

ASSEMBLY BILL

No. 2187

Introduced by Assembly Member Conroy

February 7, 1996

An act to amend Section 19997.6 of, and to repeal Section 19781 of, the Government Code, relating to the state civil service.

LEGISLATIVE COUNSEL'S DIGEST

AB 2187, as introduced, Conroy. State civil service: military service.

Existing law provides to persons in military service various rights and benefits with respect to civil service employment lists, examinations, reinstatement, and seniority. Existing law prohibits these rights and benefits from being extended to or being granted to a person who, after January 1, 1956, voluntarily requests and obtains an extension of his or her original term of military service, or who was on an indefinite tour of duty or on a tour of duty in excess of 4 years' duration, as specified.

Existing law further prohibits seniority credit for recognized military service from exceeding 1 years' credit if the veteran had no state service prior to entering the military service.

This bill would repeal these prohibitions.

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 19781 of the Government Code
 2 is repealed.
 3 ~~19781. (a) (1) The rights and benefits provided a~~
 4 ~~person in Sections 19775.5, 19775.9, 19780, and 19997.6~~
 5 ~~shall not extend to or be granted to a person, who after~~
 6 ~~January 1, 1956, voluntarily requests and obtains an~~
 7 ~~extension of his or her original term of enlistment,~~
 8 ~~service, or tour of duty in the recognized military service~~
 9 ~~of the United States.~~
 10 ~~(2) Notwithstanding paragraph (1), this paragraph~~
 11 ~~shall apply only to state employees in State Bargaining~~
 12 ~~Unit 5. The rights and benefits provided a person in~~
 13 ~~Sections 19775.5, 19775.9, and 19780 shall not extend to or~~
 14 ~~be granted to a person, who after January 1, 1956,~~
 15 ~~voluntarily requests and obtains an extension of his or her~~
 16 ~~original term of enlistment, service, or tour of duty in the~~
 17 ~~recognized military service of the United States.~~
 18 ~~(b) The rights and benefits specified in subdivision (a)~~
 19 ~~shall not extend to or be granted to a person who was on~~
 20 ~~an indefinite tour of duty, or on a tour of duty in excess~~
 21 ~~of four years' duration in the recognized military service~~
 22 ~~as of January 1, 1956, and who continued on that duty after~~
 23 ~~January 1, 1960.~~
 24 ~~These rights and benefits shall not extend to or be~~
 25 ~~granted to a person who was ordered to, or enlisted in the~~
 26 ~~recognized military service after January 1, 1956, for an~~
 27 ~~indefinite tour of duty or for a tour of duty in excess of four~~
 28 ~~years' duration and who continues on that duty for more~~
 29 ~~than four years from the first day of ordered active duty~~
 30 ~~or enlistment.~~
 31 ~~(c) Whenever the State Personnel Board or the~~
 32 ~~Department of Personnel Administration finds that the~~
 33 ~~time limitations imposed by this section are unreasonable~~
 34 ~~to a person it shall be within the discretion of the board~~
 35 ~~or the department to grant an extension of the rights and~~
 36 ~~benefits to an individual for not to exceed three additional~~
 37 ~~years. This section, rather than Section 395.1 of the~~



1 ~~Military and Veterans Code, governs the rights and~~
2 ~~benefits of state employees.~~

3 SEC. 2. Section 19997.6 of the Government Code is
4 amended to read:

5 19997.6. (a) A veteran, except a veteran who was
6 reinstated from military leave, shall in the event of layoff
7 receive seniority credit for recognized military service if
8 the veteran entered the state service after discharge, the
9 end of the national emergency, or the end of the state
10 military emergency.

11 (b) Seniority credit for recognized military service
12 shall be computed as if it were service in the class to which
13 the employee was first given permanent civil service or
14 exempt appointment after his or her entry into the state
15 service following recognized military service.

16 ~~(c) Seniority credit for recognized military service~~
17 ~~shall not exceed one year's credit if the veteran had no~~
18 ~~state service prior to entering the military service.~~

19 ~~(d) This section shall become operative on July 1, 1993.~~

20 ~~(e)~~

21 (c) Notwithstanding ~~subdivisions~~ *subdivision* (a), ~~(e)~~,
22 ~~and (d)~~, this subdivision shall apply only to state
23 employees in State Bargaining Unit 5. A veteran, except
24 a veteran who was reinstated from military leave, shall in
25 the event of layoff receive a maximum of one year's
26 seniority credit for recognized military service if the
27 veteran entered the state service after discharge, the end
28 of the national emergency, or the end of the state military
29 emergency. For purposes of this subdivision, "recognized
30 military service" means service in a military campaign or
31 expedition for which a medal was authorized by the
32 government of the United States in accordance with
33 Section 300.1 of Title 12 of the California Code of
34 Regulations.

