

AMENDED IN ASSEMBLY MARCH 28, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 163**

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**Introduced by Assembly Member Mendoza**

January 22, 2007

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~~An act to amend Section 71601 of the Government Code, relating to courts.~~ *An act to add Article 3.5 (commencing with Section 14691) to Chapter 2 of Part 5.5 of Division 3 of Title 2 of the Government Code, relating to state buildings.*

LEGISLATIVE COUNSEL'S DIGEST

AB 163, as amended, Mendoza. ~~Trial courts: limited-term employees.~~ *State buildings: bicycle facilities.*

*Existing law generally sets forth the centralized services to be provided by the Department of General Services with respect to state buildings and property, among other duties.*

*This bill would enact the Green and Healthy Workplace Bicycle Facilities Act of 2007, which would require the department, in consultation with the State Architect and other state agencies, to adopt regulations establishing standards for bicycle facilities, including parking areas, showers, and lockers in state-owned and state-leased buildings. The bill would require each state agency to develop programs to promote and encourage bicycle commuting and use of bicycles for work-related trips, as well as to manage its bicycle facilities. It would also require, on and after July 1, 2010, a capital plan for, or renovation of, state buildings to comply with the adopted regulations.*

~~Existing law defines the term "trial court employee" for purposes of the Trial Court Employment Protection and Governance Act. In defining this term, the act provides that any temporary employee shall not be~~

employed in the trial court for a period exceeding 180 calendar days, except for court reporters under certain conditions.

~~This bill would additionally provide, in Los Angeles County, that any limited-term law clerk shall not be employed in the trial court for a period exceeding 180 calendar days. The bill would further provide that any such limited-term law clerk employed for more than 180 calendar days is a regular employee.~~

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. *The Legislature finds and declares all of the*
- 2     *following:*
- 3     (a) *The State of California endeavors to meet certain goals*
- 4     *regarding more transportation choices, reducing traffic congestion,*
- 5     *improving air quality, conserving energy, reducing greenhouse*
- 6     *gas emissions, improving social equity, and increasing physical*
- 7     *activity to promote public health. Increased levels of bicycling*
- 8     *rate by state employees and by visitors to state offices would help*
- 9     *reach these goals.*
- 10    (b) *The state invests approximately \$2 billion annually for*
- 11    *design, construction, and renovation, and more than six hundred*
- 12    *million dollars (\$600,000,000) annually for energy, water, and*
- 13    *waste disposal at state-funded facilities.*
- 14    (c) *The state invests an unspecified amount in funding for*
- 15    *automobile parking for state employees and visitors.*
- 16    (d) *An opportunity exists for the state to foster continued*
- 17    *economic growth and provide environmental leadership by*
- 18    *incorporating bicycle facilities into the state capital outlay and*
- 19    *building management processes.*
- 20    (e) *The widespread adoption of bicycle facilities principles*
- 21    *would result in significant long-term benefits to the state's*
- 22    *environment, including reductions in smog generation and*
- 23    *greenhouse gas emissions, increased employee and public health,*
- 24    *and reduced congestion.*
- 25    (f) *It is critical that the state provide leadership to both private*
- 26    *and public sectors to provide bicycle facilities for employees and*
- 27    *visitors.*

1 (g) *It is the policy of the state to site, design, deconstruct,*  
2 *construct, renovate, operate, and maintain state buildings that are*  
3 *models of energy efficiency, while encouraging energy-efficient*  
4 *travel to and from buildings, and providing healthy, productive,*  
5 *and comfortable indoor environments and long-term benefits to*  
6 *Californians.*

7 (h) *It is the intent of the Legislature in enacting this act to*  
8 *increase the availability and usefulness of bicycle facilities in*  
9 *state-owned and state-leased buildings by providing safe and*  
10 *secure bicycle parking and storage and comfortable changing and*  
11 *showering areas, and to promote alternative transportation to the*  
12 *workplace.*

13 SEC. 2. *Article 3.5 (commencing with Section 14691) is added*  
14 *to Chapter 2 of Part 5.5 of Division 3 of Title 2 of the Government*  
15 *Code, to read:*

16  
17 *Article 3.5. Green and Healthy Workplace Bicycle Facilities*  
18 *Act of 2007*

