

GOVERNOR'S VETO
AB 2464 (Cristina Garcia)
As Enrolled August 25, 2022
2/3 vote

SUMMARY

Requires the California State University (CSU) to grant an employee a leave of absence with pay for one semester of an academic year, or an equivalent duration, in a one-year period, following the birth of a child of the employee or the placement of a child with an employee in connection with the adoption or foster care of the child by the employee.

Major Provisions

- 1) Specifies that the Trustees of the CSU will grant to an employee a leave of absence with pay for one semester of an academic year, or equivalent duration, in a one-year period, following the birth of a child of the employee or the placement of a child with an employee in connection with the adoption or foster care of the child by the employee.
- 2) Establishes that, for purposes of this legislation, "employee" means any employee, including student employees whose employment is contingent on their status as students, of the Regents of the University of California (UC), the Directors of the Hastings College of the Law, or the Trustees of the CSU. However, managerial and confidential employees and employees whose principal place of employment is outside the State of California at a worksite with 100 or fewer employees are excluded from coverage, as specified.
- 3) Requires the leave of absence shall be taken in consecutive periods unless otherwise agreed to by mutual consent between the employee and an appropriate administrator. Only working days shall be charged against the leave of absence.

Specifies that, if the provisions conflict with the provisions of a memorandum of understanding reached as specified, the memorandum of understanding shall be controlling without further legislative action, except that, if those provisions of a memorandum of understanding require the expenditure of funds, the provisions shall not become effective unless approved by the Legislature in the annual Budget Act.

Governor's Veto Message

This bill requires the California State University (CSU) system to grant an employee a leave of absence with pay for one semester of an academic year, or an equivalent duration in a one-year period, following the birth of a child or in connection with the adoption or foster care placement of a child by an employee.

The CSU Board of Trustees recently ratified a collective bargaining agreement with the California Faculty Association (CFA) that maintained existing parental leave benefits. As part of their negotiations, the CSU and CFA signed a memorandum of understanding establishing a parental support workgroup, charged with reviewing parental support for faculty and making suggestions to relevant leaders. The report is anticipated to be delivered in December 2022. Notably, the MOU states "that the CSU may increase the numbers of paid parental leave days ... at any time." It is my expectation that CSU will seriously consider these recommendations and take appropriate action.

While I share the goal of supporting working parents employed at our nation's largest and most diverse public university system, this bill creates an estimated \$24 million in ongoing General Fund cost pressures not accounted for in the state budget. Further, as the MOU and workgroup illustrate, potential changes to CSU's parental leave policy are more appropriately addressed through the collective bargaining process, which best enables labor and management interest-holders to collaboratively decide issues that impact the system and the people who power it.

COMMENTS

The CSU and the California Faculty Association (CFA), the sponsors of this legislation, reached a tentative agreement on a successor contract in December of 2021. In February of 2022, CSU and CFA ratified that successor contract. As noted by the author, the successor contract negotiated through collective bargaining did not include a leave of absence with pay.

On December 17, 2021 CSU and CFA formally agreed to meet within 60 days of the ratification of the successor collective bargaining agreement to form a workgroup to review parental support for faculty, at the CSU and other higher education institutions, along with leave utilization and trends within the CSU. The workgroup will create a report of their findings and that report will be given to the CSU Academic Senate, the CSU Board of Trustees, and the CSU Chancellor.

The successor collective bargaining agreement was ratified on February 3, 2022; thus, 60 days from date would have been April 4, 2022. The Committee understands that, to date, the workgroup has not met. To note, the signed parental support MOU established by the CSU may increase the number of paid parental leave days provided (30 days of paid leave, which runs concurrently with other parental, pregnancy disability and/or family care and medical leave provisions) of the Collective Bargaining Agreement at any time.

According to the Author

According to the author, "Trying to find time to start a family can be very difficult for those of us that work regimented careers; on top of the paid family leave that leaves us lacking bonding time. The CSU's expectations for what faculty members have to do to spend time with their new children and allow their bodies to heal are unrealistic and disappointing. Faculty members, including K-12 teachers and school employees, often have to try to time the birth in order to maximize their time away from work. Basically, they have to schedule their birth. Addressing such disparities should begin by the [CSU] granting one full semester or the equivalent time in paid leave for parental bonding time. Not only will this increase new parent bonding time, it will also increase retention and morale among CSU employees."

According to the author, "Legislation is required to resolve this problem as the CSU Chancellor's office has refused to provide [leave of absence with pay] to faculty through the bargaining process and this poses hardships for our faculty that are new parents and are already facing other issues such as securing safe and adequate child care for when faculty are expected to return to campus, housing insecurity, long commutes, inflation, etc."

Arguments in Support

The CFA, the sponsor of this bill, writes that "The existing parental leave policy at the CSU provides for a maximum of 30 days of parental leave for its employees. This policy is woefully inadequate and uncompetitive for today's workplace. It does not allow enough time for parent/child bonding, and it may not be enough time for the body to heal following childbirth. It

simply is a health and safety issue for our faculty members that needs to be addressed appropriately."

