



BLANNING & BAKER

Associates, Inc.

**ACSS Legislative Report
4/30/2021**

Sponsor

SB 76

(Nielsen R) Excluded employees: binding arbitration.

Current Text: Amended: 3/22/2021 [html](#) [pdf](#)

Introduced: 12/15/2020

Last Amend: 3/22/2021

Status: 4/21/2021-From committee: Do pass and re-refer to Com. on APPR with recommendation: To consent calendar. (Ayes 11. Noes 0.) (April 20). Re-referred to Com. on APPR.

Location: 4/21/2021-S. APPR.

Calendar: 5/3/2021 10 a.m. - John L. Burton Hearing Room (4203)

SENATE APPROPRIATIONS, PORTANTINO, Chair

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 contains other related provisions.

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

Co-Sponsor letter sent to Sen. APPR -- 4/23/21

Support

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: 4/28/2021-In committee: Set, first hearing. Referred to suspense file.

Location: 4/28/2021-A. APPR. SUSPENSE FILE

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.

Memo:

Support letter sent to Author -- 4/13/20
Support letters sent to Asm. PE&R -- 4/13/20
Support letters sent to Asm. APPR -- 4/23/20

SB 95

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

Current Text: Chaptered: 3/19/2021 [html](#) [pdf](#)

Introduced: 12/16/2020

Last Amend: 3/15/2021

Status: 3/19/2021-Approved by the Governor. Chaptered by Secretary of State. Chapter 13, Statutes of 2021.

Location: 3/18/2021-S. CHAPTERED

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: Amended: 3/23/2021 [html](#) [pdf](#)

Introduced: 1/29/2021

Last Amend: 3/23/2021

Status: 4/20/2021-April 19 hearing: Placed on APPR suspense file.

Location: 4/20/2021-S. APPR. SUSPENSE FILE

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: 4/26/2021-From committee: Do pass and re-refer to Com. on APPR. (Ayes 14. Noes 4.) (April 22). Re-referred to Com. on APPR.

Location: 4/22/2021-A. APPR.

Calendar: 5/5/2021 9 a.m. - State Capitol, Assembly Chamber
ASSEMBLY APPROPRIATIONS, GONZALEZ, LORENA, Chair

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: 4/21/2021 [html](#) [pdf](#)

Introduced: 12/14/2020

Last Amend: 4/21/2021

Status: 4/29/2021-VOTE: Do pass and be re-referred to the Committee on [Appropriations] (PASS)

Location: 4/29/2021-A. APPR.

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, on or after January 1, 2022, all state boards and commissions consisting of one or more volunteer members have at least one board member or commissioner from an underrepresented community. The bill would define the term "board member 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 apply these requirements only 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: 4/29/2021-Read second time. Ordered to third reading.

Location: 4/29/2021-A. THIRD READING

Calendar: 5/3/2021 #76 ASSEMBLY THIRD READING FILE - ASSEMBLY BILLS

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: 4/19/2021-From committee: Do pass and re-refer to Com. on APPR. with recommendation: To Consent Calendar. (Ayes 7. Noes 0.) (April 15). Re-referred to Com. on APPR.

Location: 4/15/2021-A. APPR.

Calendar: 5/5/2021 9 a.m. - State Capitol, Assembly Chamber
ASSEMBLY APPROPRIATIONS, GONZALEZ, LORENA, Chair

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 410](#)

(Fong R) Licensed registered nurses and licensed vocational nurses: Nurse Licensure Compact.

Current Text: Amended: 3/25/2021 [html](#) [pdf](#)

Introduced: 2/3/2021

Last Amend: 3/25/2021

Status: 3/26/2021-Re-referred to Com. on B. & P.

Location: 2/12/2021-A. B.&P.

