



**BLANNING & BAKER**

Associates, Inc.

**ACSS Legislative Report  
3/19/2021**

**Sponsor**

**SB 76**

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

**Current Text:** Amended: 3/3/2021 [html](#) [pdf](#)

**Introduced:** 12/15/2020

**Last Amend:** 3/3/2021

**Status:** 3/11/2021-Re-referred to Coms. on L., P.E. & R. and JUD.

**Location:** 3/11/2021-S. L., P.E. & R.

**Summary:** Existing law, 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, and 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 binding 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. This bill would grant a party to the arbitration the right to have a certified shorthand reporter transcribe the proceeding and would deem the transcription 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 passing the costs of arbitration on to the excluded employee.

**Memo:**

Co-Sponsor letter sent to Author -- 3/9/21

Co-Sponsor letter sent to Sen. JUD -- 3/19/21

Co-Sponsor letter sent to Sen. LPE&R -- 3/19/21

**Support**

**AB 84**

**(Committee on Budget) Employment: COVID-19: supplemental paid sick leave.**

**Current Text:** Amended: 3/12/2021 [html](#) [pdf](#)

**Introduced:** 12/7/2020

**Last Amend:** 3/12/2021

**Status:** 3/15/2021-From committee: Do pass. (Ayes 13. Noes 5.) (March 15).

**Location:** 1/25/2021-S. THIRD READING

**Calendar:** 3/22/2021 #34 SENATE ASSEMBLY BILLS - THIRD READING FILE

**Summary:** Existing law, the Healthy Workplaces, Healthy Families Act of 2014, entitles an employee who works in California for the same employer for 30 or more days within a year from the commencement of employment to paid sick days. Under existing law, an employee accrues paid sick days at a rate of not less than one hour per every 30 hours worked, subject to certain use, accrual, and yearly carryover limitations. Existing law requires the Labor Commissioner to enforce the act and provides for procedures, including investigation and hearing, and for remedies and penalties. Existing law, until December 31, 2020, provided for COVID-19 food sector supplemental paid sick leave for food sector workers and required a hiring entity to provide COVID-19 food sector supplemental paid sick leave, as described, to each food sector worker unable to work due to specified reasons relating to COVID-19. Existing law also established, until December 31, 2020, COVID-19 supplemental paid sick leave for covered workers, including certain persons employed by private businesses of 500 or more employees or persons employed as certain types of health care providers or emergency responders by public or private entities. This bill would provide for COVID-19 supplemental paid sick leave for covered employees, as defined, who are unable to work or telework due to certain reasons related to COVID-19, including that the employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19. The bill would entitle a covered employee to 80 hours of COVID-19

supplemental paid sick leave if that employee either works full time or was scheduled to work, on average, at least 40 hours per week for the employer in the 2 weeks preceding the date the covered employee took COVID-19 supplemental paid sick leave. The bill would provide a different calculation for supplemental paid sick leave for a covered employee who is a firefighter subject to certain work schedule requirements and for a covered employee working fewer or variable hours, as specified. The bill would provide that the total number of hours of COVID-19 supplemental paid sick leave to which a covered employee is entitled to under these provisions is in addition to any paid sick leave available under the act, as specified. This bill would set the compensation rate for a nonexempt covered employee at the highest of the covered employee's regular rate of pay for the pay period in which the supplemental paid sick leave is taken, the state minimum wage, or the local minimum wage to which the covered employee is entitled, up to certain daily and aggregate total maximum payment limits and subject to specified federal law increases. The bill would prohibit an employer from requiring a covered employee to use other paid or unpaid leave, paid time off, or vacation time provided by the employer to the covered employee before that employee uses COVID-19 supplemental paid leave or in lieu thereof, except in certain circumstances in which the employer provides another supplemental benefit for leave for COVID-19, as prescribed. The bill would require the Labor Commissioner to enforce these COVID-19 supplemental paid sick leave provisions, as provided. The bill would also require the Labor Commissioner to make publicly available a model notice relating to COVID-19 supplemental paid sick leave. This bill would also provide for COVID-19 supplemental paid sick leave for specified in-home supportive service providers and personal waiver care service providers, as defined, who are unable to work or telework due to certain reasons related to COVID-19. Under the bill, a provider would be entitled to COVID-19 supplemental paid leave if, among other reasons, the provider is subject to a quarantine or isolation period related to COVID-19 pursuant to an order or guidelines of the State Department of Public Health, the federal Centers for Disease Control and Prevention, or a local health officer, or has been advised by a health care provider to self-quarantine due to concerns related to COVID-19. The bill would entitle a provider to up to 80 hours of COVID-19 supplemental paid leave, if the provider worked or was scheduled to work, on average, at least 40 hours per week, as specified, or met certain other work conditions. The bill would set the compensation rate for this supplemental paid sick leave, as specified. The bill would authorize the State Department of Social Services and the State Department of Health Care Services to implement, interpret, or make these provisions specific by means of all-county letters or similar instructions, without taking any regulatory action. The bill would make these requirements, with respect to covered employees, in-home supportive service providers, and personal waiver care service providers, to provide COVID-19 supplemental paid sick leave take effect 10 days after the date of enactment of the bill and would apply these provisions retroactively to January 1, 2021, as specified. The bill would provide that the requirement to provide COVID-19 supplemental paid sick leave would apply until September 30, 2021, as specified. This bill would appropriate \$100,000 from the General Fund to the Labor Commissioner for staffing resources to implement and enforce these provisions. This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

## **SB 95**

### **(Skinner D) Employment: COVID-19: supplemental paid sick leave.**

**Current Text:** Enrollment: 3/18/2021 [html](#) [pdf](#)

**Introduced:** 12/16/2020

**Last Amend:** 3/15/2021

**Status:** 3/18/2021-Assembly amendments concurred in. (Ayes 29. Noes 8.) Ordered to engrossing and enrolling. Enrolled and presented to the Governor at 12:30 p.m.

**Location:** 3/18/2021-S. ENROLLMENT

**Summary:** Existing law, the Healthy Workplaces, Healthy Families Act of 2014, entitles an employee who works in California for the same employer for 30 or more days within a year from the commencement of employment to paid sick days. Under existing law, an employee accrues paid sick days at a rate of not less than one hour per every 30 hours worked, subject to certain use, accrual, and yearly carryover limitations. Existing law requires the Labor Commissioner to enforce the act and provides for procedures, including investigation and hearing, and for remedies and penalties. This bill would provide for COVID-19 supplemental paid sick leave for covered employees, as defined, who are unable to work or telework due to certain reasons related to COVID-19, including that the employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19. The bill would entitle a covered employee to 80 hours of COVID-19 supplemental paid sick leave if that employee either works full time or was scheduled to work, on average, at least 40 hours per week for the employer in the 2 weeks preceding the date the covered employee took COVID-19 supplemental paid sick leave. The bill would provide a different calculation for supplemental paid sick leave for a covered employee who is a firefighter subject to certain work schedule requirements and for a covered employee working fewer or variable hours, as specified. The bill would provide that the total number of hours of COVID-19 supplemental paid sick leave to which a covered employee is entitled to under these provisions is in addition to any paid sick leave available under the act, as specified. This bill contains other related provisions and other existing laws.

