

MEMO TO: ALL STATE AGENCIES AND EMPLOYEE ORGANIZATIONS

SUBJECT: 1997 Merit-Related Legislation

Attached is a summary of final actions on major Legislation followed by the State Personnel Board (Board) in 1997 for its impact on Board programs and the administration of the State Civil Service Merit System.

Revisions to the Law and California Code of Regulations governing the California State Civil Service, appropriate manuals and policy implementation memorandum will be issued to reflect enacted statutes as soon as possible. Question regarding the attached report should be direct to Judy Balmain, Director of Legislation, State Personnel Board, P.O. Box 944201, Sacramento, CA 94244-2010, (916) 653-0453, CALNET 453-0453 or TDD (916) 653-1498.

Walter Vaughn

Acting Executive Officer

Attachment

Members

State Personnel Board

February 24, 1998

AB 387 (Miller)

CHAPTER 577, STATUTES OF 1997

EFFECTIVE: January 1, 1998

APPROPRIATION: None

SUMMARY:

This bill broadens and revises the State Personnel Board's (Board) subpoena powers so as to make them consistent with the powers accorded other administrative agencies and courts; clarifies that a witness can be compelled to testify if granted transactional or use/immunity, provides that the appeal period from an adverse action begins to run from the effective date of the adverse action rather than from the date of service; and makes a technical change conforming statute numbers.

SUBPOENAS:

The bill removes distance limitations for all witnesses, but retains the requirement that a declaration showing materiality be submitted with all requests for subpoenas of witnesses outside the 100 miles, whether those witnesses are state employees or not: adds a provision

providing for service of subpoenas based in part on the analogous APA provision; and adds a provision providing means for satisfaction of subpoena for documents; adds a motion to quash procedure to deal with unreasonable or oppressive subpoenas; conforms rule regarding taking of depositions of long-distance witnesses by clarifying that deposition may not be used as evidence where a long-distance subpoena has been issued and served.

CHANGE IN TIME FRAME FOR APPEALING ADVERSE ACTIONS:

This bill amends Government Code section 19575 to provide that the appeal must be filed no later than 30 calendar days from the effective date of the adverse action.

Since the Skelly meeting is typically held before the effective date, if the matter resolves the employee will have no need to file an appeal and the employer will not have filed the action with the Board.

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IMMUNITY:

This bill clarifies that a witness must be granted either transactional or use immunity and derivative use immunity before testimony can be compelled.

TECHNICAL CHANGE:

This bill also makes a technical change to conform statute numbers.

FISCAL: None

STATE PERSONNEL BOARD RESPONSIBILITIES:

Revise pertinent forms and regulations related to subpoenas and appeals.

SECTIONS AFFECTED:

Amends Sections 18672, 18673, 18676, 18677, 19575 and 19683 of the Government Code.
Adds Section 18672.1 to the Government Code.

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AB 1436 (Cardoza)

CHAPTER 148, STATUTES OF 1997

EFFECTIVE: January 1, 1998

APPROPRIATIONS: None

SUMMARY:

This bill changes the Public Safety Officers Procedure Bill of Rights Act to provide, in certain cases, shorter time limitations on the investigations and service of notice of adverse actions taken against peace officers.

This bill would provide that, except for several enumerated exceptions, no adverse action taken against a peace officer would be valid unless the public agency completed its investigation and served notice of adverse action upon the peace officer within one year from when the alleged act, omission or misconduct upon which the adverse action was based or was discovered by the agency. There are certain circumstances where investigations against peace officers could be reopened after more than one year has passed.

This bill would also provide that once the agency decides to impose adverse action, it must generally serve notice of the action within 30 days of its decision. For peace officers employed by the California Highway Patrol, the 30-day time period would not commence with the mere service of a preliminary notice of adverse action.

This bill would apply only to adverse actions which are based upon acts, omissions or misconduct occurring after January 1, 1998.

FISCAL: None

STATE PERSONNEL BOARD RESPONSIBILITIES: None

SECTIONS AFFECTED:

Amends Sections 3304 and 3309.5 of the Government Code, relating to public safety officers.

