

Senate Bill No. 879

Passed the Senate August 29, 2014

Secretary of the Senate

Passed the Assembly August 29, 2014

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2014, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Sections 12440.6 and 12440.7 to the Government Code, relating to state employees, making an appropriation therefor, to take effect immediately, bill related to the budget.

LEGISLATIVE COUNSEL'S DIGEST

SB 879, Committee on Budget and Fiscal Review. State employees: memoranda of understanding.

Existing law provides that a provision of a memorandum of understanding reached between the state employer and a recognized employee organization representing state civil service employees that requires the expenditure of funds does not become effective unless approved by the Legislature in the annual Budget Act.

This bill would approve provisions of memoranda of understanding entered into between the state employer and State Bargaining Unit 2, the California Attorneys, Administrative Law Judges, and Hearing Officers in State Employment, on August 14, 2014, State Bargaining Unit 10, the California Association of Professional Scientists, on August 12, 2014, and State Bargaining Unit 13, the International Union of Operating Engineers, Stationary Engineers, on August 21, 2014, that require the expenditure of funds, and would provide that these provisions will become effective even if these provisions are approved by the Legislature in legislation other than the annual Budget Act.

The bill would prohibit provisions of the memorandum of understanding approved by this bill that authorize the expenditure of funds from taking effect unless funds for those provisions are specifically appropriated by the Legislature, and would authorize the state employer and the affected employee organization to reopen negotiations on all or part of the memorandum of understanding if those provisions are not approved or fully funded by the Legislature.

The bill would appropriate funds for expenditure in the 2014–15 fiscal year in augmentation of, and for the purpose of, state employee compensation, as provided in the Budget Act of 2014, in accordance with a specified schedule, from the General Fund, unallocated special funds, and other unallocated nongovernmental

cost funds. The bill would also appropriate to the Controller from the General Fund, unallocated special funds, including, but not limited to, federal funds and unallocated nongovernmental cost funds, and any other fund from which state employees are compensated, in the amount necessary for the payment of compensation and employee benefits to state employees for work performed between July 1 and the enactment of the Budget Act in the 2015–16 and 2016–17 fiscal years if the Budget Act is not enacted on or before July 1 in those fiscal years.

Existing law requires the Department of Human Resources to provide to the Joint Legislative Budget Committee any side letter, appendix, or other addendum to a properly ratified memorandum of understanding that requires the expenditure of \$250,000 or more related to salary and benefits and that is not already contained in the original memorandum of understanding or the Budget Act. Existing law requires the Joint Legislative Budget Committee, within 30 days after receiving the side letter, appendix, or other addendum, to determine if the addendum presents substantial additions that are not reasonably within the parameters of the original memorandum of understanding and thereby requires legislative action to ratify the addendum.

This bill would approve the addenda to memoranda of understanding entered into by the state employer and State Bargaining Unit 8, the California Department of Forestry Firefighters on August 26, 2014. The bill would also appropriate \$10,236,000 from the General Fund and other unallocated special and nongovernmental cost funds for those purposes. The bill would prohibit provisions of the addenda to the memorandum of understanding approved by this bill that authorize the expenditure of funds from taking effect unless funds for those provisions already exist within other available appropriations or are specifically appropriated by the Legislature, and would require the state employer and the affected employee organization to meet and confer to renegotiate the affected provisions if funds for these purposes are not specifically appropriated by the Legislature.

This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

Appropriation: yes.

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

SECTION 1. The Legislature finds and declares that the purpose of this act is to approve three agreements pursuant to Section 3517.5 of the Government Code entered into by the state employer and State Bargaining Units 2, 10, and 13, and to approve addenda to a memorandum of understanding entered into by the state employer and State Bargaining Unit 8.

SEC. 2. Notwithstanding the Budget Act of 2014 (Chapter 25 of the Statutes of 2014), Provision 7 of Item 9800-001-0001 and Provision 8 of Items 9800-001-0494 and 9800-001-0988, the provisions of the memoranda of understanding prepared pursuant to Section 3517.5 of the Government Code and entered into by the state employer and State Bargaining Unit 2 dated August 14, 2014, State Bargaining Unit 10 dated August 12, 2014, and State Bargaining Unit 13 dated August 21, 2014, and that require the expenditure of funds are hereby approved for the purposes of subdivision (b) of Section 3517.6 of the Government Code.

SEC. 3. The provisions of the memoranda of understanding approved in Section 2 of this act that are scheduled to take effect on or after July 1, 2014, and that require the expenditure of funds, shall not take effect unless funds for those provisions are specifically appropriated by the Legislature. If the Legislature does not approve or fully fund any provision of a memorandum of understanding approved in Section 2 of this act that requires the expenditure of funds, either party to the memorandum may reopen negotiations on all or part of the memorandum of understanding.

