

AMENDED IN ASSEMBLY APRIL 8, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 872

Introduced by Assembly Member Dickinson

February 22, 2013

An act to amend Section 19635 of, and to add Chapter 10.4 (commencing with Section 3524.1) to Division 4 of Title 1 of, the Government Code, relating to public employees.

LEGISLATIVE COUNSEL'S DIGEST

AB 872, as amended, Dickinson. Public employees: rights.

Existing law, the Dills Act, includes various provisions governing state employer-employee relations. In addition, the existing Bill of Rights for State Excluded Employees prescribes various rights and terms and conditions of employment for excluded employees, defined as certain supervisory, managerial, and confidential state employees.

This bill would enact the Safety Accountability Fairness and Efficiency Act for Public Employees (the S.A.F.E. Act for Public Employees) that would apply to state employees. This bill would, among other things, require each employer to ~~maintain or create a joint labor-management committee, and to~~ honor the memorandum of understanding under which each employee is covered. The bill would ~~also~~ prohibit the standardization of work required within a specified period of time, ~~and would prohibit employees from holding additional paid positions within state service.~~ This bill would also require the formation of peer review committees for professional staff to provide input regarding workplace operations, as specified.

Existing law requires notice of any adverse action against any state employee for any cause for discipline based on any civil service law to

be served within 3 years after the cause for discipline, upon which the notice is based, first arose. Existing law provides that an adverse action based on fraud, embezzlement, or the falsification of records is valid if notice of the adverse action is served within 3 years after the discovery of the fraud, embezzlement, or falsification.

This bill would *instead* require, *except as specified*, notice of ~~the~~ *an* adverse action *against a state employee for a cause of discipline based on any civil service law of the state* to be served and the investigation to be completed within one year after the cause for discipline *was first* ~~arose discovered~~ in order for ~~an~~ *the* adverse action to be valid against ~~any the~~ state employee for ~~any cause for discipline based on any civil service law of this state~~.

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. Chapter 10.4 (commencing with Section 3524.1)
2 is added to Division 4 of Title 1 of the Government Code, to read:
3
4 CHAPTER 10.4. THE SAFETY ACCOUNTABILITY FAIRNESS AND
5 EFFICIENCY ACT FOR PUBLIC EMPLOYEES
6
7 3524.1. This chapter shall be known as the Safety
8 Accountability Fairness and Efficiency Act for Public Employees
9 or as the S.A.F.E. Act for Public Employees.
10 3524.2. The Legislature hereby finds and declares that the
11 responsibilities and rights of public employees under this chapter
12 constitute a matter of great concern. The Legislature further finds
13 and declares that the accountability and efficiency of public
14 programs depends upon, among other things, a safe and fair
15 working relationship between public employees and their employer.
16 3524.3. For purposes of this chapter:
17 (a) "Contractor" means any person, other than a civil service
18 employee, who contracts to perform services for a state agency.
19 (b) "Employee" means a civil service employee, other than an
20 excluded employee, of the State of California.
21 (c) "Employer" includes all state agencies, boards, and
22 commissions as may be designated by law that employ civil service
23 employees, with the exception of the University of California.

1 (d) “Professional employee” means an employee described in
2 Section 3521.5.

3 3524.4. Each employee shall have the right to a safe and healthy
4 working environment. Grievances relating to this right shall be
5 given a priority status.

6 ~~3524.5. Each employer shall maintain or create a joint-labor
7 management committee.~~

8 ~~3524.6. No full time employee shall hold any additional paid
9 position within state service.~~

10 ~~3524.7.~~

11 3524.5. (a) The employer shall honor any memorandum of
12 understanding (MOU) under which each employee is covered.

13 (b) The work of the employee shall not be standardized in
14 relation to a given period of time, and unreasonable quotas shall
15 not be imposed on an employee.

16 ~~3524.8.~~

17 3524.6. No contractor shall enjoy priority in filling permanent,
18 overtime, or on call positions over public employees if the duties
19 of that position can be performed more economically by the *state*
20 employee.

21 ~~3524.9.~~

22 3524.7. (a) This section applies to an employee who is required
23 to maintain a professional license to perform his or her work.

24 (b) A professional employee shall not be required to perform
25 work that could put his or her professional license in jeopardy.

26 ~~3524.10.~~

27 3524.8. If there are no professional management staff employed
28 by the employer, a peer review committee shall be formed and
29 authorized to have regular input regarding the operation of the
30 workplace.

31 SEC. 2. Section 19635 of the Government Code is amended
32 to read:

33 19635. ~~No~~ *(a) Except as provided in subdivision (b), no*
34 *adverse action shall be valid against any state employee for any*
35 *cause for discipline based on any civil service law of this state,*
36 *unless notice of the adverse action is served and the investigation*
37 *is completed within one year after the cause for discipline is*
38 *discovered.*

39 *(b) Adverse action based on fraud, embezzlement, or the*
40 *falsification of records shall be valid, if notice of the adverse action*

- 1 *is served within three years after the discovery of the fraud,*
- 2 *embezzlement, or falsification.*

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