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An act to amend Sections 18930.5, 19792, 19803, 19809, 19815.6, and 19995.1.5 of the Government Code, relating to the Department of Human Resources.



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THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 18930.5 of the Government Code is amended to read:
18930.5. (a) The department may designate an appointing power to design, announce, or administer examinations for the establishment of employment lists in accordance with Section 18654 and board rule. No later than January 1, 1987, the board shall authorize or assess the ability of appointing powers to design, announce, or administer designated examinations for the establishment of employment lists. The board may audit examinations and order corrective action or nullify any examination or parts thereof which have been conducted improperly.

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(b) ~~A~~ designated appointing power may contract with the department or another designated appointing power for the purpose of designing, publicizing, or administering an examination. The department shall charge designated appointing powers an amount sufficient to recover the costs to the department of these services and, pursuant to Section 11255, the Controller shall transfer to the department any moneys owed to the department by any designated appointing power for charges due under this subdivision.

SEC. 2. Section 19792 of the Government Code is amended to read:

19792. The department shall do all of the following:

- (a) Provide statewide leadership, designed to achieve equal employment opportunity in the state civil service.
- (b) Develop, implement, and maintain equal employment opportunity guidelines.
- (c) Provide technical assistance to state agencies in the development and implementation of their equal employment opportunity programs.
- (d) Review and evaluate departmental equal employment opportunity programs to ensure that they comply with state and federal statutes and regulations.
- (e) Establish programs to ensure equal employment opportunity for all state job applicants and employees through broad, inclusive recruitment efforts and other measures as allowed by law.
- (f) Provide statewide training to departmental equal employment opportunity officers who will conduct training on equal employment opportunity.
- (g) Review, examine the validity of, and update qualifications standards, selection devices, including oral appraisal panels and veterans preference systems, and career advancement programs.
- (h) Maintain a statistical information system designed to yield the data and the analysis necessary for the evaluation of equal employment opportunity within the state civil service. The statistical information shall include specific data to determine the underutilization of groups based on race, ethnicity, gender, disability, and veteran status. The statistical information shall be made available during normal working hours to all interested persons. Data generated on a regular basis shall include, but not be limited to, all of the following:
 - (1) Current state civil service workforce composition by race, ethnicity, gender, age, veteran status, department, salary level, occupation, and attrition rates by occupation.
 - (2) Current local and regional workforce and population data for groups based on race, ethnicity, gender, and age.



(i) The data analysis referred to in subdivision (h) above shall include, but not be limited to, all of the following:

(1) Data relating to the utilization of groups based on race, ethnicity, and gender compared to their availability in the relevant labor force.

(2) Turnover data by department and occupation.

(3) Data relating to salary administration, including average salaries for groups based on race, ethnicity, gender, and disability and comparisons of salaries within state service and comparable state employment.

(4) Data on employee age, and salary level compared among groups based on race, ethnicity, gender, and disability.

(5) Data on the number of individuals of each race, ethnicity, gender, and disability who are recruited for, participate in, and pass state civil service examinations. This data shall be analyzed pursuant to the provisions of Sections 19704 and 19705.

(6) Data on the job classifications, geographic locations, separations, salaries, and other conditions of employment that provide additional information about the composition of the state civil service workforce.

(j) The data analysis referred to in subdivision (h) shall also include, but not be limited to, all of the following pertaining to veteran status:

(1) Data relating to the utilization of veterans compared to their availability in the relevant labor force.

(2) Separation data by department and major occupational groups.

(3) Data relating to salary administration, including average salaries for veterans and comparisons of salaries within state service and comparable state employment.

(4) Data on employee age, and salary level compared among groups based on veteran status.

(5) Data on the number of veterans who participate in and pass state civil service examinations. This data shall be analyzed pursuant to the provisions of Sections 19704 and 19705.

(6) Data on the recruitment efforts, major occupational groups, geographic locations, separations, salaries, and other conditions of employment that provide additional information about veterans in the state civil service workforce.

(k) (1) Establish and maintain a tracking system that shall enable the collection of discrimination and harassment complaint data across state agencies as prescribed by the department.

(2) The department shall charge state agencies an amount sufficient to recover the costs to the department of maintenance and support of the system and, pursuant to Section 11255, the Controller shall transfer to the department any moneys owed to the department by any state agency for charges due under this section.

SEC. 3. Section 19803 of the Government Code is amended to read:

19803. (a) The Department of Human Resources shall administer the merit system for employees engaged in administering programs under Section 19800 in a local agency not administering its own merit system approved under this chapter shall be administered by the department. chapter. The department Department of Human Resources may delegate any of its duties under this article to a state department or agency. This may include, but is not limited to, recruitment, examination, certification, appointment and other transactions, position classification, compensation standards, and disciplinary actions. As part of such administration, the department Department



of Human Resources shall hear and decide appeals of any applicant for employment or officer or employee from the decision of a local agency affecting the employment rights of ~~such~~ those persons. Any decision rendered in such an appeal shall be binding upon the local agency.

~~The department~~

(b) The Department of Human Resources may bill the state departments having responsibility for the overall administration of grant-in-aid programs for the costs incurred in conducting hearings involving employees of local agencies not administering their own merit systems pursuant to this chapter. Pursuant to Section 11255, the Controller shall transfer to the Department of Human Resources any moneys owed to that department by any state department for charges due under this subdivision.