## **SB 278**

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

**Current Text:** Introduced: 1/29/2021 [html](#) [pdf](#)

**Introduced:** 1/29/2021

**Status:** 3/17/2021-Set for hearing April 6.

**Location:** 3/8/2021-S. JUD.

**Calendar:** 4/6/2021 1:30 p.m. - Senate Chamber SENATE JUDICIARY, UMBERG, Chair

**Summary:** (1)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 disallowed compensation that conflicts with PEPRA 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 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.

**Memo:**

Support letter sent to Author -- 3/2/21

Support letter sent to Sen. LPE&R -- 3/2/21

Support letter sent to Sen. JUD -- 3/17/21

## Oppose

### [AB 1133](#)

**(Chen R) State employee hybrid pension system.**

**Current Text:** Introduced: 2/18/2021 [html](#) [pdf](#)

**Introduced:** 2/18/2021

**Status:** 2/19/2021-From printer. May be heard in committee March 21.

**Location:** 2/18/2021-A. PRINT

**Summary:** Existing law creates the Public Employees' Retirement System (PERS), which offers a defined benefit pension and other benefits to its members based on age at retirement, service credit, and final compensation, subject to certain variations. Existing law generally provides that state employees become members of PERS upon employment. Existing law authorizes the Department of Personnel Administration to create a tax-deferred savings plan, which has been named Savings Plus, that permits state employees to build a retirement savings account using payroll deductions. The bill would state the intent of the Legislature to enact legislation that would create a hybrid retirement benefit, consisting of a defined benefit pension and a defined contribution program, within the Public Employees' Retirement System, that state employees would have the option of electing.

## Watch

### [AB 53](#)

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

**Current Text:** Amended: 3/15/2021 [html](#) [pdf](#)

**Introduced:** 12/7/2020

**Last Amend:** 3/15/2021

**Status:** 3/16/2021-Re-referred to Com. on ELECTIONS.

**Location:** 3/15/2021-A. ELECTIONS

**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 the California State University, and request the University of California, to close campuses on a 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. The bill would provide that the third Monday in February, also known as Washington Day, is observed only in odd-numbered years. This

bill contains other related provisions and other existing laws.

#### [AB 105](#)

**(Holden D) The Upward Mobility Act of 2021: boards and commissions: civil service: examinations: classifications.**

**Current Text:** Amended: 3/1/2021 [html](#) [pdf](#)

**Introduced:** 12/14/2020

**Last Amend:** 3/1/2021

**Status:** 3/2/2021-Re-referred to Com. on P.E. & R.

**Location:** 1/11/2021-A. P.E. & R.

**Summary:** Existing law provides that it is the policy of the State of California that the composition of state boards and commissions shall be broadly reflective of the general public, including ethnic minorities and women. This bill would require that by December 31, 2022, all state boards and commissions have at least one director or commissioner from an underrepresented community. The bill would require by December 31, 2023, all state boards and commissions have at least 2 or 3 directors or commissioners, depending on the size of the entity, from an underrepresented community. The bill would define the term "director or commissioner from an underrepresented community" as an individual who self-identifies as Black, African American, Hispanic, Latino, Asian, Pacific Islander, Native American, Native Hawaiian, or Alaska Native, or who self-identifies as gay, lesbian, bisexual, or transgender. The bill would require that these requirements only apply as vacancies on state boards and commissions occur. This bill contains other related provisions and other existing laws.

#### [AB 214](#)

**(Ting D) Budget Act of 2021.**

**Current Text:** Introduced: 1/8/2021 [html](#) [pdf](#)

**Introduced:** 1/8/2021

**Status:** 1/28/2021-Referred to Com. on BUDGET.

**Location:** 1/28/2021-A. BUDGET

**Summary:** This bill would make appropriations for the support of state government for the 2021–22 fiscal year. This bill contains other related provisions.

#### [AB 230](#)

**(Voepel R) Employment: flexible work schedules.**

**Current Text:** Introduced: 1/12/2021 [html](#) [pdf](#)

**Introduced:** 1/12/2021

**Status:** 1/28/2021-Referred to Com. on L. & E.

**Location:** 1/28/2021-A. L. & E.

**Summary:** Existing law, with certain exceptions, establishes 8 hours as a day's work and a 40-hour workweek, and requires payment of prescribed overtime compensation for additional hours worked. Existing law authorizes the adoption by 2/3 of employees in a work unit of alternative workweek schedules providing for workdays no longer than 10 hours within a 40-hour workweek. This bill would enact the Workplace Flexibility Act of 2021. The bill would permit an individual nonexempt employee to request an employee-selected flexible work schedule providing for workdays up to 10 hours per day within a 40-hour workweek, and would allow an employer to implement this schedule without the obligation to pay overtime compensation for those additional hours in a workday, except as specified. The bill would require that the flexible work schedule contain specified information and the employer's and the employee's original signature. The bill would also require the Division of Labor Standards Enforcement in the Department of Industrial Relations to enforce this provision and adopt regulations.

#### [AB 237](#)

**(Gray D) Public employment: unfair practices: health protection.**

**Current Text:** Amended: 3/1/2021 [html](#) [pdf](#)

**Introduced:** 1/13/2021

**Last Amend:** 3/1/2021

**Status:** 3/2/2021-Re-referred to Com. on P.E. & R.

**Location:** 1/28/2021-A. P.E. & R.

**Summary:** Existing law establishes the Public Employment Relations Board (PERB) in state government for the purpose 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. Under existing law, PERB has the power and duty to investigate an unfair practice charge and to determine whether the charge is justified and the appropriate remedy for the unfair practice. This bill, the Public Employee Health Protection Act, would make it an unfair practice for a covered employer, as defined, to fail or refuse to maintain or pay for continued health care or other medical coverage for an enrolled employee or their enrolled dependents, for the duration of the enrolled employee's participation in the authorized strike, at the level and under the conditions that coverage would have been provided if the employee had continued to work in their position for the duration of the strike. The bill would also make it an unfair practice for a covered employer to fail to collect and remit the employee's contributions, if any, to this coverage, or to maintain any policy purporting to authorize an action prohibited by this provision or otherwise threaten an employee or their dependents' continued access to health or medical care during or as a result of the employee's

participation in a strike. The bill would require the restoration of health or other medical care premiums, contributions, or out-of-pocket expenses actually paid by the employee or their dependents as a result of the employer's violation of this provision, or because the employer failed to ensure continued coverage during a strike, and would require other equitable adjustments to ensure that the employee and their dependents are made whole, as specified. This bill contains other related provisions and other existing laws.

