

LOBBY DAY HANDOUT



California School Employees Association

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*The nation's largest
independent classified
employee association*



2011 CSEA Legislative Priorities

- **SB 810 (Leno) Universal Single Payer Health Care:**
CSEA is a co-sponsor of Senate Bill 810, the universal single payer health care bill. This bill would provide comprehensive, affordable, quality health care for all Californians. SB 810 would eliminate the need to continue bargaining health care benefits at each school district level and could save money on health care and the cost of the time spent in bargaining this issue. Under SB 810 every Californian is covered and nobody is left out.
- **AB 501 (Campos) Representational Rights for School Employees:**
CSEA is a co-sponsor of Assembly Bill 501, which would ensure that all school district employees are entitled to representation. Until last year, PERB had held for 34 years that noon duty and playground employees are "public school employees" entitled to representation. Unfortunately, in *Castaic Union Elementary School District* (PERB Decision No. LA-UM-799-E), PERB decided that a union cannot represent noon duty or playground employees. AB 501 clarifies that all public school employees have the right to representation.
- **AB 925 (Lara and Alejo) Classified Employee Rights in Independent Charter Schools:** CSEA is a sponsor of Assembly Bill 925, which would provide equity to classified school employees working in independent charter schools by requiring such charter schools to comply with specified laws governing school employees. Unfortunately, current law exempts independent charter schools from providing sick leave, vacation leave, and holiday leave, the right to a job classification with defined duties and seniority rights, layoff rights or bumping rights. AB 925 would require independent charter schools to provide such rights.
- **AB 1203 (Mendoza) Right to Reasonable Release Time:**
CSEA is a co-sponsor of Assembly Bill 1203, which would provide that that representatives of public agency employee organizations have the right to reasonable time off to participate in grievance adjustment meetings, grievance arbitrations, hearings before the Public Employment Relations Board, and other meetings and hearings critical to a labor organization's mission of representing public employees. AB 1203 gives the clarification in current law to ensure that school districts and community colleges are reimbursed if they release a classified employee to attend to such activities, regardless of whether or not they are an elected official of the organization.

Our mission: To improve the lives of our members, students and community.

**BUDGET
DISCUSSION
GUIDE WILL BE
AVAILABLE AT
LOBBY DAY**

DISCUSSION GUIDE ON SB 810 (LENO) — UNIVERSAL SINGLE PAYER HEALTH CARE

SB 810 (Leno) DISCUSSION GUIDE

2011 CSEA LEGISLATIVE PRIORITY - Sponsored Bill

Single Payer Universal Health Care Bill

PURPOSE

To create a single payer universal health care system in California that provides comprehensive, affordable health care for every Californian.

BACKGROUND

The United State Congress passed significant health care reform legislation that improves the quality and access of health care in this nation and in California. Although there are significant improvements in our health care system, there is still a strong need for single payer universal health care in California.

NEED FOR THE BILL

- SB 810 provides health care to every Californian. Everyone is in and no one is left out. If this bill passes, nobody will ever have to worry about being without health care.
- SB 810 is a fair and sensible solution to the health care crisis in California. It provides access to preventive care, improves public health for all of us and costs less money in the long run.
- SB 810 provides comprehensive health benefits and covers all care prescribed by the patient's healthcare provider that meets acceptable standards of care and practice.

Highlights of specific coverage includes: doctor visits, hospital and surgical services and mental health treatment; dental and vision care; prescription drugs and medical equipment (such as hearing aids and insulin pumps); emergency care; skilled nursing care; substance abuse recovery programs; diagnostic testing; and hospice care.

- SB 810 allows all Californians to choose their own doctors.
- SB 810 and gives doctors the ability to make medical decisions instead of insurance companies.
- SB 810 provides health care security and affordability to all Californians. No one in an advance country like ours would have to worry whether or not they can afford health care for themselves and their families.
- SB 810 simplifies the complex multi-payer system to single payer system, and frees up billions in waste, covers everyone and improves health care access and quality for everyone.
- SB 810 would provide healthcare to everyone based on individuals, employers and government all paying their fair share.
- SB 810 would eliminate the need to continue bargaining health care benefits at each school district level and could save money on health care and the cost of the time spent in bargaining this issue.

STATUS: _____

March 25, 2011

DISCUSSION GUIDE ON AB 501 (CAMPOS) — AB 501 REPRESENTATIONAL RIGHTS FOR SCHOOL EMPLOYEES

AB 501 (Campos) DISCUSSION GUIDE

2011 CSEA LEGISLATIVE PRIORITY – Sponsored Bill

Representational Rights for School Employees

PURPOSE

To clarify existing law to afford representational rights to all public school and community college employees.

BACKGROUND

- In *Castaic Union School District v. CSEA* (2010), the Public Employee Relations Board (PERB) drastically narrowed the scope of those public school employees covered by the Educational Employment Relations Act (EERA). PERB ruled that noon-time duty aides were ineligible to receive representation rights because they are neither certificated nor classified public school employees. Additionally, they ruled that, prospectively, bargaining units including any such employees must be denied, but that existing bargaining units including these “excluded” employees are not required to be modified.
- This was an unexpected decision because PERB has held for 34 years that noon duty and playground employees are “public school employees” entitled to representation.
- In *San Jose/Evergreen Community College District*, PERB ruled that the district was not a “joint employer” with a Joint Powers Authority. In *San Jose/Evergreen*, the employees had been considered public school employees until the JPA was created. And even though they continued to perform exactly the same work (teaching community college students), they were now classified as non-school employees.
- This decision allowed districts to circumvent EERA by entering into carefully crafted JPAs with each other to deny their employees union representation.

