



DATE: December 5, 2008

TO: ALL STATE AGENCIES, EMPLOYEE ORGANIZATIONS, AND MEMBERS OF THE GOVERNOR'S CABINET

SUBJECT: 2008 LEGISLATIVE SUMMARY

The following bills affecting California's state employment statutes were signed and chaptered into law by Governor Schwarzenegger in 2008. The changes become effective January 1, 2009.

Eligibility for CEA Appointments

This new law allows prior state employees who had permanent status, and former legislative and nonelected exempt employees with at least 2 years of consecutive service to apply for and compete in Career Executive Assignment (CEA) examinations.

For CEAs hired under this provision, the new law specifies that the California Public Employees' Retirement System calculate retirement benefits using "final compensations" as the highest annual compensation that was earned during a consecutive 36-month period, rather than the highest consecutive 12-month period.

The new law also requires the State Personnel Board (SPB) to report to the Legislature by January 1, 2012, a summary of the CEA hires made of individuals:

1. who previously had permanent civil service status;
2. who were employed by the legislature for 2 or more consecutive years; and
3. who held nonelected exempt positions in the executive branch for 2 or more years.

The new provisions in this law will sunset on January 1, 2013, unless enabling legislation is enacted to extend or make these provisions permanent.

Bill Number: SB 1472 (Ashburn), Chapter 353

Code Sections Amended: Government Codes 18546, 18990, 18992, and 19889.3

Code Section Added: Government Code 20037.13

Civil Service; Method of Delivery of Notice of Various Personnel Actions

This new law updates the manner in which personnel actions can be served on civil service employees by allowing well-accepted business practice of using express service couriers, in lieu of simply United States mail, return receipt requested; and eliminates provisions of law declared unconstitutional by the California Supreme Court.

Bill Number: AB 3042 (Committee on Public Employment, Retirement and Social Security), Chapter 150

Code Sections Amended: Code of Civil Procedure 1094.5. Government Codes 18670, 19175, 19574, 19574.1, 19574.2, 19575, 19576, 19578, 19582, and 19583

Code Sections Repealed: Government Codes 18670, 19175, 19574, 19574.1, 19574.2, 19575, 19576, 19578, 19582, and 19583

Public Employment: Veterans

This new law allows individuals who have retired or have been honorably discharged from the United States military to apply for promotional civil service examinations, including examinations for Career Executive Assignments, if they meet the minimum qualifications as outlined in the class specifications. In addition the law provides that military service could be used to meet the minimum qualifications.

Bill Number: AB 3065 (Committee on Veterans Affairs), Chapter 590

Code Section Added: Government Code 18991

Military Service; Protection; Mediator

This new law authorizes the Governor and each state agency to appoint a mediator to take complaints regarding reemployment rights and pay issues from state employees who are members of the California National Guard or members of a reserve component of the Armed Forces of the United States, and who are returning to state employment after serving on military active duty. The mediator will have the authority to resolve and coordinate the resolution of those complaints or other issues.

Bill Number: AB 2641 (Cook), Chapter 642

Code Section Added: Military and Veterans Code 395.6

If you have any questions, please contact Carol Ong, Legislative Office, at (916) 653-1466.

/S/ SUZANNE M. AMBROSE

SUZANNE M. AMBROSE
Executive Officer