

2014

2013-2014 Legislative Summary

Assembly Committee on Public Employees, Retirement and Social Security

Follow this and additional works at: http://digitalcommons.law.ggu.edu/caldocs_assembly



Part of the [Legislation Commons](#)

Recommended Citation

Assembly Committee on Public Employees, Retirement and Social Security, "2013-2014 Legislative Summary" (2014). *California Assembly*. Paper 526.

http://digitalcommons.law.ggu.edu/caldocs_assembly/526

This Committee Report is brought to you for free and open access by the California Documents at GGU Law Digital Commons. It has been accepted for inclusion in California Assembly by an authorized administrator of GGU Law Digital Commons. For more information, please contact jfischer@ggu.edu.

**ASSEMBLY COMMITTEE ON PUBLIC EMPLOYEES,
RETIREMENT AND SOCIAL SECURITY**

STATE DEPOSITORY

FEB 05 2015

2013-2014 LEGISLATIVE SUMMARY

GOLDEN GATE UNIVERSITY
LAW LIBRARY

Rob Bonta
Chairman



Members

Travis Allen, Vice Chair

Diane Harkey

Reginald B. Jones-Sawyer, Sr.

Anthony Rendon

Sebastian Ridley-Thomas

Bob Wieckowski



Staff:

Karon M. Green, Chief Consultant

Wendy Burke, Committee Secretary

CHIEF CONSULTANT
KARON GREEN

COMMITTEE SECRETARY
WENDY BURKE

California Legislature

Assembly Committee on
**PUBLIC EMPLOYEES, RETIREMENT
AND SOCIAL SECURITY**

ASSEMBLYMEMBER
ROB BONTA
CHAIRMAN



1020 "N" STREET, SUITE 153
SACRAMENTO, CA 94249-0120
(916) 319-3957
FAX (916) 319-3956

October 6, 2014

To all Interested Parties:

The following summary of legislation reviewed by the Assembly Committee on Public Employees, Retirement and Social Security during the 2013-14 legislative session includes a brief description of all bills and the status of those bills at the end of the legislative session. Additionally, this booklet contains copies of the Governor's veto messages for those bills that were vetoed. Finally, also included is the summary for AB 1469 (Bonta) which establishes a plan to address the California State Teachers' Retirement System Defined Benefit Program's unfunded liability. Although this bill was not heard by this committee, the Committee did hold numerous hearings on the issue which contributed greatly to developing the final funding plan.

I hope this publication will be informative and useful as a reference tool. For additional information regarding this summary, or other activities of the Committee, please contact the committee staff at (916) 319- 3957.

Sincerely,

A handwritten signature in cursive script that reads "Rob Bonta".

Rob Bonta
Chairman



2013 – 2014 Legislative Report

Assembly Bills

AB 25 (Campos) – Would have specified that the prohibition barring employers from requiring or requesting an employee (or prospective employee) to disclose their private username or password for the purpose of accessing their social media accounts applies to both public and private employers. As heard in the Assembly PER&SS Committee, this bill sought to clarify the Legislature's intent last year that the prohibition barring employers from requiring or requesting an employee or prospective employee to disclose their private username or password for the purpose of accessing their personal social media accounts applies to both public and private employers.

Held in the Senate Rules Committee.

AB 125 (Eggman) – Would have revised flood hazard planning and development requirements for communities in the Sacramento-San Joaquin Valley to allow cities and communities within the area to issue permits for construction that does not result in an increase in allowable occupancy. As heard in the Assembly PER&SS Committee, this bill was authored by Assemblymember Wieckowski and would have expanded the list of positions for which the Teachers' Retirement Board (TRB) has the authority to set the compensation and terms and conditions of employment to include the chief operating officer (COO) and chief financial officer (CFO), as specified.

Died on the Assembly Floor.

AB 160 (Alejo) – Would have excluded certain Taft-Hartley multiemployer retirement plans, and retirement plans for public employees whose collective bargaining rights are protected by provisions of the Federal Transit Act, from the provisions of the Public Employees' Pension Reform Act of 2013 (PEPRA), as specified.

