



**BLANNING & BAKER**

Associates, Inc.

**ACSS Legislative Report  
4/5/2019**

**Support**

**AB 271**

**(Cooper D) Civil service: Personnel Classification Plan: salary equalization.**

**Current Text:** Amended: 3/6/2019 [html](#) [pdf](#)

**Introduced:** 1/24/2019

**Last Amend:** 3/6/2019

**Status:** 4/3/2019-From committee: Do pass and re-refer to Com. on APPR. (Ayes 7. Noes 0.) (April 3).  
Re-referred to Com. on APPR.

**Location:** 4/3/2019-A. APPR.

**Calendar:** 4/10/2019 9 a.m. - State Capitol, Room 4202 ASSEMBLY APPROPRIATIONS, GONZALEZ, Chair

**Summary:** Existing law, the State Civil Service Act, provides for filling certain state positions through the process of examinations and the establishment of eligible lists and promotional lists. Existing law requires the Department of Human Resources to administer the Personnel Classification Plan for state civil service positions, including the allocation of every position to the appropriate class in the classification plan. This bill would require the Department of Human Resources to, by December 31, 2020, and every 2 years thereafter, evaluate all civil service classifications and prepare a detailed report on gender and ethnicity pay equity in each classification where there is an underrepresentation of women and minorities. The bill would require each state agency to submit specified information to the department about each state civil service classification within the agency. The bill would require the department to prepare a plan for each state agency to attain pay equity if a discrepancy is found and a specified plan to recruit, attract, and retain women and minorities into positions where there is an underrepresentation of those subgroups. The bill would, until January 1, 2030, require the department to submit the report to the Legislature, not later than January 1 of each year, as specified.

**Memo:**

Support letter sent to Author -- 3/14/19

Support letter sent to Asm. PE&R -- 3/15/19

Support letter sent to Asm. APPR -- 4/5/19

**AB 824**

**(Wood D) Business: preserving access to affordable drugs.**

**Current Text:** Introduced: 2/20/2019 [html](#) [pdf](#)

**Introduced:** 2/20/2019

**Status:** 3/27/2019-From committee: Do pass and re-refer to Com. on JUD. (Ayes 12. Noes 0.) (March 26). Re-referred to Com. on JUD.

**Location:** 3/26/2019-A. JUD.

**Calendar:** 4/9/2019 9 a.m. - State Capitol, Room 126 ASSEMBLY JUDICIARY SPECIAL ORDER, STONE, MARK, Chair

**Summary:** The Cartwright Act makes every trust, subject to specified exemptions, unlawful, against public policy, and void and defines "trust" for purposes of the act as a combination of capital, skill, or acts by 2 or more persons, defined as corporations, firms, partnerships, and associations, for certain designated purposes. Under existing law, these purposes include creating or carrying out restrictions in trade or commerce or preventing competition in manufacturing, marketing, transportation, sale or purchase of merchandise, produce, or any commodity. The Unfair Practices Act makes certain business practices unlawful, including unfair competition. Under existing law, unfair competition is defined to include an unlawful, unfair, or fraudulent business act or practice, unfair, deceptive, untrue, or misleading advertising, and any false representations to the public. This bill would provide that an agreement resolving or settling, on a final or interim basis, a patent infringement claim, in connection with the sale of a pharmaceutical product, is to be presumed to have anticompetitive effects if a non-reference drug filer receives anything of value from another company asserting patent infringement and if the non-reference drug filer agrees to limit or forego research, development, manufacturing, marketing, or sales of the non-reference drug filer's product for any period of time, as specified. The bill would provide various exceptions to this prohibition, including, among others, if the agreement has directly generated procompetitive benefits that could not be achieved by less restrictive means and that the procompetitive benefits of the agreement outweigh the anticompetitive effects of the agreement. The bill would make a violation of these provisions punishable by a civil penalty, as specified, and would provide that a violator is liable for any other remedies available under the Cartwright Act, the Unfair Practices Act, or the unfair competition law. The bill would define various terms for these purposes.

**Memo:**

Support letter sent to Author -- 3/14/19  
Support letter sent to Asm. Health -- 3/22/19  
Support letter sent to Asm. Judiciary -- 4/5/19

**AB 1007**

**(Jones-Sawyer D) State Civil Service Act: adverse action: notice.**

**Current Text:** Amended: 3/25/2019 [html](#) [pdf](#)

**Introduced:** 2/21/2019

**Last Amend:** 3/25/2019

**Status:** 3/26/2019-Re-referred to Com. on P.E. & R.

**Location:** 3/25/2019-A. P.E. & R.

**Summary:** 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 would instead provide that for any adverse action not based on fraud, embezzlement, falsification of records, harassment on specified bases, or sexual assault, if the cause for discipline was discovered on or after January 1, 2020, notice would be required to be served within one year of the discovery of the cause for discipline.

**SB 179**

**(Nielsen R) Excluded employees: arbitration.**

**Current Text:** Introduced: 1/28/2019 [html](#) [pdf](#)

**Introduced:** 1/28/2019

**Status:** 3/28/2019-Set for hearing April 9.

**Location:** 3/27/2019-S. JUD.

**Calendar:** 4/9/2019 1:30 p.m. - Room 112 SENATE JUDICIARY, JACKSON, Chair

**Summary:** The Bill of Rights for State Excluded Employees permits, among other things, excluded employee organizations to represent their excluded members in their employment relations, including grievances, with the state. That law defines excluded employees as all managerial employees, confidential employees, supervisory employees, as well as specified employees of the Department of Personnel Administration, the Department of Finance, the Controller's office, the Legislative Counsel Bureau, the Bureau of State Audits, the Public Employment Relations Board, the Department of Industrial Relations, and the State Athletic Commission. This bill would enact the Excluded Employee Arbitration Act to permit an employee organization that represents an excluded employee who has filed certain grievances with the Department of Human Resources to request arbitration of the grievance if specified conditions are met. The bill would require the designation of a standing panel of arbitrators and, under specified circumstances, the provision of arbitrators from the California State Mediation and Conciliation Service within the Public Employment Relations Board. The bill would then require the arbitrator to be chosen in a specified manner and would prescribe the duties of that arbitrator. The bill would provide that a party to the arbitration has the right to have a certified shorthand reporter transcribe the proceeding and that the transcription would be the official record of the proceeding. The bill would require a nonprevailing party, other than an excluded employee, to bear the costs of arbitration and would prohibit the costs of arbitration from being passed on to the excluded employee.

