

AMENDED IN SENATE APRIL 16, 2012

SENATE BILL

No. 1368

Introduced by Senator Anderson

February 24, 2012

An act to add Section 18005 to the Government Code, relating to state employees.

LEGISLATIVE COUNSEL'S DIGEST

SB 1368, as amended, Anderson. State officers and employees: salaries.

Existing law generally requires the Department of Personnel Administration to establish and adjust salary ranges for each class of position in the state civil service, as specified.

This bill would prohibit the annual rate of salary of a state officer or employee, on or after January 1, 2013, from exceeding the annual salary authorized to be received by the Governor, subject to certain exceptions.

The bill would also set forth the Legislature's recommendation that the Regents of the University of California also limit the annual salary rates for employees of the University of California in the same manner. *The bill would include related statements of legislative intent.*

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. (a) It is the intent of the Legislature to limit the
- 2 annual rate of salary for state officers and employees to no more
- 3 than the amount received by the Governor.

1 (b) *It is also the intent of the Legislature that this act apply to*
2 *the following:*

3 (1) *All state employees who are not constitutional officers or*
4 *who are not currently subject to an existing memorandum of*
5 *understanding or employment contract with the State of California*
6 *entered into prior to January 1, 2013.*

7 (2) *All state agencies and positions not exempted by the*
8 *California Constitution, including the Department of Corrections*
9 *and Rehabilitation, once the federal receivership returns control*
10 *to the state, and the California State University system.*

11 ~~(b)~~

12 (c) *The Legislature recommends that the Regents of the*
13 *University of California also limit the annual rate of salary for*
14 *officers and employees of the University of California to no more*
15 *than the amount received by the Governor in accordance with this*
16 *act.*

17 SEC. 2. Section 18005 is added to the Government Code, to
18 read:

19 18005. (a) *Notwithstanding any other provision of law, on or*
20 *after January 1, 2013, the annual rate of salary of a state officer or*
21 *employee shall not exceed the annual salary authorized to be*
22 *received by the Governor.*

23 (b) *For purposes of this section, “annual rate of salary” shall*
24 *include overtime pay.*

25 (c) *For purposes of this section, “state officer” shall not include*
26 *any elected constitutional officer whose compensation is set*
27 *pursuant to Section 8 of Article III of the California Constitution.*

28 (d) ~~Nothing in this~~ *This section shall not affect annual rates of*
29 *salary set pursuant to a memorandum of understanding or an*
30 *employment contract in place prior to January 1, 2013.*
31 *Notwithstanding Section 3517.8, upon the expiration of that*
32 *memorandum of understanding or contract, this section shall*
33 *prohibit any annual rates of salary that exceed the amount specified*
34 *in subdivision (a).*

35 (e) *This section shall not affect the annual rate of salary of an*
36 *exempt public safety employee that exceeds the annual salary*
37 *received by the Governor, if that salary is approved by the*
38 *department head or the chief administrative officer of the*
39 *employee’s respective state agency. For purposes of this*
40 *subdivision, “public safety employee” means a correctional officer,*

1 *an officer of the California Highway Patrol, or other public safety*
2 *officer whose job duties are essential to the immediate preservation*
3 *of public safety.*
4 *(f) This section shall not apply if the Governor declares a state*
5 *of emergency and determines that it is necessary to exceed the*
6 *annual salary limitation imposed by this section.*

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