#### **AB 313**

##### **(Garcia, Cristina D) Civil service: Limited Examination and Appointment Program.**

**Current Text:** Introduced: 1/25/2021 [html](#) [pdf](#)

**Introduced:** 1/25/2021

**Status:** 2/12/2021-Referred to Com. on P.E. & R.

**Location:** 2/12/2021-A. P.E. & R.

**Summary:** 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 creates the Limited Examination and Appointment Program (LEAP), which the Department of Human Resources administers, to provide an alternative to the traditional civil service examination and appointment process to facilitate the hiring of persons with disabilities. Existing law will repeal certain provisions of LEAP on January 1, 2022. This bill would, notwithstanding those provisions, require the department to, upon request of the appointing power, provide the appointing power a LEAP referral list without combining that list with a parallel list. The bill would require the department to establish guidelines for provision of reasonable accommodation to applicants and employees with disabilities and to adopt a model reasonable accommodation policy, as specified. This bill contains other related provisions and other existing laws.

#### **AB 314**

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

**Current Text:** Introduced: 1/25/2021 [html](#) [pdf](#)

**Introduced:** 1/25/2021

**Status:** 1/28/2021-Introduced measure version corrected.

**Location:** 1/25/2021-A. PRINT

**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 316**

##### **(Cooper D) State employees: pay equity: under-represented groups.**

**Current Text:** Amended: 3/4/2021 [html](#) [pdf](#)

**Introduced:** 1/25/2021

**Last Amend:** 3/4/2021

**Status:** 3/8/2021-Re-referred to Com. on P.E. & R.

**Location:** 3/4/2021-A. P.E. & R.

**Summary:** Existing law prohibits an employer, including both public and private employers, from paying any of its employees at wage rates less than the rates paid to employees of the opposite sex or another race or ethnicity for substantially similar work, when viewed as a composite of skill, effort, and responsibility, and performed under similar working conditions, unless the employer demonstrates the wage differential is based upon specified factors including, but not limited to, a seniority system, a merit system, or a system that measures earnings based on quality or quantity of production. Existing law establishes the Department of Human Resources (department) and requires the department to administer the Personnel Classification Plan, including allocating every position to the appropriate class. Existing law requires the allocation of a position to a class be derived from, and determined by, ascertaining the duties and responsibilities of the position, and be based on the principle that all positions are to be included in the same class if certain qualifications apply, including, but not limited to,



that the positions are sufficiently similar in respect to duties and responsibilities that the same descriptive title may be used, and substantially the same requirements as to education, experience, knowledge, and ability are demanded of incumbents. This bill would require the department, prior to January 1, 2023, and every 2 years thereafter, to prepare a report on gender and ethnicity pay equity in each classification under the Personnel Classification Plan where there is an underrepresentation of women and minorities. The bill would require the report to contain a plan for each state agency to attain pay equity that is consistent with existing state and federal law if a discrepancy is found, a plan to recruit, attract, and retain women and minorities that is consistent with existing state and federal law in positions where there is an underrepresentation of those groups, and each state agency's efforts that are consistent with state and federal law toward meeting the goals for wage parity and increasing the number of women and minorities in the state agency. The bill would require the department to submit the report to the Legislature no later than January 1 following the completion of the report. The bill would further require the head of each state agency, or their representative, to present the facts and findings from the report for that state agency to the appropriate legislative budget committees when the budget of that state agency is before the subcommittee. This bill contains other existing laws.

#### **AB 444**

##### **(Committee on Public Employment and Retirement) State and local employees: pay warrants: designees.**

**Current Text:** Introduced: 2/8/2021 [html](#) [pdf](#)

**Introduced:** 2/8/2021

**Status:** 2/18/2021-Referred to Com. on P.E. & R.

**Location:** 2/18/2021-A. P.E. & R.

**Summary:** Existing law authorizes a state employee to designate with their appointing power a person who may receive the employee's warrants upon the employee's death. Existing law requires an appointing power, upon sufficient proof of identity from an appropriate designee, to deliver warrants to the person claiming them. Existing law entitles the designated person who receives warrants to negotiate the warrants as if they were the payee. This bill would prescribe a process by which an appointing power would issue a check directly to a designated person instead of delivering employee warrants to that person, as described above. Upon sufficient proof of the designee's identity, the bill would require the appointing power to endorse and deposit the warrant issued to a deceased employee back into the Treasury to the credit of the fund or appropriation upon which it was drawn, as specified, and then issue a revolving fund check to the designated person in the original amount payable to employee. This bill contains other related provisions and other existing laws.

#### **AB 507**

##### **(Kalra D) Health care service plans: review of rate increases.**

**Current Text:** Introduced: 2/9/2021 [html](#) [pdf](#)

**Introduced:** 2/9/2021

**Status:** 2/10/2021-From printer. May be heard in committee March 12.

**Location:** 2/9/2021-A. PRINT

**Summary:** Existing law, the Knox-Keene Health Care Service Plan Act of 1975, provides for the licensure and regulation of health care service plans by the Department of Managed Health Care. Existing law requires a health care service plan in the individual, small group, or large group markets to file rate information with the Department of Managed Health Care, as specified. Existing law requires the information submitted to be made publicly available, except as specified, and requires the department and the health care service plan to make specified information, including justification for an unreasonable rate increase, readily available to the public on their internet websites in plain language. This bill would make technical, nonsubstantive changes to those provisions.

#### **AB 510**

##### **(Wood D) Out-of-network health care benefits.**

**Current Text:** Introduced: 2/9/2021 [html](#) [pdf](#)

**Introduced:** 2/9/2021

**Status:** 2/18/2021-Referred to Com. on HEALTH.

**Location:** 2/18/2021-A. HEALTH

**Summary:** Existing law, the Knox-Keene Health Care Service Plan Act of 1975, provides for the licensure and regulation of health care service plans by the Department of Managed Health Care. Existing law provides for the regulation of health insurers by the Department of Insurance. If an enrollee or insured receives services under a health care service plan contract or health insurance policy issued, amended, or renewed on or after July 1, 2017, that includes coverage for out-of-network benefits, existing law authorizes a noncontracting individual health professional to bill or collect the out-of-network cost-sharing amount directly from the enrollee or insured if specified criteria are met, including that the enrollee or insured consents in writing to receive services from the noncontracting individual health professional at least 24 hours in advance of care. Existing law requires the consent to advise the enrollee or insured that they may seek care from a contracted provider for lower out-of-pocket costs and to be provided in the language spoken by the enrollee or insured, as specified. This bill would instead authorize a noncontracting individual health professional, excluding specified professionals, to bill or collect the out-of-network cost-sharing amount directly from the enrollee or

insured receiving services under a health care service plan contract or health insurance policy issued, amended, or renewed on or after January 1, 2022, if the enrollee consents in writing or electronically at least 72 hours in advance of care. The bill would require the consent to include a list of contracted providers at the facility who are able to provide the services and to be provided in the 15 most commonly used languages in the facility's geographic region.

