

SUMMARY ANALYSIS OF AMENDED BILL

Author: Perea Analyst: Janet Jennings Bill Number: AB 2271
 Related Bills: See Prior Analysis Telephone: 845-3495 Amended Date: August 22, 2012
 Attorney: Patrick Kusiak Sponsor: 3 Member Franchise Tax Board

SUBJECT: FTB To Allow Seasonal Clerks The Option To Retain Leave Balances While On Unpaid Leave Due To A Lack Of Work

SUMMARY

This bill would amend the Government Code to allow Franchise Tax Board (FTB) Seasonal Clerks to maintain leave balances while on unpaid leave due to a lack of work.

RECOMMENDATION

Support.

On March 10, 2011, the three-member Franchise Tax Board directed staff to seek legislation to resolve a pending lawsuit with language substantially identical to the language in this bill.

SUMMARY OF AMENDMENTS

The August 22, 2012, amendments added language that would specify if the provisions in this bill are in conflict with a memorandum of understanding (MOU), the MOU will be controlling. Except for "This Bill" section the department's analysis of the bill as amended June 12, 2012, still applies.

REASON FOR THE BILL

The reason for this Franchise Tax Board-sponsored bill is to resolve an inconsistency between the Labor Code and the State Employee International Union Local 1000 Bargaining Unit 4 contract that represents the FTB's Seasonal Clerks.

THIS BILL

This bill would amend the Government Code to allow FTB Seasonal Clerks the option to do the following when placed on unpaid leave status due to lack of work:

- Receive a lump-sum payment for accumulated vacation or annual leave balances;
- Utilize vacation or annual leave balances to cover some or all of the time off, upon approval by FTB management;
- Retain the vacation or annual leave balances for use upon returning to work; or
- Utilize a combination of any or all of the actions described above.

Board Position: <input checked="" type="checkbox"/> S <input type="checkbox"/> NA <input type="checkbox"/> NP <input type="checkbox"/> SA <input type="checkbox"/> O <input type="checkbox"/> NAR <input type="checkbox"/> N <input type="checkbox"/> OUA	Legislative Director Date Gail Hall 08/30/12
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These options would be available to Seasonal Clerks put on unpaid leave status due to lack of work, but without permanent separation from state service.

This bill would specify that if the provisions of this section are in conflict with the provisions of a MOU, the MOU shall be controlling.

SUPPORT/OPPOSITION

Support: Franchise Tax Board - sponsor.

Opposition: None provided.

LEGISLATIVE STAFF CONTACT

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