**Memo:**

Support letter sent to Author -- 3/22/19  
Support letter sent to Sen. LPE&R -- 3/22/19  
Support letter sent to Sen. Judiciary -- 4/5/19

**SCR 26**

**(Jackson D) Equal Pay Day.**

**Current Text:** Introduced: 3/14/2019 [html](#) [pdf](#)

**Introduced:** 3/14/2019

**Status:** 4/1/2019-Referred to Com. on RLS.

**Location:** 4/1/2019-A. RLS.

**Summary:** This measure would proclaim Tuesday, April 2, 2019, as Equal Pay Day in recognition of the need to eliminate the gender gap in earnings by women and to promote policies to ensure equal pay for all.

**Oppose**

**SB 341**

**(Morrell R) Public employment and retirement.**

**Current Text:** Introduced: 2/19/2019 [html](#) [pdf](#)

**Introduced:** 2/19/2019

**Status:** 3/27/2019-March 27 set for first hearing. Failed passage in committee. (Ayes 1. Noes 3.)  
Reconsideration granted.

**Location:** 3/27/2019-S. L., P.E. & R.

**Summary:** (1)Existing law requires the Board of Administration of the Public Employees' Retirement System and the Teachers' Retirement Board to provide annual reports to the Legislature and the Governor with regard to investment returns on assets of the Public Employees' Retirement System and the State Teachers' Retirement System, respectively. As part of these reports, the boards are required to calculate and report on the rate of return on investments based on different assumptions. This bill would require the Board of Administration of the Public Employees' Retirement System to report a calculation of liabilities based on a discount rate equal to the yield on a 10-year United States Treasury note in the year prior to the report. The bill would require the Teachers' Retirement Board to provide a description of the discount rate the board uses for reporting liabilities, a calculation of liabilities based on a discount rate that is 2% below the long-term rate of return assumed by the board, and a calculation of liabilities based on a discount rate equal to the yield on a 10-year United States Treasury note in the year prior to the report. This bill contains other related provisions and other existing laws.

**Memo:**

Oppose letter sent to Author -- 3/22/19

Oppose letter sent to Sen. LPE&R -- 3/22/19

## Watch

### [AB 33](#)

**(Bonta D) State public retirement systems: divestiture from private prison companies.**

**Current Text:** Introduced: 12/3/2018 [html](#) [pdf](#)

**Introduced:** 12/3/2018

**Status:** 3/27/2019-In committee: Set, first hearing. Hearing canceled at the request of author.

**Location:** 1/17/2019-A. P.E. & R.

**Calendar:** 4/24/2019 9 a.m. - State Capitol, Room 444 ASSEMBLY PUBLIC EMPLOYMENT AND RETIREMENT, RODRIGUEZ, Chair

**Summary:** The California Constitution provides that the Legislature may, by statute, prohibit retirement board investments if it is in the public interest to do so and providing that the prohibition satisfies specified fiduciary standards. This bill would prohibit the boards of the Public Employees' Retirement System and the State Teachers' Retirement System from making new investments or renewing existing investments of public employee retirement funds in a private prison company, as defined. This bill would require the boards to liquidate investments in private prison companies on or before July 1, 2020, and would require the boards, in making a determination to liquidate investments, to constructively engage with private prison companies to establish whether the companies are transitioning their business models to another industry. The bill would provide that it does not require a board to take any action unless the board determines in good faith that the action is consistent with the board's fiduciary responsibilities established in the constitution. The bill would provide that board members and other officers and employees shall be held harmless and be eligible for indemnification in connection with actions taken pursuant to the bill's requirements, as specified. The bill would make related legislative findings and declarations. This bill contains other existing laws.

### [AB 132](#)

**(Cooper D) Trial costs: Joseph James DeAngelo, Jr.**

**Current Text:** Amended: 2/15/2019 [html](#) [pdf](#)

**Introduced:** 12/5/2018

**Last Amend:** 2/15/2019

**Status:** 3/12/2019-In committee: Hearing postponed by committee.

**Location:** 2/15/2019-A. PUB. S.

**Summary:** Existing law authorizes a county that is responsible for the cost of a trial or trials or any hearing of a person for the offense of homicide to apply to the Controller for reimbursement of excessive costs incurred by the county under specified circumstances. Under existing law, if the Controller determines that reimbursement is proper, the Controller is required to request the Director of Finance to include any amounts necessary to fulfill reimbursement in a request for deficiency appropriation. This bill, the Justice Act of 2019 for the Reimbursement of County Costs Arising from the Matter of the People v. Joseph DeAngelo, would authorize the County of Sacramento and other California counties to be entitled to reimbursement for the reasonable and necessary costs, as specified, incurred in connection with the prosecution and defense of Joseph DeAngelo. The bill would require a county seeking reimbursement to send a statement of costs to the Controller for approval, and would require the Controller, within 60 days, to either pay approved costs or provide a written statement as to the reason for not making reimbursement at that time. The bill would create the Justice Act of 2019 Fund, and continuously appropriate all funds deposited and maintained in the fund to the Controller for the purposes of making these reimbursements. By creating a continuously appropriated fund, the bill would make an appropriation. The bill would make legislative findings and declarations in support of these provisions.

## [AB 160](#)

### **(Voepel R) Employment policy: voluntary veterans' preference.**

**Current Text:** Introduced: 1/7/2019 [html](#) [pdf](#)

**Introduced:** 1/7/2019

**Status:** 3/27/2019-From committee: Do pass and re-refer to Com. on L. & E. (Ayes 10. Noes 1.) (March 26). Re-referred to Com. on L. & E.