Held in the Assembly Appropriations Committee.

AB 205 (Pan) – Adds the board of retirement or board of investments of a retirement system established under the County Employees' Retirement Law of 1937 ('37 Act) to the list of public retirement system board that are authorized to prioritize investment in in-state infrastructure projects over alternative out-of-state projects if the investments are consistent with its fiduciary responsibility.

Chapter 766, Statutes of 2013.

AB 208 (Gorell) – Would have prohibited a salaried state employee from taking an additional hourly wage job in the same department or agency unless agreed to in a Memorandum of Understanding.

Held in Assembly Appropriations Committee.

AB 226 (Atkins) – Authorizes the governing board of a school district or county superintendent to establish a 12-hour-per-day, 80-hour-per-2-week work schedule for school police departments if agreed to in a collective bargaining agreement, as specified.
Chapter 73, Statutes of 2013.

AB 236 (Rendon) – Would have ratified the provisions of a memorandum of a memorandum of understanding (MOU) between the state and state bargaining unit (BU) 7, Protective Services and Public Safety, represented exclusively by the California Statewide Law Enforcement Association.
Died on the Assembly Inactive File.

AB 237 (Rendon) – Would have ratified the provisions of a memorandum of understanding (MOU) between the state and state BU 6, Corrections, represented exclusively by the California Correctional Peace Officers Association.
Died on the Assembly Inactive File.

AB 298 (Pan) – Would have reestablished, until January 1, 2015, the Rural Health Care Equity Program (RHCEP) and extends the benefit provided by that program to all state employees and retired annuitants living in rural areas, as specified.
Held in the Assembly Appropriations Committee.

AB 334 (Buchanan) – Makes changes to existing law that prohibits the Alameda Health System (AHS) from contracting with a private person or entity for physician and surgeon services to specify that the person or entity includes, but is not limited to, a subsidiary or other entity established by AHS. As heard in the Assembly PER&SS Committee, this bill was authored by Assemblymember Gomez and would have specified that the failure of a state agency to provide a copy of a contract for the employment of outside counsel to the designated representative of State BU 2, California Attorney's, Administrative Law Judges and Hearing Officers in State Employment (CASE) when it provides a copy to the Department of General Services (DGS) is an independent basis for the State Personnel Board (SPB) to disapprove the contract.
Chapter 585, Statutes of 2014.

AB 372 (Eggman) – Deletes current statutes granting veterans' preference points in specified state examinations, and instead requires that whenever any veteran, widow or widower of a veteran, or spouse of a 100% disabled veteran achieves a passing score on an entrance exam, he or she will be ranked in the top rank of the resulting eligibility list.
Chapter 75, Statutes of 2013.

AB 373 (Mullin) – Requires the Board of Administration of the California Public Employees' Retirement System's (CalPERS) to expand eligibility for the Long-Term Care (LTC) Program to include adult children and domestic partners of active or retired California public employees, except as prohibited by the Internal Revenue Code, and allows the Board to expand eligibility for the program to all classes of person who meet certain requirements, as specified, and applicable federal law.
Chapter 768, Statutes of 2013.

AB 410 (Jones-Sawyer) – Permits a CalPERS retired annuitant to reinstate to active employment without losing his or her accrued retiree health benefits earned with the previous employer, as specified.

Chapter 525, Statutes of 2013.

AB 478 (Gomez & Rendon) – Provides legislative ratification for MOUs agreed to between the state and state BUs 6, 7, 9, 12, 16, 18, and 19.

Chapter 391, Statutes of 2013.

AB 485 (Gomez) – Would have disconnected implementation of statewide collective bargaining authority for the In-Home Support Services (IHSS) program from the state's Coordinated Care Initiative (CCI) and implemented it separately under the new statewide California IHSS Authority (Statewide Authority) beginning January 1, 2015. As heard in the Assembly PER&SS Committee, this bill would have ratified the provisions of a MOU between the state and state BU 16, Physicians, Dentist, and Podiatrist, represented exclusively by the Union of American Physicians and Dentists.

Died on the Assembly Floor.

