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# SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2019 - 2020 Regular

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**Bill No:** AB 706 **Hearing Date:** June 5, 2019  
**Author:** Low  
**Version:** February 19, 2019  
**Urgency:** No **Fiscal:** Yes  
**Consultant:** Olgalilia Ramirez

**Subject:** Community colleges: academic employees

## SUMMARY

This bill removes circumstances for which an academic employee of a community college district of at least one school year is entitled to transfer accrued leave to another district.

## BACKGROUND

Existing law:

- 1) Requires that all CalSTRS members be granted service credit for each day of unused sick leave to which the member was entitled on the member's final day of employment. This section also requires employers to certify the amount of unused sick leave with CalSTRS and requires CalSTRS to utilize specific factors to convert unused sick leave to service credit. (Education Code (EC) § 22717)
- 2) Requires that every academic employee of a community college district who is employed five-days-a-week be entitled to no less than 10 days of leave for illness or injury per year. Employees employed less than five days a week are entitled to a proportion of the 10 days of sick leave per year. Any leave that is not taken in a given school year accumulates from year to year. (EC § 87781)
- 3) Provides that an academic employee of a community college district who has been an employee of that district for a period of one school year or more have transferred with the employee to a second district the total amount of leave of absence for illness or injury to which the employee is entitled under Section 87781 in any of the following circumstances:
  - a) Acceptance of an academic position in a district during the second or succeeding year of employment with the first district.
  - b) Signifies acceptance of election or employment in another district, within three school years succeeding termination of employment in the first district.
  - c) Signifies acceptance of election or employment in another district, prior to the expiration of a period greater than three years during which the employee's reemployment rights are in effect under a local bargaining agreement in the first district. (EC § 87782 (a))

- 2) Provides that the board of governors adopt rules and regulations prescribing the manner in which the first district certify to the second district the total amount of leave of absence for illness or injury to be transferred. In addition, it prohibits the governing board from adopting any policy or rule that requires any employee transferring to its district to waive any part or all of the leave of absence that he or she may be entitled to have transferred in accordance with the specified section. (EC § 87782 (b))

## ANALYSIS

This bill removes circumstances for which an academic employee of a community college district of at least one school year is entitled to transfer accrued leave of absence for illness or injury to another district. Specifically, it:

- 1) Deletes provisions that limits transfer of accrued leave to an employee that accepts an academic position during the second or any succeeding school year of his or her employment with the first district.
- 2) Deletes the limitation that the employee, within the three school years succeeding the school year in which the employment in the first district is terminated, signifies acceptance of his or her election or employment in an academic position in another district.
- 3) Deletes the limitation that the person, prior to the expiration of a period greater than three years during which the employee's reemployment rights are in effect under a local bargaining agreement in the first district, signifies acceptance of his or her election or employment in an academic position in another district.

## STAFF COMMENTS

- 1) ***Need for the bill.*** Current law limits the time in which an academic employee's sick leave can be transferred between community college districts. According to the author, "California Community College faculty have only three years to transfer their unused sick leave from one district to another. Part-time faculty, unlike full time faculty, are often not officially terminated; they are simply not offered additional assignments, and a district may choose to not issue a contract for one or more semesters and then suddenly offer an assignment when the need arises. As a result, part-time faculty may go years without knowing they will no longer receive teaching assignments at an individual college or district.

Under current law, if their contract is not renewed at a district and they have not transferred their unused sick leave to another district within three years, they lose not only the use of their earned sick leave if they need it, but also service credit from unused sick leave when they retire.

Sick leave is an earned benefit and should not be lost due to an arbitrary deadline. For community college part-time faculty, the deadline itself is ambiguous, and it is difficult for them to keep track of their employment status in various districts and the complex rules of the retirement process."

This bill eliminates the three-year cap to transfer accrued leave for community college faculty after they have been terminated or have had their reemployment rights expire. The bill additionally eliminates the time limitation for transfer of accrued leave for a member of the faculty who accepts a position in another district thereby removing restrictive caps that could result in the loss of the employment benefit.

- 2) ***Impact on faculty.*** The Faculty Association of California Community Colleges asserts that, if a faculty member fails to transfer their sick leave, then they lose that earned benefit and have less retirement security. Over a long career, that unused sick leave could equal a year or more of service credit. The association emphasizes, that the proposed change would ensure community college faculty do not inadvertently lose earned benefits by failing to transfer unused leave within the allotted window of time.
- 3) ***Impact to California State Teacher Retirement Systems (CalSTRs).*** Under current law all CalSTRS members are granted service credit for each day of unused sick leave to which the member was entitled on the member's final day of employment. According to an analysis of this bill by CalSTRS, upon retirement, member's unused sick leave is reported, converted to service credit and included in the calculation of the member's lifetime benefit. It additionally states that the bill's provisions are anticipated to impact a small population within the entire CalSTRS membership, therefore, its impact to the Teachers' Retirement Fund is expected to be minimal. The document also notes that removing the transfer requirement would require employers (community college district) to track unused sick leave for current and past employees indefinitely. Presumably, this is already an existing practice of districts for other employees who maintain employment at a college.

## **SUPPORT**

California Faculty Association  
 California Federation of Teachers  
 California Retired Teachers Association  
 California School Employees Association  
 California Teachers Association  
 Faculty Association of California Community Colleges  
 Foothill-De Anza Faculty Association

## **OPPOSITION**

None received

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