#### **AB 539**

##### **(Cooley D) State teachers' retirement: investment managers and investment advisers: contracts.**

**Current Text:** Introduced: 2/10/2021 [html](#) [pdf](#)

**Introduced:** 2/10/2021

**Status:** 2/18/2021-Referred to Com. on P.E. & R.

**Location:** 2/18/2021-A. P.E. & R.

**Summary:** The California Constitution provides that the civil service includes every officer and employee in the state except as otherwise provided in the Constitution, and existing statutory law, the State Civil Service Act, prescribes a comprehensive civil service personnel system for the state. This bill would additionally authorize the board to contract with investment advisers, as defined, upon the same finding by the board and approval by the State Personnel Board. The bill would, pursuant to a policy adopted by the board, authorize the board to establish a competitive bidding process and to specify the contract terms and conditions the board solely deems necessary and prudent to contract with qualified investment managers and investment advisers. This bill contains other existing laws.

#### **AB 551**

##### **(Rodriguez D) Teachers' Retirement System: individual retirement plans: administration.**

**Current Text:** Introduced: 2/10/2021 [html](#) [pdf](#)

**Introduced:** 2/10/2021

**Status:** 2/18/2021-Referred to Com. on P.E. & R.

**Location:** 2/18/2021-A. P.E. & R.

**Summary:** Existing law authorizes the State Teachers' Retirement System to administer an individual retirement plan described in Section 408A of Title 26 of the United States Code, commonly referred to as a Roth IRA, for the purpose of accepting a rollover from an annuity contract or custodial account offered by the system to the extent the rollover complies with specified federal law. Existing law establishes the Teachers' Deferred Compensation Fund, which is continuously appropriated, to serve as the repository of funds received by the system for various deferred compensation plans. Existing law specifies where in the fund certain premium and fee revenues received by the system are to be deposited. This bill would also authorize the system to administer an individual retirement plan as described in Section 408 of Title 26 of the United States Code. The bill would eliminate the requirement that the administration of these plans be for the purpose of accepting a rollover from an annuity contract or custodial account offered by the system, as described above. The bill would instead specify categories of people for whom the system could provide this service, including certain former eligible employees and their spouses. By providing for additional funds to be deposited into a continuously appropriated fund, this bill would make an appropriation. The bill would make a conforming change regarding where premium and fee revenues received in this regard are to be deposited.

#### **AB 761**

##### **(Chen R) County employees' retirement: personnel: Orange County.**

**Current Text:** Amended: 3/18/2021 [html](#) [pdf](#)

**Introduced:** 2/16/2021

**Last Amend:** 3/18/2021

**Status:** 3/18/2021-From committee chair, with author's amendments: Amend, and re-refer to Com. on P.E. & R. Read second time and amended.

**Location:** 2/25/2021-A. P.E. & R.

**Summary:** The County Employees Retirement Law of 1937 (CERL) authorizes counties to establish retirement systems pursuant to its provisions in order to provide pension benefits to their employees. CERL authorizes the board of retirement and both the board of retirement and the board of investment to appoint administrative, technical, and clerical staff as required to accomplish the necessary work of the board. Under CERL, these appointments are generally required to be made from eligible lists created in accordance with the civil service system or merit system rules of the county. CERL, however, authorizes the retirement boards of specified counties to appoint assistant administrators and chief investment officers who, following appointment, are outside county charter, civil service, and merit system rules, except as specified. CERL provides that these administrators and officers are employees of the county, as specified, while serving at the pleasure of the appointing boards, and that they may be dismissed without cause. Existing law also applies these provisions to any county if the board of supervisors for that county, by resolution adopted by majority vote, makes those provisions applicable in the county. This bill would authorize the board of retirement for Orange County to appoint an administrator, assistant administrators, a chief investment officer, subordinate investment officers, senior management employees, legal counsel, and other specified employees. The bill would provide that the personnel appointed pursuant to these provisions would not be county employees subject to county civil service and merit system rules, and instead would be employees of the retirement system. The bill would provide that the compensation of personnel appointed pursuant to these provisions is an expense of administration of the retirement system. The bill would authorize the board of retirement

and board of supervisors to enter into agreements as necessary and appropriate to carry out these provisions and would make related, conforming changes.

#### [AB 845](#)

##### **(Rodriguez D) Disability retirement: COVID-19: presumption.**

**Current Text:** Introduced: 2/17/2021 [html](#) [pdf](#)

**Introduced:** 2/17/2021

**Status:** 2/25/2021-Referred to Com. on P.E. & R.

**Location:** 2/25/2021-A. P.E. & R.

**Summary:** Existing law, until 2023, defines "injury" for purposes of workers' compensation insurance to include illness or death resulting from the 2019 novel coronavirus disease (COVID-19) under specified circumstances, and creates a disputable presumption, as specified, that the injury arose out of the course of employment and is compensable. This presumption is applicable to specified public safety, firefighter, and medical occupation, among others, as specified. This bill, until January 1, 2023, would create a presumption, applicable to the retirement systems that PEPR regulates and to specified members in those systems, that would be applied to disability retirements on the basis, in whole or in part, of a COVID-19-related illness. In this circumstance, the bill would require that it be presumed the disability arose out of, or in the course of, the member's employment. The bill would authorize the presumption to be rebutted by evidence to the contrary, but unless controverted, the board of administration of the applicable retirement system would be required to find in accordance with the presumption. The bill would apply this presumption to members employed in specified firefighter, public safety officer, and health care job classifications, or their functional equivalents, and to members in other job classifications who test positive for COVID-19 during an outbreak of the disease at their places of employment, as defined. This bill contains other existing laws.

#### [AB 1019](#)

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

**Current Text:** Introduced: 2/18/2021 [html](#) [pdf](#)

**Introduced:** 2/18/2021

**Status:** 3/4/2021-Referred to Com. on P.E. & R.

**Location:** 3/4/2021-A. P.E. & R.

**Summary:** Existing California Constitution provisions grant 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. These provisions qualify 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. This bill would, in addition, prohibit state trust moneys from being used to make additional or new investments or to renew existing investments in investment vehicles issued or owned by the government of Turkey, unless the government adopts a policy to acknowledge the Armenian Genocide and embark on a path of affording justice to its victims. The bill would define "state trust moneys" to mean funds administered by specified state employee retirement funds, including the Public Employees' Retirement Fund and the Legislators' Retirement Fund. This bill contains other existing laws.

#### [AB 1028](#)

##### **(Seyarto R) Telework Flexibility Act.**

**Current Text:** Introduced: 2/18/2021 [html](#) [pdf](#)

**Introduced:** 2/18/2021

**Status:** 3/4/2021-Referred to Coms. on L. & E. and JUD.

**Location:** 3/4/2021-A. L. & E.

**Summary:** Existing law, with various exceptions, generally establishes 8 hours as a day's work and a 40-hour workweek and requires the payment of prescribed overtime compensation for additional hours worked. This bill would permit an individual nonexempt employee to request an employee-selected remote work flexible work schedule providing for workdays up to 10 hours per day within a 40-hour workweek and would allow an employer to implement this schedule without the obligation to pay overtime compensation for those additional hours in a workday, except as specified. The authorization would apply only if an employee is working remotely and not under the physical control of the employer. The bill would require that the flexible work schedule contain specified information and the employer's and the employee's original signatures. The bill would except split shift premiums from application to the work of employees who are working an employee-selected remote work flexible work schedule. The bill would require the Division of Labor Standards Enforcement in the Department of Industrial Relations to enforce this provision and adopt regulations. This bill contains other related provisions and other existing laws.