AB 507 (Garcia) – Would have increased, over a period of four years, the postretirement death benefit paid to the beneficiary of a CalPERS school member from \$2,000 to \$6,000.

Held in the Assembly Appropriations Committee.

AB 537 (Bonta) – Makes various changes to the Meyers-Milias-Brown Act (MMBA) governing local public employer and employee relations related to contract ratification and arbitration agreements.

Chapter 785, Statutes of 2013.

AB 611 (Bonta) – Makes technical changes to provisions that close the State Peace Officers' and Firefighters Defined Contribution Plan and define how members' funds in the plan are to be distributed.

Chapter 790, Statutes of 2014.

AB 616 (Bocanegra) – Would have clarified that an employee organization may request, in writing, that a local public employer submit the parties difference to factfinding under the MMBA within 30 days of reaching an impasse in collective bargaining negotiations that have not been submitted to mediation. This bill would have also authorized either party to refer a dispute as to whether the parties have reached impasse to the Public Employment Relations Board (PERB); defined impasse, as specified; and exempted the Los Angeles County and City Employee Relations Committees from these provisions.

Held in the Senate Appropriations Committee.

AB 761 (Dickinson) – Would have prohibited CalPERS and the California State Teachers' Retirement System (CalSTRS) from investing in companies that manufacture firearms or ammunition for a recipient other than the United States military.

Held in the Assembly Appropriations Committee.

AB 778 (Bocanegra) – Would have made changes to the MMBA with respect to impasse procedures and factfinding.

Held in the Assembly Appropriations Committee.

AB 785 (Weber) – Would have required CalPERS, when requested by an employee organization that provides representation and other services to retirees, to provide assistance in performing a direct mailing to annuitants.

Not heard in the Assembly Public Employees, Retirement and Social Security Committee at the request of the author.

AB 837 (Wieckowski) – Would have exempted judges who were elected to office prior to January 1, 2013, but who did not take office until on or after that date, from the provisions of PEPRA.

Vetoed by the Governor.

AB 855 (Brown) – Would have allowed a state employee who is absent without leave (AWOL) to demonstrate he or she is able to resume job duties by submitting written verification from a licensed healthcare provider, as specified, and requires the California Department of Human Resources (CalHR) to grant reinstatement if the appointing power invokes the "automatic resignation for state service" provisions before the employee is absent without leave for five consecutive work days.

Vetoed by the Governor.

AB 872 (Dickinson) – Would have enacted the Safety Accountability Fairness and Efficiency Act for Public Employees which provides various rights and protections to non-excluded state civil service employees, as specified, and requires that any adverse action taken against a state employee be initiated and the investigation completed within one year of discovery of the cause for discipline.

Held in the Assembly Appropriations Committee.

AB 906 (Pan) – Prohibits a state agency from executing a personal services contract, except in specified sudden and unexpected situations, until it has certified that all employee organizations that perform the type of work being contracted out have been notified.

Chapter 744, Statutes of 2013.

AB 931 (Beth Gaines) – Would have required the CalPERS Board of Administration (Board) to establish a wellness program for state employees and annuitants consistent with the Affordable Care Act. The bill would have also required the Board to offer a health savings account option and at least one high deductible health plan to all employees and annuitants beginning January 1, 2014.

Not heard in the Assembly Public Employees, Retirement and Social Security Committee at the request of the author.

AB 989 (Mullin) – Authorizes CalSTRS to provide the annual Retirement Progress Report along with various other retirement communications electronically in lieu of mailing them, unless the member, nonmember spouse, participant, nonparticipant spouse or beneficiary to whom that communication is addressed specifically request to continue receiving the communication by mail.

Chapter 459, Statutes of 2013.

AB 1062 (Jones-Sawyer) – Makes further clarification to the authority of CalHR resulting from the merger of the SPB and the Department of Personnel Administration (DPA) initiated in the Governor's Reorganization Plan No. 1 of 2011 and updates civil service statutes to reflect modern processes and promote greater efficiency.

Chapter 427, Statutes of 2013.

