

AMENDED IN SENATE MAY 2, 2001
AMENDED IN SENATE MARCH 28, 2001

SENATE BILL

No. 1161

Introduced by Senator Polanco
(Coauthor: Senator Murray)
(Coauthor: Assembly Member Wright)

February 23, 2001

An act to amend Sections 18900, 18930, 19790, 19792, and 19793 of the Government Code, relating to state civil service.

LEGISLATIVE COUNSEL'S DIGEST

SB 1161, as amended, Polanco. State civil service: examinations.

(1) The State Civil Service Act requires that eligible lists for state civil service positions be established as a result of free competitive examinations open to persons who lawfully may be appointed and who meet the minimum qualifications.

This bill would establish a state policy with respect to the dissemination of examination and employment information and require the State Personnel Board to develop, by rule, a system requiring state agencies and departments to implement this policy. The bill would require ~~examinations for the establishment of eligible lists to utilize each department to submit to the State Personnel Board by December 15, 2002, a plan to ensure compliance with established professional standards and procedures, with respect to examinations for eligible lists.~~ *The bill would require the plan to include a cost analysis.*

(2) Under the act, each agency and department is responsible for establishing an effective affirmative action program, and the State Personnel Board is required to maintain a statistical information system

that for the evaluation of the progress in affirmative action and equal employment.

This bill would require each agency and department to take all steps necessary to ensure that selection practices are fair, objective, based on merit, and free from unlawful discrimination. The bill would require that the statistical information data on women and minorities in the context of state civil service examinations include state agency data on hiring on all state civil service examinations.

(3) The act requires the State Personnel Board to report to the Governor, the Legislature, and the Department of Finance on the accomplishments of each state agency and department in meeting its stated affirmative action goals for the past fiscal year.

This bill would revise the information that is to be included in this report with respect to each state agency and department meeting its stated employment goals.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

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

1 SECTION 1. Section 18900 of the Government Code is
2 amended to read:

3 18900. (a) It is the policy of the state that examination and
4 employment information be broadly disseminated to all sectors of
5 California’s workforce.

6 The board shall develop, by rule, a system requiring state
7 agencies and departments to disseminate state recruitment,
8 examination, and employment information in accordance with
9 policy.

10 (b) Eligible lists shall be established as a result of free
11 competitive examinations open to persons who lawfully may be
12 appointed to any position within the class for which these
13 examinations are held and who meet the minimum qualifications
14 requisite to the performance of the duties of that position as
15 prescribed by the specifications for the class or by board rule.

16 (c) Notwithstanding subdivision (a), the board may limit the
17 size of candidate groups in entry level and nonpromotional
18 examinations when doing so would be in the best interest of the
19 state and effective competition can occur among a smaller number
20 of applicants.



1 SEC. 2. Section 18930 of the Government Code is amended
2 to read:

3 18930. Examinations for the establishment of eligible lists
4 shall be competitive and of a character that fairly tests and
5 determines the qualifications, fitness, and ability of competitors
6 actually to perform the duties of the class of position for which
7 they seek appointment. ~~Examinations shall utilize~~ *By December*
8 *15, 2002, each department shall submit to the State Personnel*
9 *Board a plan that will ensure compliance with established*
10 *professional standards and procedures in order to ensure the*
11 *predictive accuracy of the selection instruments used. The plan*
12 *shall include a cost analysis.*

13 Examinations for managerial positions, except for career
14 executive assignments as defined in Section 18547, peace officers
15 defined in subdivision (a) of Section 830.2 of the Penal Code, and
16 managerial positions of the Department of Forestry and Fire
17 Protection in the classes of State Forest Ranger IV and Assistant
18 Deputy State Forester, shall be held on an open basis unless the
19 appointing authority determines otherwise. “Managerial
20 position” means those positions having the duties which are
21 defined under “managerial employees” in subdivision (e) of
22 Section 3513. When an open examination is administered for a
23 noncareer executive assignment managerial position, the names of
24 the applicants who pass the examination with a passing score shall
25 be placed on one list and ranked in the relative order of the
26 examination score received.

27 Examinations may be assembled or unassembled, written or
28 oral, or in the form of a demonstration of skill, or any combination
29 of these; and any investigation of character, personality, education,
30 and experience and any tests of intelligence, capacity, technical
31 knowledge, manual skill, or physical fitness which the board
32 deems appropriate, may be employed.