NEED FOR THE BILL

- Under Government Code § 3540, “Purpose of Chapter,” the EERA states:
“It is the purpose of this chapter to promote the improvement of personnel management and employer-employee relations within the public school systems in the State of California by providing a uniform basis for recognizing the right of public school employees to join organizations of their own choice, to be represented by the organizations in their professional and employment relationships with public school employers, to select one employee organization as the exclusive representative of the employees in an appropriate unit, and to afford certificated employees a voice in the formulation of educational policy.”
- AB 501 would clarify Government Code Section 3540.1 to reflect the intention of the Legislature as stated in Section 3540: that “public school employees (have a right) to join (representative) organizations of their own choice...”
- This bill would also clarify that a public school employee means any person employed by a JPA that is composed of one or more public school employers.

STATUS: _____

March 25, 2011

DISCUSSION GUIDE ON AB 925 (LARA)— CLASSIFIED EMPLOYEE RIGHTS IN INDEPENDENT CHARTER SCHOOLS

AB 925 (Lara and Alejo) DISCUSSION GUIDE

2011 CSEA LEGISLATIVE PRIORITY - Sponsored Bill

Independent Charter School Classified Employee Rights Equity Bill

PURPOSE

To provide equity to classified school employees working in independent charter schools by requiring such charter schools to comply with specified laws governing school employees working for public school districts and district charter schools.

BACKGROUND

- The Charter Schools Act of 1992 allows a petitioning charter school to choose to be either 1) a “dependent” charter school, where the school district remains the employer of the classified employees, or 2) an “independent” charter school, where the charter school is the employer.
- Existing law exempts charter schools from the laws governing school districts except for those specifically related to the Charter Schools Act, those related to establishing minimum age for public school attendance, specified building code regulations, and other specified laws.

NEED FOR THE BILL

- AB 925 would provide equity to classified employees working in independent charter schools by subjecting independent charter schools to Education Code provisions that provide basic rights and benefits to classified employees
- The Education Code provides a comprehensive statutory system that provides classified employees with a minimum “floor” of rights and benefits. In dependent charter schools, where the school district is the employer, these statutes remain in effect.
- Unfortunately, Education Code Section 47610 exempts independent charter schools from providing these rights and benefits. Therefore, independent charter school employees have no guarantee of sick leave, vacation leave, and holiday leave. They have no right to a job classification with defined duties and no seniority rights, layoff rights or bumping rights. They have no right to be disciplined for cause only, and no right to a disciplinary hearing.
- Unlike other classified school employees throughout California, independent charter school employees are basically “at will” employees with no floor of minimum rights and benefits to rely upon.
- In addition, there are no protections against the outsourcing of classified work, as applies to school districts under Education Code section 45103.1. An independent charter school could outsource all of the services, regardless of cost or quality, which are usually performed by classified employees in a traditional public school.

STATUS: _____

March 25, 2011

DISCUSSION GUIDE ON AB 1203 (MENDOZA)— RIGHT TO REASONABLE RELEASE TIME

AB 1203 (Mendoza) DISCUSSION GUIDE

2011 CSEA LEGISLATIVE PRIORITY - Sponsored Bill

Right to Reasonable Release Time

PURPOSE

To ensure that representatives of employee organizations, who are employed by a public agency employer, will have sufficient time off to enable them to participate in matters critical to the organization's mission of representing members in employee relations matters.

BACKGROUND

- Government Code Section 3505.3 of the Meyers-Millias-Brown Act provides that public agencies must allow reasonable time off for representatives of employee organizations to attend formal negotiations on matters within the scope of representation. However, the statute does not require public agencies to provide time off for representatives to participate in other matters that are equally critical to the employee organization's purpose and mission. Although representatives have the right to time off to negotiate collective bargaining agreements, they do not have the right to time off for the purposes of enforcing collective bargaining agreements or advocating on behalf of the rights of unions and workers.
- Under the current law, organizational representatives who seek to participate testify or represent their union in grievance adjustment meetings, arbitrations and proceedings before the Public Employment Relations Board do not have a clear statutory right to time off to perform these duties. Instead, they often must take unpaid time off from work in order to take part in these matters. Organizational representatives who seek to carry out the union's mission of enforcing collective bargaining agreements and advocating for their membership must therefore do so at personal sacrifice and cost. The unintended but inevitable result of this omission is that employee organizations are dissuaded from enforcing the rights of the union and of workers.
- Existing law requires that the governing board of a school district or a community college district grant to any classified employee, upon request, a paid leave of absence to enable the employee to serve as an elected officer of any school district public employee organization or community college district public employee organization, as specified.
- Existing law requires that following the school district's or community college district's payment of the employee for the leave of absence, it be reimbursed by the employee organization of which the employee is an elected officer for all compensation paid the employee on account of the leave.

NEED FOR THE BILL

- AB 1203 would correct this omission by providing that that representatives of public agency employee organizations have the right to reasonable time off to participate in grievance adjustment meetings, grievance arbitrations, hearings before the Public Employment Relations Board, and other meetings and hearings critical to a labor organization's mission of representing public agency employees.
- This bill also gives the clarification in current law to ensure that school districts and community colleges would be reimbursed if they release a classified employee the time off to attend to their member organization activities, regardless of whether or not they are an elected official of the organization.

STATUS: _____

March 25, 2011