



**CALIFORNIA DEPARTMENT OF HUMAN RESOURCES**

**Labor Relations Division**

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Sacramento, CA 95811  
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**Governor Edmund G. Brown Jr.**  
**Secretary, Government Operations Agency Marybel Batjer**  
**Director Richard Gillihan**

October 26, 2017

Katherine Regan  
California Attorneys, Admin. Law Judges  
& Hearing Officers in State Employment (CASE)  
1231 I Street, Suite 300  
Sacramento, CA 95814

Dear Ms. Regan:

Recently enrolled legislation (SB 728) modified Government Code section 19859 and requires additional sick leave benefits for current state employees injured while called to active service. The new language provides:

(2) In addition to any other entitlement for sick leave with pay, a state officer or employee who serves as a member of the National Guard or federal military reserve force who is called up to active service and as a result sustains a service-connected disability rated at 30 percent or more by the United States Department of Veterans Affairs shall be entitled to additional credit for sick leave with pay of up to 96 hours for the purpose of undergoing medical treatment, including mental health treatment, for his or her service-connected disability. Credit for sick leave granted under this paragraph shall be credited to a qualifying officer or employee on the effective date of the employee's disability rating decision from the United States Department of Veterans Affairs or on the first day that the qualifying employee begins, or returns to, employment after active duty, whichever is later, and shall remain available for use for the following 12 months of employment. Sick leave credited pursuant to this paragraph that is not used during the 12-month period shall not be carried over and shall be forfeited. Submission of satisfactory proof that sick leave granted under this paragraph is used for treatment of a service-connected disability may be required pursuant to rules adopted by the department.

This letter serves to notify the CASE that in compliance with Senate Bill (SB) 728, the Department of Human Resources will be updating current regulations, rules and policies regarding sick leave benefits to reflect the changes to Government Code section 19859.

If you have any questions or would like to meet and confer, please contact me either by telephone at (916) 322-3741 or email at [Nathaniel.Allen@calhr.ca.gov](mailto:Nathaniel.Allen@calhr.ca.gov).

Sincerely,

Nathaniel Allen, Labor Relations Officer

**Side Letter of Agreement Between California Attorneys, Administrative Law Judges & Hearing Officers in State Employment (CASE) (Bargaining Unit 2) and The State of California**

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The State of California and CASE, agree to amend Attachment D - Wounded Warriors Transitional Leave of the existing agreement dated July 1, 2016, through July 1, 2019, to include recently enacted legislation that modified California Government Code 19859 to provide the following Sick Leave benefit:

In addition to any other entitlement for sick leave with pay, a state officer or employee hired on or after January 1, 2016, who is a veteran with a service-connected disability rated at 30 percent or more by the United States Department of Veterans Affairs shall be entitled to additional credit for sick leave with pay of up to 96 hours for the purpose of undergoing medical treatment, including mental health treatment, for his or her service-connected disability. Credit for sick leave granted under this paragraph shall be credited to a qualifying officer or employee on the first day of employment and shall remain available for use for the following 12 months of employment. Sick leave credited pursuant to this subdivision that is not used during the 12-month period shall not be carried over and shall be forfeited. Submission of satisfactory proof that sick leave granted under this paragraph is used for treatment of a service-connected disability may be required pursuant to rules adopted by the department.

In addition to any other entitlement for sick leave with pay, a state officer or employee who serves as a member of the National Guard or federal military reserve force who is called up to active service and as a result sustains a service-connected disability rated at 30 percent or more by the United States Department of Veterans Affairs shall be entitled to additional credit for sick leave with pay of up to 96 hours for the purpose of undergoing medical treatment, including mental health treatment, for his or her service-connected disability. Credit for sick leave granted under this paragraph shall be credited to a qualifying officer or employee on the effective date of the employee's disability rating decision from the United States Department of Veterans Affairs or on the first day that the qualifying employee begins, or returns to, employment after active duty, whichever is later, and shall remain available for use for the following 12 months of employment. Sick leave credited pursuant to this paragraph that is not used during the 12-month period shall not be carried over and shall be forfeited. Submission of satisfactory proof that sick leave granted under this paragraph is used for treatment of a service-connected disability may be required pursuant to rules adopted by the department.

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State of California, CalHR	Date	CASE	Date
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