

Introduced by Senator Hernandez

February 14, 2011

An act to add Section 1232 to the Government Code, relating to state employees, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 270, as introduced, Hernandez. State employees: compensation.

The California Constitution requires the Legislature to pass a budget bill by June 15 of each year for the fiscal year commencing on July 1. Existing law provides that no state officer or employee shall be deemed to have a break in service or to have terminated his or her employment, for any purpose, or to have incurred any change in his or her authority, status, or jurisdiction or in his or her salary or other conditions of employment, solely because of the failure to enact a Budget Act for a fiscal year prior to the beginning of that fiscal year. Under the California Constitution, money may be drawn from the State Treasury only through an appropriation made by law and upon a Controller's duly drawn warrant.

This bill would continuously appropriate from the General Fund and other specified funds to the Controller an amount necessary for the payment of compensation and employee benefits to state employees, as defined, for work performed on or after July 1 of a fiscal year for which no budget has been enacted.

This bill would specify, if a memorandum of understanding is in effect that has been approved by the Legislature, that the compensation and contribution for employee benefits for represented state employees be at a rate consistent with the memorandum of understanding and, for state employees excluded from collective bargaining, at the rate

approved by the Department of Personnel Administration prior to the commencement of the fiscal year for which a Budget Act has not been enacted. The bill would require, if a memorandum of understanding is not in effect for represented state employees and the department has not approved a compensation package for state employees excluded from collective bargaining, that the compensation and contribution for employee benefits for represented state employees and state employees excluded from collective bargaining be at the rate in effect at the expiration of the last fiscal year for which a budget was enacted.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

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

1 SECTION 1. Section 1232 is added to the Government Code,
2 to read:

3 1232. (a) Notwithstanding Section 13340, in any fiscal year
4 in which the Budget Act is not enacted by July 1 of that fiscal year,
5 there is hereby continuously appropriated without regard to fiscal
6 years to the Controller from the General Fund, unallocated special
7 funds, federal funds, and any other fund from which state
8 employees are compensated, the amount necessary for the payment
9 of compensation and employee benefits to state employees until
10 the Budget Act of that fiscal year is enacted. The Controller may
11 expend an amount no greater than that necessary to enable the
12 Controller to compensate state employees for work performed
13 between July 1 of the applicable fiscal year and the enactment of
14 the Budget Act.

15 (b) If there is a memorandum of understanding in effect that
16 has been approved by the Legislature, the compensation and
17 contribution for employee benefits for represented state employees
18 shall be at a rate consistent with the memorandum of understanding
19 and compensation and contribution for employee benefits for state
20 employees excluded from collective bargaining shall be at the rate
21 approved by the Department of Personnel Administration prior to
22 the commencement of the fiscal year for which a Budget Act has
23 not been enacted. If a memorandum of understanding is not in
24 effect and if the department has not approved a compensation

1 package for state employees excluded from collective bargaining,
2 compensation and contribution for employee benefits for
3 represented state employees and state employees excluded from
4 collective bargaining shall be at the rate in effect at the expiration
5 of the last fiscal year for which a budget was enacted.

6 (c) The Department of Finance may, upon enactment of the
7 Budget Act and in the absence of this action being taken by the
8 Legislature or the Governor in that Budget Act, reduce the
9 applicable Budget Act allocations by the amount of any warrants
10 drawn pursuant to subdivision (a).

11 (d) For the purposes of this section, “state employee” means an
12 employee as defined in Section 19815.

13 SEC. 2. This act is an urgency statute necessary for the
14 immediate preservation of the public peace, health, or safety within
15 the meaning of Article IV of the Constitution and shall go into
16 immediate effect. The facts constituting the necessity are:

17 In order that state employees may be compensated for work
18 performed without delay in the event of a budget impasse, and in
19 order that funds may be continuously appropriated to the Controller
20 at the earliest possible time for the purposes of compensating state
21 employees, it is necessary that this act take effect immediately.