

Introduced by Senator De León

February 14, 2011

An act to amend Section 19175 of the Government Code, relating to civil service.

LEGISLATIVE COUNSEL'S DIGEST

SB 318, as introduced, De León. Civil service: rejected probationer: investigation.

Existing law requires the service of a probationary period under specified circumstances, including when an employee enters the civil service. Under existing law, the probationer may be rejected by the appointing power during the probationary period for reasons relating to the probationer's qualifications, the good of the service, or failure to demonstrate merit, efficiency, fitness, and moral responsibility. Existing law authorizes the State Personnel Board, at the request of a rejected probationer, to investigate the reasons for the rejection and either affirm or modify the action of the appointing power. Under existing law, these provisions do not apply to employees in State Bargaining Unit 5, the California Association of Highway Patrolmen.

This bill would delete that exception relating to members of State Bargaining Unit 5.

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

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

1 SECTION 1. Section 19175 of the Government Code is
2 amended to read:

1 19175. The board at the written request of a rejected
2 probationer, filed within 15 calendar days of the effective date of
3 rejection, may investigate with or without a hearing the reasons
4 for rejection. After investigation, the board may do any of the
5 following:

6 (a) Affirm the action of the appointing power.

7 (b) Modify the action of the appointing power.

8 (c) Restore the name of the rejected probationer to the
9 employment list for certification to any position within the class;
10 provided, that his or her name shall not be certified to the agency
11 by which he or she was rejected, except with the concurrence of
12 the appointing power of that agency.

13 (d) Restore him or her to the position from which he or she was
14 rejected, but this shall be done only if the board determines, after
15 a hearing, that there is no substantial evidence to support the reason
16 or reasons for rejection, or that the rejection was made in fraud or
17 bad faith. At the hearing, the rejected probationer shall have the
18 burden of proof. Subject to rebuttal by the rejected probationer, it
19 shall be presumed that the rejection was free from fraud and bad
20 faith and that the statement of reasons therefor in the notice of
21 rejection is true.

22 ~~(e) Effective January 1, 1996, this section shall not apply to~~
23 ~~state employees in State Bargaining Unit 5.~~