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An act to amend Sections 19141, 19141.1, 19243, 19838, 19995.1, and 19995.4 of the Government Code, relating to state civil service.



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

SECTION 1. Section 19141 of the Government Code is amended to read:

19141. (a) This section applies only to ~~a permanent employee, or an employee in an exempt position~~ who previously had permanent status ~~and who, since that permanent status, has had no break in the continuity of his or her state service due to a permanent separation, in the civil service.~~ As used in this section, "former position" is defined as in Section 18522, or, if the appointing power to which reinstatement is to be made and the employee agree, a vacant position in any department, commission, or state agency for which he or she is qualified and which is at substantially the same level. ~~level as the employee's former position.~~

(b) ~~Within the periods of time specified below, an~~ An employee who vacates a civil service position to accept an appointment to an exempt position shall be reinstated to his or her former position at the termination ~~either by the employee or appointing power of the exempt appointment, provided he or she~~ (1) accepted both of the following conditions are met:

(1) He or she accepted the appointment without a break in the continuity of state service, and (2) requests in writing reinstatement of the appointing power of his or her former position within 10 working days after the effective date of the termination. ~~service.~~

~~(c) The reinstatement may be requested by the employee only within the following periods of time:~~

~~(1) At any time after the effective date of the exempt appointment if the employee was appointed under one of the following:~~



~~(A) Subdivision (a), (b), (c), (d), (e), (f), (g), or (m) of Section 4 of Article VII of the California Constitution.~~

~~(B) Section 2.1 of Article IX of the California Constitution.~~

~~(C) Section 22 of Article XX of the California Constitution.~~

~~(D) To an exempt position under the same appointing power as the former position even though a shorter period of time may be otherwise specified for that appointment.~~

~~(2) Within six months after the effective date of the exempt appointment if appointed under subdivision (h), (i), (k), or (l) of Section 4 of Article VII of the California Constitution.~~

~~(3) Within four years after the effective date of an exempt appointment if appointed under any other authority.~~

~~(d)~~

(2) Within 10 working days after the effective date of the termination, he or she makes a written request to the appointing power to be reinstated to his or her former position. If an employee accepts an appointment to an exempt position and seeks reinstatement to his or her former position more than 10 working days after the effective date of the termination of the exempt appointment, Section 19140 shall apply.

(c) An employee who vacates his or her civil service position to accept an assignment as a member, inmate, or patient helper under subdivision (j) of Section 4 of Article VII of the California Constitution shall not have a right to mandatory reinstatement.



~~(c) An employee who is serving under an exempt appointment retains a right of reinstatement when he or she accepts an extension of that exempt appointment or accepts a new exempt appointment, provided the extension or new appointment is made within the specified reinstatement time limit and there is no break in the continuity of state service. The period for which that right is retained is for the period applicable to the extended or new exempt appointment as if that appointment had been made on the date of the initial exempt appointment.~~

(d) If an employee in an exempt appointment accepts an extension of the exempt appointment or accepts a new exempt appointment with no break in the continuity of state service in an exempt appointment, subdivision (b) shall apply when the extension or new exempt appointment is terminated.

~~(f) When~~

(e) If an employee exercises his or her right of reinstatement and returns to his or her former position, the service while under an exempt appointment shall be deemed to be time served in the former position for the purpose of determining his or her seniority and eligibility for merit salary increases.

~~(g)~~

(f) If the termination of an exempt appointment is for a reason contained in Section 19997 and the employee does not have a right to mandatory reinstatement, he or she shall have his or her name placed on the departmental and general reemployment lists for the class of his or her former position.

SEC. 2. Section 19141.1 of the Government Code is amended to read:



19141.1. (a) This section only ~~applies only to a permanent employee, or an employee who previously had permanent status, and who has a reinstatement right pursuant to~~ employees in an exempt position who have reinstatement rights to their former positions under Section 19141.

(b) Within four years of the termination of an appointment in an exempt position, ~~either by the employee or the appointing power, an employee who has completed a minimum of five years of state service experience and at least one year but less than three years of exempt service shall be given an opportunity upon request to obtain civil service appointment-eligibility, through~~ list eligibility by taking a deferred examination, ~~for any position offered by any appointing power in any class for which a current eligible list exists and which has a salary range up to two steps higher than the employee's former position. If the employee has three or more years of exempt service, the opportunity shall be provided for any class at least two salary steps below the employee's exempt salary level.~~ examination for any class that has a current eligible list and for which the employee meets the minimum qualifications of the class.