#### [AB 1032](#)

##### **(Cooper D) State employees: active duty order: pay and benefits.**

**Current Text:** Amended: 3/18/2021 [html](#) [pdf](#)

**Introduced:** 2/18/2021

**Last Amend:** 3/18/2021

**Status:** 3/18/2021-Referred to Com. on P.E. & R. From committee chair, with author's amendments: Amend, and re-refer to Com. on P.E. & R. Read second time and amended.



**Location:** 3/18/2021-A. P.E. & R.

**Summary:** Existing law requires a state employee who, as a member of the California National Guard or a United States military reserve organization, is ordered to active duty by Presidential determination that it is necessary to augment the active forces for any operational mission, or when in time of national emergency declared by the President or otherwise authorized by law, to receive the difference between the amount of the state employee's military pay and the amount they would have received as a state employee, and all benefits the state employee would have received had they not served on active duty, as specified, for the duration of the event for a period not to exceed 180 days. Existing law limits the events in which a state employee may be ordered to active duty by the President to specified emergencies under federal law, including an emergency involving a use or threatened use of a weapon of mass destruction. This bill would extend the period of pay and benefits for a state employee who is a member of the California National Guard or a United States military reserve organization and is ordered to active duty to 365 days, and would authorize the Governor to extend that period for up to an additional 1,460 days by executive order. The bill would remove the limitations regarding the specific events for which the President may order the state employee to active duty, but would retain the requirement that the order to active duty be pursuant to a Presidential determination that it is necessary to augment the active forces for any operational mission or a time of national emergency declared by the President or otherwise authorized by law.

#### **AB 1041**

##### **(Wicks D) Leave.**

**Current Text:** Introduced: 2/18/2021 [html](#) [pdf](#)

**Introduced:** 2/18/2021

**Status:** 3/4/2021-Referred to Coms. on L. & E. and INS.

**Location:** 3/4/2021-A. L. & E.

**Calendar:** 4/8/2021 10:30 a.m. - State Capitol, Room 437 ASSEMBLY LABOR AND EMPLOYMENT, KALRA, Chair

**Summary:** (1) Existing law, commonly known as the California Family Rights Act, makes it an unlawful employment practice for any government employer or employer with 5 or more employees to refuse to grant a request by any employee with more than 12 months of service with the employer, and who has at least 1,250 hours of service with the employer during the previous 12-month period or who meets certain other requirements, to take up to a total of 12 workweeks in any 12-month period to, among other things, bond with a new child of the employee or to care for themselves or a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner, as specified. This bill would expand the population that an employee can take leave to care for to include any other individual related by blood or whose close association with the employee is the equivalent of a family relationship. This bill contains other related provisions and other existing laws.

#### **AB 1048**

##### **(Bonta D) Alameda Health System Hospital Authority: labor negotiations.**

**Current Text:** Amended: 3/18/2021 [html](#) [pdf](#)

**Introduced:** 2/18/2021

**Last Amend:** 3/18/2021

**Status:** 3/18/2021-Referred to Com. on P.E. & R. From committee chair, with author's amendments: Amend, and re-refer to Com. on P.E. & R. Read second time and amended.

**Location:** 3/18/2021-A. P.E. & R.

**Summary:** Existing law establishes an independent public agency to manage, administer, and control the Alameda Health System, which is known as the Alameda Health System Hospital Authority. The hospital authority is governed by a board that is appointed by the Board of Supervisors of the County of Alameda. Existing law prescribes the characteristics of employees of the hospital authority who are and are not authorized to participate in the Alameda County Employees' Retirement Association at the time the provisions authorizing the creation of the hospital authority become effective. Existing law generally prohibits a person employed by the hospital authority on or before the date these provisions became effective who was not qualified for membership in the Alameda County Employees' Retirement Association at that time from becoming qualified for membership as a result of subsequent employment with the hospital authority. This bill would repeal the above-described prohibition on certain employees of the Alameda Health System Hospital Authority qualifying for membership in the Alameda County Employees' Retirement Association. The bill, during a specified time period, would require that a request to meet and confer by a recognized union or bargaining agent result in the reopening of an effective memorandum of understanding for the purpose of negotiating an agreement regarding the inclusion of certain people within the applicable bargaining unit in the Alameda County Employees' Retirement Association. The bill would authorize a side letter or similar agreement to be negotiated in lieu of reopening the memorandum of understanding. The bill would prescribe membership tier requirements for people who are members of the Alameda County Employees' Retirement Association and who transfer, reassign, or are hired, as specified, which would apply if the facility or hospital authority and a recognized union or bargaining agent agree to include people within an applicable bargaining unit participating in the Alameda County Employees' Retirement Association. The bill would delete a provision relating to people who are not members of the Alameda County Employees' Retirement Association in connection with the characteristics of people who may become a member of the association, subject to a memorandum of understanding, as specified.

#### [AB 1063](#)

##### **(Voepel R) State employment: memoranda of understanding: ancillary agreements.**

**Current Text:** Introduced: 2/18/2021 [html](#) [pdf](#)

**Introduced:** 2/18/2021

**Status:** 3/4/2021-Referred to Com. on P.E. & R.

**Location:** 3/4/2021-A. P.E. & R.

**Summary:** Existing law prohibits provisions of the memorandum of understanding between the state employer and a recognized employee organization that require the expenditure of funds from becoming effective unless approved by the Legislature in the annual Budget Act. Existing law requires that any side letter, appendix, or other addendum to a ratified memorandum of understanding that requires the expenditure of \$250,000 or more related to salary and benefits and that is not already contained in the original memorandum of understanding or the Budget Act be provided by the Department of Human Resources to the Joint Legislative Budget Committee. Existing law requires the Joint Legislative Budget Committee to determine if that side letter, appendix, or other addendum presents substantial additions that are not reasonably within the parameters of the original memorandum of understanding and requires ratification by legislative action. This bill would remove the requirement that the side letter, appendix, or other addendum requires the expenditure of \$250,000 or more related to salary and benefits in connection with the provisions described above.

#### [AB 1092](#)

##### **(Mayes I) Public employees' retirement: health benefits.**

**Current Text:** Amended: 3/18/2021 [html](#) [pdf](#)

**Introduced:** 2/18/2021

**Last Amend:** 3/18/2021

**Status:** 3/18/2021-Referred to Com. on P.E. & R. From committee chair, with author's amendments: Amend, and re-refer to Com. on P.E. & R. Read second time and amended.

**Location:** 3/18/2021-A. P.E. & R.

**Summary:** Existing law, the Public Employees' Retirement Law (PERL), creates the Public Employees' Retirement System (PERS), which provides defined benefits to its members based on age at retirement, service credit, and final compensation. PERL vests the Board of Administration of PERS with management and control of the system. This bill would preclude a person who has retired under PERS and who obtains work with a subsequent employer from receiving any health benefits offered under PEMHCA if the person's subsequent employer offers health care coverage that provides reasonably comparable benefits. The bill would grant the person reinstatement rights upon termination of employment with the subsequent employer. The bill would authorize the board to request information regarding employment and health care coverage offered by a person's subsequent employer. This bill contains other existing laws.