AB 1144 (Hall) – Establishes, for the City of Carson, a specific vesting schedule and employer contribution amount for annuitant health care premiums under the Public Employees' Medical and Hospital Care Act (PEMHCA).

Chapter 244, Statutes of 2013.

AB 1163 (Levine) – Requires the CalPERS Board of Administration to adopt a policy for providing board member education, as specified.

Chapter 140, Statutes of 2014.

AB 1181 (Gray) - Expands provisions governing a local public agencies' requirement to provide compensated time off for representatives of employee organization to participate in specified employee organization activities.

Chapter 305, Statutes of 2013.

AB 1222 (Bloom & Dickinson) - Exempts certain public transit workers from the requirements of PEPRA for a specified period of time pending a ruling from the federal district court, and authorize cashflow loans of up to \$26 million to local mass transit providers.

Chapter 527, Statutes of 2013.

AB 1263 (John A. Perez) – Would have established the Medi-Cal Patient Centered Communication (CommuniCal) program at the Department of Health Care Services (DHCS) to provide and reimburse for certified medical interpretation services to limited English proficient Medi-Cal enrollees. Establishes a certification process and registry of CommuniCal medical interpreters at DHCS and grants collective bargaining rights with the state.

Vetoed by the Governor.

AB 1346 (Pan) – Creates a specific vesting schedule and employer contribution amount for annuitant health care premiums for the Sacramento Metropolitan Fire District, as specified.

Chapter 774, Statutes of 2013.

AB 1377 (P.E.,R.& S.S. Com.) – Approves the MOU agreed to by the state and the state BUs represented exclusively by the Service Employees International Union (SEIU), Local 1000, including BU 1 (Professional, Administrative, Financial, and Staff Services), BU 3 (Professional Educators and Librarians), BU 4 (Office and Allied), BU 11 (Engineering and Scientific Technicians), BU 14 (Printing and Allied Trades), BU 15 (Allied Services), BU 17 (Registered Nurses), BU 20 (Medical and Social Services), and, BU 21 (Educational Consultant and Library).

Chapter 63, Statutes of 2013.

AB 1378 (P.E.,R.& S.S. Com.) – Would have ratified the provisions of a MOU between the state and an unspecified state bargaining unit.

Died on the Assembly Inactive File.

AB 1379 (P.E.,R.& S.S. Com.) – Makes various technical and conforming changes to the Teachers' Retirement Law necessary for continued effective administration of CalSTRS).

Chapter 558, Statutes of 2013.

AB 1380 (P.E.,R.& S.S. Com.) – Makes various technical corrections and conforming changes that align the '37 Act with the provisions of PEPRRA.

Chapter 247, Statutes of 2013.

AB 1381 (P.E.,R.& S.S. Com.) - Makes various technical corrections and conforming changes that align the Teachers' Retirement Law with the provisions of PEPRRA.

Chapter 559, Statutes of 2013.

AB 1469 (Bonta) - Establishes a plan to address the CalSTRS Defined Benefit Program's unfunded liability, which is approximately \$74 billion, by increasing contribution rates, beginning July 1, 2014, of teachers, employers, and the state.

Chapter 47, Statutes of 2014.

AB 1536 (Olsen) – Would have repealed various statutes governing the current process for responding to threatened public transportation strikes and lockouts; added new laws to prohibit public transportation workers from striking; and proscribe penalties and sanctions for employees and recognized labor organizations that participate in, cause, encourage, or condone strikes.

Not heard in the Assembly Public Employees, Retirement and Social Security Committee at the request of the author.

AB 1550 (Rendon) – Would have amended impasse procedures under the Educational Employment Relations Act (EERA). Specifically, this bill would have extended the length of time PERB has to appoint a mediator once they have determined an impasse exists from five to 10 working days after receiving the request for mediation and requires the public school employer, after the impasse procedures have been completed and the employer has made the factfinding panel's recommendations and findings public, to provide the exclusive representative with written notice of the date certain for the

implementation of each of the terms of the last, best, and final offer, at least 30 days prior to implementation.

Vetoed by the Governor.