**Location:** 3/26/2019-A. L. & E.

**Summary:** Under the California Fair Employment and Housing Act (FEHA), it is an unlawful employment practice for an employer, unless based upon a bona fide occupational qualification or applicable security regulations established by the United States or the State of California, to refuse to hire or employ a person or to refuse to select a person for a training program leading to employment, or to bar or discharge a person from employment or a training program leading to employment, or to discriminate against a person in compensation or in terms, conditions, or privileges of employment because of the race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status of that person. FEHA provides that nothing in that act relating to discrimination on account of sex affects the right of an employer to use veteran status as a factor in employee selection or to give special consideration to Vietnam-era veterans. This bill would enact the Voluntary Veterans' Preference Employment Policy Act to authorize a private employer to establish and maintain a written veterans' preference employment policy, to be applied uniformly to hiring decisions, to give a voluntary preference for hiring or retaining a veteran over another qualified applicant or employee. The bill would provide that the granting of a veterans' preference pursuant to the bill, in and of itself, shall be deemed not to violate any local or state equal employment opportunity law or regulation, including, but not limited to, the antidiscrimination provisions of FEHA. The bill would revise the existing veteran status provision in FEHA to remove references to discrimination on account of sex and to Vietnam-era veterans, and would, instead, provide that nothing in that act relating to discrimination affects the right of an employer to use veteran status as a factor in hiring decisions if the employer maintains a veterans' preference employment policy established in accordance with the Voluntary Veterans' Preference Employment Policy Act. The bill would prohibit a veterans' preference employment policy from being established or applied for the purpose of discriminating against an employment applicant on the basis of a protected classification, as specified.

## [AB 177](#)

### **(Low D) Election day holiday.**

**Current Text:** Introduced: 1/9/2019 [html](#) [pdf](#)

**Introduced:** 1/9/2019

**Status:** 4/4/2019-From committee: Do pass and re-refer to Com. on APPR. (Ayes 13. Noes 6.) (April 3). Re-referred to Com. on APPR.

**Location:** 4/4/2019-A. APPR.

**Summary:** Existing law requires that an election for congressional and state elective offices be held on the first Tuesday after the first Monday in November of each even-numbered year. Existing law requires a presidential general election to be held on the first Tuesday after the first Monday in November in any year that is evenly divisible by the number 4. This bill would add the day on which a statewide general election is held, which is the first Tuesday after the first Monday in November of any even-numbered year, to these lists of holidays. The bill would require community colleges and public schools to close on any day on which a statewide general election is held. The bill would require that state employees, with specified exceptions, be given time off with pay for days on which a statewide general election is held. This bill contains other related provisions and other existing laws.

## [AB 181](#)

### **(Rodriguez D) Asset management: emerging managers.**

**Current Text:** Amended: 3/25/2019 [html](#) [pdf](#)

**Introduced:** 1/9/2019

**Last Amend:** 3/25/2019

**Status:** 4/3/2019-From committee: Do pass and re-refer to Com. on APPR. (Ayes 7. Noes 0.) (April 3). Re-referred to Com. on APPR.

**Location:** 4/3/2019-A. APPR.

**Calendar:** 4/10/2019 9 a.m. - State Capitol, Room 4202 ASSEMBLY APPROPRIATIONS, GONZALEZ, Chair

**Summary:** The California Constitution grants the retirement board of a public employee retirement system plenary authority and fiduciary responsibility for investment of moneys and administration of the retirement fund and system. This bill would require the Board of Administration of the Public Employees' Retirement System and the Teachers' Retirement Board to each provide a report to the Legislature, commencing March 1, 2021, and annually thereafter, on the status of achieving appropriate objectives and initiatives, to be defined by the boards, regarding participation of emerging managers responsible for asset management within each system's portfolio of investments. The bill would require that the report be based on contracts that the system enters into on and after January 1, 2020, and be based on information from the prior fiscal year. The bill would require each report to include certain elements and would require the boards to define emerging manager for purposes of these provisions. This bill contains other existing laws.

[AB 190](#)

**(Ting D) Budget Act of 2019.**

**Current Text:** Introduced: 1/10/2019 [html](#) [pdf](#)

**Introduced:** 1/10/2019

**Status:** 1/24/2019-Referred to Com. on BUDGET.

**Location:** 1/24/2019-A. BUDGET

**Summary:** This bill would make appropriations for the support of state government for the 2019–20 fiscal year. This bill contains other related provisions.

[AB 249](#)

**(Choi R) Public employers: employee organizations.**

**Current Text:** Introduced: 1/22/2019 [html](#) [pdf](#)

**Introduced:** 1/22/2019

**Status:** 4/3/2019-In committee: Set, first hearing. Failed passage.

**Location:** 2/7/2019-A. P.E. & R.

**Summary:** Existing law prohibits the state and specified local public employers from deterring or discouraging public employees and applicants to be public employees from becoming or remaining members of an employee organization, authorizing representation by an employee organization, or authorizing dues or fee deductions to an employee organization. Existing law grants the Public Employment Relations Board jurisdiction over violations of these provisions, except as specified. This bill would prohibit a public employer from deterring or discouraging a public employee or an applicant to be a public employee from opting out of becoming or remaining a member of an employee organization. The bill would prohibit a public employer from taking adverse action against a public employee or applicant to be a public employee who opts out of becoming or remaining a member of an employee organization and would specify that adverse action includes reducing a public employee's current level of pay or benefits.

[AB 314](#)

**(Bonta D) Public employment: labor relations: release time.**

**Current Text:** Introduced: 1/30/2019 [html](#) [pdf](#)

**Introduced:** 1/30/2019

**Status:** 4/3/2019-From committee: Do pass and re-refer to Com. on APPR. (Ayes 5. Noes 2.) (April 3). Re-referred to Com. on APPR.

