

Assembly Bill No. 1438

CHAPTER 857

An act to add Chapter 2.1 (commencing with Section 68650) to Title 8 of the Government Code, relating to courts.

[Approved by Governor October 10, 1997. Filed
with Secretary of State October 10, 1997.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1438, Escutia. Trial court funding.

Existing law authorizes the Judicial Council to adopt rules of court as specified by statute.

This bill would recognize specified rules of court adopted by the Judicial Council creating a mechanism for the negotiation of the conditions of employment between a trial court and its representatives and trial court personnel, as specified.

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

SECTION 1. Chapter 2.1 (commencing with Section 68650) is added to Title 8 of the Government Code, to read:

CHAPTER 2.1. TRIAL COURT PERSONNEL

68650. The Legislature finds that the Judicial Council has adopted Rules 2201 to 2210, inclusive, of the California Rules of Court, which create a mechanism for setting the terms and conditions of employment between a trial court or its representatives and the personnel of the trial court or the representatives thereof. Notwithstanding any other provision of law, these rules shall be given full force and effect, and shall be maintained as adopted by the Judicial Council on April 23, 1997.

68651. Nothing in this chapter shall prohibit the superior court or the municipal court from adopting rules and procedures on the implementation of its labor relations with a recognized employee organization, provided the rules and procedures are not contrary to, or inconsistent with, the obligations and duties of the courts as provided in this chapter and Rules 2201 to 2210, inclusive, of the California Rules of Court.

68652. Where the language of Rules 2201 to 2210, inclusive, of the California Rules of Court is the same or substantially the same as that contained in Sections 3500 to 3510, inclusive, it shall be interpreted and applied in accordance with judicial interpretations of the same language.

68653. This chapter and Rules 2201 to 2210, inclusive, of the California Rules of Court shall not impair the rights and remedies granted to court employees under Chapter 10 (commencing with Section 3500) of Division 4 of Title 1.

68654. Except as required pursuant to Section 5 of Article VI of the California Constitution, any agreements reached pursuant to negotiations held pursuant to Rules 2201 to 2210, inclusive, of the California Rules of Court are binding on the parties and may be enforced pursuant to Section 1085 or 1103 of the Code of Civil Procedure. In the event that a court, a court employee, or an employee organization believes there has been a violation of this chapter or Rules 2201 to 2210, inclusive, of the California Rules of Court, that party may petition the court of appeal for relief.

68655. It is the purpose of this chapter to effectuate the establishment within the judicial branch of an equitable and effective method of resolving potential conflicts in matters affecting the interests of the trial courts and their personnel, and meeting the ongoing needs of the trial courts, their personnel, and the harmonious operations thereof.

