive full  
17 service credit in the Public Employees’ Retirement System;  
18 provided that, not later than April 30, 1988: ~~(1) the 1988,~~ *both of*  
19 *the following conditions are met:*

20 (A) *The* employee makes a written request to the employer for  
21 a leave of absence for the period of the elected-officer service, ~~and~~  
22 ~~(2) the service.~~

23 (B) *The* employee organization of which the employee is an  
24 elected officer pays to the employee’s school district an amount  
25 equal to the required Public Employees’ Retirement System  
26 member and employer retirement contributions, as prescribed by  
27 this section.

28 ~~The~~

29 (2) *The* school district, following this written request and  
30 payment, shall transmit the amount received to the Public  
31 Employees’ Retirement System, informing it of the period of the  
32 employee’s leave of absence. The Public Employees’ Retirement  
33 System shall credit the employee with all service credit earned for  
34 the period of the elected-officer leave of absence.

35 ~~If~~

36 (3) *If* the employee has been compensated by the school district  
37 for the period of the service, then, as a condition to the employee’s  
38 entitlement to service credit for this period, the school district shall  
39 be reimbursed by the employee organization for the amount of the  
40 compensation.

1 The

2 (4) *The* provisions of this subdivision shall apply retroactively  
3 to all service as an elective officer in a public employee  
4 organization occurring after August 31, 1987.

5 (~~d~~)

6 (h) This section shall not apply to an employee who is subject  
7 to a collective bargaining agreement that expressly provides for a  
8 leave of absence without loss of compensation for participation in  
9 authorized activities as an elected officer or *an unelected* member  
10 of the public employee organization.

11 SEC. 2. Section 88210 of the Education Code is amended to  
12 read:

13 88210. (a) (1) The governing board of a community college  
14 district shall grant to ~~any~~ a classified employee, upon request, a  
15 leave of absence without loss of compensation for the purpose of  
16 enabling the employee to serve as an elected officer ~~or a member~~  
17 ~~of any~~ a local community college district public employee  
18 organization, or ~~of any~~ a statewide or national public employee  
19 organization with which the local organization is affiliated.

20 The

21 (2) *The* leave shall include, but is not limited to, absence for  
22 purposes of attendance by the employee at periodic, stated, special,  
23 or regular meetings of the body of the organization on which the  
24 employee serves as an officer, ~~or if the employee is a member of~~  
25 ~~the organization, any organizational activities the member is~~  
26 ~~authorized by the organization to attend.~~ Compensation during the  
27 leave shall include retirement fund contributions required of the  
28 community college district employer. The employee shall earn full  
29 service credit during the leave of absence and shall pay member  
30 contributions as prescribed by subdivision (a) of Section 20677 of  
31 the Government Code. The maximum amount of the service credit  
32 earned shall not exceed 12 years.

33 (b) *Upon request of a recognized local community college*  
34 *district public employee organization, or a statewide or national*  
35 *public employee organization with which the local organization*  
36 *is affiliated, the governing board of a community college district*  
37 *shall grant a leave of absence, without loss of compensation, to a*  
38 *reasonable number of unelected classified employees for the*  
39 *purpose of enabling an employee to attend important*  
40 *organizational activities authorized by the public employee*

1 organization. Compensation during the leave shall include  
 2 retirement fund contributions required of the community college  
 3 district as employer. The employee shall earn full service credit  
 4 during the leave of absence and shall pay member contributions  
 5 as prescribed by subdivision (a) of Section 20677 of the  
 6 Government Code. The maximum amount of the service credit  
 7 earned shall not exceed 12 years.

8 **Following**

9 (c) Following the community college district's payment of the  
 10 employee for the leave of absence, the community college district  
 11 shall be reimbursed by the employee organization of which the  
 12 employee is an elected officer or a *unelected* member for all  
 13 compensation paid the employee on account of the leave.  
 14 Reimbursement by the employee organization shall be made within  
 15 10 days after its receipt of the community college district's  
 16 certification of payment of compensation to the employee.

17 ~~The~~

18 (d) The leave of absence without loss of compensation provided  
 19 for by this section is in addition to the released time without loss  
 20 of compensation granted to representatives of an exclusive  
 21 representative by subdivision (c) of Section 3543.1 of the  
 22 Government Code.

23 ~~(b)~~

24 (e) The representing employee organization shall provide  
 25 reasonable notification to the employer requesting a leave of  
 26 absence without loss of compensation pursuant to subdivision (a)  
 27 of this section.

28 ~~(e)~~

29 (f) (1) A classified employee who after August 31, 1987, was  
 30 absent on account of elected-officer service, shall receive full  
 31 service credit in the Public Employees' Retirement System;  
 32 provided that, not later than April 30, 1988: ~~(1) the 1988, both of~~  
 33 ~~the following conditions are met:~~

34 (A) The employee makes a written request to the employer for  
 35 a leave of absence for the period of the elected-officer service, and  
 36 ~~(2) the service.~~

37 (B) The employee organization of which the employee is an  
 38 elected officer pays to the employee's community college district  
 39 an amount equal to the required Public Employees' Retirement

1 System member and employer retirement contributions, as  
2 prescribed by this section.

3 ~~The~~

4 (2) *The* community college district, following the written request  
5 and payment, shall transmit the amount received to the Public  
6 Employees' Retirement System, informing it of the period of the  
7 employee's leave of absence. The Public Employees' Retirement  
8 System shall credit the employee with all service credit earned for  
9 the period of the elected-officer leave of absence.

10 ~~If~~

11 (3) *If* the employee has been compensated by the community  
12 college district for the period of the service, then, as a condition  
13 to the employee's entitlement to service credit for the period, the  
14 community college district shall be reimbursed by the employee  
15 organization for the amount of the compensation.

16 ~~The~~

17 (4) *The* provisions of this subdivision shall apply retroactively  
18 to all service as an elected officer in a public employee organization  
19 occurring after August 31, 1987.

20 ~~(d)~~

21 (g) This section shall not apply to an employee who is subject  
22 to a collective bargaining agreement that expressly provides for a  
23 leave of absence without loss of compensation for participation in  
24 authorized activities as an elected officer or *an unelected* member  
25 of the public employee organization.

26 ~~SEC. 3.—Section 3505.3 of the Government Code is amended~~  
27 ~~to read:~~

28 ~~3505.3.—(a) Public agencies shall allow a reasonable number~~  
29 ~~of public agency employee representatives of recognized employee~~  
30 ~~organizations reasonable time off without loss of compensation~~  
31 ~~or other benefits when they are participating in any one of the~~  
32 ~~following activities:~~

33 ~~(1) Formally meeting and conferring with representatives of the~~  
34 ~~public agency on matters within the scope of representation.~~

35 ~~(2) Testifying or representing the employee organization in~~  
36 ~~conferences, hearings, or other proceedings before the Public~~  
37 ~~Employment Relations Board, or an agent thereof, in matters~~  
38 ~~relating to a charge filed by the employee organization against the~~  
39 ~~public agency.~~

1     ~~(3) Testifying or representing the employee organization in~~  
2     ~~employment relations, including personnel and merit commission~~  
3     ~~hearings, city council meetings, and labor management committee~~  
4     ~~meetings.~~

5     ~~(b) The representing employee organization shall provide~~  
6     ~~reasonable notification to the employer requesting a leave of~~  
7     ~~absence without loss of compensation pursuant to subdivision (a)~~  
8     ~~of this section.~~