

AMENDED IN ASSEMBLY MARCH 17, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1395**

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**Introduced by ~~Committee on Labor and Employment (Swanson (Chair), Alejo, Allen, Furutani, and Yamada)~~ Assembly Member Swanson**

February 28, 2011

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An act to amend ~~Section 12940~~ of *Sections 18933 and 19997.11* of, and to add *Section 19053* to, the Government Code, relating to *public employment*.

LEGISLATIVE COUNSEL'S DIGEST

AB 1395, as amended, ~~Committee on Labor and Employment Swanson. Discrimination in employment. Public employment.~~

*The State Civil Service Act requires that eligible lists for state civil service positions be established as a result of free competitive examinations open to persons who lawfully may be appointed and who meet the minimum qualifications. The act requires the State Personnel Board or a designated appointing power to advertise examinations for the establishment of eligible lists within a reasonable time before the scheduled date of the exam.*

*This bill would require that the announcement of an examination be publicly displayed on the Internet Web site maintained by the board. The bill would also require that, whenever a vacancy in any position is to be filled, the appointing agency advertise or announce the vacancy on the Internet Web site maintained by the board for a reasonable period of time.*

*Existing law requires that names of employees to be laid off or demoted be placed upon the reemployment list for the subdivision, if a subdivision was designated, upon the departmental reemployment list and upon the general reemployment list, for the class from which the employees were laid off or demoted. Existing law also authorizes the Department of Personnel Administration to place these names upon the general reemployment list for any other appropriate classes as the department determines.*

*This bill would additionally require the names of laid off employees to be placed on general reemployment lists in comparable statewide classifications whenever layoffs affect employees in a classification specific to one department or in a classification with a parenthetical class code used in limited departments.*

~~Existing law, the California Fair Employment and Housing Act, protects and safeguards the right and opportunity of all persons to seek, obtain, and hold employment without discrimination or abridgment on account of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, or sexual orientation.~~

~~This bill would make nonsubstantive changes to these provisions.~~

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 18933 of the Government Code is
- 2     amended to read:
- 3     18933. Within a reasonable time before the scheduled date,
- 4     the board or a designated appointing power shall announce or
- 5     advertise examinations for the establishment of eligible lists. ~~Such~~
- 6     *These announcements shall be publicly displayed on the Internet*
- 7     *Web site maintained by the board. The announcement shall contain*
- 8     ~~such~~ information ~~as that~~ the board deems proper and information
- 9     concerning the following:
- 10    (a) The date and place of the examination.
- 11    (b) The nature of the minimum qualifications.
- 12    (c) The general scope of the examination.
- 13    (d) The relative weight of its several parts if more than one type
- 14    of ~~test examination~~ is to be ~~utilized~~ used.

1 SEC. 2. Section 19053 is added to the Government Code, to  
2 read:

3 19053. Whenever a vacancy in any position is to be filled, the  
4 appointing agency shall advertise or announce the vacancy on the  
5 Internet Web site maintained by the board for a reasonable period.

6 SEC. 3. Section 19997.11 of the Government Code is amended  
7 to read:

8 19997.11. (a) The names of employees to be laid off or  
9 demoted shall be placed upon the reemployment list for the  
10 subdivision, if such a subdivision was designated, upon the  
11 departmental reemployment list and upon the general  
12 reemployment list, for the class from which the employees were  
13 laid off or demoted. The department may also place these names  
14 upon the general reemployment list for any other appropriate  
15 classes as the department determines. *Whenever layoffs affect*  
16 *employees in a classification specific to one department or in a*  
17 *classification with a parenthetical class code used in limited*  
18 *departments, the names of those employees shall be placed on*  
19 *general reemployment lists in comparable statewide classifications.*

20 (b) If the provisions of this section are in conflict with the  
21 provisions of a memorandum of understanding reached pursuant  
22 to Section 3517.5, the memorandum of understanding shall be  
23 controlling without further legislative action, except that if the  
24 provisions of a memorandum of understanding require the  
25 expenditure of funds, the provisions shall not become effective  
26 unless approved by the Legislature in the annual Budget Act.

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**All matter omitted in this version of the bill  
appears in the bill as introduced in the  
Assembly, February 28, 2011. (JR11)**