

Date of Hearing: April 8, 2026

ASSEMBLY COMMITTEE ON PUBLIC EMPLOYMENT AND RETIREMENT

Tina S. McKinnor, Chair

AB 1750 (Caloza) – As Introduced February 9, 2026

**SUBJECT:** School and community college employees: absences due to illness or accident

**SUMMARY:** Makes changes to existing law relating to absences of certificated, classified and academic school and community college district (CCD) employees, respectively, due to illness or accident, their exhaustion of available sick leave, receipt of pay, and substitute employees, among conforming and clarifying changes. Specifically, **this bill:**

- 1) Requires paid sick leave, as authorized and prescribed, to be exclusive of any other paid leave, sick leave, industrial accident or illness leave, holidays, vacation, or other entitled accumulated paid time off, and provides that the five-month period of absence for duties due to illness or accident, regardless of whether the absence is work related, must begin after the exhaustion of all other paid leaves or accumulated and entitled compensated time off, and must consecutively run to all other paid and accumulated and entitled compensated time.
- 2) Amends existing law relating to salary deductions during absence from duties on account of parental leave for classified employees to require classified employees in school districts who exhaust all available sick leave and continue to be absent from duties because of illness or accident for an additional five-month period to receive their full salary during those five months.
- 3) Requires, when classified employees of a CCD are absent from their duties due to illness or accident for five months or less, regardless of whether the absence is work related, the classified employee to continue to receive their full salary for any month in which the absence occurs. Further, similar to classified employees of school districts, paid sick leave, as specified, must be exclusive of any other paid leave, sick leave, industrial accident or illness leave, holidays, vacation, or other accumulated and entitled paid time off, and that the five-month period must begin after the exhaustion of all other paid leaves or accumulated and entitled paid time off, and the five-month period must consecutively run to all other paid leaves and accumulated and entitled compensated time.
- 4) Requires a CCD to provide parental leave to classified employees based on either of the following:
  - a) *In a CCD that elects* to provide differential pay when an employee has exhausted all available sick leave, including accumulated sick leave, and becomes absent from their duties due to parental leave, as specified, the amount deducted from their salary for any portion of the 12-workweek period that the absence occurs must not exceed the amount actually paid to a temporary employee to fill the position in the employee's absence.
  - b) *In a CCD that does not elect* to provide differential pay, as prescribed, when an employee has exhausted all available sick leave, including accumulated sick leave, and continues to be absent from their duties due to parental leave, as specified, the employee must be

compensated no less than 50 percent of their regular salary for the remaining portion of the 12-workweek period of parental leave.

Further, regardless of the type of parental leave compensation provided by the CCD in “a)” or “b)” immediately above, the classified employee’s compensation must not be less than 50 percent of their regular salary for the remaining of the 12-workweek parental leave period.

- 5) Makes minor and nonsubstantive changes relating to provisions incorporating the Educational Employment Relations Act (EERA) governing employment relations at K-12 school districts and CCDs by reference, without impairing or disturbing that act.
- 6) Makes conforming and clarifying changes to accomplish the above-described objectives.

#### **EXISTING LAW:**

- 1) Requires the governing board of a school district and community college district, respectively, and except as provided, to employ persons not requiring certification qualifications or that are not academic positions, and to classify these employees and positions known as the “classified service.” (Sections 45100 et seq. and 88000 et seq., Educ. Code.)
- 2) Provides that *when a classified school employee is absent from their duties due to illness or accident* for a period of five months or less, regardless of whether the absence is work related, the amount deducted from their salary for any month of the absence occurs must not exceed the sum actually paid to a substitute employee employed to fill his position during his absence. Except in school districts that have adopted a salary schedule for substitute employees of the district, the amount paid the substitute employee during any month shall be less than the salary due the employee absent from their duties. Further, entitlement to sick leave provisions, as provided, if any, must be considered “entitlement to other sick leave” for the purposes of computing benefits, as specified, if the absence is for industrial accident or illness and must be used after entitlement to all regular sick leave, accumulated compensating time, vacation or other available paid leave has been exhausted.

In addition, the provisions immediately above must not apply to any school district which adopts and maintains a rule which provides that a regular classified employee must, once a year, be credited with a total of not less than 100 working days of paid sick leave, including days to which they are entitled under existing law, as specified. Among other things, such days of paid sick leave in addition to those required by existing law, as specified, must be compensated at not less than 50 percent of the employee’s regular salary, and paid sick leave authorized under such a rule must be exclusive of any other paid leave, holidays, vacation, or compensating time to which the employee may be entitled. (Sections 45196 and 88196, Educ. Code.)