SEC. 4. Notwithstanding Section 3517.6 of the Government Code, the provisions of the memoranda of understanding approved in Section 2 that require the expenditure of funds shall become effective even if the provisions of the memoranda of understanding are approved by the Legislature in legislation other than the annual Budget Act.

SEC. 5. (a) The sum of twelve million six hundred twenty-nine thousand dollars (\$12,629,000) is hereby appropriated for State Bargaining Unit 2 for expenditure in the 2014–15 fiscal year in augmentation of, and for the purpose of, state employee compensation, as provided in Items 9800-001-0001, 9800-001-0494, and 9800-001-0988 of Section 2.00 of the Budget

Act of 2014 (Chapter 25 of the Statutes of 2014), in accordance with the following schedule:

(1) Three million three hundred forty thousand dollars (\$3,340,000) from the General Fund in augmentation of Item 9800-001-0001.

(2) Six million two hundred twenty-four thousand dollars (\$6,224,000) from unallocated special funds in augmentation of Item 9800-001-0494.

(3) Three million sixty-five thousand dollars (\$3,065,000) from other unallocated nongovernmental cost funds in augmentation of Item 9800-001-0988.

(b) The sum of three million one hundred twenty-four thousand dollars (\$3,124,000) is hereby appropriated for State Bargaining Unit 10 for expenditure in the 2014–15 fiscal year in augmentation of, and for the purpose of, state employee compensation, as provided in Items 9800-001-0001, 9800-001-0494, and 9800-001-0988 of Section 2.0 of the Budget Act of 2014 (Chapter 25 of the Statutes of 2014), in accordance with the following schedule:

(1) Five hundred sixty-one thousand dollars (\$561,000) from the General Fund in augmentation of Item 9800-001-0001.

(2) One million seven hundred seventeen thousand dollars (\$1,717,000) from unallocated special funds in augmentation of Item 9800-001-0494.

(3) Eight hundred forty-six thousand dollars (\$846,000) from other unallocated nongovernmental cost funds in augmentation of Item 9800-001-0988.

(c) The sum of two million three hundred fifty-six thousand dollars (\$2,356,000) is hereby appropriated for State Bargaining Unit 13 for the expenditure in the 2014–15 fiscal year in augmentation of, and for the purpose of, state employee compensation, as provided in Items 9800-001-0001, 9800-001-0494, and 9800-001-0988 of Section 2.00 of the Budget Act of 2014 (Chapter 25 of the Statutes of 2014), in accordance with the following schedule:

(1) One million six hundred thirty-four thousand dollars (\$1,634,000) from the General Fund in augmentation of Item 9800-001-0001.

(2) Four hundred eighty-four thousand dollars (\$484,000) from unallocated special funds in augmentation of Item 9800-001-0494.

(3) Two hundred thirty-eight thousand dollars (\$238,000) from other unallocated, nongovernmental cost funds in augmentation of Item 9800-001-0988.

SEC. 6. Section 12440.6 is added to the Government Code, to read:

12440.6. (a) Notwithstanding Section 13340, for the 2015–16 fiscal year, if the Budget Act of 2015 is not enacted on or before July 1, 2015, for the memoranda of understanding entered into between the state employer and State Bargaining Unit 2 (effective July 2, 2013, to July 1, 2016, inclusive), State Bargaining Unit 10 (effective July 2, 2013, to July 1, 2015, inclusive), and State Bargaining Unit 13 (effective July 2, 2013, to July 1, 2016, inclusive), there is hereby continuously appropriated to the Controller from the General Fund, unallocated special funds, including, but not limited to, federal funds and unallocated nongovernmental cost funds, and any other fund from which state employees are compensated, the amount necessary for the payment of compensation and employee benefits to state employees covered by the above memoranda of understanding until the Budget Act of 2015 is enacted. The Controller may expend an amount no greater than necessary to enable the Controller to compensate state employees covered by the above memoranda of understanding for work performed between July 1, 2015, of the 2015–16 fiscal year, and the enactment of the Budget Act of 2015.

(b) If the memoranda of understanding entered into between the state employer and State Bargaining Unit 2 (effective July 2, 2013, to July 1, 2016, inclusive), State Bargaining Unit 10 (effective July 2, 2013, to July 1, 2015, inclusive), and State Bargaining Unit 13 (effective July 2, 2013, to July 1, 2016, inclusive) are in effect and approved by the Legislature, the compensation and contribution for employee benefits for state employees represented by these bargaining units shall be at a rate consistent with the applicable memorandum of understanding referenced above.

(c) Expenditures related to any warrant drawn pursuant to subdivision (a) are not augmentations to the expenditure authority of a department. Upon the enactment of the Budget Act of 2015, these expenditures shall be subsumed by the expenditure authority approved in the Budget Act of 2015 for each affected department.