**Location:** 4/3/2019-A. APPR.

**Summary:** Existing law, including the Meyers-Milias-Brown Act, the Ralph C. Dills Act, the Trial Court Employment Protection and Governance Act, the Trial Court Interpreter Employment and Labor Relations Act, Judicial Council Employer-Employee Relations Act, and the Los Angeles County Metropolitan Transportation Authority Transit Employer-Employee Relations Act, as well as provisions commonly referred to as the Educational Employment Relations Act and the Higher Education Employer-Employee Relations Act, regulates the labor relations of the state, the courts, and specified local public agencies and their employees. Existing law establishes other requirements relating to labor relations that are applicable to specified transit agencies. These acts grant specified public employees the right to form, join, and participate in the activities of employee organizations of their choosing and require public agency employers, among other things, to meet and confer with representatives of recognized employee organizations and exclusive representatives on terms and conditions of employment. These acts generally require the public entities in this context to grant employee representatives of recognized employee organizations reasonable time off without loss of compensation or benefits for certain purposes in connection with labor relations, commonly referred to as release time. This bill would prescribe requirements relating to release time that would apply to all of the public employers and employees subject to the acts described above and would generally repeal the provisions relating to release time in those acts. The bill would require these public employers to grant a reasonable number of employee representatives of the exclusive representative reasonable time off without loss of compensation or other benefits for specified activities. This requirement would apply to activities to investigate and process grievances or otherwise enforce a collective bargaining agreement or memorandum of understanding; to meet and confer with the public employer on matters within the scope of representation, including preparation for the activities specified in these provisions; to testify or appear as the designated representative of the exclusive representative in conferences, hearings, or other proceedings before the Public Employment Relations Board or similar bodies, as specified; to testify or appear as the designated representative of the exclusive representative before the governing body of the public employer, or a personnel, civil service, or merit commission, among others, and to serve as a representative of the exclusive representative for new employee orientations. The bill would require the exclusive representative to provide reasonable notice requesting an absence in this connection. The bill would specify that its provisions prescribe minimum release time rights and would prescribe requirements regarding the relation of its provisions to other labor agreements that address release time. The bill would prohibit the Public Employment Relations Board from enforcing these provisions with regard to public transit workers that are not otherwise subject to the board's jurisdiction.

**(Daly D) Public Employee Relations Board: Orange County Transportation Authority.****Current Text:** Introduced: 2/4/2019 [html](#) [pdf](#)**Introduced:** 2/4/2019**Status:** 4/3/2019-From committee: Do pass and re-refer to Com. on APPR. (Ayes 7. Noes 0.) (April 3).  
Re-referred to Com. on APPR.**Location:** 4/3/2019-A. APPR.**Calendar:** 4/10/2019 9 a.m. - State Capitol, Room 4202 ASSEMBLY APPROPRIATIONS, GONZALEZ, Chair**Summary:** Existing law establishes the Public Employment Relations Board (PERB) in state government as a means of resolving disputes and enforcing the statutory duties and rights of specified public employers and employees under various acts regulating collective bargaining, including the Meyers-Milias-Brown Act. Existing law includes within PERB's jurisdiction the resolution of disputes alleging violation of rules and regulations adopted by a public agency, as defined, concerning unit determinations, representations, recognition, and elections, as specified. Existing law does not apply the above provisions to employees of specified transit agencies, including the Orange County Transportation Authority, among others. This bill would require employers and employees of the Orange County Transportation Authority to adjudicate complaints of specified labor violations before PERB as an unfair practice and would authorize specified parties aggrieved by PERB's decision or order to petition for relief from that decision or order, as provided. By requiring the authority to adjudicate claims before PERB, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.**(Garcia, Cristina D) State civil service: examination and hiring processes.****Current Text:** Amended: 3/12/2019 [html](#) [pdf](#)**Introduced:** 2/4/2019**Last Amend:** 3/12/2019**Status:** 4/3/2019-From committee: Do pass and re-refer to Com. on APPR. (Ayes 7. Noes 0.) (April 3).  
Re-referred to Com. on APPR.**Location:** 4/3/2019-A. APPR.**Summary:** (1) Existing law creates the Department of Human Resources, which succeeds to and is vested with all of the powers and duties exercised and performed by the Department of Personnel Administration. Existing law specifically grants the department the powers, duties, and authority necessary to operate the state civil service system in accordance with Article VII of the California Constitution, the Government Code, the merit principle, and applicable rules duly adopted by the State Personnel Board. Existing law requires the State Personnel Board to prescribe rules consistent with a merit-based civil service system to govern classifications, examinations, probationary periods, disciplinary actions, appointments, and other matters related to the board's authority under the California Constitution. Under existing state civil service law, the Department of Human Resources administers the Limited Examination and Appointment Program (LEAP) to provide an alternative to the traditional civil service examination and appointment process to facilitate the hiring of persons with disabilities. Until January 1, 2021, the program includes persons with a developmental disability, as defined. Existing law, until January 1, 2021, specifies that LEAP is a voluntary, additional method of applying for state employment and is not a mandate on any state agency employer or job applicant, except as specified. Existing law also, until January 1, 2021, requires the department to develop and create an internship program, in coordination with specified state entities, and establish several related requirements to that effect. This bill would extend all of the above described LEAP program provisions indefinitely. The bill would require the department to establish a task force in order to develop a plan for the creation of the internship program, and would require that task force to report to the Legislature by December 31, 2020, setting forth a schedule for implementing the plan by December 31, 2021, and identifying any necessary changes in law. (2) Existing law requires the Department of Human Resources, when an appointing power seeks to fill a vacant position by using an employment list, to provide the appointing power with a certified list of the names and addresses of all eligible candidates whose scores at the time of certification represent the 3 highest ranks on the list and who have indicated a willingness to accept appointment. Under existing law, if there is more than one employment list or LEAP referral list, the department is required to provide a single certified list of eligible candidates that combines the names and addresses of all eligible candidates. This bill would authorize an appointing power to fill a vacancy by making an examination appointment of a candidate from a LEAP referral list. The bill would also require the department, upon request of the appointing power, to provide the appointing power the referral list without combining that list with any parallel employment list. The bill would also require the Department of Human Resources, by July 1, 2020, after consultation with specified state entities and organizations representing persons with disabilities, to develop and implement a plan for expansion of LEAP. The bill would require the plan to identify statewide classifications that are not currently in the LEAP program, as specified, and to ensure that all statewide classifications are designated as LEAP-certified classes by June 30, 2022. The bill would authorize an individual who is eligible for LEAP to request the Department of Human Resources to assess if that individual meets the minimum qualifications and various other criteria for the program, and would require the department, if it concludes the individual meets those qualifications and criteria, to place that individual on the applicable referral list, as provided. The bill would also require the department to post information concerning LEAP on its internet website. (3) Existing law requires each state agency to develop and implement an affirmative action employment plan for individuals with a disability, including