33 SEC. 3. Section 19790 of the Government Code is amended
34 to read:

35 19790. Each agency and department is responsible for
36 establishing an effective affirmative action program and shall take
37 all steps necessary to ensure that selection practices are fair,
38 objective, based on merit, and free from unlawful discrimination.
39 The State Personnel Board shall be responsible for providing



1 statewide advocacy, coordination, enforcement, and monitoring
2 of these programs.

3 Each agency and department shall establish goals and
4 timetables designed to overcome any identified underutilization of
5 minorities and women in their respective organizations. Agencies
6 and departments shall determine their annual goals and timetables
7 by June 1 of each year beginning in 1978. These goals and
8 timetables shall be made available to the public upon request. All
9 goals and timetables shall then be submitted to the board for
10 review and approval or modification no later than July 1 of each
11 year.

12 SEC. 4. Section 19792 of the Government Code is amended
13 to read:

14 19792. The State Personnel Board shall:

15 (a) Provide statewide leadership designed to achieve positive
16 and continuing affirmative action programs in the state civil
17 service.

18 (b) Develop, implement, and maintain affirmative action and
19 equal employment opportunity guidelines.

20 (c) Provide technical assistance to state departments in the
21 development and implementation of their affirmative action
22 programs.

23 (d) Review and evaluate departmental affirmative action
24 programs to ensure that they comply with federal statutes and
25 regulations.

26 (e) Establish requirements for improvement or corrective
27 action to eliminate the underutilization of minorities and women.

28 (f) Provide statewide training to departmental affirmative
29 action officers who will conduct supervisory training on
30 affirmative action.

31 (g) Review, examine the validity of, and update qualifications,
32 standards, selection devices, including oral appraisal panels, and
33 career advancement programs.

34 (h) Maintain a statistical information system designed to yield
35 the data and the analysis necessary for the evaluation of progress
36 in affirmative action and equal employment opportunity within the
37 state civil service. The statistical information shall include specific
38 data to determine the underutilization of minorities and women.
39 The statistical information shall be made available during normal



1 working hours to all interested persons. Data generated on a
2 regular basis shall include, but not be limited to, the following:

3 (1) Current state civil service workforce composition by race,
4 sex, age, department, salary level, occupation, and attrition rates
5 by occupation.

6 (2) Current local and regional workforce and population data
7 of women and minorities.

8 (i) Data analysis shall include, but not be limited to, the
9 following:

10 (1) Data relating to the utilization by department of minorities
11 and women compared to their availability in the labor force.

12 (2) Turnover data by department and occupation.

13 (3) Data relating to salary administration, such as average
14 salaries by race and sex, and comparisons of salaries within state
15 service and comparable state employment.

16 (4) Data on employee age, and salary level compared among
17 races and sexes.

18 (5) Data on the number of women and minorities recruited for,
19 participating in, and passing state civil service examinations. State
20 agencies shall gather, review, and report hiring data on all state
21 civil service examinations. The data shall be analyzed pursuant to
22 Sections 19704 and 19705.

23 (6) Data on the job classifications, geographic locations,
24 separations, salaries, and other conditions of employment which
25 provide additional information about the composition of the state
26 civil service workforce.

27 SEC. 5. Section 19793 of the Government Code is amended
28 to read:

29 19793. (a) By November 15 of each year beginning in 1978,
30 the State Personnel Board shall report to the Governor, the
31 Legislature, and the Department of Finance on the following
32 information based upon information provided by agencies and
33 departments as required by Sections 19790 and 19795.

34 (1) The representation of minorities, women, and persons with
35 disabilities, by organizational level within each state agency and
36 department.

37 (2) The occupational groups within each agency or department
38 having statistically significant underutilization problems with
39 respect to minorities, women, and persons with disabilities, the



1 size of the deficiencies, and the annual employment goals
2 established.

3 (3) The progress of each state agency and department in
4 meeting its stated employment goals for the past fiscal year.

5 (b) The report shall include information to the Legislature of
6 laws that discriminate or have the effect of discrimination on the
7 basis of race, color, religious creed, national origin, ancestry,
8 political affiliation, physical disability, mental disability, medical
9 condition, sex, age, marital status, or sexual orientation.

10 (c) The Legislature shall evaluate the equal employment
11 opportunity efforts and affirmative action progress of state
12 agencies during its evaluation of the Budget Bill.

