



September 5, 2019

Governor Gavin Newsom
State Capitol
Sacramento, CA 95814

Re: AB 500 (Gonzalez): School and community college employees: paid maternity leave

Dear Governor Newsom,

On behalf of the local educational agencies and statewide education organizations represented on this letter, we are writing to respectfully express our opposition to Assembly Bill 500 (Gonzalez). The bill would require school districts, charter schools and community colleges to provide at least six weeks of full pay for pregnancy-related leaves of absence taken by certificated, academic and classified employees.

We do not oppose the concept of granting employee leave for the purpose of pregnancy-related disability, baby bonding or other related purposes. Our opposition to the bill is based on **two factors**:

- 1) The fiscal impact that it would have on local education agencies; and
- 2) The complexity it would add to an already complicated set of employee-leave programs.

As we interpret the bill, AB 500 would require six weeks of paid leave in addition to the protected leaves currently available under the Family Medical Leave Act, California Family Rights Act, Pregnancy Disability Leave, and benefits that cover full pay illness and extended differential pay sick leave. The additional costs of this duplicative paid leave would be borne by the local education agency, increasing retirement contributions and other expenses, and competing with the costs of educational programs and student services within finite budgets that are already facing increasing external cost pressures.

School employees are provided leave coverage through state and federal laws, including leaves related to pregnancy disability, maternity and paternity leave, new child bonding and related issues. AB 500 is the third bill in recent years that seeks to expand maternity/paternity related leave benefits. AB 375 (Campos), enacted in 2015, required certificated school employees on maternity or paternity leave to receive differential pay after exhausting accrued sick leave. In 2016, AB 2393 (Campos) was signed into law to provide the same benefit to school district classified employees and community college academic and classified employees.

The interplay between these various leave-related statutory provisions, and the ability of employees to receive pay while on these leave programs, has become increasingly complex. Based on current law, an employee on leave for this purpose, depending on the level of sick leave and/or vacation they have accumulated, could already be fully paid for a majority of the pregnancy-related leave. Further, the

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additional leave benefit provided by AB 500 would create the potential of an employee being out of work and in a full or partial pay status from September through April – almost an entire academic year.

In its analysis of AB 568 (Gonzalez, 2017) a previous iteration of the bill, the Department of Finance estimated the fiscal impact as follows:

“...This bill is likely to result in significant cost pressures in the tens of millions to hundreds of millions of dollars Proposition 98 General Fund for LEAs to provide maternity leave for at least six weeks at full pay and to provide substitute employees for that period, if needed. If one percent of K-14 employees took six weeks of leave at full pay, the cost could range from **\$43 million to \$163 million Proposition 98 General Fund annually**. These costs would reduce the Proposition 98 General Fund funding available for other LEA priorities...”

In conclusion, the enactment of AB 500 would increase the financial pressures on local education agencies and community colleges, without a corresponding budget appropriation to cover the new benefits. We must take into account the impact of this additional fiscal burden, as well as the impact on our ability to fully staff classrooms and educational programs that are already threatened by a persistent teacher shortage. Our primary goal is to educate students and provide them with the necessary support and services so that they may succeed academically. In his veto message on the bill’s previous iteration, Governor Brown wrote, “I believe further decisions regarding leave policies for school employees are best resolved through the collective bargaining process at the local level.” We agree fully with that assessment.

For the reasons outlined above, we must respectfully oppose AB 500 and request a veto.

Sincerely,



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