

AMENDED IN SENATE APRIL 1, 2013

SENATE BILL

No. 523

Introduced by Senator Correa

February 21, 2013

An act to amend Section 19802.5 of, *and to add Section 19802.6 to*, the Government Code, relating to public employment.

LEGISLATIVE COUNSEL'S DIGEST

SB 523, as amended, 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.~~

This bill would prohibit, in Orange County, any administrative waiver of merit system standards, as described above, if an audit finds the county to be out of compliance with a merit-based personnel system.

This bill would make legislative findings and declarations as to the necessity of a special statute for the County of Orange.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
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~~ *Except as provided in Section*
4 *19802.6, and notwithstanding* Sections 19801 and 19803, and after
5 the State Personnel Board approves the memorandum of
6 understanding standards, the State Personnel Board may waive
7 administration of all or part of a local agency merit system if
8 administration of merit system standards, including, but not limited
9 to, certification, appointment and other transactions, layoff and
10 reinstatement, position classifications, compensation standards,
11 and disciplinary action are established pursuant to a legally binding
12 memorandum of understanding negotiated between the local
13 agency governing board and an employee organization recognized
14 pursuant to applicable law representing employees engaged in
15 federally supported programs under Section 19800. Upon request
16 of the local agency governing board and the recognized employee
17 organization, such waivers shall be granted on any or all standards
18 following determination by the State Personnel Board that the
19 provisions of the memorandum of understanding maintain merit
20 system standards to the extent necessary to qualify for federal
21 funds. All merit system standards waivers shall be subject to
22 periodic audit, approval, or revocation by the State Personnel
23 Board. Upon revocation of a waiver, the State Personnel Board
24 may require any additional information as a condition of waiver
25 reinstatement.

26 SEC. 2. Section 19802.6 is added to the Government Code, to
27 read:

28 19802.6. *Notwithstanding Section 19802.5, if the County of*
29 *Orange is found to be out of compliance with a merit-based*
30 *personnel system pursuant to an audit by the county or the*
31 *Department of Human Resources, the county shall not be entitled*
32 *to any waiver of administration of merit system standards*
33 *authorized by Section 19802.5. The standards that shall not be*
34 *waived include, but are not be limited to, those related to*
35 *certification, appointment and other transactions, layoff and*
36 *reinstatement, position classifications, compensation standards,*
37 *and disciplinary action as established pursuant to a binding*

1 *memorandum of understanding applicable to employees engaged*
2 *in programs described in Section 19800.*

3 *SEC. 3. The Legislature finds and declares that a special law*
4 *is necessary and that a general law cannot be made applicable*
5 *within the meaning of Section 16 of Article IV of the California*
6 *Constitution because of the need to implement recruitment, hiring,*
7 *and promotion standards in the County of Orange, consistent with*
8 *the findings of the 2008 report by the Orange County Grand Jury*
9 *on the county human resources department and the 2011 audit of*
10 *the Human Resources Department of Orange County by the Office*
11 *of the Performance Audit Director for Orange County.*

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