

New Bill Expands Paid Leave for Represented Classified Employees

More classified employees at school and community college districts may take paid time off to carry out union activities under Assembly Bill 1203, recently signed by Governor Jerry Brown.

Taking effect on January 1, 2013, AB 1203 amends Education Code section 45210 (for school districts) and section 88210 (for community college districts) by allowing a classified union to request paid leave time for a reasonable number of unelected classified employees to attend "important organizational activities." Previously, only the elected officers of a classified union were eligible for such paid leave. Under AB 1203, the union will still be required to reimburse school and community college districts for the compensation paid to any employees that take a leave for such purposes.

The bill faced opposition from many groups, including California Association of School Business Officials, California State Association of Counties, Community College League of California, League of California Cities, County of Los Angeles Board of Supervisors, and others. Critics of AB 1203 initially argued that the legislation was too expansive and that any employee and any activity could qualify for the paid leave. During the legislative process, AB 1203 was amended to limit the paid leave to a "reasonable number" of unelected classified employees, and added a new requirement of reasonable notice to the employer.

As enacted, AB 1203 still does not provide guidance on what constituted a "reasonable number" of employees and leaves "important organizational activities" undefined. School and college district employers should carefully monitor these aspects of any request for release time under the revised laws, and ensure that any paid leave taken for these purposes is reasonable and consistent with the new requirements.

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The revisions to Education Code sections 45210 and 88210 also provide that the union activity release time provided by each respective section does not apply to “an employee who is subject to a collective bargaining agreement (“CBA”) that expressly provides for a leave of absence without loss of compensation for participation in authorized activities as an elected officer or an unelected member of the public employee organization.” School and college districts should therefore consider including or revising their classified CBA language to identify union activity release time of this nature to give the parties greater clarity regarding when and how often the release time may occur.

Finally, AB 1203 reiterates existing law by providing that the paid leave authorized in sections 45210 and 88210 is in addition to the paid release time for union representatives granted under the Educational Employment Relations Act (Gov. Code § 3543.1(c)).

If you have any questions discussed in this Client News Brief, please feel free to contact one of our [eight offices](#) located statewide. You can also visit our [website](#) or follow Lozano Smith on [Facebook](#).

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