#### [AB 1130](#)

##### **(Wood D) California Health Care Quality and Affordability Act.**

**Current Text:** Introduced: 2/18/2021 [html](#) [pdf](#)

**Introduced:** 2/18/2021

**Status:** 3/4/2021-Referred to Com. on HEALTH.

**Location:** 3/4/2021-A. HEALTH

**Calendar:** 4/6/2021 1:30 p.m. - Assembly Chambers ASSEMBLY HEALTH, WOOD, Chair

**Summary:** Existing law generally requires the State Department of Public Health to license, inspect, and regulate health facilities, including hospitals. Existing law requires health facilities to meet specified cost and disclosure requirements, including maintaining an understandable written policy regarding discount payments and charity. This bill would establish, within OSHPD, the Office of Health Care Affordability to analyze the health care market for cost trends and drivers of spending, develop data-informed policies for lowering health care costs for consumers, set and enforce cost targets, and create a state strategy for controlling the cost of health care and ensuring affordability for consumers and purchasers. The bill would also establish the Health Care Affordability Advisory Board, composed of 9 members and 2 ex officio members, appointed as prescribed, to recommend health care cost targets and to advise the Director of Statewide Health Planning and Development and the office. This bill contains other related provisions and other existing laws.

#### [AB 1131](#)

##### **(Wood D) Health information exchange.**

**Current Text:** Introduced: 2/18/2021 [html](#) [pdf](#)

**Introduced:** 2/18/2021

**Status:** 3/4/2021-Referred to Com. on HEALTH.

**Location:** 3/4/2021-A. HEALTH

**Calendar:** 4/6/2021 1:30 p.m. - Assembly Chambers ASSEMBLY HEALTH, WOOD, Chair

**Summary:** Existing law makes legislative findings and declarations on health information technology, including that there is a need to promote secure electronic health data exchange among specified individuals, such as health care providers and consumers of health care, and that specified federal law provides unprecedented opportunity for California to develop a statewide health information technology infrastructure to improve the state's health care system. This bill would require, by January 1, 2023,

health plans, hospitals, medical groups, testing laboratories, and nursing facilities, at a minimum, contribute to, access, exchange, and make available data through the network of health information exchanges for every person, as a condition of participation in a state health program, including Medi-Cal, Covered California, and CalPERS. The bill would also state the intent of the Legislature to enact legislation that would expand the use of clinical and administrative data and further build on the promise of health information exchange, including specified strategies for achieving these goals.

#### [AB 1293](#)

##### **(Cooley D) Judges' Retirement System II: federal law limits: cost-of-living adjustments.**

**Current Text:** Amended: 3/18/2021 [html](#) [pdf](#)

**Introduced:** 2/19/2021

**Last Amend:** 3/18/2021

**Status:** 3/18/2021- Referred to Com. on P.E. & R. From committee chair, with author's amendments: Amend, and re-refer to Com. on P.E. & R. Read second time and amended.

**Location:** 3/18/2021-A. P.E. & R.

**Summary:** Existing law establishes the Judges' Retirement System II, which the Board of Administration of the Public Employees' Retirement System administers. Existing law authorizes a judge who is a member of the system and retires after meeting specified conditions to receive pension benefits. This bill would prohibit the amount payable to a member under the Judges' Retirement System II, including cost-of-living adjustments, from exceeding the limits established by federal law, and would incorporate specified provisions of federal law by reference. The bill would also require the retirement allowance of a member or monetary credits available to a member to be increased to reflect cost-of-living adjustments contained in federal law, in accordance with specified limits. This bill contains other existing laws.

#### [AB 1301](#)

##### **(Gray D) Labor Code: protections, obligations, and prohibitions: Legislature.**

**Current Text:** Introduced: 2/19/2021 [html](#) [pdf](#)

**Introduced:** 2/19/2021

**Status:** 2/22/2021-Read first time.

**Location:** 2/19/2021-A. PRINT

**Summary:** Existing law provides specified protections for employees and specified obligations and prohibitions for employers in regard to payment of wages, gratuities, working conditions, bonds and photographs required by employers, contracts and applications for employment, purchases by employees, employee working hours, agreements regarding joining or becoming a member of a labor organization or employer organization, solicitation of employees by misrepresentation, enrollment in drug and alcohol rehabilitation programs, employee political affiliations, public works, employee indemnification and contributory negligence, provision of health benefits, termination, and occupational safety and health. A violation of several of these provisions by an employer or an agent, manager, superintendent, or officer of an employer is a misdemeanor or infraction, as specified. This bill would expressly provide that these provisions apply to the Legislature and legislative employees, as specified. By expanding the scope of existing crimes, the bill would impose a state-mandated local program. The bill would declare the intent of the Legislature that these changes operate retroactively, except to the extent that retroactive operation would impose criminal liability for violations of law occurring before January 1, 2022. This bill contains other related provisions and other existing laws.

#### [AB 1354](#)

##### **(Grayson D) Public employees' retirement.**

**Current Text:** Introduced: 2/19/2021 [html](#) [pdf](#)

**Introduced:** 2/19/2021

**Status:** 2/22/2021-Read first time.

**Location:** 2/19/2021-A. PRINT

**Summary:** Existing law, the California Public Employees' Pension Reform Act of 2013, prescribes various limits on public employee retirement systems and public employers, as specified. The act generally prohibits a retired person from being employed by a public employer in the same public retirement system from which the retiree receives pension benefits without reinstatement from retirement into that system, subject to certain exceptions. This bill would make nonsubstantive changes to that provision.

#### [AB 1460](#)

##### **(Bigelow R) State employment: COVID-19 telework: costs.**

**Current Text:** Introduced: 2/19/2021 [html](#) [pdf](#)

**Introduced:** 2/19/2021

**Status:** 3/11/2021- Referred to Com. on P.E. & R.

**Location:** 3/11/2021-A. P.E. & R.

**Summary:** Existing law authorizes the Department of Human Resources (CalHR) to expend, in accordance with law, moneys made available for its use or for the administration of any statute administered by it. Existing law vests in CalHR the administration of salaries generally and provides for the payment of miscellaneous compensation under specified circumstances. Existing law requires CalHR to provide the extent to which, and establish the method by which, ordered overtime or overtime in

times of critical emergency is compensated, as specified. This bill would authorize CalHR to provide a one-time payment of an unspecified amount to employees who have been required to telework as a result of the COVID-19 pandemic in order to offset costs associated with working remotely.

