

Introduced by Senator Correa

February 21, 2013

An act to amend Section 19802.5 of the Government Code, relating to public employment.

LEGISLATIVE COUNSEL'S DIGEST

SB 523, as introduced, Correa. Public employment: merit system: waiver.

The California Constitution establishes the State Personnel Board and requires the board to, among other things, enforce the civil service statutes, prescribe probationary periods and classifications, adopt rules authorized by statute, and review disciplinary actions. Existing law requires the board to establish and maintain, by regulation, standards on a merit basis for local agencies, as specified, necessary for proper and efficient administration, and to assure state conformity with applicable federal requirements. Existing law authorizes the board to waive administration of all or part of a local agency merit system under specified conditions.

This bill would make nonsubstantive changes to the latter provisions.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 19802.5 of the Government Code is
2 amended to read:
3 19802.5. Notwithstanding ~~the provisions of~~ Sections 19801
4 and 19803, and after the State Personnel Board approves the
5 memorandum of understanding standards, the State Personnel

1 Board may waive administration of all or part of a local agency
2 merit system ~~where~~ *if* administration of merit system standards,
3 including, but not limited to, certification, appointment and other
4 transactions, layoff and reinstatement, position classifications,
5 compensation standards, and disciplinary action are established
6 pursuant to a legally binding memorandum of understanding
7 negotiated between the local agency governing board and an
8 employee organization recognized pursuant to applicable law
9 representing employees engaged in federally supported programs
10 under Section 19800. Upon request of the local agency governing
11 board and the recognized employee organization, such waivers
12 shall be granted on any or all standards following determination
13 by the State Personnel Board that the provisions of the
14 memorandum of understanding maintain merit system standards
15 to the extent necessary to qualify for federal funds. All merit system
16 standards waivers shall be subject to periodic audit, approval, or
17 revocation by the State Personnel Board. Upon revocation of a
18 waiver, the State Personnel Board may require any additional
19 information as a condition of waiver reinstatement.

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