

Senate Bill No. 1206

Passed the Senate May 8, 2014

Secretary of the Senate

Passed the Assembly August 7, 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 amend Section 18215 of the Government Code, relating to administrative regulations.

LEGISLATIVE COUNSEL'S DIGEST

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

Under existing law, the Department of Human Resources succeeds to and is vested with those powers, duties, and authorities necessary to operate the state civil service system. Prior to January 1, 2013, existing law required the State Personnel Board to develop, implement, and maintain equal employment opportunity guidelines. On and after January 1, 2013, existing law requires the Department of Human Resources to develop, implement, and maintain equal employment opportunity guidelines.

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.

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

SECTION 1. Section 18215 of the Government Code is amended to read:

18215. (a) Except as provided in subdivision (b), regulations concerning the following subject matters shall be subject to the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3):

(1) Board hearing procedures relating to public testimony and participation, except a procedure that is expressly required by statute.

(2) 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, unless the board hearing procedures are mandated by statutes, court decisions, or board precedential decisions. However, rulings within the discretion of an administrative law judge are not subject to this article.

(3) Drug testing.

(4) Grounds for employee discipline.

(b) Notwithstanding subdivision (a), the following provisions of the Administrative Procedure Act shall not apply to regulations concerning the subject matters specified in subdivision (a):

(1) Paragraph (1) of subdivision (a) of, and paragraphs (4) and (5) of subdivision (b) of, Section 11346.2.

(2) Section 11346.3.

(3) Paragraph (3) of subdivision (a) of Section 11346.4.

(4) Subparagraph (B) of paragraph (3) of, and paragraphs (5) and (7) to (12), inclusive, of, subdivision (a) of Section 11346.5.

(5) Paragraphs (2), (4), and (5) of subdivision (a) of Section 11346.9.

(6) Paragraphs (6) and (7) of subdivision (b) of Section 11347.3.

(7) Subdivisions (a), (e), and (f) of Section 11349.

(8) Paragraphs (1), (5), and (6) of subdivision (a) of, and paragraph (3) of subdivision (d) of, Section 11349.1.

Approved _____, 2014

Governor