

Assembly Bill No. 769

Passed the Assembly August 23, 2016

Chief Clerk of the Assembly

Passed the Senate August 18, 2016

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2016, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

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

LEGISLATIVE COUNSEL'S DIGEST

AB 769, 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, 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.

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

SECTION 1. Section 19635 of the Government Code is amended to read:

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

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

discovery of the fraud, embezzlement, falsification, or unauthorized accessing or disclosure.

Approved _____, 2016

Governor