
SENATE COMMITTEE ON EDUCATION

Senator Carol Liu, Chair
2015 - 2016 Regular

Bill No: AB 915
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Urgency: No
Consultant: Lenin Del Castillo
Hearing Date: June 17, 2015
Fiscal: No

Subject: Public education employees: industrial accident or illness leaves of absence: travel restriction

SUMMARY

This bill repeals the prohibition on out-of-state travel for school and community college employees who are receiving industrial injury leave benefits.

BACKGROUND

Existing law:

- 1) Provides workers' compensation benefits, including temporary disability benefits when employees are temporarily unable to work, for any employee who suffers an injury or condition that arises out of or in the course of employment.
- 2) Provides a temporary disability benefit of 2/3 of the employee's average weekly pay, subject to a current maximum weekly benefit of \$1066.
- 3) Requires school districts and community colleges to adopt rules granting their employees industrial injury leave benefits of at least 60 days at full pay, without a cap.
- 4) Provides that school employees receiving industrial leave benefits cannot leave the state without the authorization of the employing school district governing board or governing board of the community college district, as applicable.

ANALYSIS

This bill:

- 1) Repeals the provisions in current law that prohibit classified and certificated K-12 school employees, absent authorization from the school district governing board, from traveling out-of-state during any period when the employee is receiving industrial injury leave benefits.
- 2) Repeals the provisions in current law that prohibit academic and non-academic community college employees, absent authorization from the governing board of the community college district, from traveling out-of-state during any period when the employee is receiving industrial injury leave benefits.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author's office, existing law prohibits classified and certificated employees, who are on industrial accident or illness leave and receiving workers' compensation, from traveling outside the state unless the governing board approves the travel. The Education Code and the Labor Code each has a special workers' compensation-like statutory benefit for certain employees, but only the Education Code limits out-of-state travel for those employees while they are receiving the benefit. This bill is intended to align the rules governing industrial accident or illness leaves of absence for employees between the Education Code and the Labor Code and ensure that classified and certificated employees are able to travel outside of the state without having to seek the governing board's approval. The author's office further argues that artificial limitations on travel for injured employees who may need to travel out of state for any number of valid reasons makes little sense.
- 2) ***Travel restrictions.*** According to the Assembly Committee on Insurance, the precursor Code section to the Election Code Sections that contain the travel limitations date back to at least the late 1950's. The annotations do not suggest the policy rationale for placing a travel restriction on an employee who is legitimately disabled, nor has a rationale been suggested by any stakeholder. Speculation might suggest that in an era over half a century ago, if an employee traveled far away, it would be difficult to recall that employee to determine whether the disabling condition might have resolved.
- 3) ***Arguments in opposition.*** While the Association of California School Administrators (ACSA) acknowledges there have been cases where an employee on disability leave has missed an out-of-state funeral due to the lack of authorization from a school board that did not meet in time, it argues that the travel restriction in existing law ensures that an employee on leave will be available to attend critical medical care evaluations or rehabilitation appointments. ACSA has indicated its goal is to support the employee so he or she can return to work as soon as he or she is able to. Accordingly, ACSA has suggested amendments authorizing the school district's Superintendent, or designee who is always available, to act on out-of-state travel requests. By requiring district sign-off for out of state travel, both the district and employee are continuing to work together to secure rehabilitation of the employee and an expectation of when the employee will physically be able to return to their job.

To the extent that eliminating the travel restrictions altogether could hinder an employee's ability to recover from injury and delay his or her return to work, the Committee may wish to consider either ACSA's suggested alternative of providing the school district's Superintendent or designee as the authorizing entity rather than the school board, or providing the authority for the school board to assign a designee in its absence.

SUPPORT

California Federation of Teachers
California Labor Federation
California School Employees Association
California Teachers Association

OPPOSITION

Association of California School Administrators
Orange County Department of Education

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