Summary: Existing law, the Nursing Practice Act, provides for the licensure and regulation of the practice of nursing by the Board of Registered Nursing. The Vocational Nursing Practice Act provides for the licensure and regulation of vocational nurses by the Board of Vocational Nursing and Psychiatric Technicians of the State of California. The Nursing Practice Act establishes the Board of Registered Nursing Fund and the Vocational Nursing Practice Act establishes the Vocational Nursing and Psychiatric Technicians Fund. This bill would enact the Nurse Licensure Compact, under which the Board of Registered Nursing and the Board of Vocational Nursing and Psychiatric Technicians would be authorized to issue a multistate license that would authorize the holder to practice as a registered nurse or a licensed vocational nurse, as applicable, in all party states under a multistate licensure privilege, as specified. The bill would designate the Board of Registered Nursing as the licensing board for registered nurses for purposes of the compact and would designate the Board of Vocational Nursing and Psychiatric Technicians as the licensing board for vocational nurses for purposes of the compact. The bill would require the boards to participate in a coordinated licensure information system that would include all of the licensure and disciplinary history of all licensed registered nurses and licensed vocational nurses. The bill would provide that the Board of Registered Nursing and the Board of Vocational Nursing and Psychiatric Technicians shall alternate as the administrator of the compact for the state and as members of an entity known as the Interstate Commission of Nurse Licensure Compact Administrators. The bill would authorize the commission to adopt rules that have the force and effect of law. The bill would prohibit fees collected by the Board of Registered Nursing or the Board of Vocational Nursing and Psychiatric Technicians for purposes of granting a multistate license pursuant to the bill from exceeding the cost of administering that multistate license under the compact and would require those fees to be deposited in the Board of Registered Nursing Fund or the Board of Vocational Nursing and Psychiatric Technicians Fund, as applicable. This bill contains other related provisions and 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: 4/29/2021-Read second time. Ordered to Consent Calendar.

Location: 4/28/2021-A. CONSENT CALENDAR

Calendar: 5/3/2021 #104 ASSEMBLY CONSENT CALENDAR 1ST DAY-ASSEMBLY BILLS

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: 4/20/2021-In committee: Set, first hearing. Hearing canceled at the request of author.

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: 4/29/2021-Read second time. Ordered to Consent Calendar.

Location: 4/28/2021-A. CONSENT CALENDAR

Calendar: 5/3/2021 #111 ASSEMBLY CONSENT CALENDAR 1ST DAY-ASSEMBLY BILLS

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: 4/26/2021-In committee: Set, first hearing. Hearing canceled at the request of author.

Location: 4/15/2021-A. APPR.

Calendar: 5/5/2021 9 a.m. - State Capitol, Assembly Chamber
ASSEMBLY APPROPRIATIONS, GONZALEZ, LORENA, Chair

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: 4/26/2021-In Senate. Read first time. To Com. on RLS. for assignment.

Location: 4/26/2021-S. RLS.

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: Amended: 3/30/2021 [html](#) [pdf](#)

Introduced: 2/17/2021

Last Amend: 3/30/2021

Status: 4/28/2021-From committee: Do pass. (Ayes 14. Noes 0.) (April 28).

Location: 4/15/2021-A. APPR.

Calendar: 5/3/2021 #82 ASSEMBLY THIRD READING FILE - ASSEMBLY BILLS

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 PEPPRA 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 applicable governing board of a public 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: 4/19/2021-From committee: Do pass and re-refer to Com. on M. & V.A. (Ayes 7. Noes 0.) (April 15). Re-referred to Com. on M. & V.A.

Location: 4/15/2021-A. M. & V.A.

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) Employment: leave.

Current Text: Amended: 4/22/2021 [html](#) [pdf](#)

Introduced: 2/18/2021

Last Amend: 4/22/2021

Status: 4/29/2021-In committee: Set, first hearing. Hearing canceled at the request of author.

Location: 4/26/2021-A. APPR.

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 a designated person. The bill would define "designated person" to mean a person identified by the employee at the time the employee requests family care and medical leave. The bill would authorize an employer to limit designation of a person, as prescribed. This bill contains other related provisions and other existing laws.

[AB 1048](#)

(Cooper D) Alameda Health System Hospital Authority: labor negotiations.

Current Text: Amended: 4/20/2021 [html](#) [pdf](#)

Introduced: 2/18/2021

Last Amend: 4/20/2021

Status: 4/29/2021-VOTE: Do pass. (PASS)

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](#)

(Mayer I) Public employees' retirement: health benefits.

Current Text: Amended: 4/26/2021 [html](#) [pdf](#)

Introduced: 2/18/2021

Last Amend: 4/26/2021

Status: 4/27/2021-Re-referred to Com. on P.E. & R.

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 related provisions and other existing laws.

[AB 1130](#)

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

Current Text: Amended: 4/13/2021 [html](#) [pdf](#)

Introduced: 2/18/2021

Last Amend: 4/13/2021

Status: 4/28/2021-In committee: Set, first hearing. Referred to suspense file.

Location: 4/28/2021-A. APPR. SUSPENSE FILE

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 11 members and 2 ex officio, nonvoting members, appointed as prescribed, to recommend health care cost targets and to make recommendations to 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 network.

