

ASSEMBLY BILL

No. 915

Introduced by Assembly Member Holden

February 26, 2015

An act to amend Section 45192 of the Education Code, relating to classified school employees.

LEGISLATIVE COUNSEL'S DIGEST

AB 915, as introduced, Holden. School employees: classified service: industrial accident or illness leaves of absence: travel restriction..

Existing law requires the governing board of a school district to provide by rules and regulations for industrial accident or illness leaves of absence for employees who are a part of the classified service. Existing law requires an employee receiving benefits pursuant to these provisions to remain within California during periods of injury or illness, unless the governing board authorizes travel outside the state.

This bill would remove the travel restriction on an employee receiving these benefits.

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 45192 of the Education Code is amended
2 to read:
3 45192. ~~Governing boards of school districts~~(a) *The governing*
4 *board of a school district* shall provide by rules and regulations
5 for industrial accident or illness leaves of absence for employees
6 who are a part of the classified service. The governing board of

1 ~~any a~~ district ~~which~~ *that* is created or whose boundaries or status
 2 is changed by an action to organize or reorganize districts
 3 completed after the effective date of this section shall provide by
 4 rules and regulations for these leaves of absence on or before the
 5 date on which the organization or reorganization of the district
 6 becomes effective for all purposes ~~as provided in Section 4064.~~

7 ~~The~~

8 *(b) The* rules and regulations shall include the following
 9 provisions:

10 ~~(a)~~

11 *(1)* Allowable leave shall not be for less than 60 working days
 12 in any one fiscal year for the same accident.

13 ~~(b)~~

14 *(2)* Allowable leave shall not be accumulative from year to year.

15 ~~(c)~~

16 *(3)* Industrial accident or illness leave will commence on the
 17 first day of absence.

18 ~~(d)~~

19 *(4)* Payment for wages lost on any day shall not, when added
 20 to an award granted the employee under the workers' compensation
 21 laws of this state, exceed the normal wage for the day.

22 ~~(e)~~

23 *(5)* Industrial accident leave will be reduced by one day for each
 24 day of authorized absence regardless of a compensation award
 25 made under workers' compensation.

26 ~~(f)~~

27 *(6)* When an industrial accident or illness occurs at a time when
 28 the full 60 days will overlap into the next fiscal year, the employee
 29 shall be entitled to only that amount remaining at the end of the
 30 fiscal year in which the injury or illness occurred, for the same
 31 illness or injury.

32 ~~The~~

33 *(c) The* industrial accident or illness leave of absence is to be
 34 used in lieu of entitlement acquired under Section 45191. When
 35 entitlement to industrial accident or illness leave has been
 36 exhausted, entitlement or other sick leave will then be used; but
 37 if an employee is receiving workers' compensation the person
 38 shall be entitled to use only so much of the person's accumulated
 39 or available sick leave, accumulated compensating time, vacation

1 or other available leave ~~which~~, *that*, when added to the workers'
2 compensation award, provide for a full day's wage or salary.

3 ~~The~~

4 (d) *The governing board of a district* may, by rule or regulation,
5 provide for as much additional leave of absence, paid or unpaid,
6 as it deems appropriate and during this leave the employee may
7 return to the person's position without suffering any loss of status
8 or benefits. The employee shall be notified, in writing, that
9 available paid leave has been exhausted, and shall be offered an
10 opportunity to request additional leave.

11 ~~Periods~~

12 (e) *A period* of leave of absence, paid or unpaid, shall not be
13 considered to be a break in service of the employee.

14 ~~During all paid leaves~~

15 (f) *During a paid leave* of absence, whether industrial accident
16 leave as provided in this section, sick leave, vacation, compensated
17 time ~~off off~~, or other available leave provided by law or the action
18 of a governing board, the employee shall endorse to the district
19 wage loss benefit checks received under the workers' compensation
20 laws of this state. The district, in turn, shall issue the employee
21 appropriate warrants for payment of wages or salary and shall
22 deduct normal retirement and other authorized contributions.
23 Reduction of entitlement to leave shall be made only in accordance
24 with this section.

25 ~~When~~

26 (g) *When* all available leaves of absence, paid or unpaid, have
27 been exhausted and if the employee is not medically able to assume
28 the duties of the person's position, the person shall, if not placed
29 in another position, be placed on a reemployment list for a period
30 of 39 months. When available, during the 39-month period, the
31 person shall be employed in a vacant position in the class of the
32 person's previous assignment over all other available candidates
33 except for a reemployment list established because of lack of work
34 or lack of funds, in which case the person shall be listed in
35 accordance with appropriate seniority regulations.

36 ~~The~~

37 (h) *The governing board of a district* may require that an
38 employee serve or have served continuously a specified period of
39 time with the district before the benefits provided by this section
40 are made available to the person provided that this period shall not

1 exceed three years and that all service of an employee prior to the
2 effective date of this section shall be credited in determining
3 compliance with the requirement.

4 ~~Any employee receiving benefits as a result of this section shall,~~
5 ~~during periods of injury or illness, remain within the State of~~
6 ~~California unless the governing board authorizes travel outside the~~
7 ~~state.~~

8 ~~In~~

9 *(i) In* the absence of rules and regulations adopted by the
10 governing ~~board~~, *board of a district*, pursuant to this section, an
11 employee shall be entitled to industrial and accident or illness leave
12 as provided in this section but without limitation as to the number
13 of days of this leave and without any requirement of a specified
14 period of service.

15 ~~An~~

16 *(j) An* employee who has been placed on a reemployment list,
17 as provided ~~herein~~, *in this section*, who has been medically released
18 for return to duty and who fails to accept an appropriate assignment
19 shall be dismissed.

20 ~~This~~

21 *(k) This* section shall apply to districts that have adopted the
22 merit system in the same manner and effect as if it were a part of
23 Article 6 (commencing with Section 45240) ~~of this chapter~~.