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CALIFORNIA LEGISLATURE— 2019–2020 REGULAR SESSION

**ASSEMBLY BILL****NO. 500****Introduced by Assembly Member Gonzalez****February 13, 2019**

An act to amend Sections 44965, 45193, 87766, and 88193 of the Education Code, relating to employees.

**LEGISLATIVE COUNSEL'S DIGEST**

AB 500, Gonzalez. School and community college employees: paid maternity leave.

Existing law requires the governing board of a school district, and the governing board of a community college district, to provide for a leave of absence from duty for a certificated employee, or an academic employee, of the district who is required to be absent from duty because of pregnancy, miscarriage, childbirth, and recovery from those conditions.

Existing law authorizes the governing board of a school district, and the governing board of a community college district, to provide for a leave of absence from duty as it deems appropriate for a female employee in the classified service of the district who is required to be absent from duty because of pregnancy or convalescence following childbirth. Existing law authorizes a governing board to adopt rules and regulations about leaves of absence for classified employees for these purposes, and authorizes a governing board to provide in the rules and regulations whether the leave granted shall be with or without pay, as provided.

Existing law, the Charter Schools Act of 1992, provides for the establishment and operation of charter schools, and exempts charter schools from the laws governing school districts, except as specified.

This bill would require the governing board of a school district, the governing body of a charter school, and the governing board of a community college district to provide at least 6 weeks of a leave of absence with full pay for a certificated employee, or an academic employee, of the district or charter school who is required to be absent from duty because of pregnancy, miscarriage, childbirth, and recovery from those conditions. The bill

would authorize the paid leave to begin before and continue after childbirth if the employee is actually disabled by pregnancy, childbirth, or a related condition.

The bill would require the governing board of a school district, the governing body of a charter school, and the governing board of a community college district to provide for a leave of absence from duty as it deems appropriate for a female employee in the classified service of the district or charter school who is required to be absent from duty because of pregnancy, miscarriage, childbirth, and recovery from those conditions. The bill would require the governing board of a school district, the governing body of a charter school, and the governing board of a community college district to adopt rules and regulations prescribing the manner of proof of pregnancy and the duration of the leave of absence, provided that at least 6 weeks of the leave of absence shall be with full pay.

The bill would prohibit these provisions from diminishing the right of an employee of a school district, charter school, or community college district to take, or be compensated during, other leaves of absence, as provided.

The bill would also make various nonsubstantive changes to these provisions.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** Section 44965 of the Education Code is amended to read:

**44965.** (a) The governing board of a school district and the governing body of a charter school shall provide for a leave of absence from duty for a certificated employee of the school district or charter school who is required to be absent from duties because of pregnancy, miscarriage, childbirth, and recovery from those conditions. The length of the leave of absence, including the date on which the leave shall commence and the date on which the employee shall resume duties, shall be determined by the employee and the employee's physician. At least six weeks of the leave of absence shall be with full pay. The paid leave may begin before and continue after childbirth if the employee is actually disabled by pregnancy, childbirth, or a related condition.

(b) Disabilities caused or contributed to by pregnancy, miscarriage, childbirth, and recovery from those conditions are, for all job-related purposes, temporary disabilities and shall be treated as such under any health or temporary disability insurance or sick leave plan available in connection with employment by a school district or charter school.

(c) Except as provided in this section, written and unwritten employment policies and practices of a school district or charter school shall be applied to disability due to pregnancy or childbirth on the same terms and conditions applied to other temporary disabilities.

(d) Paid leave taken under this section shall not diminish the employee's right to take, or be compensated during, other leaves of absence, including, but not limited to, pregnancy disability leave pursuant to Section 11042 of Title 2 of the California Code of Regulations, disability leave, sick leave, bonding leave, and vacation leave, even when these other leaves of absence are taken due to illness or injury resulting from pregnancy, miscarriage, childbirth, or recovery from those conditions.

**SEC. 2.** Section 45193 of the Education Code is amended to read:

**45193.** (a) (1) The governing board of a school district and the governing body of a charter school shall provide for a leave of absence from duty as it deems appropriate for a female employee in the classified service of the school district or charter school who is required to be absent from duty because of pregnancy, miscarriage, childbirth, and recovery from those conditions, and shall adopt rules and regulations prescribing the manner of proof of pregnancy and the duration of the leave of absence, provided that at least six weeks of the leave of absence shall be with full pay. The paid leave may begin before and continue after childbirth if the employee is actually disabled by pregnancy, childbirth, or a related condition.