SEC. 4. Section 19809 of the Government Code is amended to read:

19809. State departments having responsibility for the overall administration of grant-in-aid programs under Section 19800 shall reimburse ~~the department~~ Department of Human Resources for all costs incurred by ~~the that~~ department in administering this chapter. ~~The department~~ Department of Human Resources may equitably prorate ~~such those~~ costs among ~~such the~~ state departments. Pursuant to Section 11255, the Controller shall transfer to the Department of Human Resources any moneys owed to the department by any state department for charges due under this section.

SEC. 5. Section 19815.6 of the Government Code is amended to read:

19815.6. (a) ~~Notwithstanding the provisions of Sections 11042 and 11043, the~~ chief counsel shall represent the department in all legal matters in which the department is interested, before any administrative agency or court of law.

(b) The department may charge state agencies and departments for the actual and necessary costs of legal services rendered by the legal division in unfair practice cases, representation cases, and requests for injunctive relief arising pursuant to Chapter 10.3 (commencing with Section 3512) of Division 4 of Title 1, in grievance arbitration cases arising under negotiated memoranda of understanding, and in all labor law and personnel matters.

(c) In grievance arbitration cases arising pursuant to memoranda of understanding negotiated pursuant to Sections 3517 and 3517.5, the department may charge state agencies involved for the actual and necessary costs of arbitration, including the state's share of the arbitrator's fees, transcription fees, and other related costs.

(d) The department may charge state agencies for their pro rata share of the actual and necessary costs of negotiating and administering memoranda of understanding pursuant to Sections 3517 and 3517.5.

(e) Pursuant to Section 11255, the Controller shall transfer to the department any moneys owed to the department by any state agency for charges due under this section.

SEC. 6. Section 19995.1.5 of the Government Code is amended to read:

19995.1.5. (a) The department may provide training programs to any public employee or officer so that the quality of service rendered by those persons may be continually improved. For purposes of this subdivision, "public employee or officer" means any employee or officer of any of the following:

(1) The state, regardless of whether the employee or officer is subject to state civil service.

(2) A city.



- (3) A county.
 - (4) A special district, or any other political subdivision of the state.
 - (5) The California State University.
 - (6) The University of California.
 - (7) The Legislature.
 - (8) The judicial branch.
 - (9) The federal government.
- (b) The department may give priority registration for enrollment in training programs described in subdivision (a) to state employees and officers.
- (c) The department, at its discretion, may exclude any public employee or officer from a training program described in subdivision (a) based on the appropriateness of the subject matter for those public employees or officers.
- (d) Notwithstanding Section 18707, the department may collect registration fees from the employee's or officer's employing entity for attendance in a training program described in subdivision (a) without entering into a written agreement with that employing entity or seeking the approval of the Department of General Services. Pursuant to Section 11255, the Controller shall transfer to the department any moneys owed to the department by an employing entity that is a state agency for charges due under this subdivision.



LEGISLATIVE COUNSEL'S DIGEST

Bill No. _____
as introduced, _____
General Subject: Department of Human Resources: reimbursement: Controller.

(1) Existing law creates the Department of Human Resources, which succeeds to and is vested with all of the powers and duties exercised and performed by the Department of Personnel Administration. Existing law specifically grants the department the powers, duties, and authority necessary to operate the state civil service system in accordance with Article VII of the California Constitution, the Government Code, the merit principle, and applicable rules duly adopted by the State Personnel Board.

Existing law vests the department with the jurisdiction and responsibility of establishing and maintaining personnel standards on a merit basis and administering merit systems for local government agencies where merit systems of employment are required by statute or regulation as a condition of a state-funded program or a federal grant-in-aid program. Existing law authorizes the department to bill state departments having responsibility for the overall administration of grant-in-aid programs for the costs incurred in conducting hearings involving employees of the local agencies. Existing law requires those state departments having responsibility for the overall administration of grant-in-aid programs to reimburse the department for related administrative costs incurred by the department.

Existing law authorizes the department to charge state agencies for actual and necessary costs of specific legal services, of arbitration relating to specific grievance arbitration cases, and of negotiating and administering memoranda of understanding governing state employer and employee relations.

Existing law authorizes the department to provide training programs to any public employee or officer, as defined, so that the quality of service rendered by those persons may be continually improved, and to collect registration fees from the employee's or officer's employing entity for attendance in a training program without entering into a written agreement with that employing entity or seeking the approval of the Department of General Services.

Existing law authorizes the Controller to establish procedures whereby payments between funds and appropriations within a state agency and between funds and appropriations of different state agencies may be made by transfers upon the Controllers' accounts in lieu of making those payments by claims and warrants.



This bill would require the Controller, pursuant to those transfer procedures, to transfer to the department any moneys owed to the department by the various state entities under the above-described provisions.

(2) Existing law authorizes the department to designate an appointing power to design, announce, or administer examinations for the establishment of employment lists. Existing law authorizes a designated appointing power to contract with the department or another designated appointing power for the purpose of designing, publicizing, or administering an examination.

This bill would require the department to charge designated appointing powers for those services and would require the Controller to transfer to the department any moneys owed to the department under these provisions.

(3) Existing law requires the department to take prescribed actions relating to state agency equal employment opportunity programs, including maintaining a statistical information system designed to yield the data and the analysis necessary for the evaluation of equal employment opportunity within the state civil service.

This bill would require the department to establish and maintain a tracking system to enable the collection of discrimination and harassment complaint data across state agencies. The bill would require the department to charge state agencies for maintenance and support of the system and would require the Controller to transfer to the department any moneys owed to the department under these provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