- 3) Relating to salary deductions during *absence from duties due to parental leave for classified employees* in school districts and CCDs (Sections 45196.1 and 88196.1, Educ. Code):

- a) Authorizes each year, a classified employee to use their sick leave for purposes of parental leave for a period of up to 12 workweeks. In school districts that use a specified differential pay system, when an employee has exhausted all available sick leave, including all accumulated sick leave, and continues to be absent from their duties due to parental leave, as specified, the amount deducted from their salary for any of the remaining portion of the 12-workweek period in which the absence occurs must not exceed the sum that is actually paid a substitute employee employed to fill his or her position during his or her absence. In school districts that use as differential pay system, as prescribed, when an employee has exhausted all available sick leave, including all accumulated sick leave, and continues to be absent from their duties due to parental leave, the employee must be compensated at no less than 50 percent of the employee's regular salary for the remaining portion of the 12-workweek period of parental leave. Regardless of the type of differential pay system used by the school district, as provided, the compensation a classified employee is to receive must not be less than 50 percent of their regular salary for the remaining portion of the 12-workweek period of parental leave.
  - b) For these purposes, (i) the 12-workweek period of parental leave must be reduced by any period of sick leave, including accumulated sick leave, taken during a period of parental leave; (ii) an employee must not be provided more than one 12-workweek period for parental leave during any 12-month period; and, (iii) parental leave taken must run concurrently with other parental leave, as specified. Finally, the aggregate amount of parental leaves taken must not exceed 12 workweeks in a 12-month period.
  - c) Among other things, as prescribed, a classified employee is not required to have 1,250 hours of service with the employer during the previous 12-month period in order to take parental leave pursuant to this section; however, the obligation of a school employer remains with respect a collective bargaining agreement that provides greater parental rights to employees than those prescribed by these provisions.
  - d) Defines, for purposes of these sections, "parental leave" to mean leave for reason of 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.
- 4) In addition to provisions governing pregnancy, childbirth, or a related medical condition, as specified, makes it an unlawful employment practice, unless based upon a bona fide occupational qualification, for an employer to refuse to allow an employee disabled by pregnancy, childbirth, or a related medical condition to take a leave for a reasonable period of time not to exceed four months and thereafter return to work, as provided., and entitles the employee to use any accrued vacation leave during this period of time. Further, defines "reasonable period of time" to mean that period during which the employee is disabled on account of pregnancy, childbirth, or a related medical condition, among other provisions. (Section 12945, Gov. Code.)
  - 5) Governs collective bargaining in the private sector under the federal National Labor Relations Act (NLRA) but leaves to the states the regulation of collective bargaining in their respective public sectors. (Sections 151 et seq., Title 29, United States Code.) While the NLRA and the decisions of its National Labor Relations Board often provide persuasive

precedent in interpreting state collective bargaining law, public employees generally have no collective bargaining rights absent specific statutory authority establishing those rights.

- 6) Provides several statutory frameworks under California law to provide public employees collective bargaining rights, govern public employer-employee relations, and limit labor strife and economic disruption in the public sector through a reasonable method of resolving disputes regarding wages, hours and other terms and conditions of employment between public employers and recognized public employee organizations or their exclusive representatives. These include the Educational Employment Relations Act (EERA), which governs employment relations for California's K-12 public schools and CCDs. (Sections 3540 et seq., Gov. Code.)
- 7) Establishes the Public Employment Relations Board (PERB) – a quasi-judicial administrative agency charged with administering the several statutory frameworks governing employer-employee relations, resolving disputes, and enforcing the statutory duties and rights of public agency employers, employees, and employee organizations, but provides the City and County of Los Angeles a local alternative to PERB oversight. (Sections 3541 et seq., Government (Gov.) Code.)

**FISCAL EFFECT:** None. This bill is keyed nonfiscal by Legislative Counsel.

**COMMENTS:** *The committee is informed that this bill is also referred to the Assembly Committee on Higher Education and the Assembly Committee on Education. As such, this writing only discusses matters that are germane to the jurisdiction of this committee and defers to the other policy committees to discuss matters that are specifically germane to their respective jurisdictions.*

Among other things, information provided by the author states, “[f]or too long teachers have been penalized for taking leave or their pay has been garnished in order to pay for their substitutes. This policy is unfair and unjust to those teaching the future generations. Education Code section 44977 [provides that] the amount deducted from the salary due [them] for any of the additional five months in which the absence occurs [must] not exceed the sum that is actually paid a substitute employee employed to fill [their] position during [their] absence or, if no substitute employee was employed, the amount that would have been paid to the substitute had [they] been employed. California only imposes the policy of paying for your substitute to teachers. No other corporation or business has to follow this policy. Teachers are one of the most [under-paid] professions. Additionally most districts require them to pay for their own supplies. Teachers are under paid and have starting salaries of \$55,000 - \$60,000 which is very little and really not enough I most parts of California. [This bill] seeks to remedy this by allowing teachers to take the time off they need, up to 5 months, and still receive their full salary. Would prohibit any additional penalties for taking this leave.”