goals and timetables. The bill would additionally require the department to identify 20 state agencies or departments with the lowest representation rate of persons with disabilities, averaged over the 5-year period from July 1, 2014, to June 30, 2019, inclusive. The bill would require the department, by June 30, 2020, to confer with each appointing power and require it to adopt or revise its affirmative action employment plan to ensure that individuals with disabilities have access to positions in state service, and to set new goals and timetables for hiring persons with disabilities. The bill would require each appointing power to specify in that plan 2 or more of specified hiring strategies, and to agree to utilize those strategies by June 30, 2023. The bill would further require the department, by December 31, 2023, in consultation with specified state entities and organizations representing persons with disabilities, to report to the Legislature on the number of persons with disabilities hired by each appointing power, along with other specified information.

#### [AB 372](#)

##### **(Voepel R) State employees: Infant at Work programs.**

**Current Text:** Introduced: 2/5/2019 [html](#) [pdf](#)

**Introduced:** 2/5/2019

**Status:** 4/3/2019-In committee: Set, first hearing. Hearing canceled at the request of author.

**Location:** 2/15/2019-A. P.E. & R.

**Summary:** Existing law establishes various employment protections to promote parent-infant bonds and infant health. The Moore-Brown-Roberti Family Rights Act, or California Family Rights Act, makes it an unlawful employment practice for an employer, as defined, to refuse to grant a request by an eligible employee to take up to 12 workweeks of unpaid protected leave during any 12-month period to care for a child born to, adopted by, or placed for foster care with, the employee. The New Parent Leave Act prohibits an employer, as defined, from refusing to allow eligible employees to take up to 12 weeks of parental leave to bond with a new child within one year of the child's birth, adoption, or foster care placement. Other existing law requires both public and private employers to provide a reasonable amount of break time, and make reasonable efforts to provide a private location, for expressing breast milk, as prescribed. This bill would authorize a state agency, as defined, to adopt an Infant at Work program to allow an employee of the agency who is a new parent or caregiver to an infant to bring the infant to the workplace. The bill would establish certain required elements for such a program. The bill would authorize a state agency to adopt regulations that it determines necessary to establish the program. The bill would prohibit a state agency from adopting the program in circumstances that are inappropriate based on safety, health, or other concerns for the infant or adult, as specified.

#### [AB 462](#)

##### **(Rodriguez D) Public retirement.**

**Current Text:** Amended: 3/26/2019 [html](#) [pdf](#)

**Introduced:** 2/11/2019

**Last Amend:** 3/26/2019

**Status:** 4/3/2019-From committee: Do pass and re-refer to Com. on APPR. (Ayes 7. Noes 0.) (April 3). Re-referred to Com. on APPR.

**Location:** 4/3/2019-A. APPR.

**Summary:** The Public Employees' Retirement Law (PERL) creates the Public Employees' Retirement System (PERS), which provides defined benefits to members of the system based on final compensation, credited service, and age at retirement, subject to certain variations. PERL defines terms for its purposes, including a county peace officer. PERL prescribes, among other things, the disability allowance for a state miscellaneous member upon industrial disability retirement as 50% of the member's final compensation, unless otherwise provided. PERL also defines a county police officer for PERS purposes. This bill would make nonsubstantive changes to the provisions defining a county peace officer and prescribing the disability allowance for a state miscellaneous member upon industrial disability retirement. This bill contains other related provisions and other existing laws.

#### [AB 472](#)

##### **(Voepel R) Public employees' retirement.**

**Current Text:** Introduced: 2/11/2019 [html](#) [pdf](#)

**Introduced:** 2/11/2019

**Status:** 2/12/2019-From printer. May be heard in committee March 14.

**Location:** 2/11/2019-A. PRINT

**Summary:** Existing law, the California Public Employees' Pension Reform Act of 2013, establishes various limits on retirement benefits generally applicable to a public employee retirement system, as defined. The act prescribes, among other things, limits on service after retirement without reinstatement into the applicable retirement system. This bill would make nonsubstantive changes to that provision.