AB 1600 (Gomez) – Would have established, as a criteria a state agency must meet when entering into personal services contracts in order to achieve cost savings, a requirement that the contractor's wage be the higher of the industry's level or the prevailing wage.

Not heard in the Assembly Public Employees, Retirement and Social Security Committee at the request of the author.

AB 1611 (Bonta) – Requires public school employers to provide to the exclusive representative of a classified school employee group reasonable written notice of their intent to make any changes to matters within the scope of representation.

Chapter 801, Statutes of 2014.

AB 1681 (Allen) – Would have prohibited a public agency or state employer from entering into a memorandum of understanding, on or after January 1, 2015, that provides for postemployment health benefits without a strategy for permanently prefunding those benefits pursuant to the CalPERS prefunding plan for health care coverage for annuitants.

Failed passage in Assembly Public Employees, Retirement and Social Security Committee.

AB 1783 (Jones-Sawyer) – Continues to exempt certain public transit workers from the requirements PEPRRA until January 1, 2016, or until a federal district court rules that the United States Secretary of Labor (or his or her designee) erred in determining that application of PEPRRA precludes certification of federal transit funding, whichever is sooner.

Chapter 724, Statutes of 2014.

AB 1820 (Mullin) – Requires, on and after July 1, 2017, CalHR and other appointing powers to use electronic means of communications with job applicants who file state employment applications and examinations online.

Chapter 266, Statutes of 2014.

AB 1824 (Rendon) – Permits, upon adoption by a county board of retirement, a retired member of a '37 Act retirement system to change previously elected optional settlements, as specified.

Chapter 726, Statutes of 2014.

AB 1881 (Jones-Sawyer) – Would have established requirements for appointments to the County of Los Angeles and the City of Los Angeles employee relations commissions and prohibits specified actions when contracting for services with a commission member or hearing officer.

Vetoed by the Governor.

AB 2032 (Bonta) – Would have specified that the burden of proof, if the SPB fails to act within specified statutorily required timeframes to render a decision in an investigation or evidentiary hearing of a disciplinary action resulting in termination against a state employee, to remain with the state employer in proceedings for a writ of mandate brought by the employee in superior court to appeal the termination.

Vetoed by the Governor.

AB 2126 (Bonta) – Would have authorized, under the MMBA, either party to be able to request mediation if they fail to reach agreement during the collective bargaining process, as specified, and clarifies that the fact-finding process can be invoked over impasse on any issue within the scope of representation.

Vetoed by the Governor.

AB 2155 (Ridley-Thomas) – Would have prohibited, beginning January 1, 2016, mandatory overtime for registered nurses, licensed vocational nurses, or certified nursing assistants who are employed in state hospitals and facilities.

Vetoed by the Governor.

AB 2325 (John Perez) – Would have required the California Department of Health Care Services (DHCS) to establish the Medi-Cal Patient-Centered Communication Program, called CommuniCal, to provide and reimburse for medical interpretation services to Medi-Cal beneficiaries who are limited English proficient. Establishes a certification process and registry of CommuniCal interpreters at DHCS and grants CommuniCal interpreters collective bargaining rights with the state.

Vetoed by the Governor.

AB 2387 (Pan) – Exempts the Commission on Peace Officer Standards and Training from specified notification and competitive bidding requirements when entering into personal services contracts, as specified.

Chapter 504, Statutes of 2014.

AB 2419 (Garcia) – Would have allowed an agency shop arrangement to apply to management employees in the County and City of Los Angeles.

Vetoed by the Governor.

AB 2472 (P.E.,R.& S.S. Committee) – Makes various minor policy and technical changes to various sections of the Government Code governing CalPERS to maintain and ensure effective administration of the system.

Chapter 237, Statutes of 2014.

AB 2473 (P.E.,R.& S.S. Committee) – Conforms sections of the '37 Act to provisions of the Internal Revenue Code in order to ensure compliance with federal tax law.

Chapter 740, Statutes of 2014.

AB 2474 (P.E.,R.& S.S. Committee) – Makes various technical corrections and conforming changes that align the '37 Act with the provisions of PEPRA.
Chapter 741, Statutes of 2014.

