

ASSEMBLY BILL

No. 208

Introduced by Assembly Member Gorell

January 30, 2013

An act to add Section 19843.5 to the Government Code, relating to state employees.

LEGISLATIVE COUNSEL'S DIGEST

AB 208, as introduced, Gorell. State employees: additional compensation.

Existing law provides that for each class or position for which a monthly or annual salary range is established by the Department of Personnel Administration, after considering the needs of the state service and prevailing overtime compensation practices, the department may establish methods of recognizing or providing compensation for overtime and may also provide for the payment of overtime for work performed after the normal scheduled workday or normal scheduled workweek, except that conflicting provisions of a memorandum of understanding are controlling, as specified. Existing law also requires the department to provide the extent to which, and to establish the method by which, ordered overtime or overtime in times of critical emergency is compensated based on the practices of private industry and other public employment, the needs of state service, and internal relationships, except that conflicting provisions of a memorandum of understanding are controlling, as specified.

This bill would provide that a salaried employee earning a fixed wage may not earn additional compensation by being employed at a second, hourly-wage job within the same agency, except that conflicting

provisions of a memorandum of understanding are controlling, as specified.

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 19843.5 is added to the Government
2 Code, to read:
3 19843.5. (a) A salaried employee earning a fixed wage may
4 not earn additional compensation by being employed at a second,
5 hourly-wage job within the same agency.
6 (b) If the provisions of this section are in conflict with the
7 provisions of a memorandum of understanding reached pursuant
8 to Section 3517.5, the memorandum of understanding shall be
9 controlling without further legislative action, except that if such
10 provisions of a memorandum of understanding require the
11 expenditure of funds, the provisions shall not become effective
12 unless approved by the Legislature in the annual Budget Act.