

Introduced by Senator JacksonFebruary 12, 2015

An act to amend Section 19859 of the Government Code, relating to public employment.

LEGISLATIVE COUNSEL'S DIGEST

SB 221, as introduced, Jackson. State public employees: sick leave: veterans with service-related disabilities.

Existing law prescribes the general work week policy for state employees, subject to specified exceptions, and the terms and conditions for accrual of vacation and sick leave. Existing law generally provides that a state officer or employee who is employed full time accrues one day of credit for sick leave for each calendar month of service. Existing law requires that if these provisions conflict with an adopted memorandum of understanding, the memorandum of understanding controls, as specified.

This bill would grant a state officer or employee who is a military veteran with a service-connected disability rated at 30% or more by the United States Department of Veterans Affairs an additional credit for sick leave with pay of up to 96 hours for the purpose of undergoing medical treatment for his or her service-related disability. The bill would require that the sick leave be credited to a qualifying officer or employee on the first day of employment and remain available for use for the following 12 months of employment. The bill would prohibit this sick leave from being carried over after 12 months and would permit submission of satisfactory proof that the sick leave is being used for treatment of a service-connected disability to be required, as specified.

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

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

1 SECTION 1. Section 19859 of the Government Code is
2 amended to read:

3 19859. (a) Following completion of one month of continuous
4 service, except as otherwise provided in Section 19863.1, each
5 state officer and employee who is employed full time shall be
6 allowed one day of credit for sick leave with pay. Thereafter, for
7 each additional calendar month of service, except as provided in
8 Section 19861, one day of credit for sick leave with pay shall be
9 allowed. Each state officer or employee is entitled to this leave
10 with pay, on the submission of satisfactory proof of the necessity
11 for sick leave as provided by rule of the department. For purposes
12 of computing sick leave, each employee shall be considered to
13 work not more than five days each week. The department shall
14 provide by rule for the regulation and method of accumulation of
15 sick leave for civil service employees, and may provide sick leave
16 for those who work less than full time. Subject to department rule
17 sick leave may be granted to employees for the purpose of physical
18 examinations.

19 *(b) In addition to any other entitlement for sick leave with pay,*
20 *a state officer or employee who is a military veteran with a*
21 *service-connected disability rated at 30 percent or more by the*
22 *United States Department of Veterans Affairs shall be entitled to*
23 *additional credit for sick leave with pay of up to 96 hours for the*
24 *purpose of undergoing medical treatment for his or her*
25 *service-connected disability. Credit for sick leave granted under*
26 *this subdivision shall be credited to a qualifying officer or employee*
27 *on the first day of employment and shall remain available for use*
28 *for the following 12 months of employment. Sick leave credited*
29 *pursuant to this subdivision that is not used during the 12-month*
30 *period shall not be carried over and shall be forfeited. Submission*
31 *of satisfactory proof that sick leave granted under this subdivision*
32 *is used for treatment of a service-connected disability may be*
33 *required pursuant to rules adopted by the employing department*
34 *or agency.*

35 ~~(b)~~

36 (c) If the provisions of this section are in conflict with the
37 provisions of a memorandum of understanding reached pursuant
38 to Section 3517.5, the memorandum of understanding shall be

1 controlling without further legislative action, except that if the
2 provisions of a memorandum of understanding require the
3 expenditure of funds, the provisions shall not become effective
4 unless approved by the Legislature in the annual Budget Act.

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