"AB 2464 would remedy this situation by requiring the CSU to provide employees a minimum of a full semester or two quarters of paid parental leave. A minimum would benefit students in many ways. If faculty are provided a semester off, there is less manipulation of schedules and pressure on faculty to find others to take over their workload. Much of that burden falls on faculty and adds to the stress soon-to-be parents are already facing. Providing for adequate parental leave will improve career advancement and will create greater equity for women faculty and particularly women faculty of color."

Arguments in Opposition

The CSU Office of the Chancellor wrote in opposition, stating that the bill "violates the collective bargaining process and removes the fiduciary responsibility entrusted with the Board of Trustees."

The CSU Office of the Chancellor contends that "The CSU provides for paid parental leave for the birth of a child or the placement of a child in connection with the adoption or foster care by the employee within all collective bargaining agreements (CBAs) as well as for non-represented employees. Employees are entitled to six weeks of fully paid parental leave and can access more paid leave time with non-industrial disability insurance, vacation, and sick leave. The CSU has a diverse range of employees and has a history of working with labor unions to address the specific needs of our represented employees. Unlike many parental leave programs that require employees to work for a specified amount of time to access the benefit, CSU generously allows its employees to access paid parental leave immediately upon employment. We also recognize that the general parameters of the generous leave options available to CSU employees may not fit the needs of all employees. This is reflected in the negotiated language used in our CBAs which allow for equitable adjustments or flexibility in the application of these benefits."

"AB 2464 goes outside of the collective bargaining process to extend paid parental leave from six weeks to sixteen weeks for all CSU employee groups except confidential and managerial employees. This significant expansion in both duration of leave time and number of eligible employees does not consider the fiscal impacts to the system. The collective bargaining process allows both parties to consider factors unique to that employee group and customize the leave policy accordingly. When the CSU and California Faculty Association (CFA) ratified a new CBA on February 3, 2022, they signed a memorandum of understanding to form a parental support workgroup to review parental support for faculty and prepare a report of the findings. The parties are now working on scheduling the first meeting to further examine this topic. The workgroup and our collective bargaining process is the most appropriate way to address the number of paid parental leave days or make other changes to parental leave policy."

FISCAL COMMENTS

According to the Assembly Appropriations Committee, ongoing costs in the tens of millions of dollars to CSU to provide this benefit. CSU estimates an annual cost of \$24.1 million, which is based on an additional 10 weeks leave for employees who currently get six weeks, and an additional 16 weeks leave for employees who do not currently receive a leave (mostly part-time, temporary employees). This estimate assumes 2.5% of CSU's employees in each category will receive the additional leave.

VOTES**ASM HIGHER EDUCATION: 9-3-0**

YES: Medina, Arambula, Bloom, Gabriel, Irwin, Levine, Low, Santiago, Akilah Weber

NO: Choi, Kiley, Valladares

ASM APPROPRIATIONS: 12-4-0

YES: Holden, Bryan, Calderon, Carrillo, Mike Fong, Gabriel, Eduardo Garcia, Levine, Quirk, Robert Rivas, Akilah Weber, Wilson

NO: Bigelow, Megan Dahle, Davies, Fong

ASSEMBLY FLOOR: 57-9-12

YES: Aguiar-Curry, Arambula, Bauer-Kahan, Bennett, Bloom, Boerner Horvath, Bryan, Calderon, Carrillo, Cervantes, Cooley, Cooper, Daly, Davies, Flora, Mike Fong, Friedman, Gabriel, Gallagher, Cristina Garcia, Eduardo Garcia, Gipson, Gray, Haney, Holden, Irwin, Jones-Sawyer, Kalra, Lee, Levine, Low, Maienschein, McCarty, Medina, Mullin, Muratsuchi, Nazarian, Petrie-Norris, Quirk, Quirk-Silva, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Salas, Santiago, Stone, Ting, Valladares, Villapudua, Waldron, Ward, Akilah Weber, Wicks, Wilson, Wood, Rendon

NO: Bigelow, Choi, Megan Dahle, Fong, Kiley, Mathis, Seyarto, Smith, Voepel

ABS, ABST OR NV: Berman, Mia Bonta, Chen, Cunningham, Grayson, Lackey, Mayes, Nguyen, O'Donnell, Patterson, Ramos, Blanca Rubio

SENATE FLOOR: 30-9-1

YES: Allen, Archuleta, Atkins, Becker, Bradford, Caballero, Cortese, Dodd, Durazo, Eggman, Gonzalez, Hertzberg, Hueso, Hurtado, Kamlager, Laird, Leyva, Limón, McGuire, Min, Newman, Pan, Portantino, Roth, Rubio, Skinner, Stern, Umberg, Wieckowski, Wiener

NO: Bates, Borgeas, Dahle, Glazer, Grove, Jones, Melendez, Nielsen, Wilk

ABS, ABST OR NV: Ochoa Bogh

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