

AMENDED IN ASSEMBLY APRIL 21, 2014

AMENDED IN ASSEMBLY MARCH 20, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2387

Introduced by Assembly Member Pan

February 21, 2014

An act to amend ~~Sections 19131 and~~ *Section* 19132 of the Government Code, and to amend Section 13503 of the Penal Code, relating to peace officers.

LEGISLATIVE COUNSEL'S DIGEST

AB 2387, as amended, Pan. Commission on Peace Officer Standards and Training: contracting: authority.

(1) Existing law establishes the Commission on Peace Officer Standards and Training within the Department of Justice and sets forth its powers and duties, which include, among other things, the power to contract with other agencies or persons for services, facilities, studies, and reports as will best assist the commission in carrying out its duties and responsibilities.

This bill would ~~provide that~~, *require the commission*, in exercising that contracting authority, ~~the commission may~~ *to* determine if services to be contracted for cannot be satisfactorily provided by the state civil service system because the services are highly specialized, the services cannot be performed by a civil service employee, or the services required are urgent or essential and delaying the performance of these services would frustrate the need for the services or resulting studies or reports.

(2) Existing law, the State Civil Service Act, permits the use of personal services contracts in order to achieve cost-savings. Existing

law requires, however, that a state agency proposing to execute a personal services contract to achieve cost savings is required to notify the State Personnel Board of its intention and requires the State Personnel Board to immediately contact specified organizations, including employee organizations that represent state employees who perform the type of work to be contracted, upon receiving the notice. Existing law authorizes an employee organization to request, within 10 days of notification, the State Personnel Board to review any contract proposed or executed pursuant to the law governing these contracts.

Existing law also permits the use of personal services contracts *savings and* in certain other circumstances, including when the services contracted are not available within civil service. Existing law requires a state agency proposing to execute a personal services contract pursuant to these provisions in those certain other circumstances to notify all organizations that represent state employees who perform the type of work to be contracted, except in certain circumstances: *as specified*.

This bill would exempt personal services contracts entered into by the commission pursuant to its contracting authority, as described above, from these notification requirements: *authority from that notification requirement*.

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 notify the State
 5 Personnel Board of its intention. All organizations that represent
 6 state employees who perform the type of work to be contracted,
 7 and any person or organization that has filed with the board a
 8 request for notice, shall be contacted immediately by the State
 9 Personnel Board upon receipt of this notice so that they may be
 10 given a reasonable opportunity to comment on the proposed
 11 contract. Departments or agencies submitting proposed contracts
 12 shall retain and provide all data and other information relevant to
 13 the contracts and necessary for a specific application of the
 14 standards set forth in subdivision (a) of Section 19130. Any
 15 employee organization may request, within 10 days of notification,

~~1 the State Personnel Board to review any contract proposed or
2 executed pursuant to subdivision (a) of Section 19130. The review
3 shall be conducted in accordance with subdivision (b) of Section
4 10337 of the Public Contract Code. Upon such a request, the State
5 Personnel Board shall review the contract for compliance with the
6 standards specified in subdivision (a) of Section 19130.~~

~~7 (b) This section does not apply to contracts executed by the
8 Commission on Peace Officer Standards and Training pursuant to
9 subdivision (c) of Section 13503 of the Penal Code and this article.~~

~~10 SEC. 2.~~

~~11 SECTION 1. Section 19132 of the Government Code is
12 amended to read:~~

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

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

~~29 (2) At a minimum, the notice shall include a full copy of the
30 proposed contract. The notifying agency may redact specific
31 confidential or proprietary information from the notice.~~

~~32 (3) The Department of General Services shall establish a process
33 to certify the notification in paragraph (1).~~

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

~~37 (5) This subdivision does not apply to contracts executed by
38 the Commission on Peace Officer Standards and Training pursuant
39 to subdivision (c) of Section 13503 of the Penal Code and this
40 article.~~

1 ~~SEC. 3.~~

2 SEC. 2. Section 13503 of the Penal Code is amended to read:
3 13503. In carrying out its duties and responsibilities, the
4 commission shall have all of the following powers:

5 (a) To meet at those times and places as it may deem proper.

6 (b) To employ an executive secretary and, pursuant to civil
7 service, those clerical and technical assistants as may be necessary.

8 (c) To contract with other agencies, public or private, or persons
9 as it deems necessary, for the rendition and affording of those
10 services, facilities, studies, and reports to the commission as will
11 best assist it to carry out its duties and responsibilities. In
12 contracting pursuant to this subdivision, the commission ~~may~~ shall
13 determine if services to be contracted for cannot be satisfactorily
14 provided by the state civil service system because the services are
15 highly specialized, the services cannot be performed by a civil
16 service employee, or the services required are urgent or essential
17 and delaying the performance of these services would frustrate the
18 need for the services or resulting studies or reports, as described
19 in Section 19130 of the Government Code.

20 (d) To cooperate with and to secure the cooperation of county,
21 city, city and county, and other local law enforcement agencies in
22 investigating any matter within the scope of its duties and
23 responsibilities, and in performing its other functions.

24 (e) To develop and implement programs to increase the
25 effectiveness of law enforcement and when those programs involve
26 training and education courses to cooperate with and secure the
27 cooperation of state-level officers, agencies, and bodies having
28 jurisdiction over systems of public higher education in continuing
29 the development of college-level training and education programs.

30 (f) To cooperate with and secure the cooperation of every
31 department, agency, or instrumentality in the state government.

32 (g) To do any and all things necessary or convenient to enable
33 it fully and adequately to perform its duties and to exercise the
34 power granted to it.

35 (h) The commission shall not have the authority to adopt or
36 carry out a regulation that authorizes the withdrawal or revocation
37 of a certificate previously issued to a peace officer pursuant to this
38 chapter.

- 1 (i) Except as specifically provided by law, the commission shall
- 2 not have the authority to cancel a certificate previously issued to
- 3 a peace officer pursuant to this chapter.

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