
SENATE COMMITTEE ON EDUCATION

Senator Carol Liu, Chair
2015 - 2016 Regular

Bill No: SB 1180
Author: Jackson
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Urgency: No
Consultant: Lenin Del Castillo
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Fiscal: No

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

SUMMARY

This bill provides school employees who are military veterans with service-connected disabilities with additional paid leaves of absence for illness or injury, for the purpose of undergoing medical treatment for those disabilities during their first year of employment.

BACKGROUND

Existing law:

- 1) Provides every certificated employee that is employed five days a week by a school district with 10 days of leave of absence for illness or injury and additional days that the governing board may allow for illness or injury with full pay for a year of service. Certificated employees that are employed less than five days per week shall be entitled to that proportion of 10 days of this leave of absence as the number of days worked per week is proportional to five days per week. The governing board of each school district shall adopt rules and regulations requiring and prescribing the manner of proof of illness or injury to utilize sick leave. (Education Code § 44978)
- 2) Provides every classified employee that is employed five days a week by a school district with 12 days of leave of absence for illness or injury and such additional days as the governing board may allow for illness or injury with full pay for a fiscal year of service. Classified employees that are employed less than five days per week shall be entitled to that proportion of 12 days of this leave of absence as the number of days worked per week is proportional to five days per week. The governing board of each school district shall adopt rules and regulations requiring and prescribing the manner of proof of illness or injury to utilize sick leave. (Education Code § 45191)

ANALYSIS

This bill:

- 1) Provides school employees, who are military veterans with service-connected disabilities rated at 30 percent or higher, with leaves of absence for illness or injury, with pay and in addition to any other entitlement for leave of absence for

illness or injury, for the purpose of undergoing medical treatment for those disabilities, as follows:

- a) Up to 10 days for certificated employees, as specified.
 - b) Up to 12 days for classified employees, as specified.
- 2) Regarding certificated school employees:
- a) Establishes eligibility for an employee who is hired on or after January 1, 2017 and is a military veteran with a service-connected disability rated at 30 percent or more by the United States Department of Veterans Affairs (USDVA).
 - b) Provides that certificated school employees be entitled to a leave of absence for illness or injury with pay of up to 10 days for the purpose of undergoing medical treatment for the service-connected disability, as specified.
 - c) Provides that credit for this leave of absence for illness or injury shall be credited on the first day of employment and shall remain available for use for the following 12 months of employment.
 - d) Provides that leave of absence not used during the 12-month period shall not be carried over and shall be forfeited.
 - e) Provides that submission of satisfactory proof that use of this leave of absence is for treatment of a service-connected disability may be required pursuant to rules adopted by the governing board of a school district.
 - f) Provides that an eligible employee, employed less than five days per week, shall be entitled to that proportion of 10 days of this leave of absence as the number of days worked per week is proportional to five days per week.
 - g) Provides that, to the extent that this section conflicts with a provision of a collective bargaining agreement entered into before January 1, 2017, this section shall not apply until expiration or renewal of that collective bargaining agreement.
- 3) Regarding classified school employees, establishes eligibility for an employee who is hired on or after January 1, 2017 and is a military veteran with a service-connected disability rated at 30 percent or more by the USDVA.
- a) Provides that classified school employees are entitled to a leave of absence for illness or injury with pay of up to 12 days for the purpose of undergoing medical treatment for the service-connected disability, as specified.

- b) Provides that credit for this leave of absence for illness or injury shall be credited on the first day of employment and shall remain available for use for the following 12 months of employment.
- c) Provides that leave of absence not used during the 12-month period shall not be carried over and shall be forfeited.
- d) Provides that submission of satisfactory proof that use of this leave of absence is for treatment of a service-connected disability may be required pursuant to rules adopted by the governing board of a school district.
- e) Provides that a classified employee, who is employed five days a week, and who is employed for less than a full fiscal year, shall be entitled to that proportion of 12 days this leave of absence proportional as the number of months worked is proportional to 12 months.
- f) Provides that, to the extent that this section conflicts with a provision of a collective bargaining agreement entered into before January 1, 2017, this section shall not apply until expiration or renewal of that collective bargaining agreement.

STAFF COMMENTS

- 1) ***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.

- 2) ***Veterans with service-connected disabilities.*** The Senate Committee on Veterans Affairs indicates that 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%.

In general, it makes sense for a veteran to seek an initial disability evaluation, even for a condition likely to receive only a 0% rating (which is not monetarily compensable). The reason is that the veteran, at a minimum, will have documented a service-connected health condition, which may deteriorate later into a more serious, perhaps compensable disability. In addition, individuals with a 0% rating may be eligible for federal and state veterans' benefits other than monetary compensation. As time passes, a veteran's disability claim may require re-ratings. The re-ratings can be initiated by administrative decisions by the United States Department of Veterans Affairs, changes in law, advances in medical knowledge, or fluctuations in the veteran's physical or mental condition. A re-rating can cause an individual's percentage to go up or down.

- 3) ***Collective bargaining agreements.*** The bill currently requires that to the extent that its provisions conflict with a collective bargaining agreement entered into before January 1, 2017, they shall not apply until expiration or renewal of that collective bargaining agreement. To enable new school employees to benefit from the bill's provisions immediately after its implementation date, **staff recommends**, at the author's request, that the bill be amended to specify that nothing in the bill prohibits a collective bargaining agreement entered into by a public school employer and an exclusive bargaining representative that provides greater sick leave than the sick leave established by this section.

SUPPORT

California Association of County Veteran Service Officers
California School Employees Association
VFW Department of California
Vietnam Veterans of American, California State Council

OPPOSITION

None received.

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