### **Classified Employees – Who They Are and What They Do**

Generally, classified employees in the state's public education system are those who are not required to hold certain certification qualifications and provide custodial and maintenance, transportation, office and technical support, food service, and school safety services to students.

Individuals in this classification provide basic needs, and help to maintain the social and emotional support of students in school districts. These employees help to keep students safe and schools operational.

In some instances, classified employees also may serve as paraeducators where students may require personalized educational support while the paraeducator is under the tutelage of a certificated employee, i.e., teacher.

### **Subjects Within the Scope of Representation Under the EERA**

As previously enumerated, the purposes for which the EERA exists are well established.

The scope of representation, i.e., matters that must be collectively bargained pursuant to the EERA, is expressly limited to “wages, hours of employment, and other terms and conditions of employment.” The subject of “wages” under the scope is relatively self-explanatory. Generally, this refers to pay, salary, wages, compensation, or remuneration for official work performed by the employee for, or on behalf of, the employer. The subject of “hours” under the scope also is relatively self-explanatory. Generally, this refers to the hours in which an employee works to perform official work for, or on behalf of, the employer. However, unlike the Dills Act governing state employer-employee relations, the EERA has certain specificity regarding the category of “other terms of conditions of employment,” as discussed below.

Under the EERA, “terms and conditions of employment” means health and welfare benefits, leave, transfer and reassignment policies, safety conditions of employment, class size, procedures to be used to evaluate employees, organization security, procedures for processing grievances, as specified, the layoff of probationary certificated school district employees, as specified, and alternative compensation or benefits for employees adversely affected by pension limitations, as respectively and applicably specified. (Section 3543.2(a)(1), Educ. Code.) However, all matters not specifically enumerated under the scope of representation are reserved to the school employer and may not be a subject of meeting and negotiating, except that this does not limit the right of the employer to consult with any employees or employee organization on any matter outside the scope of representation. (Section 3543.2(a)(4), Educ. Code.)

The PERB’s interpretations of the EERA’s scope of representation, which some have been tested in courts of law, have resulted in a settled rule. That is, a subject not specifically listed as negotiable will be held to be so if: (i) it is logically and reasonably related to an enumerated subject; (ii) the subject is of such concern to management and employees that it is likely to cause conflict of the sort that collective bargaining is designed to overcome; and, (iii) negotiations over the subject would not significantly abridge [management’s] freedom to exercise those managerial prerogatives essential to the achievement of the district’s mission.<sup>1</sup> The matter proposed to be addressed by this bill, i.e., leave, is expressly within the EERA’s scope of representation under the “terms and conditions of employment” category; thus, being a mandatory subject of collective bargaining.<sup>2</sup>

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<sup>1</sup> *Anaheim Unified School District* (1981) PERB No. 177. Here, the PERB’s scope of representation test was upheld by the California Supreme Court in *San Mateo School Dist. v. PERB* (1983) 33 Cal.3d. 850.

<sup>2</sup> Section 3543.2(a)(1), Educ. Code.

## **This Bill**

As enumerated under “Existing Law,” certificated, classified, and academic employees of school districts or CCDs, as respectively applicable, who exhaust all available sick leave and continue to be absent from duties due to illness or accident for an additional period of five months must receive during that period, either (i) the difference between the employee’s salary and the sum actually paid, or would have been paid, to a substitute employee who filled the position during the employee’s absence, or (ii) at least 50 percent of the employee’s regular salary during the period of absence. This bill amends those various laws by requiring those employees who exhaust all available sick leave and continue to be absent from duties due to illness or accident for an additional five months to, *instead*, receive their full salary during those five months.

