

ASSEMBLY BILL

No. 375

Introduced by Assembly Member Campos

February 18, 2015

An act to amend Section 44977 of the Education Code, relating to school employees.

LEGISLATIVE COUNSEL'S DIGEST

AB 375, as introduced, Campos. School employees: sick leave: maternity leave.

Under existing law, when a certificated school employee exhausts all available sick leave, as specified, and continues to be absent from his or her duties on account of illness or accident for an additional period of 5 school months, the employee during those 5 months receives the difference between his or her salary and the sum that is actually paid a substitute employee employed to fill his or her position during his or her absence or, if no substitute employee was employed, the amount that would have been paid to the substitute had he or she been employed.

This bill would instead provide the differential pay benefit described above if the certificated school employee is absent on account of illness, accident, or maternity leave, as specified.

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 44977 of the Education Code is amended
2 to read:

1 44977. (a) During each school year, when a person employed
2 in a position requiring certification qualifications has exhausted
3 all available sick leave, including all accumulated sick leave, and
4 continues to be absent from his or her duties on account of ~~illness~~
5 ~~or accident~~ *illness, accident, or maternity leave* for an additional
6 period of five school months, whether or not the absence arises
7 out of or in the course of the employment of the employee, the
8 amount deducted from the salary due him or her for any of the
9 additional five months in which the absence occurs shall not exceed
10 the sum that is actually paid a substitute employee employed to
11 fill his or her position during his or her absence or, if no substitute
12 employee was employed, the amount that would have been paid
13 to the substitute had he or she been employed. The school district
14 shall make every reasonable effort to secure the services of a
15 substitute employee.

16 (b) For purposes of subdivision (a):

17 (1) The sick leave, including accumulated sick leave, and the
18 five-month period shall run consecutively.

19 (2) An employee shall not be provided more than one five-month
20 period per ~~illness or accident~~ *illness, accident, or maternity leave*.
21 However, if a school year terminates before the five-month period
22 is exhausted, the employee may take the balance of the five-month
23 period in a subsequent school year.

24 (c) The governing board of every school district shall adopt a
25 salary schedule for substitute employees. The salary schedule shall
26 indicate a salary for a substitute for all categories or classes of
27 certificated employees of the *school* district.

28 (d) Excepting in a *school* district the governing board of which
29 has adopted a salary schedule for substitute employees of the *school*
30 district, the amount paid the substitute employee during any month
31 shall be less than the salary due the employee absent from his or
32 her duties.

33 (e) When a person employed in a position requiring certification
34 qualifications is absent from his or her duties on account of illness
35 for a period of more than five school months, or when a person is
36 absent from his or her duties for a cause other than illness, the
37 amount deducted from the salary due him or her for the month in
38 which the absence occurs shall be determined according to the
39 rules and regulations established by the governing board of the

1 *school* district. The rules and regulations shall not conflict with
2 rules and regulations of the State Board of Education *state board*..

3 (f) ~~Nothing in this~~ This section shall *not* be construed so as to
4 deprive ~~any a~~ *a school* district, city, or city and county of the right
5 to make any reasonable rule for the regulation of accident or sick
6 leave or cumulative accident or sick leave without loss of salary
7 for persons acquiring certification qualifications.

8 (g) This section shall be applicable whether or not the absence
9 from duty is by reason of a leave of absence granted by the
10 governing board of the employing *school* district.