

AMENDED IN ASSEMBLY MARCH 14, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 149**

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**Introduced by Assembly Member Lara**

January 18, 2011

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

LEGISLATIVE COUNSEL'S DIGEST

AB 149, as amended, 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~~ *the equivalent number of hours for each contractor* 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~~ *the equivalent number of hours for each contractor*  
27 position requested in the submitted contract.

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

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

1 being executed or nullifies an executed contract on the basis of  
2 the review described in this section, the department or agency  
3 submitting the contract is authorized to create and fill a civil service  
4 position for ~~each employee~~ *the equivalent number of hours for*  
5 *each contractor* position requested in the submitted contract.

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