#### **AB 1496**

##### **(Cooper D) Educational employment relations: Public Employment Relations Board: investigations: unfair practices.**

**Current Text:** Introduced: 2/19/2021 [html](#) [pdf](#)

**Introduced:** 2/19/2021

**Status:** 2/22/2021-Read first time.

**Location:** 2/19/2021-A. PRINT

**Summary:** Existing law gives public school 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. Existing law establishes the Public Employment Relations Board and gives the board specified powers relating to employer-employee relations, including investigating unfair practice charges filed by an employee, employee organization, or employer. Existing law gives the board exclusive jurisdiction to make an initial determination whether the charges of unfair practices are justified, and, if so, what remedy is necessary, as specified. This bill would make nonsubstantive changes to the latter provision.

#### **AB 1528**

##### **(Santiago D) Wages: final payments.**

**Current Text:** Introduced: 2/19/2021 [html](#) [pdf](#)

**Introduced:** 2/19/2021

**Status:** 2/22/2021-Read first time.

**Location:** 2/19/2021-A. PRINT

**Summary:** Existing law regulates the terms and conditions of employment and, specifically, the payment of wages. Existing law generally requires that if an employer discharges an employee, the wages earned and unpaid at the time of discharge are due and payable immediately. Existing law authorizes a state employee to provide for certain amounts, including those associated with unpaid vacation, to be contributed to specified supplemental retirement plans. Existing law also authorizes a state employee to defer certain payments until the next calendar year in certain circumstances. This bill would make nonsubstantive changes to these provisions.

#### **SB 93**

##### **(Skinner D) COVID-19 pandemic emergency: contact tracing: childcare.**

**Current Text:** Amended: 2/17/2021 [html](#) [pdf](#)

**Introduced:** 12/16/2020

**Last Amend:** 2/17/2021

**Status:** 2/17/2021-From committee with author's amendments. Read second time and amended. Re-referred to Com. on BUDGET.

**Location:** 1/22/2021-A. BUDGET

**Summary:** (1) The Child Care and Development Services Act establishes a system of childcare and development services for children up to 13 years of age. Commencing July 1, 2021, existing law transfers specified childcare programs, responsibilities, services, and systems from the State Department of Education and the Superintendent of Public Instruction to the State Department of Social Services. Existing law provides that the Legislature finds and declares that the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act (Public Law 116-136) Child Care and Development Block Grant supplemental payment awarded funds to California to address the impact of the COVID-19 pandemic on childcare providers and the families they serve, including to prevent, prepare for, and respond to the pandemic emergency, to provide assistance to childcare providers in the case of decreased enrollment or closures, and to provide childcare assistance to essential workers during the response to the pandemic. Existing law provides that it is the intent of the Legislature to allocate funds to restore amounts either directly or through reimbursement for obligations incurred relating to childcare and the pandemic. Existing law requires the Controller to transfer, on July 1, 2020, \$152,314,000 from the Federal Trust Fund, and consistent with the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act Child Care and Development Block Grant supplemental payment requirements, to the General Fund to offset the state costs incurred in the 2019–20 fiscal year. For the 2020–2021 fiscal year, existing law appropriates \$198,000,000 from the Federal Trust Fund to the Superintendent of Public Instruction for COVID-19 pandemic-related relief and assistance for childcare providers, the families those childcare providers serve, and essential workers, as prescribed. This bill would instead require \$42,014,000 to be transferred on July 1, 2020, and would instead appropriate \$308,000,000 for the 2020–2021 fiscal year thereby making an appropriation. Of the funds appropriated for the 2020–2021 fiscal year, the bill would allocate \$30,000,000 to the State Department of Education to reimburse contractors for the cost of waived family fees for families not receiving in-person services from September 1, 2020, to June 30, 2021, inclusive, and would allocate \$80,000,000 to the State Department of Education to reimburse contractors pursuant to prioritized factors, including to support costs associated with increased childcare service hours for ongoing enrollments due to school closures. (2) Existing law expresses the intent of the Legislature to prepare for the effective use of childcare funds available from the federal government during the COVID-19 pandemic and recovery period in

order to support the essential workforce through necessary, high-quality childcare, support healthy child development during this historic time, and ensure the stability of California's childcare system. Contingent on the receipt of federal funds that may be used for these purposes during the 2020–21 fiscal year, existing law requires the State Department of Education to prioritize childcare-related funding, as prescribed, including up to \$35,000,000 to support alternative payment programs, including migrant alternative payment programs, to reimburse providers for providing short-term childcare to eligible children when a provider is closed. Existing law authorizes the State Department of Education to transfer specified program expenditure authority between schedules to accurately reflect expenditures in the program schedules, upon the approval of the Department of Finance, and authorizes the Department of Finance, at its discretion, to approve a transfer of program expenditure authority to the extent total allocations do not exceed a specified total amount. Upon approval from the Department of Finance, existing law requires the Superintendent of Public Instruction to notify the chairs of the relevant policy committees and budget subcommittees of the Legislature of the Superintendent of Public Instruction's intent to transfer program expenditure authority between programs. This bill would repeal these provisions, would instead appropriate the sum of \$402,000,000 in specified federal funding to provide subsidized childcare and preschool providers with COVID-19 pandemic-related assistance, and would allocate the money, as specified, including allocating \$244,000,000 to provide a flat-rate one-time stipend amount of \$525 per child enrolled in a subsidized childcare or a state preschool program, as prescribed. Among other allocations, the bill would allocate \$80,000,000 to provide additional emergency vouchers for specified children, including the children of essential workers, through June 30, 2022. The bill would make a state-subsidized childcare provider operating or serving alternative payment programs eligible for an additional 16 paid nonoperational days when the provider is closed due to the COVID-19 pandemic emergency. The bill would require specified entities, including alternative payments programs, to track the usage of paid nonoperational days and associated costs due to the COVID-19 pandemic emergency and short-term childcare to eligible children, and to report monthly on usage to the State Department of Education and the State Department of Social Services. The bill would require the State Department of Education to issue guidance related to the additional 16 nonoperational days for COVID-19-related closures to family childcare home education network programs. The bill would make related findings and declarations. (3) Existing law requires the Department of Human Resources to provide to the Joint Legislative Budget Committee any side letter, appendix, or other addendum to a properly ratified memorandum of understanding that requires the expenditure of \$250,000 or more related to salary and benefits and that is not already contained in the original memorandum of understanding or the Budget Act. Existing law requires the Joint Legislative Budget Committee, within 30 days after receiving the side letter, appendix, or other addendum, to determine if the addendum presents substantial additions that are not reasonably within the parameters of the original memorandum of understanding and thereby requires legislative action to ratify the addendum. Existing law provisions of the Budget Act of 2020 provide an exception to the above-described provisions and, instead, makes implementation of an addendum that results in any expenditure of funds contingent upon legislative action to ratify the addendum if the agreement results in total net costs greater than \$1,000,000 during the 2020–21 fiscal year. Existing law provisions of the Budget Act of 2020 relating to augmentation for employee compensation from the General Fund, unallocated special funds, or unallocated nongovernmental cost funds also make implementation of an addendum that requires those funds contingent upon legislative approval. This bill would approve the addendum to the memorandum of understanding entered into between the state employer and State Bargaining Unit 1, Professional, Administrative, Financial, and Staff Services, State Bargaining Unit 3, Professional Educators and Librarians, State Bargaining Unit 4, Office and Allied, State Bargaining Unit 11, Engineering and Scientific Technicians, State Bargaining Unit 14, Printing and Allied Trades, State Bargaining Unit 15, Allied Services, State Bargaining Unit 17, Registered Nurses, State Bargaining Unit 20, Medical and Social Services, and State Bargaining Unit 21, Educational Consultants and Library, regarding employees that have been assigned to assist with COVID-19 contact tracing, and would appropriate for this purpose \$1,793,000 previously appropriated in the Budget Act of 2020 for other purposes related to state employee compensation, as specified. (4) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

## **SB 112**

### **(Skinner D) Budget Act of 2021.**

**Current Text:** Introduced: 1/8/2021 [html](#) [pdf](#)

**Introduced:** 1/8/2021

**Status:** 1/11/2021-From printer. Read first time. Referred to Com. on B. & F.R.

**Location:** 1/11/2021-S. BUDGET & F.R.

**Summary:** This bill would make appropriations for the support of state government for the 2021–22 fiscal year. This bill contains other related provisions.

