

AMENDED IN SENATE SEPTEMBER 11, 2013

AMENDED IN SENATE SEPTEMBER 6, 2013

AMENDED IN SENATE SEPTEMBER 3, 2013

AMENDED IN SENATE AUGUST 22, 2013

AMENDED IN SENATE JULY 3, 2013

AMENDED IN ASSEMBLY MAY 24, 2013

AMENDED IN ASSEMBLY APRIL 25, 2013

AMENDED IN ASSEMBLY APRIL 18, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 906

Introduced by Assembly Member Pan

February 22, 2013

An act to amend ~~Sections 19131 and~~ *Section* 19132 of the Government Code, relating to personal services contracts.

LEGISLATIVE COUNSEL'S DIGEST

AB 906, as amended, Pan. Personal services contracts.

The State Civil Service Act authorizes state agencies to use personal services contracts if prescribed conditions are met. The act, with regard to ~~certain~~ personal services ~~contracts~~, *contracts permissible to achieve cost savings when certain conditions are met*, requires the agency to notify the State Personnel Board of its intention to enter into such a contract and requires the board to contact all organizations that represent state employees who perform the type of work to be contracted. *The act also makes personal services contracts permissible under other*

specified conditions, without regard to cost savings. The act also requires the board, at the request of an employee organization that represents state employees, to review the adequacy of a proposed or executed personal services contract, as specified.

This bill would amend the act to ~~remove the State Personnel Board notification provisions, and instead, except as specified, would prohibit the execution of those proposed personal services contracts permissible under specified conditions, without regard to cost savings,~~ until the state agency proposing to execute the contract has ~~certified that notified~~ all organizations that represent state employees who perform the type of work to be ~~contracted have been notified:~~ *contracted*. The bill would require the Department of General Services to establish ~~the certification process:~~ *a process to certify that notification.*

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 19131 of the Government Code is~~
- 2 ~~amended to read:~~
- 3 ~~19131. (a) Any state agency proposing to execute a contract~~
- 4 ~~pursuant to subdivision (a) of Section 19130 shall not execute the~~
- 5 ~~contract until it has certified that all organizations that represent~~
- 6 ~~state employees who perform the type of work to be contracted~~
- 7 ~~have been notified. Departments or agencies submitting proposed~~
- 8 ~~contracts shall retain and provide all data and other information~~
- 9 ~~relevant to the contracts and necessary for a specific application~~
- 10 ~~of the standards set forth in subdivision (a) of Section 19130. Any~~
- 11 ~~employee organization may request, within 10 days of notification,~~
- 12 ~~the State Personnel Board to review any contract proposed or~~
- 13 ~~executed pursuant to subdivision (a) of Section 19130. The review~~
- 14 ~~shall be conducted in accordance with subdivision (b) of Section~~
- 15 ~~10337 of the Public Contract Code. Upon such a request, the State~~
- 16 ~~Personnel Board shall review the contract for compliance with the~~
- 17 ~~standards specified in subdivision (a) of Section 19130.~~
- 18 ~~(b) (1) At a minimum, the notice required by subdivision (a)~~
- 19 ~~shall include a full copy of the proposed contract. The notifying~~
- 20 ~~agency may redact specific confidential or proprietary information~~
- 21 ~~from the notice.~~

1 ~~(2) The Department of General Services shall establish the~~
2 ~~certification process.~~

3 ~~(3) The notification and certification requirements of this section~~
4 ~~do not change the requirements for contracts under Section 11045~~
5 ~~or require an additional notification.~~

6 ~~SEC. 2.~~

7 *SECTION 1.* Section 19132 of the Government Code is
8 amended to read:

9 19132. (a) The State Personnel Board, at the request of an
10 employee organization that represents state employees, shall review
11 the adequacy of any proposed or executed contract that is of a type
12 enumerated in subdivision (b) of Section 19130. The review shall
13 be conducted in accordance with subdivision (c) of Section 10337
14 of the Public Contract Code. However, a contract that was reviewed
15 at the request of an employee organization when it was proposed
16 need not be reviewed again after its execution.

17 (b) (1) Unless a personal services contract pursuant to
18 subdivision (b) of Section 19130 is necessary due to a sudden and
19 unexpected occurrence that poses a clear and imminent danger,
20 requiring immediate action to prevent or mitigate the loss or
21 impairment of life, health, property, or essential public services,
22 the contract shall not be executed until the state agency proposing
23 to execute the contract has ~~certified that~~ *notified* all organizations
24 that represent state employees who perform the type of work to
25 ~~be contracted have been notified.~~ *contracted.*

26 (2) At a minimum, the notice shall include a full copy of the
27 proposed contract. The notifying agency may redact specific
28 confidential or proprietary information from the notice.

29 (3) The Department of General Services shall establish ~~the~~
30 ~~certification process.~~ *a process to certify the notification in*
31 *paragraph (1).*

32 (4) The notification and certification *of notice* requirements of
33 this subdivision do not change the requirements for contracts under
34 Section 11045 or require an additional notification.