

AMENDED IN SENATE JULY 6, 2009

AMENDED IN SENATE JUNE 29, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 755**

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**Introduced by Assembly Member Brownley**

February 26, 2009

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An act to amend Section 19050.8 of the Government Code, relating to civil service appointments.

LEGISLATIVE COUNSEL'S DIGEST

AB 755, as amended, Brownley. Civil service appointments.

Existing law authorizes the State Personnel Board to prescribe rules governing the temporary assignment or loan of employees within an agency or between agencies or between jurisdictions for specified time limits, for the purpose of providing training to employees, enabling an agency to obtain expertise needed to meet a compelling program or management need, or facilitating the return of injured employees to work.

~~This bill would provide that temporary assignments shall not be made or continued if there is a reasonable basis for utilizing or pursuing other personnel management options, as provided. This bill would define compelling program or management need for purposes of these provisions. This bill would also provide that no temporary assignment or loan shall exceed 4 years, as specified.~~

*Existing law also requires a temporary assignment or loan between educational agencies or jurisdictions to be extended for up to 2 additional years upon a finding that the extension is necessary to substantially complete work on an educational improvement project.*

*The bill would make that extension permissive instead of mandatory. The bill would also require those educational improvement projects to require a breadth and depth of demonstrated expertise or a level or response that cannot be obtained under normal staffing procedures. The bill would prohibit those temporary assignments or loans from being made or continued if there is a reasonable basis for utilizing the state civil service.*

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

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

1 SECTION 1. Section 19050.8 of the Government Code is  
2 amended to read:  
3 19050.8. The board may prescribe rules governing the  
4 temporary assignment or loan of employees within an agency or  
5 between agencies for not to exceed two years or between  
6 jurisdictions for not to exceed four years for any of the following  
7 purposes:  
8 (a) To provide training to employees.  
9 (b) To enable an agency to obtain expertise needed to meet a  
10 compelling program or management need. ~~Temporary assignments~~  
11 ~~shall not be made or continued under this section if there is a~~  
12 ~~reasonable basis for utilizing or pursuing other personnel~~  
13 ~~management options, such as transfer, list appointments,~~  
14 ~~classification plan changes, adverse action, layoff, probationary~~  
15 ~~rejection, or medical termination. Other staff shall not be laid off,~~  
16 ~~demoted, or similarly displaced as a result of temporary~~  
17 ~~assignments made under this section. For purposes of this section,~~  
18 ~~a compelling program or management need is defined as:~~  
19 (1) ~~Special projects or assignments that require a breadth and~~  
20 ~~depth of demonstrated expertise or a level or response that cannot~~  
21 ~~be obtained under normal staffing procedures.~~  
22 (2) ~~Staffing situations that require temporary reassignments to~~  
23 ~~prevent or alleviate a negative impact upon departmental operations~~  
24 ~~and efficiency.~~  
25 (c) To facilitate the return of injured employees to work.  
26 These temporary assignments or loans shall be deemed to be in  
27 accord with this part limiting employees to duties consistent with  
28 their class and may be used to meet minimum requirements for

1 promotional as well as open examinations. An employee  
2 participating in that arrangement shall have the absolute right to  
3 return to his or her former position. Any temporary assignment or  
4 loan of an employee made for the purpose specified in subdivision  
5 (b) shall be made only with the voluntary consent of the employee.

6 In addition, out-of-class experience obtained in a manner not  
7 described in this section may be used to meet minimum  
8 requirements for promotional as well as open examinations, only  
9 if it was obtained by the employee in good faith and was properly  
10 verified under standards prescribed by board rule.

11 For purposes of this section, a temporary assignment or loan  
12 between educational agencies or jurisdictions may be extended  
13 for up to two additional years upon a finding by the Superintendent  
14 of Public Instruction or the Chancellor of the California  
15 Community Colleges, and with the approval of the Executive  
16 Officer of the State Personnel Board, that the extension is necessary  
17 in order to substantially complete work on an educational  
18 improvement project. *These projects shall require a breadth and*  
19 *depth of demonstrated expertise or a level or response that cannot*  
20 *be obtained under normal staffing procedures. Temporary*  
21 *assignments or loans shall not be made or continued under this*  
22 *section if there is a reasonable basis for utilizing the state civil*  
23 *service. No temporary assignment or loan shall exceed four years*  
24 *of total time per individual in any combination of assignments or*  
25 *loans. All temporary assignments or loans shall comply with*  
26 *applicable board rules. However, the temporary assignment of*  
27 *any local educator who is performing the duties of a nonrepresented*  
28 *classification while on loan to a state education agency may be*  
29 *extended for as many successive two year intervals as necessary*  
30 *by the Superintendent of Public Instruction or the Chancellor of*  
31 *the California Community Colleges with the concurrence of the*  
32 *education agency or jurisdiction. Public and private colleges and*  
33 *universities shall be considered educational agencies or*  
34 *jurisdictions within the meaning of this section.*

35 A temporary assignment within an agency or between agencies  
36 may be extended by the board for up to two additional years in  
37 order for an employee to complete an apprenticeship program.

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