

AMENDED IN SENATE MARCH 15, 1999

SENATE BILL

No. 1257

Introduced by Senator Burton

February 26, 1999

~~An act to amend Section 3541 of the Government Code, relating to the Public Employment Relations Board. An act to make an appropriation in augmentation of Items 9800-001-0001, 9800-002-0494, and 9800-011-0001 of Section 2.00 of the Budget Act of 1998, relating to state employees, to take effect immediately as an appropriation for the usual and current expenses of the state.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1257, as amended, Burton. ~~Public Employment Relations Board~~ State employees: compensation.

(1) The Budget Act of 1998 appropriated \$360,479,000 from the General Fund for expenditure to augment state employee compensation and \$4,370,000 from unallocated special funds for expenditure to augment the state employer's health benefit costs.

This bill would appropriate \$35,824,000, as scheduled, in augmentation of these Budget Act appropriations.

(2) Section 8 of Article XVI of the California Constitution requires that the moneys applied by the state for the support of school districts and community colleges shall not be less than a specified percentage of General Fund revenues.

This bill would declare that a specified amount appropriated by this bill is to be applied toward the minimum funding requirements for the 1998-99 fiscal year for school

districts and community college districts imposed by Section 8 of Article XVI of the California Constitution.

(3) This bill would declare that it is to take effect immediately as a statute providing an appropriation for the usual and current expenses of the state.

~~Existing law establishes a 5-member Public Employment Relations Board appointed by the Governor that is independent of any state agency and is charged with enforcing the statutory duties and rights of public employers and employees. Existing law specifies that 3 members of the board constitute a quorum and that a member of the board may be removed by the Governor upon notice and hearing for neglect of duty or malfeasance in office.~~

~~This bill would increase the membership of the Public Employment Relations Board to 7 members, with the Governor appointing 3 members and the Senate Committee on Rules and the Speaker of the Assembly each appointing 2 members. The bill would provide that a member of the board may be removed by the appointing authority upon notice and hearing for neglect of duty or malfeasance in office. It would provide that 4 members of the board shall constitute a quorum and would authorize the board to delegate its powers to any group of 4 or more board members.~~

~~Vote: majority 2/3. Appropriation: no yes. Fiscal committee: yes. State-mandated local program: no.~~

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

1 ~~SECTION 1. Section 3541 of the Government Code is~~
2 ~~SECTION 1. (a) The sum of thirty-five million eight~~
3 ~~hundred twenty-four thousand dollars (\$35,824,000) is~~
4 ~~hereby appropriated for expenditure in the 1998–99 fiscal~~
5 ~~year in augmentation and for the purposes of state~~
6 ~~employee compensation and the state employer’s health~~
7 ~~benefit costs as provided in Items 9800-001-0001,~~
8 ~~9800-002-0494, and 9800-011-0001 of Section 2.00 of the~~
9 ~~Budget Act of 1998 (Chapter 324 of the Statutes of 1998),~~
10 ~~in accordance with the following schedule:~~
11 ~~(a) Thirty-four million four hundred seventy-six~~
12 ~~thousand dollars (\$34,476,000) payable from the General~~



1 Fund in augmentation of state employee compensation
2 as provided in Item 9800-001-0001.

3 (b) One million dollars (\$1,000,000) payable from
4 unallocated special funds in augmentation of state
5 employer's health benefit costs as provided in Item
6 9800-002-0494.

7 (c) Three hundred forty-eight thousand dollars
8 (\$348,000) payable from the General Fund (Proposition
9 98) in augmentation of state employee compensation as
10 provided in Item 9800-011-0001.

11 (d) For the purposes of making computations
12 required by Section 8 of Article XVI of the California
13 Constitution, the appropriation made by subdivision (c)
14 shall be deemed to be General Fund revenues
15 appropriated to school districts and community college
16 districts, as defined in subdivisions (c) and (d) of Section
17 41202 of the Education Code, for the 1998-99 fiscal year,
18 and be included within the "total allocations to school
19 districts and community college districts from General
20 Fund proceeds of taxes appropriated pursuant to Article
21 XIII B," as defined in subdivision (e) of Section 41202 of
22 the Education Code for the 1998-99 fiscal year.

23 SEC. 2. This act makes an appropriation for the usual
24 and current expenses of the state within the meaning of
25 Article IV of the California Constitution and shall go into
26 immediate effect.

