

AMENDED IN SENATE AUGUST 19, 2004
AMENDED IN ASSEMBLY MARCH 22, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1875

Introduced by Assembly Member Maldonado

February 3, 2004

An act to amend Sections 3526, ~~3531, 3533, 3534, and 3538~~ 3533, 21354.3, and 21354.5 of the Government Code, relating to ~~state public~~ employees.

LEGISLATIVE COUNSEL'S DIGEST

AB 1875, as amended, Maldonado. ~~State-Public~~ employees.

The

(1) *The* existing Bill of Rights for State Excluded Employees prescribes various rights and terms and conditions of employment for excluded employees, defined as certain supervisory, managerial, and confidential employees. That law contains provisions relating to participation by supervisory employees in employee organizations for purposes of representation when meeting and conferring with respect to employment conditions.

This bill would ~~specify that all excluded employees are included within those provisions relating to participation in employee organizations for purposes of representation when meeting and conferring with respect to employment conditions~~ *require the state employer to provide reasonable advance notice and an opportunity to meet and confer to discuss alternative means of achieving objectives prior to arriving at a determination of policy or course of action directly*

impacting supervisory employees. The bill would revise the definition of “meet and confer,” as specified. The bill would also revise a statement of the purpose of the Bill of Rights for State Excluded Employees.

(2) Under existing law, contracting agencies of the Public Employees’ Retirement System may elect to provide retirement benefits to their employees who are local miscellaneous members of the system based on a 3% at age 60 formula or a 2.7% at age 55 formula.

This bill would provide that, when either of those benefits formulas are adopted by the contracting agency, that formula shall supersede other benefit formulas that would otherwise apply with respect to any local miscellaneous member employed by the contracting agency on or after that date.

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 3526 of the Government Code is
2 amended to read:

3 3526. The purpose of this chapter is to inform state
4 supervisory, managerial, confidential, and employees otherwise
5 excepted from coverage under the Ralph C. Dills Act by
6 subdivision (c) of Section 3513 of their rights and terms and
7 conditions of employment, and to inspire dedicated service, to
8 recognize their important and fundamental roles in the
9 management of state government, and to promote harmonious
10 personnel relations among those representing state management in
11 the conduct of state affairs.

12 ~~SEC. 2. Section 3531 of the Government Code is amended to~~
13 ~~read:~~

14 ~~3531. Supervisory and excluded employees shall have the~~
15 ~~right to form, join, and participate in the activities of supervisory~~
16 ~~employee organizations of their own choosing for the purpose of~~
17 ~~representation on all matters of supervisory and excluded~~
18 ~~employer-employee relations, as set forth in Section 3532.~~
19 ~~Supervisory and excluded employees also shall have the right to~~
20 ~~refuse to join or participate in the activities of supervisory~~
21 ~~employee organizations and shall have the right to represent~~



1 themselves individually in their employment relations with the
2 public employer.

3 ~~SEC. 3.—~~

4 ~~SEC. 2.~~ Section 3533 of the Government Code is amended to
5 read:

6 3533. Upon request, the state shall meet and confer with
7 ~~verified supervisor or excluded employee organizations~~
8 ~~representing supervisory or excluded employees.~~ “Meet and
9 confer” means that the employer shall give supervisory and
10 ~~excluded employee organizations reasonable notice and~~
11 ~~opportunity to raise all issues prior to the state arriving at a~~
12 ~~determination and implementation of policy or course of action.~~

13 ~~SEC. 4.~~ Section 3534 of the Government Code is amended to
14 read:

15 3534. ~~The state employer shall allow a reasonable number of~~
16 ~~supervisory or excluded public employee representatives of~~
17 ~~verified supervisory or excluded employee organizations~~
18 ~~reasonable time off without loss of compensation or other benefits~~
19 ~~when meeting and conferring with representatives of the state~~
20 ~~employer on matters within the scope of representation for~~
21 ~~supervisory or excluded employees.~~

22 ~~SEC. 5.~~ Section 3538 of the Government Code is amended to
23 read:

24 3538. ~~The state employer and excluded employee~~
25 ~~organizations shall not interfere with, intimidate, restrain, coerce,~~
26 ~~or discriminate against supervisory or excluded employees~~
27 ~~because of their exercise of their rights under this article.~~ *verified*
28 *supervisory organizations representing supervisory employees on*
29 *matters within the scope of representation. Prior to arriving at a*
30 *determination of policy or course of action directly impacting*
31 *supervisory employees, the state employer shall provide*
32 *reasonable advance notice and provide the verified supervisory*
33 *employee organizations an opportunity to meet and confer with the*
34 *state employer to discuss alternative means of achieving*
35 *objectives. Advance notice may be written, oral, or electronic.*
36 *“Meet and confer” shall mean that the state employer shall*
37 *consider as fully as it deems reasonable, such presentations as are*
38 *made by the verified supervisory employee organization on behalf*
39 *of its supervisory members prior to arriving at a determination of*
40 *policy or course of action. The final determination of policy or*



1 course of action shall be the sole responsibility of the state
2 employer.

3 When the state employer determines that, due to an emergency
4 or other immediate operational necessity, a law, rule, resolution,
5 or regulation must be adopted immediately without prior notice or
6 meeting and conferring with excluded employee organizations, the
7 state employer shall provide notice and opportunity to meet and
8 confer at the earliest practical time following the adoption of the
9 law, rule, resolution, or regulation.

