

AMENDED IN SENATE JUNE 16, 2011

AMENDED IN ASSEMBLY APRIL 14, 2011

AMENDED IN ASSEMBLY MARCH 17, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1395

Introduced by Assembly Member Swanson

February 28, 2011

An act to amend 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, Swanson. 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. The bill would require ~~employee names to remain on reemployment lists for a reasonable period of time~~ *the removal of any name, after a period of 5 consecutive years, from the reemployment lists for the class unless the period is extended by action of the department.*

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 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. These
- 6 announcements shall be publicly displayed on the Internet Web
- 7 site maintained by the board. The announcement shall contain
- 8 information 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 examination is to be used.
- 15 SEC. 2. Section 19053 is added to the Government Code, to
- 16 read:
- 17 19053. Whenever a vacancy in any position is to be filled, the
- 18 appointing agency shall advertise or announce the vacancy on the
- 19 Internet Web site maintained by the board for a reasonable period.
- 20 SEC. 3. Section 19997.11 of the Government Code is amended
- 21 to read:

1 19997.11. (a) The names of employees to be laid off or
2 demoted shall be placed upon the reemployment list for the
3 subdivision, if a subdivision was designated, upon the departmental
4 reemployment list, and upon the general reemployment list, for
5 the class from which the employees were laid off or demoted. The
6 department may also place these names upon the general
7 reemployment list for any other appropriate classes as the
8 department determines. Whenever layoffs affect employees in a
9 classification specific to one department or in a classification with
10 a parenthetical class code used in limited departments, the names
11 of those employees shall be placed on general reemployment lists
12 in comparable statewide classifications. ~~Employee names shall~~
13 ~~remain on reemployment lists for a reasonable period of time. Any~~
14 *name, after a period of five consecutive years, shall be removed*
15 *from the reemployment lists for the class unless the period is*
16 *extended by action of the department.*

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