AB 2475 (P.E.,R.& S.S. Committee) – Would have ratified the provisions of a MOU between the state and an unspecified state bargaining unit.
Not heard in the Assembly Public Employees, Retirement and Social Security Committee at the request of the author.

AB 2476 (P.E.,R.& S.S. Committee) – Makes technical corrections to PEPRA in order to clarify the Legislature's intent in enacting PEPRA and to assist affected employers and retirement systems in implementation of PEPRA.
Chapter 238, Statutes of 2014.

AB 2483 (Allen) – Would have revised the composition of the Board of Administration of CalPERS by increasing the number of elected board members.
Not heard in the Assembly Public Employees, Retirement and Social Security Committee at the request of the author.

AB 2582 (Bonta) – Provides the San Francisco Bay Area Rapid Transit District with the ability to establish a vesting requirement for postretirement health benefits coverage that is different than what is allowed under current law for contracting agencies.
Chapter 216, Statutes of 2014.

AB 2628 (Mansoor) – Would have allowed the Orange County Board of Supervisors to appoint alternate members to the county board of retirement, as specified.
Failed passage in Assembly Public Employees, Retirement and Social Security Committee.

ACR 61 (Beth Gaines) – Authorizes the payment of state merit awards approved by CalHR to eight individuals whose proposals resulted in eliminating or reducing state expenditures or improving state operations.
Resolution Chapter 138, Statutes of 2013.

HR 18 (Roger Hernández) – Would have resolved that the California State Assembly requests that state agencies report their workforce composition, recruitment, hiring practices, promotional efforts, and delivery of bilingual services to California's diverse population.
Not heard in the Assembly Public Employees, Retirement and Social Security Committee at the request of the author.

HR 29 (Gomez) - Resolves that the California State Assembly opposes outsourcing of public services and assets, urges local officials to become familiar with the provisions of the Taxpayer Empowerment Agenda, and intends to introduce and advocate for responsible outsourcing legislation.
Adopted.

Senate Bills

SB 13 (Beall) – Makes technical corrections to PEPRA in order to clarify the Legislature's intent in enacting PEPRA and to assist affected employers and retirement systems in implementation of PEPRA.

Chapter 528, Statutes of 2013.

SB 215 (Beall) – Makes various technical and conforming changes to the Public Employees' Retirement Law (PERL) necessary for continued effective administration of CalPERS and allows a county operating a '37 Act county retirement system to establish procedures for the secure processing of member requests by telephone, as specified.

Chapter 778, Statutes of 2013.

SB 216 (Beall) – Would have required CalHR to address salary compaction for managerial and supervisory employees and provide data to the Legislature when insufficient revenue is available to implement a salary determination to increase managerial and supervisory salaries by 10% over the salaries of their subordinate rank and file employees.

Vetoed by the Governor.

SB 220 (Beall) – Makes various technical corrections and conforming changes that align the PERL and other laws administered by CalPERS with the provisions of PEPRA.

Chapter 526, Statutes of 2013.

SB 277 (Beall) – Closes the State Peace Officers and Firefighters Defined Contribution Plan and defines how members' funds in the plan will be distributed.

Chapter 755, Statutes of 2013.

SB 673 (DeSaulnier) – Makes the Contra Costa County retirement system (System) an independent, public employer district within the Contra Costa County Employees Retirement Association and the statutory employer for System employees.

Chapter 244, Statutes of 2014.

SB 765 (Block) – Would have permitted a supervisory school peace officer employee to join or participate in an employee organization and negotiating unit that is composed of nonsupervisory school peace officers if the representation has been agreed to by the supervisory employee representative, the nonsupervisory peace officer representative, and the employer and those entities have informed PERB of their agreement. The district may also designate the supervisory peace officers as a separate entity within the association of peace officers.

Vetoed by the Governor.

SB 1071 (Beall) – Would have provided state excluded supervisory employees operating two or more work shifts per day, the right to obtain work shifts based on seniority, as specified.

Vetoed by the Governor.