Current Text: Amended: 3/29/2021 [html](#) [pdf](#)

Introduced: 2/18/2021

Last Amend: 3/29/2021

Status: 4/28/2021-In committee: Set, first hearing. Referred to suspense file.

Location: 4/28/2021-A. APPR. SUSPENSE FILE

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. 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. Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services. The Medi-Cal program is, in part, governed and funded by federal Medicaid program provisions. This bill would establish the statewide health information network (statewide HIN) governing board, an independent public entity not affiliated with an agency or department with specified membership, to provide the data infrastructure needed to meet California's health care access, equity, affordability, public health, and quality goals, as specified. The bill would require the governing board to issue a request for proposals to select an operating entity with specified minimum capabilities to support the electronic exchange of health information between, and aggregate and integrate data from multiple sources within, the State of California, among other responsibilities. The bill would require the statewide HIN to take specified actions with respect to reporting on, and auditing the security and finances of, the health information network. The bill would require the statewide HIN to convene a health technology advisory committee with specified membership to advise the statewide HIN and set agendas, hold public meetings with stakeholders, and solicit external input on behalf of the

statewide HINThis bill contains other existing laws.

[AB 1293](#)

(Cooley D) Judges' Retirement System II: federal law limits: adjustments.

Current Text: Amended: 4/13/2021 [html](#) [pdf](#)

Introduced: 2/19/2021

Last Amend: 4/13/2021

Status: 4/19/2021-From committee: Do pass and re-refer to Com. on APPR. (Ayes 7. Noes 0.) (April 15). Re-referred to Com. on APPR.

Location: 4/19/2021-A. APPR.

Calendar: 5/5/2021 9 a.m. - State Capitol, Assembly Chamber
ASSEMBLY APPROPRIATIONS, GONZALEZ, LORENA, Chair

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 specified 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 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: 4/27/2021-In committee: Set, first hearing. Hearing canceled at the request of author.

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](#)

(Committee on Budget and Fiscal Review) Employment: rehiring and retention: displaced workers: COVID-19 pandemic.

Current Text: Chaptered: 4/16/2021 [html](#) [pdf](#)

Introduced: 12/16/2020

Last Amend: 4/12/2021

Status: 4/16/2021-Approved by the Governor. Chaptered by Secretary of State. Chapter 16, Statutes of 2021.

Location: 4/15/2021-S. CHAPTERED

Summary: Existing law governs employment relations, defines the contract of employment, and establishes the obligations of employers to their employees. This bill would, until December 31, 2024, require an employer, as defined, to offer its laid-off employees specified information about job positions that become available for which the laid-off employees are qualified, and to offer positions to those laid-off employees based on a preference system, in accordance with specified timelines and procedures. The bill would define the term "laid-off employee" to mean any employee who was employed by the employer for 6 months or more in the 12 months preceding January 1, 2020, and whose most recent separation from active service was due to a reason related to the COVID-19 pandemic, including a public health directive, government shutdown order, lack of business, a reduction in force, or other economic, nondisciplinary reason related to the COVID-19 pandemic. The bill would require an employer to keep records for 3 years, including records of communications regarding the offers. The bill would require an employer that declines to recall a laid-off employee on the grounds of lack of qualifications and instead hires someone other than a laid-off employee to provide the laid-off employee a written notice within 30 days including specified reasons for the decision, and other information on those hired. This bill contains other related provisions.

[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: 3/23/2021-Read second time. Ordered to third reading.

Location: 3/23/2021-S. THIRD READING

Calendar: 5/3/2021 #34 SENATE SENATE BILLS -THIRD READING FILE

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: 4/13/2021 [html](#) [pdf](#)

Introduced: 2/12/2021

Last Amend: 4/13/2021

Status: 4/21/2021-Set for hearing May 3.

Location: 4/19/2021-S. APPR.

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 limit the circumstances pursuant to which retired members and employers are obligated to pay employee and employer contributions, which would have otherwise been paid, plus interest, to apply only to specified reinstatements. 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: 4/21/2021-Set for hearing May 3.

Location: 4/19/2021-S. APPR.

Calendar: 5/3/2021 10 a.m. - John L. Burton Hearing Room (4203)

SENATE APPROPRIATIONS, PORTANTINO, Chair

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: 4/21/2021-Set for hearing May 3.

Location: 4/19/2021-S. APPR.

Calendar: 5/3/2021 10 a.m. - John L. Burton Hearing Room (4203)

SENATE APPROPRIATIONS, PORTANTINO, 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. 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