

Date of Hearing: June 15, 2016

ASSEMBLY COMMITTEE ON EDUCATION
Patrick O'Donnell, Chair
SB 1180 (Jackson) – As Amended April 26, 2016

[Note: This bill is double referred to the Assembly Committee on Veterans Affairs and, if passed, will be heard by that committee as it relates to issues under its jurisdiction.]

SENATE VOTE: 37-0

SUBJECT: Public school employees: military veterans: leave of absence for illness or injury

SUMMARY: Provides school employees who are military veterans with service-connected disabilities paid leaves of absence for illness or injury for the purpose of undergoing medical treatment for those disabilities during their first year of employment. Specifically, **this bill:**

- 1) Provides that, in addition to any other entitlement for leave of absence for illness or injury with pay, a school employee hired on or after January 1, 2017, who is a military veteran with a military service-connected disability rated at 30% or more by the United States Department of Veterans Affairs shall be entitled to leave of absence for illness or injury with pay of up to 10 days for certificated employees and up to 12 days for classified employees for the purpose of undergoing medical treatment for his or her military service-connected disability.
- 2) Specifies that credit for leave of absence for illness or injury shall be credited to a qualifying classified employee on the first day of employment and shall remain available for use for the following 12 months of employment.
- 3) Provides that a leave of absence for illness or injury that is not used during the 12-month period shall not be carried over and shall be forfeited.
- 4) Authorizes governing boards to require submission of satisfactory proof that a leave of absence for illness or injury is used for treatment of a military service-connected disability
- 5) Provides for a reduction of the leave of absence for part-time employees as follows:
 - a) An employee who is employed for less than five days per week shall be entitled to a percentage of 10 days (for certificated employees) or 12 days (for classified employees) of leave equal to the percentage of days employed per week;
 - b) A classified employee who is employed five days per week and less than a full fiscal year is entitled to a percentage of 12 days equal to the percentage of 12 months employed; and
 - c) A classified employee who is employed less than five days per week and who is employed for less than a full fiscal year shall have his or her leave reduced in proportion to the number of days per week and months per year employed.
- 6) Specifies that these provisions shall not be construed to diminish the obligation of a public school employer to comply with any collective bargaining agreement entered into by a public school employer and an exclusive bargaining representative that provides greater leave of absence rights to employees than the rights established under this section.

EXISTING LAW: Provides full time certificated employees with 10 days of leave and full time classified employees with 12 days of leave for illness or injury and authorizes governing boards to allow additional days of leave. Provides that the leaves of absence shall be reduced for part time employees in proportion to the time employed.

FISCAL EFFECT: This bill is nonfiscal.

COMMENTS: This bill provides 10 days of leave for certificated employees and 12 days of leave for classified employees during their first year of employment to receive medical treatment for military service-related disabilities. This is in addition to the 10 days for certificated employees and 12 days for classified employees provided in existing law. For part time employees, the length of the additional leave would be reduced in proportion to the amount of time actually employed during the week and year.

30% disability. According to the Senate Committee on Veterans Affairs, the United States Department of Veterans Affairs (USDVA) provides direct health care treatment and monetary compensation to veterans with service-connected disabilities. A service-connected disability is an injury or disease certified by the USDVA as having occurred during active duty, or made worse by active military service. The USDVA rates disabilities to facilitate in-patient and out-patient health care and to evaluate claims for disability compensation. The extent of health care provided and the amount of disability benefit paid may vary depending on the condition's rated severity.

A veteran need not be totally disabled in order to be eligible for compensation. USDVA rates disability along a continuum of 0% - to - 100% in 10% increments, depending upon the level of disability determined. The disability percentage also can be derived by analyzing the composite condition of an individual veteran with multiple disabilities. The 10% rating is the lowest for which compensable income is awarded. A veteran with a 100% rating will have one or more disabilities that significantly interfere with normal life functions. A veteran with a 0% rating may have a service-connected condition, but the condition does not interfere with normal life functions. The majority of disabled veterans are rated between 10% - 30%.

Need for the bill. According to the author's office, "many school employees accrue their sick leave slowly or face limitations on how much sick leave they can take in their first months of employment. Many veterans are returning from Iraq and Afghanistan with physical and mental health issues that require medical attention. Veterans Affairs (VA) appointments can be difficult to schedule and even harder to reschedule. A shortage of mental health specialists in the VA makes it particularly important to follow up and attend appointments as soon as they are received."

The bill is intended to provide disabled veterans who are new school employees with access to the care they may require during their first year of employment without having to take unpaid leave or worry about using up their regular allotment of sick leave.

REGISTERED SUPPORT / OPPOSITION:

Support

American G.I Forum of California
AMVETS-Department of California
California Association of County Veteran Service Officers
California School Employees Association, AFL-CIO
California Teachers Association
VFW-Department of California
Vietnam Veterans of America, California State Council

Opposition

None on file

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