

AMENDED IN SENATE APRIL 12, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 769

Introduced by Assembly Member Jones-Sawyer

February 25, 2015

An act to amend Section 19635 of the Government Code, relating to public employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 769, as amended, Jones-Sawyer. State employees: disciplinary action.

The State Civil Service Act requires notice of any adverse action against any state employee for any cause for discipline based on any civil service law to be served within 3 years after the cause for discipline, upon which the notice is based, first arose. That act provides that an adverse action based on fraud, embezzlement, or the falsification of records is valid if notice of the adverse action is served within 3 years after the discovery of the fraud, embezzlement, or falsification.

This bill, except with respect to adverse action based on fraud, embezzlement, ~~or~~ the falsification of records, *or the unauthorized accessing or disclosure of confidential tax information*, would require that the notice be served and any investigation completed within one year after the cause for discipline arose. *Those excepted bases for adverse action would be valid if notice of the adverse action is served within 3 years after discovery.*

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 19635 of the Government Code is
2 amended to read:

3 19635. (a) Except as provided in subdivision (b), an adverse
4 action shall not be valid against any state employee for any cause
5 for discipline based on any civil service law of this state, unless
6 notice of the adverse action is served and any investigation is
7 completed within one year after the cause for discipline arose.

8 (b) Adverse action based on fraud, embezzlement, ~~or the~~
9 ~~falsification of records~~ *records, or the unauthorized accessing or*
10 *disclosure of confidential tax information as prohibited by Article*
11 *2 (commencing with Section 19542) of Chapter 7 of Part 10.2 of*
12 *Division 2 of the Revenue and Taxation Code* shall be valid if
13 notice of the adverse action is served within three years after the
14 discovery of the fraud, embezzlement, ~~or falsification.~~ *falsification,*
15 *or unauthorized accessing or disclosure.*