

Introduced by Senator EvansFebruary 20, 2014

An act to amend Section 18215 of the Government Code, relating to administrative regulations.

LEGISLATIVE COUNSEL'S DIGEST

SB 1206, as introduced, Evans. State Personnel Board: administrative regulations.

Under existing law, regulations adopted by the State Personnel Board are exempt from the Administrative Procedure Act, except that regulations concerning certain matters are subject to the Administrative Procedure Act. These matters include, but are not limited to, the representation of minorities, women, and persons with disabilities in the state workforce, equal employment opportunities, and reasonable accommodation.

This bill would delete the representation of minorities and women in the state workforce and equal employment opportunities from that list of matters subject to the Administrative Procedure Act. The bill would revise and recast this provision, and except as specified, the bill would make board hearing procedures relating to disciplinary and merit matters, and disability discrimination complaints, including claims of discrimination based upon medical condition, mental disability or physical disability, and denial of reasonable accommodation subject to the Administrative Procedure Act. However, the bill would specify that certain provisions of the Administrative Procedure Act relating to the content of the rulemaking file do not apply those specified matters. The bill would also make other technical changes.

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 18215 of the Government Code is
 2 amended to read:
 3 18215. (a) Except as provided in subdivision (b), regulations
 4 concerning the following *subject matters* shall be subject to the
 5 Administrative Procedure Act (Chapter 3.5 (commencing with
 6 Section 11340) of Part 1 of Division 3):
 7 ~~(1) Representation of minorities, women, and persons with~~
 8 ~~disabilities in the state workforce.~~
 9 ~~(2) Equal employment opportunities.~~
 10 ~~(3)~~
 11 (1) Board hearing procedures relating to public testimony and
 12 participation, except a procedure that is expressly required by
 13 statute.
 14 ~~(4) Disciplinary hearing procedures not~~
 15 (2) *Board hearing procedures relating to disciplinary and merit*
 16 *matters, and disability discrimination complaints, including claims*
 17 *of discrimination based upon medical condition, mental disability*
 18 *or physical disability and denial of reasonable accommodation,*
 19 *unless the board hearing procedures are mandated by statutes,*
 20 *court decisions, or board precedential decisions. However, rulings*
 21 *within the discretion of an administrative law judge are not subject*
 22 *to this article.*
 23 ~~(5)~~
 24 (3) Drug testing.
 25 ~~(6)~~
 26 (4) Grounds for employee discipline.
 27 ~~(7) Reasonable accommodation.~~
 28 (b) Notwithstanding subdivision (a), the following provisions
 29 of the Administrative Procedure Act shall not apply to regulations
 30 concerning the ~~subjects~~ *subject matters* specified in subdivision
 31 (a):
 32 ~~(1) Section 11346.14.~~
 33 ~~(2)~~
 34 (1) Paragraph (1) of subdivision (a) of, and paragraphs ~~(4); (4)~~
 35 *and (5); and (6)* of subdivision (b) of, Section 11346.2.
 36 ~~(3)~~
 37 (2) Section 11346.3.
 38 ~~(4)~~

- 1 (3) Paragraph (3) of subdivision (a) of Section 11346.4.
- 2 ~~(5)~~
- 3 (4) Subparagraph (B) of paragraph (3) of, and paragraphs (5)
- 4 and (7) to (12), inclusive, of, subdivision (a) of Section 11346.5.
- 5 ~~(6)~~
- 6 (5) Paragraphs (2), (4), and (5) of subdivision (a) of Section
- 7 11346.9.
- 8 ~~(7)~~
- 9 (6) Paragraphs ~~(3) and (4)~~ (6) and (7) of subdivision ~~(a)~~ (b) of
- 10 Section 11347.3.
- 11 ~~(8)~~
- 12 (7) Subdivisions (a), (e), and (f) of Section 11349.
- 13 ~~(9)~~
- 14 (8) Paragraphs (1), (5), and (6) of subdivision (a) of, and
- 15 paragraph (3) of subdivision (d) of, Section 11349.1.

O