27 ~~amended to read:~~

28 ~~3541. (a) There is in state government the Public~~
29 ~~Employment Relations Board which shall be~~
30 ~~independent of any state agency and shall consist of seven~~
31 ~~members. The members of the board shall be appointed~~
32 ~~as follows:~~

33 ~~(1) The Governor, by and with the consent of the~~
34 ~~Senate, shall appoint three members.~~

35 ~~(2) The Senate Committee on Rules shall appoint two~~
36 ~~members.~~

37 ~~(3) The Speaker of the Assembly shall appoint two~~
38 ~~members.~~

39 ~~The first term for one of the new members of the board~~
40 ~~resulting from the expansion of the board to seven~~



~~1 members shall be appointed by the Senate Committee on
2 Rules on or after January 1, 2000, and that initial
3 appointment shall expire on January 1, 2003. The first
4 term for the second of the new members of the board
5 resulting from the expansion of the board to seven
6 members shall be appointed by the Speaker of the
7 Assembly on or after January 1, 2000, and that initial
8 appointment shall expire on January 1, 2004. The positions
9 on the board that will expire on January 1, 2000, January
10 1, 2003, and January 1, 2004, respectively, shall be
11 appointed by the Governor. The position on the board
12 that will expire on January 1, 2001, shall be appointed by
13 the Senate Committee on Rules. The position on the
14 board that will expire on January 1, 2002, shall be
15 appointed by the Speaker of the Assembly.~~

~~16 Thereafter, terms shall be for a period of five years,
17 except that any person chosen to fill a vacancy shall be
18 appointed for the unexpired term of the member whom
19 he or she succeeds. Members of the board shall be eligible
20 for reappointment.~~

~~21 The Governor shall select one member to serve as
22 chairperson. A member of the board may be removed by
23 the appointing authority upon notice and hearing for
24 neglect of duty or malfeasance in office, but for no other
25 cause.~~

~~26 (b) A vacancy in the board shall not impair the right
27 of the remaining members to exercise all the powers of
28 the board, and four members of the board shall at all times
29 constitute a quorum.~~

~~30 (c) The board may delegate its powers to any group of
31 four or more board members. Nothing shall preclude any
32 board member from participating in any case pending
33 before the board.~~

~~34 (d) Members of the board shall hold no other public
35 office in the state, and shall not receive any other
36 compensation for services rendered.~~

~~37 (e) Each member of the board shall receive the salary
38 provided for by Chapter 6 (commencing with Section
39 11550) of Part 1 of Division 3 of Title 2. In addition to his
40 or her salary, each member of the board shall be~~



1 ~~reimbursed for all actual and necessary expenses incurred~~
2 ~~by him or her in the performance of his or her duties,~~
3 ~~subject to the rules of the Department of Personnel~~
4 ~~Administration relative to the payment of these expenses~~
5 ~~to state officers generally.~~

6 ~~(f) The board shall appoint an executive director who~~
7 ~~shall be the chief administrative officer. The executive~~
8 ~~director shall appoint other persons that may, from time~~
9 ~~to time, be deemed necessary for the performance of the~~
10 ~~board's administrative functions, prescribe their duties,~~
11 ~~fix their compensation, and provide for reimbursement~~
12 ~~of their expenses in the amounts made available therefor~~
13 ~~by appropriation. The executive director shall be a person~~
14 ~~familiar with employer-employee relations. The~~
15 ~~executive director shall be subject to removal at the~~
16 ~~pleasure of the board.~~

17 ~~The Governor shall appoint a general counsel, upon the~~
18 ~~recommendation of the board, to assist the board in the~~
19 ~~performance of its functions under this chapter. The~~
20 ~~general counsel shall serve at the pleasure of the board.~~

21 ~~(g) The executive director and general counsel~~
22 ~~-serving the board on December 31, 1977, shall become~~
23 ~~employees of the Public Employment Relations Board~~
24 ~~and shall continue to serve at the discretion of the board.~~
25 ~~A person so employed may, independently of the~~
26 ~~Attorney General, represent the board in any litigation or~~
27 ~~other matter pending in a court of law to which the board~~
28 ~~is a party or in which it is otherwise interested.~~

29 ~~(h) The Governor shall appoint one legal adviser for~~
30 ~~each member of the board upon the recommendation of~~
31 ~~that board member. Each appointee shall serve at the~~
32 ~~pleasure of the recommending board member and shall~~
33 ~~receive a salary as shall be fixed by the board with the~~
34 ~~approval of the Department of Personnel~~
35 ~~Administration.~~

36 ~~(i) Attorneys serving the board on May 19, 1978, shall~~
37 ~~not be appointed as legal advisers to board members~~



- 1 ~~pursuant to subdivision (h) until the time that they have~~
- 2 ~~attained permanent civil service status.~~

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