



CALIFORNIA
STATE
ASSOCIATION
OF COUNTIES

DATE: March 16, 2011

TO: The Honorable Sandre Swanson
Chair, Assembly Labor and Employment Committee
1020 N Street, Room 155
Sacramento, CA 95814



LEAGUE OF
CALIFORNIA
CITIES

FROM: Faith Conley, California State Association of Counties
Natasha Karl, League of California Cities
Paul Smith, Regional Council of Rural Counties
Julianne Broyles, California Association of Joint Powers Authorities
Iris Herrera, California Special Districts Association
Amber Wiley, Association of California Healthcare Districts



REGIONAL
COUNCIL OF
RURAL
COUNTIES

Re: AB 325 (Lowenthal) – Employee’s right to bereavement leave
As introduced February 15, 2011 – OPPOSE UNLESS AMENDED



CALIFORNIA
ASSOCIATION
OF JOINT
POWERS
AUTHORITIES

The California State Association of Counties (CSAC), the League of California Cities (LCC), the Regional Council of Rural Counties (RCRC), the California Association of Joint Powers Authorities (CAJPA), the California Special Districts Association (CSDA), and the Association of California Healthcare Districts (ACHD) regret that we must oppose AB 325, which requires employers, including cities, counties and special districts to provide four days of unpaid bereavement leave, unless it is amended to exclude public employers.



CALIFORNIA
SPECIAL
DISTRICTS
ASSOCIATION

The majority of local public sector employees are covered by collective bargaining agreements that provide for *paid* leave benefits, including bereavement leave. Temporary, part-time, and seasonal employees may or may not be excluded from this benefit, depending on the employer. These leave policies are part of total compensation and benefits packages that should be determined locally. By mandating bereavement leave, AB 325 undermines local control and the integrity of the collective bargaining process.



ASSOCIATION
OF CALIFORNIA
HEALTHCARE
DISTRICTS

In addition to the potential conflicts AB 325 creates for employees already receiving bereavement leave under a Memorandum of Understanding, we oppose the guarantee that bereavement leave can be used for up to 13 months, which is not typical of current leave policies. Bereavement leave is typically treated as leave available to address the immediate need to grieve and plan and attend services. Any events that are planned for anniversary dates 12 months later should be handled through an employer’s general leave policy. Again, in the public sector, employees have access to vacation days and personal days that will in most cases accommodate the need for time off in the months following a death.

The expansion of leave rights to temporary, part-time, and seasonal employees who are not eligible for many of the leave accruals and benefits offered is not appropriate. Employees in these classifications are not part of the regular city, county or special district workforce; they are typically fulfilling short-term duties. These classifications are often the stepping stone to full-time, benefited employment and to allow public sector employers some flexibility in providing services to the public in the most efficient manner possible. Expansions of benefits like those proposed in AB 325 will make public sector employers question the need for such positions.

For counties, AB 325 also poses a problem for In-Home Supportive Services (IHSS) employees who do not work a traditional scheduled work week. IHSS providers are paid for services provided and calculated by the hours they work. This program is funded by a mix of federal, state and local funds. Federal reimbursement would not be available for bereavement leave used and it is not clear to us what portion of the cost burden the state would share.

Considering the already generous leave and benefit policies enjoyed by public sector employees, we strongly believe that AB 325 should not apply to public sector employers. We respectfully request your "no" vote on AB 325 unless it is amended.

We are available to discuss these issues with you at your convenience. Faith Conley (CSAC) may be reached at 327-7500 ext. 522, Natasha Karl (LCC) at 658-8254, Paul Smith (RCRC) at 447-4806, Julianne Broyles (CAJPA) at 441-5050, Iris Herrera (CSDA) at 442-7887 and Amber Wiley (ACHD) at 498-6233.

cc: The Honorable Bonnie Lowenthal, California State Assembly
Members/Consultant Assembly Labor and Employment Committee