

ASSEMBLY BILL

No. 149

Introduced by Assembly Member Lara

January 18, 2011

An act to amend Sections 19131 and 19132 of the Government Code, relating to civil service.

LEGISLATIVE COUNSEL'S DIGEST

AB 149, as introduced, Lara. Civil service: personal services contracts.

Existing law, the State Civil Service Act, establishes standards for the use of personal services contracts. Any state agency proposing to execute a contract pursuant to these standards is required to notify the State Personnel Board of its intention. Any employee organization may request, within 10 days of notification, the State Personnel Board to review any contract proposed or executed pursuant to the law governing these contracts. The State Personnel Board, at the request of an employee organization that represents state employees, is also required to review the adequacy of any proposed or executed contract, as specified.

This bill would additionally authorize, if the State Personnel Board either prohibits a proposed contract from being executed or nullifies an executed contract based on the reviews described above, the department or agency submitting the contract to create and fill a civil service position for each employee position requested in the submitted contract.

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 19131 of the Government Code is
2 amended to read:

3 19131. Any state agency proposing to execute a contract
4 pursuant to subdivision (a) of Section 19130 shall notify the State
5 Personnel Board of its intention. All organizations that represent
6 state employees who perform the type of work to be contracted,
7 and any person or organization which has filed with the board a
8 request for notice, shall be contacted immediately by the State
9 Personnel Board upon receipt of this notice so that they may be
10 given a reasonable opportunity to comment on the proposed
11 contract. Departments or agencies submitting proposed contracts
12 shall retain and provide all data and other information relevant to
13 the contracts and necessary for a specific application of the
14 standards set forth in subdivision (a) of Section 19130. Any
15 employee organization may request, within 10 days of notification,
16 the State Personnel Board to review any contract proposed or
17 executed pursuant to subdivision (a) of Section 19130. The review
18 shall be conducted in accordance with subdivision (b) of Section
19 10337 of the Public Contract Code. Upon such a request, the State
20 Personnel Board shall review the contract for compliance with the
21 standards specified in subdivision (a) of Section 19130. *If the State*
22 *Personnel Board either prohibits a proposed contract from being*
23 *executed or nullifies an executed contract on the basis of the review*
24 *described in this section, the department or agency submitting the*
25 *contract is authorized to create and fill a civil service position for*
26 *each employee position requested in the submitted contract.*

27 SEC. 2. Section 19132 of the Government Code is amended
28 to read:

29 19132. The State Personnel Board, at the request of an
30 employee organization that represents state employees, shall review
31 the adequacy of any proposed or executed contract which is of a
32 type enumerated in subdivision (b) of Section 19130. The review
33 shall be conducted in accordance with subdivision (c) of Section
34 10337 of the Public Contract Code. However, a contract that was
35 reviewed at the request of an employee organization when it was
36 proposed need not be reviewed again after its execution. *If the*
37 *State Personnel Board either prohibits a proposed contract from*
38 *being executed or nullifies an executed contract on the basis of*

1 *the review described in this section, the department or agency*
2 *submitting the contract is authorized to create and fill a civil*
3 *service position for each employee position requested in the*
4 *submitted contract.*

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