(c) ~~At the termination of an exempt appointment, either by the employee or the appointing power, on or after January 1, 1987, an employee who has at least 10 years of state service including five years of civil service experience and at least three consecutive years of exempt service under a single appointing power and who requests reinstatement in writing within 10 days of the termination, shall be reinstated upon request to (1) his or her former position or (2) any vacant position for which the employee has civil service eligibility under the appointing power where the three years of service were completed and which is at least two salary steps below the employee's~~



~~exempt salary level. In the absence of current list eligibility, an employee shall be entitled to a deferred examination for placement on a current eligible list for classes meeting the mandatory reinstatement criteria. If the employee obtains civil service appointment eligibility at any time within two years of the termination of the exempt appointment, and a vacant position in the appropriate class is not available, the employee's name shall be placed on the appointing power's departmental or subdivisional reemployment for any classes and locations which would satisfy the employee's reinstatement request. Departmental or subdivisional reemployment list eligibility granted under this section shall not result in placement on any general reemployment list.~~

~~If an employee cannot be placed in a vacant position pursuant to this section, the employee shall be reinstated to his or her former position.~~

SEC. 3. Section 19243 of the Government Code is amended to read:

19243. Upon successful completion of the job examination period, the candidate shall have qualified in the examination. With the approval of the department, the appointing power may appoint the candidate, without further examination, to an appropriate position where civil service status may accumulate. A candidate appointed in this way is not required to serve a probationary period.

SEC. 4. Section 19838 of the Government Code is amended to read:

19838. (a) When the state determines an overpayment has been made to an employee, it shall notify the employee of the overpayment and afford the employee an opportunity to respond prior to commencing recoupment actions. Thereafter,



reimbursement shall be made to the state through one of the following methods mutually agreed to by the employee and the state:

(1) Cash payment or payments.

(2) Installments through payroll deduction to cover at least the same number of pay periods in which the error occurred. When overpayments have continued for more than one year, full payment may be required by the state through payroll deductions over the period of one year.

(3) The adjustment of appropriate leave credits or compensating time off, provided that the overpayment involves the accrual or crediting of leave credits (e.g., vacation, annual leave, or holiday) or compensating time off. Any errors in sick leave balances may only be adjusted with sick leave credits.

Absent mutual agreement on a method of reimbursement, the state shall proceed with recoupment in the manner set forth in paragraph (2).

(b) An employee who is separated from employment prior to full repayment of the amount owed shall have withheld from any money owing the employee upon separation an amount sufficient to provide full repayment. If the amount of money owing upon separation is insufficient to provide full reimbursement to the state, the state shall have the right to exercise any and all other legal means to recover the additional amount owed.

(c) Amounts deducted from payment of salary or wages pursuant to the above provisions, except as provided in subdivision (b), shall in no event exceed 25 percent of the employee's net disposable earnings.



(d) ~~No~~ An administrative action shall not be taken by the state pursuant to this section to recover an overpayment unless the action is initiated within three years from the date of overpayment. If an overpayment involves leave credits, the date of overpayment is the date that the employee receives compensation in exchange for leave erroneously credited to the employee. For purposes of this section, leave hours are considered exchanged for compensation in the order they were credited.

(e) If the provisions of this section are in conflict with the provisions of a memorandum of understanding reached pursuant to Section 3517.5, the memorandum of understanding shall be controlling without further legislative action, except that if the provisions of a memorandum of understanding require the expenditure of funds, the provisions shall not become effective unless approved by the Legislature in the annual Budget Act.

SEC. 5. Section 19995.1 of the Government Code is amended to read:

19995.1. For the purpose of meeting the development needs of the ~~state service~~ for continuing employee educational development, the upgrading of employee skills, and improving productivity and quality service, the state's workforce, the department shall analyze, design, develop, implement, and evaluate an integrated development strategy to continually advance employee skills and improve performance productivity and service. The department may prescribe regulations and conditions for the administration of this chapter. The conditions prescribed by the department may include, but not be limited to, the requirements that the training shall be ~~cost-effective, cost effective,~~ effective, of value to the state, and relevant to the employee's career development in state service. The department may further prescribe the conditions under which an



employee may be required to reimburse the state for the costs of out-service training in the event he or she fails to remain in state service for a reasonable time after receiving the training.

If the provisions of this section are in conflict with the provisions of a memorandum of understanding reached pursuant to Section 3517.5, the memorandum of understanding shall be controlling without further legislative action, except that if the provisions of a memorandum of understanding require the expenditure of funds, the provisions shall not become effective unless approved by the Legislature in the annual Budget Act.

SEC. 6. Section 19995.4 of the Government Code is amended to read:

19995.4. (a) The department shall devise plans for, and cooperate with appointing powers in the conduct of, ~~supervisory~~ supervisor and career executive assignment employee training programs so that the quality of ~~supervisory leadership~~ services rendered by persons in those positions may be continually ~~improved~~ improved and succession planning supported.