19  
20 *14691. This act shall be known, and may be cited, as the Green*  
21 *and Healthy Workplace Bicycle Facilities Act of 2007.*

22 *14691.5. For the purposes of this article, "state building"*  
23 *means a building owned or leased by the state.*

24 *14692. (a) On or before July 1, 2009, the department shall*  
25 *adopt regulations for the construction and renovation of state*  
26 *buildings that establish standards regarding bicycle facilities,*  
27 *including short-term visitor bicycle parking, long-term employee*  
28 *bicycle parking, showers, and clothing lockers.*

29 (b) *When adopting regulations pursuant to subdivision (a), the*  
30 *department shall consider those aspects of existing relevant*  
31 *information and guidelines that maximize the utility of bicycle*  
32 *facilities, and shall allow for flexibility to meet the state's building*  
33 *standards. The existing relevant guidelines and information shall*  
34 *include, but are not limited to, both of the following:*

35 (1) *The Sacramento Area Bicycle Advocates State Bicycle*  
36 *Facilities—Statewide Policies and Recommendations.*

37 (2) *The Association of Pedestrian and Bicycle*  
38 *Professionals—Bicycle Parking Guidelines.*

39 (c) *In adopting the regulations pursuant to subdivision (a), the*  
40 *department shall consult with the State Architect and other*

1 appropriate state agencies, the building and construction industry,  
2 recognized bicycle advocacy groups, the League of California  
3 Cities, the California State Association of Counties, other interested  
4 organizations, and the public.

5 14692.5. (a) For an existing state-owned building without  
6 adequate short-term visitor bicycle parking, high quality short-term  
7 bicycle parking shall be added before December 1, 2009.

8 (b) For an existing state-owned building without adequate  
9 bicycle facilities for employees, the addition of secure long-term  
10 bicycle parking, showers, and clothing lockers shall be a priority  
11 when the building is renovated.

12 (c) For an existing state-leased building, the state shall make  
13 every effort to renegotiate the lease to include provision of facilities  
14 for bicycle commuters and bicycle parking for visitors.

15 14693. Each state agency shall develop a program to manage  
16 its bicycle facilities so that bicycle parking and lockers are fairly  
17 assigned and access to showers is available. Facilities shall be  
18 available for workers at state buildings, whether they are state  
19 employees, contract employees, interns, or volunteers.

20 14693.5. Each state agency shall develop a program to promote  
21 and encourage bicycle commuting and the use of bicycles for  
22 work-related trips.

23 14694. On and after July 1, 2010, a capital plan for, renovation  
24 of, a state building shall be built, designed, and operated in  
25 accordance with the regulations adopted pursuant to subdivision  
26 (a) of Section 14692.

27 SECTION 1. ~~Section 71601 of the Government Code is~~  
28 ~~amended to read:~~

29 71601. ~~For purposes of this chapter, the following definitions~~  
30 ~~apply:~~

31 (a) ~~“Appointment” means the offer to, and acceptance by, a~~  
32 ~~person of a position in the trial court in accordance with this chapter~~  
33 ~~and the trial court’s personnel policies, procedures, and plans.~~

34 (b) ~~“Employee organization” means either of the following:~~

35 (1) ~~Any organization that includes trial court employees and~~  
36 ~~has as one of its primary purposes representing those employees~~  
37 ~~in their relations with that trial court.~~

38 (2) ~~Any organization that seeks to represent trial court~~  
39 ~~employees in their relations with that trial court.~~

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

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

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

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

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

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

34 (i) “Subordinate judicial officer” means an officer appointed to  
35 perform subordinate judicial duties as authorized by Section 22 of  
36 Article VI of the California Constitution, including, but not limited  
37 to, a court commissioner, probate commissioner, referee, traffic  
38 referee, juvenile referee, and judge pro tempore.

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

4 (k) “Trial court” means a superior court.

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

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

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

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

37 (2) In Los Angeles County, any limited-term law clerk, whether  
38 hired through an agency or not, shall not be employed in the trial  
39 court for a period exceeding 180 calendar days. Any such

- 1 ~~limited-term law clerk employed for more than 180 calendar days~~
- 2 ~~is a regular employee.~~

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