

ASSEMBLY BILL

No. 284

Introduced by Assembly Member Bermudez

February 9, 2005

An act to add Sections 19826.2 and 19827.4 to the Government Code, relating to state employees.

LEGISLATIVE COUNSEL'S DIGEST

AB 284, as introduced, Bermudez. State employees: salary ranges: professional scientists.

Existing law requires the Department of Personnel Administration to establish and adjust salary ranges for each class of position in the state civil service subject to any merit limits specified in the California Constitution, subject to specified conditions.

This bill would, notwithstanding these provisions, require the department to establish and adjust salary ranges for employees in State Bargaining Unit 10, unless the employees are represented by an employee organization that has been granted exclusive recognition by the state, and state employees in classifications corresponding to those in State Bargaining Unit 10 but excluded from collective bargaining under the Ralph C. Dills Act, subject to specified conditions. The bill would require the department and the employee organization that has been recognized as the exclusive representative for State Bargaining Unit 10 to jointly survey annually and calculate the estimated average total compensation for comparable services in other public and private employment, and would require the department and the California Association of Professional Scientists, as an employee organization representing employees excluded from collective bargaining, to jointly survey annually and calculate the estimated average total compensation for comparable services in other public and private

employment. It would require the department to annually submit to the Legislature reports containing the surveys’ findings, and would require the department to take into consideration the information contained in these reports prior to making salary recommendations for these state employees.

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 19826.2 is added to the Government
 2 Code, to read:

3 19826.2. (a) Notwithstanding Section 19826, the department
 4 shall establish and adjust salary ranges for employees in State
 5 Bargaining Unit 10 and state employees in classifications
 6 corresponding to those in State Bargaining Unit 10 but excluded
 7 from collective bargaining under the Ralph C. Dills Act (Chapter
 8 10.3 (commencing with Section 3512) of Division 4 of Title 1) in
 9 the state civil service subject to any merit limits contained in
 10 Article VII of the California Constitution pursuant to this section.
 11 The salary range shall be based on the principle that like salaries
 12 shall be paid for comparable duties and responsibilities. In
 13 establishing or changing these ranges, consideration shall be
 14 given to the rates for comparable service in other public and
 15 private employment. The department shall not make any
 16 adjustments that require expenditures in excess of existing
 17 appropriations that may be used for salary increase purposes. The
 18 department may make a change in salary range retroactive to the
 19 date of application for the change.

20 (b) Notwithstanding any other provision of law, the
 21 department may not establish, adjust, or recommend a salary
 22 range for employees in an appropriate unit where an employee
 23 organization has been granted exclusive recognition by the state
 24 pursuant to Section 3520.5.

25 (c) (1) The department and the employee organization that has
 26 been recognized as the exclusive representative for State
 27 Bargaining Unit 10 shall jointly survey annually and calculate the
 28 estimated average total compensation based on projected average
 29 total compensation for comparable services in other public and
 30 private employment as of July 1 of the year in which the survey

1 is conducted. The state and the employee organization that has
2 been recognized as the exclusive representative for State
3 Bargaining Unit 10 shall meet and confer in good faith pursuant
4 to the Ralph C. Dills Act regarding survey methodology
5 consistent with this section. The survey shall contain comparable
6 occupations or benchmark classes in California cities, counties,
7 cities and counties, and special districts, the University of
8 California, the California State University, the federal
9 government, and the private sector. For survey comparison
10 purposes, each State Bargaining Unit 10 classification shall be
11 placed into one of the following categories:

12 (A) Environmental Scientist/Biologist.

13 (B) Chemist.

14 (C) Geologist.

15 (D) Research Scientist.

16 (E) Industrial Hygienist.

17 (F) Health Physicist.

18 (2) On or before January 10 of each year and notwithstanding
19 Section 7550.5, the department shall submit to the Legislature a
20 report containing the survey's findings related to the salaries of
21 employees in comparable occupations in private industries and
22 other public sector agencies.

23 (d) If the provisions of subdivision (a) or (c) are in conflict
24 with the provisions of a memorandum of understanding reached
25 pursuant to Section 3517.5, the memorandum of understanding
26 shall be controlling without further legislative action, except that
27 if the provisions of a memorandum of understanding require the
28 expenditure of funds, the provisions shall not become effective
29 unless approved by the Legislature in the annual Budget Act.

30 (e) (1) The department and the California Association of
31 Professional Scientists, as an employee organization representing
32 excluded employees in classifications corresponding to those in
33 State Bargaining Unit 10, shall jointly survey annually and
34 calculate the estimated average total compensation based on
35 projected average total compensation for comparable services in
36 other public and private employment as of July 1 of the year in
37 which the survey is conducted. The state and the California
38 Association of Professional Scientists shall meet and confer in
39 good faith pursuant to the Bill of Rights for State Excluded
40 Employees (Chapter 10.5 (commencing with Section 3525) of

1 Division 4 of Title 1) regarding survey methodology consistent
2 with this section. The survey shall contain comparable
3 occupations or benchmark classes in California cities, counties,
4 cities and counties, and special districts, the University of
5 California, the California State University, the federal
6 government, and the private sector. For survey comparison
7 purposes, each classification covered by this subdivision shall be
8 placed into one of the following categories:

9 (A) Environmental Scientist/Biologist.

10 (B) Chemist.

11 (C) Geologist.

12 (D) Research Scientist.

13 (E) Industrial Hygienist.

14 (F) Health Physicist.

15 (2) Notwithstanding Section 7550.5, on or before January 10
16 of each year, the department shall submit to the Legislature a
17 report containing the survey's findings related to the salaries of
18 employees in comparable occupations in private industries and
19 other public sector agencies.

20 SEC. 2. Section 19827.4 is added to the Government Code, to
21 read:

22 19827.4. (a) In order for the state to recruit and retain highly
23 skilled and educated professional scientists and to recognize the
24 vital role these employees serve within state government, it is the
25 policy of the state to consider comparable salaries and benefits
26 prior to making salary recommendations.

27 (b) In order to provide comparability in pay for professional
28 scientists in State Bargaining Unit 10, the Department of
29 Personnel Administration shall take into consideration the salary
30 and benefits of other employees in public and private
31 employment as contained in the annual report prepared pursuant
32 to subdivision (c) of Section 19826.2.

33 (c) When determining compensation for state professional
34 scientific employees excluded from collective bargaining under
35 the Ralph C. Dills Act (Chapter 10.3 (commencing with Section
36 3512) of Division 4 of Title 1), the Department of Personnel
37 Administration shall take into consideration the salary and
38 benefits of other employees in public and private employment as
39 contained in the annual report prepared pursuant to subdivision
40 (e) of Section 19826.2.

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