

Introduced by Senator Morrow

February 11, 2004

An act to amend 71601 of the Government Code, relating to court employment.

LEGISLATIVE COUNSEL'S DIGEST

SB 1225, as introduced, Morrow. Court employment.

Existing law defines the term "subordinate judicial officer" for purposes of court administration and specifies that the term includes certain commissioners, referees, and judges pro tempore.

This bill would revise those specified examples of subordinate judicial officers, and make related nonsubstantive changes.

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

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

1 SECTION 1. Section 71601 of the Government Code is
2 amended to read:

3 71601. For purposes of this chapter, the following definitions
4 shall apply:

5 (a) "Appointment" means the offer to and acceptance by a
6 person of a position in the trial court in accordance with this
7 chapter and the trial court's personnel policies, procedures, and
8 plans.

9 (b) "Employee organization" means any organization that
10 includes trial court employees and has as one of its primary
11 purposes representing those employees in their relations with the
12 trial court.



1 (c) “Hiring” means appointment as defined in subdivision (a).

2 (d) “Mediation” means effort by an impartial third party to
3 assist in reconciling a dispute regarding wages, hours, and other
4 terms and conditions of employment between representatives of
5 the trial court and the recognized employee organization or
6 recognized employee organizations through interpretation,
7 suggestion, and advice.

8 (e) “Meet and confer in good faith” means that a trial court or
9 representatives as it may designate, and representatives of
10 recognized employee organizations, shall have the mutual
11 obligation personally to meet and confer promptly upon request by
12 either party and continue for a reasonable period of time in order
13 to exchange freely information, opinions, and proposals, and to
14 endeavor to reach agreement on matters within the scope of
15 representation. The process should include adequate time for the
16 resolution of impasses where specific procedures for resolution
17 are contained in this chapter or in a local rule, or when the
18 procedures are utilized by mutual consent.

19 (f) “Personnel rules,” “personnel policies, procedures, and
20 plans,” and “rules and regulations” mean policies, procedures,
21 plans, rules, or regulations adopted by a trial court or its designee
22 pertaining to conditions of employment of trial court employees,
23 subject to meet and confer in good faith.

24 (g) “Promotion” means promotion within the trial court as
25 defined in the trial court’s personnel policies, procedures, and
26 plans, subject to meet and confer in good faith.

27 (h) “Recognized employee organization” means an employee
28 organization that has been formally acknowledged to represent
29 trial court employees by the county under Sections 3500 to 3510,
30 inclusive, prior to the implementation date of this chapter, or by the
31 trial court under Rules 2201 to 2210, inclusive, of the California
32 Rules of Court, as those rules read on April 23, 1997, Sections
33 70210 to 70219, inclusive, or Article 3 (commencing with Section
34 71630) of this chapter.

35 (i) “Subordinate judicial officer” means an officer appointed
36 to perform subordinate judicial duties as authorized by Section 22
37 of Article VI of the California Constitution, including, but not
38 limited to, a court commissioner, probate commissioner, *child*
39 *support commissioner*, referee, *traffic trial commissioner*, traffic



1 referee, juvenile court referee, juvenile hearing officer, and
2 temporary judge ~~pro tempore~~.

3 (j) “Transfer” means transfer within the trial court as defined
4 in the trial court’s personnel policies, procedures, and plans,
5 subject to meet and confer in good faith.

6 (k) “Trial court” means a superior court ~~or a municipal court~~.

7 (l) “Trial court employee” means a person who is both of the
8 following:

9 (1) Paid from the trial court’s budget, regardless of the funding
10 source. For the purpose of this paragraph, “trial court’s budget”
11 means funds from which the presiding judge of a trial court, or his
12 or her designee, has authority to control, authorize, and direct
13 expenditures, including, but not limited to, local revenues, all
14 grant funds, and trial court operations funds.

15 (2) Subject to the trial court’s right to control the manner and
16 means of his or her work because of the trial court’s authority to
17 hire, supervise, discipline, and terminate employment. For
18 purposes of this paragraph only, the “trial court” includes the
19 judges of a trial court or their appointees who are vested with or
20 delegated the authority to hire, supervise, discipline, and
21 terminate.

22 (m) A person is a “trial court employee” if and only if both
23 paragraphs (1) and (2) of subdivision (l) are true irrespective of job
24 classification or whether the functions performed by that person
25 are identified in Rule 810 of the California Rules of Court. The
26 phrase “trial court employee” includes those subordinate judicial
27 officers who satisfy paragraphs (1) and (2) of subdivision (l). The
28 phrase “trial court employee” does not include temporary
29 employees hired through agencies, jurors, individuals hired by the
30 trial court pursuant to an independent contractor agreement,
31 individuals for whom the county or trial court reports income to
32 the Internal Revenue Service on a Form 1099 and does not
33 withhold employment taxes, sheriffs, and judges whether elected
34 or appointed. Any temporary employee, whether hired through an
35 agency or not, shall not be employed in the trial court for a period
36 exceeding 180 calendar days, except that for court reporters in a
37 county of the first class, a trial court and a recognized employee



- 1 organization may provide otherwise by mutual agreement in a
- 2 memorandum of understanding or other agreement.

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