#### [AB 555](#)

##### **(Gonzalez D) Paid sick leave.**

**Current Text:** Amended: 3/28/2019 [html](#) [pdf](#)

**Introduced:** 2/13/2019

**Last Amend:** 3/28/2019

**Status:** 4/1/2019-Re-referred to Com. on L. & E.

**Location:** 3/28/2019-A. L. & E.

**Summary:** (1)Under existing law, except as specified, an employee who works in California for 30 or more days within a year from the commencement of employment is entitled to paid sick days for certain purposes, to be accrued at a rate of no less than one hour for every 30 hours worked, and to be available for use beginning on the 90th day of employment. Existing law authorizes an employer to use a different accrual method as long as an employee has no less than 24 hours of accrued sick leave or paid time off by the 120th calendar day of employment or each calendar year, or in each 12-month period. Existing law also provides that an employer may satisfy the accrual requirements by providing not less than 24 hours or 3 days of paid sick leave that is available to the employee to use by the completion of the employee's 120th calendar day of employment. Under existing law, an employer has no obligation under these provisions to allow an employee's total accrual of paid sick leave to exceed 48 hours or 6 days, provided that an employee's rights to accrue and use paid sick leave are not otherwise limited, as specified. Under existing law, sick leave carries over to the following year of employment, but an employer may limit the use of the carryover amount, in each year of employment, calendar year, or 12-month period, to 24 hours or 3 days. This bill would modify the employer's alternate sick leave accrual method to require that an employee have no less than 40 hours of accrued sick leave or paid time off by the 200th calendar day of employment or each calendar year, or in each 12-month period. The bill would modify that satisfaction provision to authorize an employer to satisfy accrual requirements by providing not less than 40 hours or 5 days of paid sick leave that is available to the employee to use by the completion of the employee's 200th calendar day of employment. The bill would also provide that an employer is under no obligation to allow an employee's total accrual of paid sick leave to exceed 80 hours or 10 days, as specified. The bill would raise the employer's authorized limitation on the employee's use of carryover sick leave to 40 hours or 5 days. The bill would expand the purposes for which paid sick days are required to be provided to include purposes related to the employee's donation of bone marrow or an organ and the closure, due to a public health emergency, of the employee's place of business or of the employee's child's school or childcare. This bill contains other existing laws.

#### [AB 969](#)

##### **(Gonzalez D) Collective bargaining: Legislature.**

**Current Text:** Introduced: 2/21/2019 [html](#) [pdf](#)

**Introduced:** 2/21/2019

**Status:** 3/28/2019-Referred to Com. on P.E. & R.

**Location:** 3/28/2019-A. P.E. & R.

**Summary:** Existing law, the Ralph C. Dills Act (Dills Act), governs collective bargaining between the state and recognized state public employee organizations. Existing law excludes certain employees from coverage under the Dills Act, including, among others, managerial employees, supervisory employees, and confidential employees, as defined. Existing law creates the Public Employment Relations Board and authorizes it, among other things, to determine appropriate state employee bargaining units, as specified. This bill would enact the Legislature Employer-Employee Relations Act, to provide employees of the Legislature, including some supervisory and managerial employees, the right to form, join, and participate in the activities of employee organizations of their own choosing for the purpose of representation on all matters of employer-employee relations. The bill would prescribe rights, duties, and prohibitions in this context that parallel those in the Dills Act. The bill would prohibit the Public Employment Relations Board from including employees of the Legislature in a bargaining unit that includes employees other than those of the Legislature. The bill would make it a misdemeanor for any person to willfully resist, prevent, impede, or interfere with any member of the board, or any of its agents, in the performance of duties pursuant to its provisions. By expanding the definition of a crime, this bill would impose a state-mandated local program. The bill would provide that the provisions of the Legislature Employer-Employee Relations Act are severable. This bill contains other related provisions and other existing laws.

#### [AB 1002](#)

##### **(Rodriguez D) State public employment: memorandum of understanding: Bargaining Unit 6.**

**Current Text:** Amended: 3/21/2019 [html](#) [pdf](#)

**Introduced:** 2/21/2019

**Last Amend:** 3/21/2019

**Status:** 3/25/2019-Re-referred to Com. on P.E. & R.

**Location:** 3/21/2019-A. P.E. & R.

**Summary:** Under existing law, a provision of a memorandum of understanding reached between the state employer and a recognized employee organization that requires the expenditure of funds does not become effective unless approved by the Legislature in the annual Budget Act. This bill would approve provisions requiring the expenditure of funds in a memorandum of understanding, as yet unidentified by date, entered into between the state employer and State Bargaining Unit 6, the California Correctional Peace Officers Association. This bill contains other related provisions.

#### [AB 1033](#)

##### **(Cooper D) State employment: new employees: information.**

**Current Text:** Introduced: 2/21/2019 [html](#) [pdf](#)

**Introduced:** 2/21/2019

**Status:** 4/3/2019-From committee: Do pass and re-refer to Com. on APPR. (Ayes 7. Noes 0.) (April 3).  
Re-referred to Com. on APPR.

**Location:** 4/3/2019-A. APPR.

**Summary:** Existing law, the State Civil Service Act, regulates employment with the state and vests in the Department of Human Resources all powers, duties, and authority necessary to operate the state civil service system. Existing law requires that appointments to state employment generally be made from lists of eligible candidates established pursuant to competitive examinations, which may be administered by an appointing power designated by the department. Existing law requires the department to establish salary ranges for each class of position in the state civil service, as specified, and to provide for intermediate steps within these ranges. Existing law establishes the Public Employees' Retirement System, which provides a defined benefit to members of the system based on final compensation, credited service, and age at retirement, subject to certain variations. This bill would require an appointing power, prior to offering employment to an applicant, to provide the applicant with an explanation of the benefits of state service in the form of specified materials. The bill would require that a formal offer of employment contain a written memorialization acknowledging that the applicant received these materials before accepting employment. The bill would require the Department of Human Resources to create these materials, subject to certain requirements.

#### [AB 1198](#)

**(Stone, Mark D) Public employees' retirement: pension reform: excepted employees: transit workers.**

**Current Text:** Amended: 3/21/2019 [html](#) [pdf](#)

**Introduced:** 2/21/2019

**Last Amend:** 3/21/2019

**Status:** 3/25/2019-Re-referred to Com. on P.E. & R.

**Location:** 3/21/2019-A. P.E. & R.

**Summary:** The California Public Employees' Pension Reform Act of 2013 (PEPRA), among other things, establishes new retirement formulas, which are generally applicable to employees first employed on or after January 1, 2013, and which a public employer offering a defined benefit pension plan is prohibited from exceeding. PEPRA excepts certain public employees from its provisions, including certain transit workers whose interests are protected by specified federal law until a federal district court ruled that a United States Department of Labor determination that the application of PEPRA to these workers violated federal law was in error, or until January 1, 2016, as specified. A district court ruling to this effect occurred on December 31, 2014. This bill would except transit workers hired before January 1, 2016, from PEPRA by removing the federal district court contingency language from the provision excepting certain transit workers from PEPRA, as described above.