(d) This section shall only apply to an employee covered by the terms of State Bargaining Unit 2 (effective July 2, 2013, to July 1, 2016, inclusive), State Bargaining Unit 10 (effective July 2, 2013, to July 1, 2015, inclusive), and State Bargaining Unit 13 (effective July 2, 2013, to July 1, 2016, inclusive) memoranda of understanding. Notwithstanding Section 3517.8, this section shall not apply after the terms of the memoranda of understanding have expired. For purposes of this section, the memorandum of understanding for State Bargaining Unit 2 expires on July 1, 2016, the memorandum of understanding for State Bargaining Unit 10 expires on July 1, 2015, and the memorandum of understanding for State Bargaining Unit 13 expires on July 1, 2016.

SEC. 7. Section 12440.7 is added to the Government Code, to read:

12440.7. (a) Notwithstanding Section 13340, for the 2016–17 fiscal year, if the Budget Act of 2016 is not enacted on or before July 1, 2016, for the memoranda of understanding entered into between the state employer and State Bargaining Unit 2 (effective July 2, 2013, to July 1, 2016, inclusive) and State Bargaining Unit 13 (effective July 2, 2013, to July 1, 2016, inclusive), there is hereby continuously appropriated to the Controller from the General Fund, unallocated special funds, including, but not limited to, federal funds and unallocated nongovernmental cost funds, and any other fund from which state employees are compensated, the amount necessary for the payment of compensation and employee benefits to state employees covered by the above memoranda of understanding until the Budget Act of 2016 is enacted. The Controller may expend an amount no greater than necessary to enable the Controller to compensate state employees covered by the above memoranda of understanding for work performed before July 1, 2016, of the 2016–17 fiscal year.

(b) If the memoranda of understanding entered into between the state employer and State Bargaining Unit 2 (effective July 2, 2013, to July 1, 2016, inclusive) and State Bargaining Unit 13 (effective July 2, 2013, to July 1, 2016, inclusive) are in effect and approved by the Legislature, the compensation and contribution for employee benefits for state employees represented by these bargaining units shall be at a rate consistent with the applicable memorandum of understanding referenced above.

(c) Expenditures related to any warrant drawn pursuant to subdivision (a) are not augmentations to the expenditure authority of a department. Upon the enactment of the Budget Act of 2016, these expenditures shall be subsumed by the expenditure authority approved in the Budget Act of 2016 for each affected department.

(d) This section shall only apply to an employee covered by the terms of the State Bargaining Unit 2 (effective July 2, 2013, to July 1, 2016, inclusive) and State Bargaining Unit 13 (effective July 2, 2013, to July 1, 2016, inclusive) memoranda of understanding. Notwithstanding Section 3517.8, this section shall not apply after the terms of the memoranda of understanding have expired. For purposes of this section, the memorandum of understanding for State Bargaining Unit 2 expires on July 1, 2016, and the memorandum of understanding for State Bargaining Unit 13 expires on July 1, 2016.

SEC. 8. (a) The provisions of the following addenda to the memorandum of understanding entered into by the state employer and State Bargaining Unit 8 that require the expenditure of funds, are hereby approved for the purposes of Section 3517.63 of the Government Code:

(1) The addendum dated August 26, 2014, effective July 1, 2014, related to minimum wage increase compaction issues.

(2) The addendum dated August 26, 2014, effective January 1, 2015, related to a general salary increase requiring an appropriation.

(b) The sum of ten million two hundred thirty-six thousand dollars (\$10,236,000) is appropriated, relative to the addendum described in paragraph (2) of subdivision (a), for State Bargaining Unit 8 for expenditures in the 2014–15 fiscal year in augmentation of, and for the purpose of state employee compensation as provided in Items 9800-001-0001, 9800-001-0494, and 9800-001-0988 of Section 2.0 of the Budget Act of 2014 (Chapter 25 of the Statutes of 2014), in accordance with the following schedule:

(1) Six million four hundred thirty-eight thousand dollars (\$6,438,000) from the General Fund in augmentation of Item 9800-001-0001.

(2) Two million five hundred forty-five thousand dollars (\$2,545,000) from unallocated special funds in augmentation of Item 9800-001-0494.

(3) One million two hundred fifty-three thousand dollars (\$1,253,000) from other unallocated nongovernmental cost funds in augmentation of Item 9800-001-0988.

SEC. 9. The provisions of the addenda to the memorandum of understanding approved by Section 8 of this act that require the expenditure of funds shall not take effect unless funds for these provisions already exist within available appropriations or are specifically appropriated by the Legislature. If funds for these provisions are not specifically appropriated by the Legislature, the state employer and the affected employee organization shall meet and confer to renegotiate the affected provisions.

SEC. 10. This act is a bill providing for appropriations related to the Budget Bill within the meaning of subdivision (e) of Section 12 of Article IV of the California Constitution, has been identified as related to the budget in the Budget Bill, and shall take effect immediately.

Approved _____, 2014

Governor