SB 1219 (Torres) – Would have made conforming changes to the PERL, administered by CalPERS, in order to bring the PERL into conformity with PEPRA.

Died on the Assembly Inactive File.

SB 1220 (Torres) – Makes various technical, conforming, or non-controversial changes to the Teachers Retirement Law (TRL) to facilitate efficient administration of the CalSTRS Plan, which includes the Defined Benefit Program, the Defined Benefit Supplement Program, and the Cash Balance Benefit Program.

Chapter 755, Statutes of 2014.

SB 1240 (Anderson) – Requires state employment application forms to require an applicant to disclose whether the applicant has ever entered into an agreement with a state department prohibiting the applicant from seeking or accepting subsequent employment with the state.

Chapter 254, Statutes of 2014.

SB 1251 (Huff) – Allows a joint powers authority (JPA), formed by the Cities of Brea and Fullerton, and up to three other cities in Orange County, as specified, to provide employees of those cities who move to the JPA the retirement benefit that those employees received from their respective employer on December 13, 2012, rather than the benefit required under PEPRA.

Chapter 757, Statutes of 2014.

Governor's Vetoes

AB 837 (Wieckowski)

I am returning AB 837 without my signature.

This measure creates an exemption to the California Public Employees' Pension Reform Act of 2013. I am unwilling to begin chipping away at these reforms.

Sincerely,

Edmund G. Brown Jr.

AB 855 (Brown)

I am returning Assembly Bill 855 without my signature.

This bill seeks to remedy the rare circumstance when the state misapplies the absent without leave statute, forcing both the state and the employee to go to court to resolve the dispute. In these cases, both the state and the employee incur both delay and significant expenses. This does not make sense.

I am directing the Government Operations Agency and CalHR, as well as all of my department heads, to reinstate an employee in the limited instances when the state has improperly dismissed that employee under Government Code 19996.2, and there are no other grounds for dismissal. CalHR should develop any required administrative or regulatory changes necessary to effectuate this change.

Sincerely,

Edmund G. Brown Jr.

AB 1263 (John A. Perez)

I am returning Assembly Bill 1263 without my signature.

The bill would require the Department of Health Care Services to establish the CommuniCal program to certify and restructure current interpreter services provided under Medi-Cal.

California has embarked on an unprecedented expansion to add more than a million people to our Medi-Cal program. Given the challenges and the many unknowns the state

faces in this endeavor, I don't believe it would be wise to introduce yet another complex element.

Sincerely,

Edmund G. Brown Jr.

AB 1550 (Rendon)

I am returning Assembly Bill 1550 without my signature.

This bill amends impasse procedures in the Educational Employment Relations Act to require an employer to give an employee representative written notice at least 30 days prior to implementing the terms of a Last, Best, and Final Offer, to ensure good faith bargaining.

Under current law employers are required to bargain in good faith and nothing has been shown to suggest that existing remedies are inadequate. The record shows that the Public Employment Relations Board has been extremely vigilant in taking action to curb bad faith bargaining.

Sincerely,

Edmund G. Brown Jr.

AB 1881 (Jones-Sawyer)

I am returning Assembly Bill 1881 without my signature.

This bill sets standards in state law for appointing members to the Los Angeles City Employee Relations Board and the Los Angeles County Employment Relations Commission.

Signing this bill would be a significant override of local decision making authority and a departure from my belief in subsidiarity. These issues should be resolved at the local level.

Sincerely,

Edmund G. Brown Jr.

AB 2032 (Bonta)

I am returning Assembly Bill 2032 without my signature.

If the State Personnel Board fails to issue a decision on a disciplinary appeal within six months, this bill requires the burden of proof to remain with the state employer if the employee pursues court action.

Last year, I signed AB 1062 that requires the Board to issue a decision within the six month timeframe. The law hasn't even been in place a year. Let's give it a little more time before making fundamental changes, as proposed by this bill.

Sincerely,

Edmund G. Brown Jr.

AB 2126 (Bonta)

I am returning Assembly Bill 2126 without my signature.