#### [AB 1212](#)

**(Levine D) Public employees' retirement: pension fund management: in-state infrastructure.**

**Current Text:** Introduced: 2/21/2019 [html](#) [pdf](#)

**Introduced:** 2/21/2019

**Status:** 3/11/2019-Referred to Com. on P.E. & R.

**Location:** 3/11/2019-A. P.E. & R.

**Calendar:** 4/24/2019 9 a.m. - State Capitol, Room 444 ASSEMBLY PUBLIC EMPLOYMENT AND RETIREMENT, RODRIGUEZ, Chair

**Summary:** The California Constitution confers upon the retirement boards of public retirement systems plenary authority and fiduciary responsibility for the investment of moneys of those systems. Existing law authorizes the Board of Administration of the Public Employees' Retirement System, the Teachers' Retirement Board of the State Teachers' Retirement System, and the board of retirement or the board of investments of a retirement system established pursuant to the County Employees Retirement Law of 1937, consistent with their fiduciary duties and investment standards, to prioritize investment in an in-state infrastructure project over a comparable out-of-state infrastructure project. This bill would require a state agency that is responsible for infrastructure projects to produce a list of priority infrastructure projects for funding consideration by the retirement boards, as described above, and to provide it to them. The bill would require a state agency also to provide further project information to a board upon request.

#### [AB 1320](#)

**(Nazarian D) Public employee retirement systems: prohibited investments: Turkey.**

**Current Text:** Amended: 4/4/2019 [html](#) [pdf](#)

**Introduced:** 2/22/2019

**Last Amend:** 4/4/2019

**Status:** 4/4/2019-Read second time and amended.

**Location:** 4/3/2019-A. APPR.

**Summary:** The California Constitution grants the retirement board of a public employee retirement system plenary authority and fiduciary responsibility for investment of moneys and administration of the retirement fund and system. The California Constitution qualifies this grant of powers by reserving to the Legislature the authority to prohibit investments if it is in the public interest and the prohibition satisfies standards of fiduciary care and loyalty required of a retirement board. Existing law prohibits the boards of administration of the Public Employees' Retirement System and the State Teachers'

Retirement System from making investments in certain countries and in thermal coal companies, as specified, subject to the boards' plenary authority and fiduciary responsibility for investment of moneys and administration of the systems. This bill, upon the passage of a federal law that imposes sanctions on the government of Turkey for failure to officially acknowledge its responsibility for the Armenian Genocide, would prohibit the boards of administration of the Public Employees' Retirement System and the State Teachers' Retirement System from making additional or new investments, or renewing existing investments, of public employee retirement funds in an investment vehicle in the government of Turkey that is issued by the government of Turkey or that is owned, controlled, or managed by the government of Turkey. The bill would require the boards to liquidate existing investments in the government of Turkey within 18 months of the passage of the above-described federal law. The bill would require these boards to make specified reports to the Legislature and the Governor regarding these actions within one year of the passage of a federal law imposing those sanctions on the government of Turkey and on or before January 1, 2024. The bill would specify that its provisions do not require a board to take any action that the board determines in good faith is inconsistent with its constitutional fiduciary responsibilities to the retirement system. The bill would indemnify from the General Fund and hold harmless the present, former, and future board members, officers, and employees of, and investment managers under contract with, the boards, in connection with actions relating to these investments. The bill would repeal these provisions on January 1, 2025, or if a determination is made by the Department of State or the Congress of the United States, or another appropriate federal agency, that the government of Turkey has officially acknowledged its responsibility for the Armenian Genocide, whichever occurs first.

### [AB 1430](#)

**(Garcia, Eduardo D) State government: public investment opportunities: cost-effective definition.**

**Current Text:** Introduced: 2/22/2019 [html](#) [pdf](#)

**Introduced:** 2/22/2019

**Status:** 3/14/2019-Referred to Com. on A. & A.R.

**Location:** 3/14/2019-A. A. & A.R.

**Calendar:** 4/10/2019 9 a.m. - State Capitol, Room 437 ASSEMBLY ACCOUNTABILITY AND ADMINISTRATIVE REVIEW, PETRIE-NORRIS, Chair

**Summary:** Existing law authorizes the Public Utilities Commission, the State Air Resources Board, the California Transportation Commission, and the Labor and Workforce Development Agency to invest public moneys on various project and programs. Existing law requires some of those investments to be cost effective. This bill would require these agencies, by January 1, 2021, to provide a joint assessment of options for redefining the term "cost-effective" to the Legislature for the purposes of prioritizing public investment opportunities. The bill would require these agencies, in assessing the options for the definition, to consider the impact that investments would have on various specified factors. The bill would require these agencies to conduct a joint public process for completing the assessment and to solicit comments from interested stakeholders.

### [ACA 2](#)

**(Nazarian D) State tax agency.**

**Current Text:** Introduced: 12/3/2018 [html](#) [pdf](#)

**Introduced:** 12/3/2018

**Status:** 12/4/2018-From printer. May be heard in committee January 3.

**Location:** 12/3/2018-A. PRINT

**Summary:** The California Constitution establishes the State Board of Equalization, consisting of the Controller and 4 other members elected from districts, and provides for the election, recall, impeachment, filling of vacancies, and salaries and benefits of those board members elected from districts. The California Constitution vests the board with various powers, duties, and responsibilities related to the administration of taxes imposed on property, insurance, and alcoholic beverages. This measure would abolish the State Board of Equalization and instead require the Legislature to create a state tax agency by statute for purposes of carrying out those powers, duties, and responsibilities previously vested in the State Board of Equalization by the California Constitution and by statute. The bill would authorize the Legislature to vest all powers, duties, and responsibilities in a single state tax agency or separately in multiple state tax agencies. The measure would deem the California Department of Tax and Fee Administration and the office of Tax Appeals to be state tax agencies for purposes of these provisions and vest in those entities specified powers, duties and responsibilities currently vested in the State Board of Equalization. The measure would make conforming changes by deleting various references to the State Board of Equalization throughout the California Constitution, including in those provisions regarding the election, recall, impeachment, filling of vacancies, and salaries and benefits of members of the board, and make other nonsubstantive changes.

