



**SUPREME COURT RULES THAT CALIFORNIA STATE PERSONNEL BOARD HAS EXCLUSIVE AUTHORITY TO HEAR DISCIPLINARY ACTIONS TAKEN AGAINST STATE CIVIL SERVICE EMPLOYEES**

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On December 1, 2005, the California Supreme Court issued its decision confirming that the merit principle embodied in the California Constitution requires that State Personnel Board (SPB) have exclusive jurisdiction to hear appeals from disciplinary actions taken against state civil service employees. In *State Personnel Board v. Department of Personnel Administration*, the Court struck down the provisions contained in four state employee collective bargaining agreements, and implementing legislation, that provided for the review of disciplinary actions by a grievance and arbitration process rather than by the SPB, on the ground that those provisions violated the California constitutional requirement that the SPB “shall review disciplinary actions.” The Court held that, because employee discipline is an integral part of the merit-based civil service system, the State Personnel Board has *exclusive* authority to review disciplinary actions taken against state civil service employees. The Court rejected the argument that employees can waive review of discipline by the SPB in favor of a collectively bargained alternative process, finding that the public’s interest in a merit-based civil service would be subverted if various ad hoc arbitral boards, operating beyond the oversight of the State Personnel Board and not bound to apply its merit-based standards, could review and reverse disciplinary actions. The Court’s decision confirms the SPB’s central function in administering the civil service in accordance with the merit principle.

This most recent decision of the California Supreme Court follows fast on the heels of another decision by the Court last summer, *State Personnel Board v. California State Employees Association*, in which the Court invalidated provisions of collective bargaining agreements that required appointments and promotions to various positions in the state civil service to be based solely on seniority. In that case, the Court examined the constitutional provision that requires appointments and promotions in the state civil service to be based upon merit, ascertained by competitive examination, and found the post and bid provisions requiring appointments and promotions to be based solely on seniority also violated the merit principle.

Read together, the two Supreme Court cases reaffirm the intent of the people of the State of California when, in 1934, they amended the California Constitution to establish the State Personnel Board and enshrine the merit principle within the Constitution with the aim of eliminating the spoils system in state government and ensuring state employees a civil service system that would provide mechanisms to insure that employment decisions, from hiring to firing, are consistent with the merit principle and not motivated by discrimination or other non-merit factors.

For more information about the State Personnel Board and its duties and responsibilities, please visit our website at [www.spb.ca.gov](http://www.spb.ca.gov).