This bill would amend the Meyers-Milias-Brown Act to provide that mediation in the collective bargaining process may be invoked by one party, rather than requiring both parties to mutually declare impasse and request mediation as required under current law. The bill would also specify that fact finding is not limited to disputes over a new memorandum of understanding but also applies when negotiations reach impasse over issues within the life of the contract.

This measure is premature because a key issue it raises is currently pending before two separate courts of appeal. I would like to get the benefit of the courts' reasoning before I take any action of a bill of this type.

I would note, however, based on my experience as Mayor of Oakland, that the negotiating process between labor and management under the Meyers-Melias-Brown Act seems extraordinarily robust and extensive.

Sincerely,

Edmund G. Brown Jr.

AB 2155 (Ridley-Thomas)

I am returning Assembly Bill 2155 without my signature.

This bill would prohibit mandatory overtime for nurses in state facilities. This measure covers matters more appropriately settled through the collective bargaining process.

Sincerely,

Edmund G. Brown Jr.

AB 2325 (John Perez)

Assembly Bill 2325 would require the Department of Health Care Services to establish the CommuniCal program to certify and restructure current interpreter services provided under Medi-Cal, and afford certified interpreters collective bargaining rights.

Last year, I vetoed these same provisions because California had embarked on an unprecedented expansion of our Medi-Cal program and I did not believe it wise to introduce more complexity given the many unknowns the state was facing. Since then, our challenges have neither diminished in number or difficulty. We are still in the throes of managing new enrollments, new renewals and expanding provider networks.

In reconsidering this measure, however, it appears that this bill contains more liabilities than were previously known. The provisions governing collective bargaining go above and beyond what public employees enjoy and potentially create new scopes of representation and litigation.

To the extent that interpretation services under Medi-Cal are insufficient, we should work together on appropriate cost-effective initiatives to help patients in need. I'm weary at this time of adding significant new costs to the Medi-Cal program when already in the last two years Medi-Cal General Fund spending has grown almost \$2.5 billion.

Sincerely,

Edmund G. Brown Jr.

AB 2419 (Garcia)

I am returning Assembly Bill 2419 without my signature.

This bill would authorize management employees in the County of Los Angeles and the City of Los Angeles to establish an agency shop arrangement, an arrangement that is not permissible under the labor law that governs state employees.

Granting agency shop to managers, as required by this bill, goes against sound labor-management relations that should require a clear separation between managers and rank and file employees.

Sincerely,

Edmund G. Brown Jr.

SB 216 (Beall)

I am returning Senate Bill 216 without my signature.

This bill would require the Department of Human Resources to address salary compaction issues for managers and supervisors by increasing pay by 10% and report to the legislature in years when a salary increase is not provided.

I understand that the intent of this bill is to ensure that the salaries for managerial employees are higher than the employees they supervise. My administration has made progress on this issue within the past 12 months and will continue to meet with representatives of excluded employees to discuss compaction issues as appropriate.

Sincerely,

Edmund G. Brown Jr.

SB 765 (Block)

I am returning Senate Bill 765 without my signature.

Allowing school police officer supervisors to join rank and file bargaining units creates opportunity for conflict of interest between supervisors and employees. It could tie supervisors' hands in the implementation and enforcement of policies with which the employee organization (of which they are now a part of) disagrees.

Further, I am concerned about future expansion of this policy and the potential for unintended consequences on labor and management relations within the state's workforce.

Sincerely,

Edmund G. Brown Jr.

SB 1071 (Beall)

I am returning Senate Bill 1071 without my signature.

This bill provides state excluded supervisory employees in a workplace that operates two or more work shifts per day the right to obtain work shifts based on seniority and would limit shift selection to 60% of the positions within the same classification scheduled for a shift.

This bill is unnecessary. Several departments that operate multiple shifts and who have deemed it to be in the best interest of the department to provide seniority shift bidding have done so, including one department that applies this practice to supervisory employees. Unfortunately, this bill would circumvent that discretion. I encourage those departments without post and bid in place for excluded employees to meet with supervisors for further discussion.

Sincerely,

Edmund G. Brown Jr.