### [SB 73](#)

**(Mitchell D) Budget Act of 2019.**

**Current Text:** Introduced: 1/10/2019 [html](#) [pdf](#)

**Introduced:** 1/10/2019

**Status:** 1/11/2019-From printer.

**Location:** 1/10/2019-S. BUDGET & F.R.

**Summary:** This bill would make appropriations for the support of state government for the 2019–20

fiscal year. This bill contains other related provisions.

### [SB 241](#)

#### **(Moorlach R) Public agencies: joint powers authorities: contracts.**

**Current Text:** Amended: 4/2/2019 [html](#) [pdf](#)

**Introduced:** 2/11/2019

**Last Amend:** 4/2/2019

**Status:** 4/2/2019-From committee with author's amendments. Read second time and amended. Re-referred to Com. on GOV. & F.

**Location:** 2/21/2019-S. GOV. & F.

**Calendar:** 4/10/2019 9:30 a.m. - Room 112 SENATE GOVERNANCE AND FINANCE, MCGUIRE, Chair

**Summary:** The Joint Exercise of Powers Act generally authorizes 2 or more public agencies, by agreement, to jointly exercise any common power. Under the Act, an agency created pursuant to a joint powers agreement possesses the common power specified in the agreement and may exercise that power in the manner provided in the agreement. Under the Act, an agency created pursuant to a joint powers agreement is authorized to make and enter contracts, to employ agents and employees, to hold or dispose of property, and to incur debts, liabilities, and obligations. This bill would require the governing body of a majority of the member agencies of an agency established pursuant to a joint powers agreement to approve and ratify each memorandum of understanding negotiated between the joint powers agency and its employees, and submit that approval and ratification to the governing body of the agency, within 45 calendar days of receipt.

### [SB 266](#)

#### **(Leyva D) Public Employees' Retirement System: disallowed compensation: benefit adjustments.**

**Current Text:** Introduced: 2/12/2019 [html](#) [pdf](#)

**Introduced:** 2/12/2019

**Status:** 3/29/2019-Set for hearing April 8.

**Location:** 3/27/2019-S. APPR.

**Calendar:** 4/8/2019 10 a.m. - John L. Burton Hearing Room (4203)

SENATE APPROPRIATIONS, PORTANTINO, Chair

**Summary:** Existing law, the Public Employees' Retirement Law (PERL), establishes the Public Employees' Retirement System (PERS), which provides a defined benefit to members of the system, based on final compensation, credited service, and age at retirement, subject to certain variations. PERL authorizes a public agency to contract to make its employees members of PERS and prescribes a process for this. PERS is administered by its board of administration, which is responsible for correcting errors and omissions in the administration of the system and the payment of benefits. Existing law requires the board to correct all actions taken as a result of errors or omissions of the state or a contracting agency, in accordance with certain procedures. This bill would establish new procedures under PERL for cases in which PERS determines that the benefits of a member or annuitant are, or would be, based on compensation that conflicts with PEPPRA and other specified laws and thus impermissible under PERL. The bill would also apply these procedures retroactively to determinations made on or after January 1, 2017, if an appeal has been filed and the employee member, survivor, or beneficiary has not exhausted their administrative or legal remedies. At the threshold, after determining that compensation for an employee member reported by the state, school employer, or a contracting agency is disallowed, the bill would require the applicable employer to discontinue the reporting of the disallowed compensation. The bill would require that contributions made on the disallowed compensation, for active members, be credited against future contributions on behalf of the state, school employer, or contracting agency that reported the disallowed compensation and would require that the state school employer, or contracting agency to return to the member any contributions paid by the member or on the member's behalf. This bill contains other related provisions and other existing laws.

### [SB 430](#)

#### **(Wieckowski D) Public employees' retirement benefits: judges.**

**Current Text:** Introduced: 2/21/2019 [html](#) [pdf](#)

**Introduced:** 2/21/2019

**Status:** 4/2/2019-Set for hearing April 10.

**Location:** 3/7/2019-S. L., P.E. & R.

**Calendar:** 4/10/2019 9:30 a.m. - Rose Ann Vuich Hearing Room (2040) SENATE LABOR, PUBLIC EMPLOYMENT AND RETIREMENT, HILL, Chair

**Summary:** The California Public Employees' Pension Reform Act of 2013 (PEPPRA) generally requires a public retirement system, as defined, to modify its pension plan or plans to comply with the act, as specified. Among other things, PEPPRA prohibits a public employer offering a defined benefit pension plan from exceeding specified retirement formulas for new members and prohibits an enhancement of a public employee's retirement formula or benefit adopted after January 1, 2013, from applying to service performed prior to the operative date of the enhancement. PEPPRA defines terms for those purposes, including defining "new member" to include an individual who becomes a member of any public retirement system for the first time on or after January 1, 2013, and who was not a member of any other public retirement system prior to that date; an individual who becomes a member of a public retirement system for the first time on or after January 1, 2013, and who was a member of another

public retirement system prior to that date, but who was not subject to reciprocity under specified law; or an individual who was an active member in a retirement system and who, after a break in service of more than 6 months, returned to active membership in that system with a new employer. This bill would specifically exclude from the definition of "new member" a judge, as defined in specified existing law, elected to office before January 1, 2013.

**[SB 769](#)**

**(Moorlach R) Public employees' retirement.**

**Current Text:** Introduced: 2/22/2019 [html](#) [pdf](#)

**Introduced:** 2/22/2019

**Status:** 3/14/2019-Referred to Com. on RLS.

**Location:** 2/22/2019-S. RLS.

**Summary:** The Public Employees' Retirement Law (PERL) establishes the Public Employees' Retirement System (PERS), which provides pension and other benefits to its members. Under PERL, membership in PERS is compulsory for specified public employees. Existing law provides that those compulsory membership provisions do not apply to certain persons who are expressly excluded from PERS. This bill would make a nonsubstantive change to that provision.

**Total Measures: 33**

**Total Tracking Forms: 33**