10 SEC. 3. Section 21354.3 of the Government Code is amended
11 to read:

12 21354.3. (a) The combined current and prior service
13 pensions for a local miscellaneous member is a pension derived
14 from the contributions of the employer sufficient, when added to
15 the service retirement annuity that is derived from the accumulated
16 normal contributions of the member at the date of retirement, to
17 equal the fraction of one-fiftieth of the member's final
18 compensation set forth opposite the member's age at retirement,
19 taken to the preceding completed quarter year, in the following
20 table, multiplied by the number of years of current and prior
21 service except service in a category of membership other than that
22 of local miscellaneous member with which the member is entitled
23 to be credited at retirement:

25 Age at		
26 Retirement		Fraction
27 50	.....	1.0000
28 50 1/4	.....	1.0125
29 50 1/2	.....	1.0250
30 50 3/4	.....	1.0375
31 51	.....	1.0500
32 51 1/4	.....	1.0625
33 51 1/2	.....	1.0750
34 51 3/4	.....	1.0875
35 52	.....	1.1000
36 52 1/4	.....	1.1125
37 52 1/2	.....	1.1250
38 52 3/4	.....	1.1375
39 53	.....	1.1500
40 53 1/4	.....	1.1625



1	53 1/2	1.1750
2	53 3/4	1.1875
3	54	1.2000
4	54 1/4	1.2125
5	54 1/2	1.2250
6	54 3/4	1.2375
7	55	1.2500
8	55 1/4	1.2625
9	55 1/2	1.2750
10	55 3/4	1.2875
11	56	1.3000
12	56 1/4	1.3125
13	56 1/2	1.3250
14	56 3/4	1.3375
15	57	1.3500
16	57 1/4	1.3625
17	57 1/2	1.3750
18	57 3/4	1.3875
19	58	1.4000
20	58 1/4	1.4125
21	58 1/2	1.4250
22	58 3/4	1.4375
23	59	1.4500
24	59 1/4	1.4625
25	59 1/2	1.4750
26	59 3/4	1.4875
27	60 and over	1.5000

28

29 (b) The fraction specified in the above table shall be reduced by
30 one-third as applied to that part of final compensation that does not
31 exceed four hundred dollars (\$400) per month for all services of
32 a member any of whose service has been included in the federal
33 system. This reduction shall not apply to a member employed by
34 a contracting agency that enters into a contract after July 1, 1971,
35 and who elects not to be subject to this subdivision or with respect
36 to service rendered after the termination of coverage under the
37 federal system with respect to the coverage group to which the
38 member belongs.

39 (c) This section shall supersede Sections 21353~~and~~, 21354,
40 21354.4, and 21354.5 with respect to any local miscellaneous



1 member who is employed by a contracting agency on or after the
2 date this section becomes applicable to the contracting agency.

3 (d) This section shall not apply to a contracting agency nor its
4 employees until the contracting agency elects to make all local
5 miscellaneous members subject to it by amendment to its contract
6 made in the manner prescribed for approval of contracts or in the
7 case of a new contract, by express provision of the contract. The
8 operative date of this section with respect to a local miscellaneous
9 member shall be the effective date of the amendment to his or her
10 employer's contract electing to be subject to this section.

11 SEC. 4. Section 21354.5 of the Government Code is amended
12 to read:

13 21354.5. (a) The combined current and prior service
14 pensions for a local miscellaneous member is a pension derived
15 from the contributions of the employer sufficient, when added to
16 the service retirement annuity that is derived from the accumulated
17 normal contributions of the member at the date of retirement, to
18 equal the fraction of one-fiftieth of the member's final
19 compensation set forth opposite the member's age at retirement,
20 taken to the preceding completed quarter year, in the following
21 table, multiplied by the number of years of current and prior
22 service, except service in a category of membership other than that
23 of a local miscellaneous member, with which the member is
24 entitled to be credited at retirement:

26	Age at	Fraction
27	Retirement	
28	50	1.0000
29	50 1/4	1.0175
30	50 1/2	1.0350
31	50 3/4	1.0525
32	51	1.0700
33	51 1/4	1.0875
34	51 1/2	1.1050
35	51 3/4	1.1225
36	52	1.1400
37	52 1/4	1.1575
38	52 1/2	1.1750
39	52 3/4	1.1925
40	53	1.2100



1	53 ¹ / ₄	1.2275
2	53 ¹ / ₂	1.2450
3	53 ³ / ₄	1.2625
4	54	1.2800
5	54 ¹ / ₄	1.2975
6	54 ¹ / ₂	1.3150
7	54 ³ / ₄	1.3325
8	55 and over	1.3500

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10 (b) The fractions specified in the above table shall be reduced
 11 by one-third as applied to that part of final compensation that does
 12 not exceed four hundred dollars (\$400) per month for all service
 13 of a member any of whose service has been included in the federal
 14 system. This reduction shall not apply to a member employed by
 15 a contracting agency that enters into a contract after July 1, 1971,
 16 and elects not to be subject to this subdivision or with respect to
 17 service rendered after the termination of coverage under the
 18 federal system with respect to the coverage group to which the
 19 member belongs.

20 (c) This section shall supersede Sections 21353 ~~and~~, 21354,
 21 *and 21354.4* with respect to any miscellaneous member who is
 22 employed by a contracting agency on or after the date this section
 23 becomes applicable to the contracting agency.

24 (d) This section shall not apply to a contracting agency nor its
 25 employees until the contracting agency elects to make all local
 26 miscellaneous members subject to it by amendment to its contract
 27 made in the manner prescribed for approval of contracts or in the
 28 case of a new contract, by express provision of the contract. The
 29 operative date of this section with respect to a local miscellaneous
 30 member shall be the effective date of the amendment to his or her
 31 employer's contract electing to be subject to this section.

