

Assembly Bill No. 381

CHAPTER 437

An act to add Section 710.9 to the Unemployment Insurance Code, relating to unemployment insurance, and making an appropriation therefor.

[Approved by Governor October 11, 2009. Filed with
Secretary of State October 11, 2009.]

LEGISLATIVE COUNSEL'S DIGEST

AB 381, Block. Unemployment compensation disability benefits: academic employees.

Existing law permits any public agency, as defined, to elect to become an employer subject to specified requirements pertaining to disability compensation coverage, with respect to all employees who are a part of an appropriate employee organization bargaining unit if the election is the result of a negotiated agreement between the public agency and the recognized employee organization, as defined. Existing law authorizes the public agency employer to elect to provide coverage to its management and confidential employees and to its employees who are not a part of an appropriate unit, but prohibits the election from being contingent upon coverage of other employees of the public agency employer.

This bill would permit a community college district, as described, to elect to become an employer subject to specified requirements pertaining to disability compensation coverage with respect to all employees who are part of an appropriate employee organization bargaining unit, if the election is the result of a negotiated agreement between the community college district and the certified employee organization, as defined, but would provide that the election would not be contingent upon coverage of other employees of the community college district employer. The bill would permit the community college district employer to also elect to provide coverage to its management and confidential employees and to its employees who are not part of an appropriate unit, but would provide that the election would not be contingent upon coverage of other employees of the community college district employer. The bill would also permit a community college district that employs an academic employee, as defined, to elect to provide disability compensation coverage to specified permanent, part-time, or temporary academic employees, but would provide that the election would not be contingent upon coverage of other academic employees of the community college district employer. By increasing the pool of potential recipients of payments from, and potential contributions into, a continually appropriated fund, the bill would make an appropriation.

Appropriation: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 710.9 is added to the Unemployment Insurance Code, to read:

710.9. (a) (1) Notwithstanding Section 709, a community college district established pursuant to Part 43 (commencing with Section 70900) of Division 7 of the Education Code may elect to become an employer subject to Part 2 (commencing with Section 2601) with respect to all employees who are part of an appropriate unit established pursuant to Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, if the election is the result of a negotiated agreement between the community college district and the certified employee organization, as that term is defined in subdivision (b) of Section 3540.1 of the Government Code. The community college district employer may also elect to provide coverage to its management and confidential employees and to its employees who are not part of an appropriate unit, but the election shall not be contingent upon coverage of other employees of the community college district employer.

(2) Notwithstanding paragraph (1), a community college district established pursuant to Part 43 (commencing with Section 70900) of Division 7 of the Education Code that employs an academic employee, as defined in Section 87001 of the Education Code, may elect to provide coverage to permanent, part-time, or temporary academic employees, including permanent, part-time, temporary, or substitute faculty or instructors, but the election shall not be contingent upon coverage of other academic employees of the community college district employer.

(b) Upon the filing of an election pursuant to subdivision (a), the filing entity shall, upon approval by the director, become an employer subject to Part 2 (commencing with Section 2601) to the same extent as other employers, and services performed by its employees who are subject to an election under this section shall constitute employment subject to that part.

(c) Sections 986 and 2903 shall apply to an employer making an election pursuant to this section.