(2) Nothing in this section or in the rules and regulations adopted by the governing board of a school district or the governing body of a charter school shall diminish an employee's right to take up to four months of leave for a disability related to pregnancy, childbirth, or a related medical condition pursuant to Section 11042 of Title 2 of the California Code of Regulations, or an extended leave as a reasonable accommodation of a disability under the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of the Government Code).

(b) The governing board of a school district and the governing body of a charter school shall also provide in the rules and regulations that at least six weeks of the leave granted under this section shall be with full pay.

(c) Paid leave taken under this section shall not diminish the employee's right to take, or be compensated during, other leaves of absence, including, but not limited to, pregnancy disability leave pursuant to Section 11042 of Title 2 of the California Code of Regulations, disability leave, sick leave, bonding leave, and vacation leave, even when these other leaves of absence are taken due to illness or injury resulting from pregnancy, miscarriage, childbirth, or recovery from those conditions.

(d) This section shall apply to school districts that have adopted the merit system in the same manner and effect as if it were a part of Article 6 (commencing with Section 45240).

**SEC. 3.** Section 87766 of the Education Code is amended to read:

**87766.** (a) The governing board of a community college district shall provide for a leave of absence from duty for an academic employee of the community college district who is required to be absent from duties because of pregnancy, miscarriage, childbirth, and recovery from those conditions. The length of the leave of absence, including the date on which the leave shall commence and the date on which the employee shall resume duties, shall be determined by the employee and the employee's physician. At least six weeks of the leave of absence shall be with full pay. The paid leave may begin before and continue after childbirth if the employee is actually disabled by pregnancy, childbirth, or a related condition.

(b) Disabilities caused or contributed to by pregnancy, miscarriage, childbirth, and recovery from those conditions are, for all job-related purposes, temporary disabilities and shall be treated as such under any health or temporary disability insurance or sick leave plan available in connection with employment by a community college district.

(c) Except as provided in this section, written and unwritten employment policies and practices of a community college district shall be applied to disability due to pregnancy or childbirth on the same terms and conditions applied to other temporary disabilities.

(d) Paid leave taken under this section shall not diminish the employee's right to take, or be compensated during, other leaves of absence, including, but not limited to, pregnancy disability leave pursuant to Section 11042 of Title 2 of the California Code of Regulations, disability leave, sick leave, bonding leave, and vacation leave, even when these other leaves of absence are taken due to illness or injury resulting from pregnancy, miscarriage, childbirth, or recovery from those conditions.

**SEC. 4.** Section 88193 of the Education Code is amended to read:

**88193.** (a) (1) The governing board of a community college district shall provide for a leave of absence from duty as it deems appropriate for a female employee in the classified service of the community college district who is required to be absent from duty because of pregnancy, miscarriage, childbirth, and recovery from those conditions, and shall adopt rules and regulations prescribing the manner of proof of pregnancy and the duration of the leave of absence, provided that at least six weeks of the leave of absence shall be with full pay. The paid leave may begin before and continue after childbirth if the employee is actually disabled by pregnancy, childbirth, or a related condition.

(2) Nothing in this section or in the rules and regulations adopted by the governing board of a community college district shall diminish an employee's right to take up to four months of leave for a disability related to pregnancy, childbirth, or a related medical condition pursuant to Section 11042 of Title 2 of the California Code of Regulations, or an extended leave as a reasonable accommodation of a disability under the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of the Government Code).

(b) The governing board of a community college district shall also provide in the rules and regulations that at least six weeks of the leave granted under this section shall be with full pay.

(c) Paid leave taken under this section shall not diminish the employee's right to take, or be compensated during, other leaves of absence, including, but not limited to, pregnancy disability leave pursuant to Section 11042 of Title 2 of the California Code of Regulations, disability leave, sick leave, bonding leave, and vacation leave, even when these other leaves of absence are taken due to illness or injury resulting from pregnancy, miscarriage, childbirth, or recovery from those conditions.

(d) This section shall apply to community college districts that have adopted the merit system in the same manner and effect as if it were a part of Article 3 (commencing with Section 88060).