## **SB 294**

### **(Leyva D) Public retirement: leave of absence: service credit.**

**Current Text:** Introduced: 2/2/2021 [html](#) [pdf](#)

**Introduced:** 2/2/2021

**Status:** 3/12/2021-Set for hearing March 22.

**Location:** 3/8/2021-S. APPR.

**Summary:** The Public Employees' Retirement Law (PERL) establishes the Public Employees' Retirement



System (PERS) for the purpose of providing pension benefits to state employees and employees of contracting agencies. Existing law requires administration of PERS by the Board of Administration of PERS. Existing law creates the Public Employees' Retirement Fund, a continuously appropriated fund, as a trust fund to be expended for purposes related to the system and its administration, and into which employee contributions are deposited. The Teachers' Retirement Law establishes the State Teachers' Retirement System (STRS) for the purpose of providing a defined benefit to members of the program. STRS is governed by the Teachers' Retirement Board. Existing law creates the Teachers' Retirement Fund, which is continuously appropriated for specified purposes, and into which employee contributions are deposited. PERS and STRS require employees to make contributions to the system based on their creditable compensation, as defined. Existing law defines "leave of absence" for purposes of both laws as a period of leave to which a member is entitled that is expressly authorized or required pursuant to specified provisions, including employer-approved compensated leave, subject to specified requirements. Under existing law, during a leave of absence for an employer-approved compensated leave, an employee earns full service credit and is required to pay employee contributions, as specified. Existing law limits the maximum amount of the service credit earned during an employer-approved compensated leave of absence to 12 years. This bill would remove the 12-year limitation for service credit earned on an employer-approved compensated leave. By increasing contributions into the continuously appropriated Public Employees' Retirement Fund and Teachers' Retirement Fund, the bill would make an appropriation. This bill contains other existing laws.

#### **SB 411**

##### **(Cortese D) Public Employees' Retirement System: employment without reinstatement.**

**Current Text:** Amended: 3/8/2021 [html](#) [pdf](#)

**Introduced:** 2/12/2021

**Last Amend:** 3/8/2021

**Status:** 3/18/2021-Re-referred to Com. on L., P.E. & R.

**Location:** 3/18/2021-S. L., P.E. & R.

**Summary:** Existing law, the Public Employees' Retirement Law (PERL), creates the Public Employees' Retirement System (PERS), which provides pension and disability benefits to its members and prescribes their rights and duties. Existing law, the Public Employees' Pension Reform Act of 2013 (PEPRA), prescribed various limitations on public employees, employers, and retirement systems concerning, among other things, work after retirement. PERL generally prohibits retired PERS members from working for an agency participating in the system without reinstatement in the system, unless that employment is otherwise specifically authorized. PEPRA also prohibits retirees from serving or being employed directly, or through a contract, with a public employer, as defined, in the same retirement system from which they receive their benefits, except as expressly permitted. Both PERL and PEPRA generally prescribe limits on the manner and duration that retired members may be employed without reinstatement. PERL requires a person who is employed in violation of its reinstatement requirements to be reinstated in the member category previously held and on the date on which the unlawful employment occurred. In these circumstances, PERL requires that a retired member reimburse the system for the person's allowance received during the periods of the unlawful employment, to pay to the system employee contributions that otherwise should have been paid, and to contribute for associated administrative expenses, as specified. PERL requires employers in these circumstances to pay to the system the employer contributions that otherwise should have been paid and to contribute for associated administrative expenses, as specified. This bill would eliminate the above-described requirement that a person employed without reinstatement in a manner other than authorized by PERL be reinstated, instead providing that reinstatement is permissive. The bill would make conforming changes and make specific reference to the duties of employees and employers regarding reinstatement after retirement in violation of PEPRA.

#### **SB 422**

##### **(Pan D) Personal services contracts: state employees: physician and professional registry.**

**Current Text:** Introduced: 2/12/2021 [html](#) [pdf](#)

**Introduced:** 2/12/2021

**Status:** 2/25/2021-Referred to Com. on L., P.E. & R.

**Location:** 2/25/2021-S. L., P.E. & R.

**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 permits the use of personal services contracts for purposes of cost savings when specified conditions are met, including when the potential economic advantage of contracting is not outweighed by the public's interest in having a particular function performed directly by the state government. This bill would require the Department of Human Resources to establish, by March 1, 2022, a physician and professional registry composed of prescribed members of state bargaining units who are employed by the state. The bill would require the Department of Corrections and Rehabilitation and the State Department of State Hospitals to participate in the registry and to designate a coordinator for the registry. The bill would require an employee in the applicable bargaining units who elects to join the registry to notify the coordinator of their interest and provide the coordinator with their availability for work on a monthly basis. The bill would establish eligibility and compensation for registry work. The bill would require each state department employing physicians or professionals from the registry, by January 1, 2026, to conduct a study of the effectiveness of the

registry to determine if the registry compensation rates were successful in addressing the operational needs for flexible services at a lower cost than contract registries. The bill would also require each such department to conduct and post on its internet website a semiannual survey of managers and employees to determine the efficacy of the registry. The bill would repeal these provisions on January 1, 2027.

**SB 457**

**([Portantino](#) D) Public employee retirement systems: investment portfolios: divestment from Turkey.**

**Current Text:** Introduced: 2/16/2021 [html](#) [pdf](#)

**Introduced:** 2/16/2021

**Status:** 2/25/2021-Referred to Com. on L., P.E. & R.

**Location:** 2/25/2021-S. L., P.E. & R.

**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 prescribes specified duties for the boards of administration of the Public Employees' Retirement System and the State Teachers' Retirement System in connection with investment in specified countries and, under certain conditions, limits the authority of the boards to invest in those countries. This bill would require the boards of administration of the Public Employees' Retirement System and the State Teachers' Retirement System to provide employers that are school districts and cities that participate in the systems an option to elect an investment portfolio that does not contain investment vehicles that are issued or owned by the government of the Republic of Turkey.

**Total Measures: 41**

**Total Tracking Forms: 41**