(b) ~~Each supervisory employee, upon the employee's initial appointment~~ Upon the initial appointment of an employee to a designated supervisory position, the employee shall be provided a minimum of 80 hours of training, ~~at least 40 hours of which shall be structured and be provided by a qualified instructor, as prescribed by the department.~~ The training shall ~~consist of~~ address the role of the supervisor, techniques of supervision, planning, organizing, ~~staffing and controlling,~~ staffing, performance standards, performance ~~appraisal, affirmative action,~~ appraisals, discipline, labor relations, ~~employment law relating to persons with disabilities, and grievances.~~



equal employment opportunity principles, and affirmative action for persons with disabilities. Every supervisor shall have access to a copy of each bargaining agreement covering the employees he or she supervises. ~~The additional 40 hours of training may be provided on the job by a qualified higher level supervisor or manager.~~

(c) ~~The entire 80 required hours of training shall be supervisory training shall be successfully completed within the term of the probationary period or within 12 months of appointment to a supervisory classification. The training shall be completed within the term of the probationary period unless it is demonstrated that to do so creates additional costs or that the training cannot be completed during the probationary period due to the limited availability of training courses. six months of the employee's initial appointment, unless it is demonstrated that to do so creates additional costs or that the training cannot be completed during this time period due to limited availability of training courses. Upon completion of the initial appointment training, supervisory employees shall be provided biannually a minimum of 20 hours of leadership training and development, as prescribed by the department.~~

(d) Upon the initial appointment of an employee to a management position, the employee shall be provided a minimum of 40 hours of leadership training and development, as prescribed by the department, within 12 months of appointment. Thereafter, the employee shall be provided biannually a minimum of 20 hours of leadership training, as prescribed by the department.

(e) Upon the initial appointment of an employee to a career executive assignment position, the employee shall be provided a minimum of 20 hours of leadership training and development as prescribed by the department within 12 months of appointment.



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Thereafter, the employee shall be provided biannually a minimum of 20 hours of leadership training and development as prescribed by the department.

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LEGISLATIVE COUNSEL'S DIGEST

Bill No.

as introduced, _____.

General Subject: State civil service.

(1) Existing law grants to an employee with permanent civil service status, or who previously had permanent status, and who, without a break in service, accepts an appointment to an exempt position, the right to reinstatement in his or her former position at the termination of the appointment, either by the employee or the appointing power, subject to certain conditions. Existing law prescribes different periods within which an employee is permitted to make a request for reinstatement in connection with different exempt appointments.

This bill would eliminate the various periods within which an employee is required to make a request for reinstatement, as described above, and eliminate language specifying that the termination be either by the employee or the appointing power. The bill would also make clarifying, conforming, and technical changes.



(2) Existing law grants certain civil service testing rights to an employee with reinstatement rights, as described above, within 4 years of termination in an exempt position, either by the employee or the appointing power, who has at least one year, but less than 3 years, of exempt service. In this regard, existing law requires that these employees be given the opportunity to obtain civil service list appointment eligibility, through examination, for any position offered by the appointing power that has a current eligible list and that has a salary range up to 2 salary steps higher than his or her former position. Existing law further requires that similarly situated employees who have more than 3 years of exempt service be given the opportunity to obtain appointment list eligibility in classes at least 2 salary steps below the employees' exempt salary levels. Existing law also grants a right of reinstatement to an employee whose exempt appointment terminates, on or after January 1, 1987, and who has at least 10 years of state service, among other characteristics, to specified positions of the appointing power for which he or she has list eligibility. In the absence of list eligibility, existing law grants the employee the right to a deferred examination, as specified, or to his or her former position.

This bill would revise and recast these provisions to grant employees in exempt positions with reinstatement rights, as described above, who have at least 5 years of state service, a right to obtain civil service appointment list eligibility by taking a deferred examination for any class that has a current eligible list and for which the employee meets the minimum qualifications of the class.

(3) Existing law requires the Department of Human Resources to administer the Limited Examination and Appointment Program (LEAP) to provide an alternative to



of, supervisorial employee training programs and prescribes training requirements in this regard.

This bill would require the department to analyze, design, develop, implement, and evaluate an integrated development strategy to continually advance employee skills and improve performance productivity and service. The bill would instead require the department to devise plans for, and cooperate with appointing powers in the conduct of, supervisor, manager, and career executive assignment employee training programs so that the quality of leadership services rendered by persons in those positions may be continually improved and succession planning supported. The bill would prescribe requirements for supervisor, manager, and career executive assignment employees in connection with this training.

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