In addition, Sections 441977.5(e), 45196.1(e), 87780.1(e), and 88196.1(e) of this bill – applicable to certificated, classified, and academic employees, respectively – provide that a public employer’s obligation must not be construed to diminish compliance with a collective bargaining agreement (CBA) that provides greater parental leave rights to employees than those in statute, as provided. As incorporated by reference, these provisions specifically relate to CBAs pursuant to the EERA governing employment relations for K-12 public school districts and CCDs. These provisions allow the employer and employee organization to negotiate and agree to greater parental leave rights than those provided for in statute. Thus, the parental leave rights statutes operate as a minimum standard, if a CBA does not include greater rights. The minor and nonsubstantive changes in this bill relating to these provisions do not constructively impair or disturb the EERA, including its mandatory subjects of bargaining under the EERA’s scope of representation.

Relating to converting sick leave to service credit at the time of retirement, existing laws, known as the Teachers’ Retirement Law (administered by the California State Teachers’ Retirement System (CalSTRS)), and the Public Employees’ Retirement Law (administered by the California Public Employee’s Retirement System (CalPERS)), authorize employee-members of the respective systems to convert unused sick leave to additional service credit towards their retirement calculation at the time of retirement. (Sections 22170.5, 22717 and 22718, Educ. Code, and Sections 20963.5 and 20965, Gov. Code, respectively.)

An employee who is on leave may continue to earn service credit as a member of CalSTRS during the period of the absence; however, employees who are members of CalPERS would not earn service credit during a leave of absence, but may be eligible to purchase service credit for the absence. The use or exhaustion of sick leave reduces the amount of accrued sick leave that a member may convert to service credit for purposes of retirement at the time of their retirement.

## **Author’s Statement**

“Our teachers dedicate their lives to supporting our students. When they are sick or recovering, their focus should be on their health – not on how they’ll afford to pay for a substitute. [This bill] puts our teachers first, ensuring full pay during extended absences. Teachers should not have to pay the price for circumstances beyond their control. Standing by those who teach our children is not just good policy – it’s the right thing to do.”

## Comments by Supporters

The Teamsters California, as well as the Amalgamated Transit Union state, “[a]bsences due to illness and accidents for those serving California’s public schools are not vacations. They are often difficult and expensive recovery periods for employees dealing with traumatic injury. It is important for the health of our public school workforce that these difficult absences are not also met with absent paychecks that only compound problems and make it harder for employees to return to work. [This bill] protects public school workers and ensures the health and stability of our educational communities.”

The Peace Officers Research Association of California states, “[this bill] ensures that school and community college employees who are recovering from illness or injury continue to receive their full salary for a limited period after exhausting sick leave. This provides important financial stability during recovery and allows employees to focus on their health without added economic stress. [The] PORAC represents school police officers who serve in critical roles protecting students, staff, and campuses. Ensuring these employees are supported during periods of illness or injury helps maintain workforce stability, supports retention, and recognizes the essential services they provide. [We] support efforts that promote the well-being of public employees and strengthen the workforce that serves our communities.

Others in support offer similar statements regarding this bill.

## Comments by Opponents

Among other things, a coalition of local education agencies (LEAs) education employers state that this bill state, “[we] do not oppose the concept of providing support for staff facing serious, long-term illness; our opposition... is due to the impact of increased staff absences on the wellbeing of our students and the significant burden this measure would place on LEAs. Educators build invaluable relationships with their students and understand the impact absences can have on students’ educational outcomes and wellbeing. However, this bill would create a perverse incentive for staff to remain out of work for long periods to the detriment of students and other staff. An increase in extended staff absences would also exacerbate existing pressures on the available pool of substitutes. Present restrictions and requirements surrounding the placement of long-term substitutes can mean a revolving door of short-term substitutes for our students. We are particularly concerned about this challenge in special education classrooms, where the law does not presently allow for long-term substitutes despite the acute need for staffing stability in special education classrooms. The change proposed by [this bill] would dramatically increase costs without a dedicated funding stream to meet those costs. Under [this bill], LEAs would be forced to pay full salary to absent staff in addition to the salary for substitutes. This change could also contradict existing negotiated contracts, leading to additional costs associated with contract renegotiations. This increase in expenses would deplete LEAs’ limited resources, restricting our ability to provide quality educational supports and services to students and interfering with our duty as public agencies to be responsible stewards of public funds. This additional cost would also come at a time when a growing number of districts are falling into fiscal distress, as they face rising costs, declining enrollment, and the cessation of pandemic-era funding.”

The Kern County Superintendent of Schools expresses similar statements in opposition to this bill.

**Comments by Others (*Oppose, Unless Amended*)**

Registering a position of oppose unless amended, the Small School Districts' Association states, "[s]chools across California are struggling to find educators. This problem is only exacerbated in many of our small and rural school districts, where the local labor pool simply may not be able to support the staffing of classrooms. An increase in extended staff absences would exacerbate existing pressures on the available pool of substitutes, and we are particularly concerned about this challenge in special education classrooms, where the law does not presently allow for long-term substitutes despite the acute need for staffing stability in those classrooms. Further, our educators build invaluable relationships with their students. Absences can have a detrimental impact on students' educational outcomes and wellbeing. Continued classroom disruption, regardless of setting, is not the right policy for our students, and the Legislature must consider options to ensure continuity of instruction as part of any conversation around extending educator leave. The change proposed by [this bill] would also dramatically increase costs without a dedicated funding stream to meet those costs. Under [this bill], LEAs would be forced to pay full salary to absent staff in addition to the salary for substitutes. This increase in expenses would deplete LEAs' limited resources, restricting our ability to provide quality educational supports and services to students. The state must be an equal partner in this policy change and should cover any increased costs placed on our schools. [We oppose this bill] until it is amended to address our concerns around continuity of instruction and fiscal impact."

**Prior or Related Legislation**

Assembly Bill 2901 (Aguilar-Curry, 2024) proposed to require school districts and CCDs to provide up to 14 weeks of paid leave for employees experiencing pregnancy, miscarriage, childbirth, termination of pregnancy, or recovery from those conditions, beginning January 1, 2028, if an appropriation is made for this purpose in the budget. This bill was held on the Senate inactive file.

Chapter 748, Statutes of 2022 (Assembly Bill 1041, Wicks) expanded the list of individuals for which an employee can take leave under the California Family Rights Act (CFRA) and the Healthy Workplaces, Healthy Families Act of 2014 to include a "designated person", by the employee, and allows an employer to limit the employee to one designated person per 12-month period for family care and medical leave.

Senate Bill 205 (Leyva, 2021) proposed to repeal existing laws requiring public school districts and CCDs to pay for the cost of their substitutes while out on extended illness leave. This bill was held on the Senate inactive file.

Chapter 401, Statutes of 2021 (Assembly Bill 1578, Committee on Judiciary), among other things, clarified that caring for a parent-in-law qualifies as a permissible family member for the purposes of being able to utilize up to two weeks of family leave in accordance with the California Family Rights Act.

Chapter 327, Statutes of 2021 (Assembly Bill 1033, Bauer-Kahan) recast the notice provisions of the small employer family leave mediation pilot program under the CFRA to require an employee alleging a violation of job protected leave to contact the dispute resolution division of the Department of Fair Employment and Housing (DFEH) prior to filing a civil action; clarified the duty of an employee or employer to request mediation, and adopted timelines for the DFEH's initiation and completion of the mediation.

Chapter 86, Statutes of 2020 (Senate Bill 1383, Jackson) expanded the CFRA to allow employees to use unpaid job protected leave to care for a domestic partner, grandparent, grandchild, sibling, or parent-in-law who has a serious health condition.

Senate Bill 796 (Leyva, 2020) was similar to the current bill. This bill was held in the Senate Committee on Education.

Chapter 994, Statutes of 2018 (Assembly Bill 2012, Medina) requires that a person employed in a position requiring certification qualifications, a person employed in an academic position, or a classified employee to receive no less than 50 percent of their regular salary for the remaining portion of the 12-workweek period of parental leave, regardless of the type of differential pay system used by the school district or community college district.

Chapter 883, Statutes of 2016 (Assembly Bill 2393, Campos) requires classified school employees and community college instructors on parental leave to receive up to 12 weeks of differential pay, as specified, and clarifies provisions requiring certificated school employees on parental leave to receive differential pay.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

California Conference Board of the Amalgamated Transit Union  
 California School Employees Association  
 Church State Council  
 Peace Officers Research Association of California  
 Teamsters California

### **Opposition**

Alameda County Office of Education  
 Association of California School Administrators  
 California Association of School Business Officials  
 California County Superintendents  
 Chief Executive Officers of the California Community Colleges Board  
 Dublin Unified School District  
 Fresno Unified School District  
 Hayward Unified School District  
 Kern County Superintendent of Schools  
 Kern County Superintendent of Schools Office  
 Livermore Valley Joint Unified School District  
 Newark Unified School District  
 Pleasanton Unified School District  
 San Bernardino County District Advocates for Better Schools  
 School Employers Association of California  
 Sunol Glen Unified School District  
 Torrance Unified School District  
 Vallejo City Unified School District

**Oppose Unless Amended**

Small School Districts Association

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