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GOVERNMENT CODE - GOV

TITLE 8. THE ORGANIZATION AND GOVERNMENT OF COURTS [68070 - 77655] (Title 8 added by Stats. 1953, Ch. 206.)

CHAPTER 5. The Superior Courts [69504 - 70141.11] (Chapter 5 added by Stats. 1953, Ch. 206.)

ARTICLE 8. Officers, Attaches, and Employees Generally [69893.7 - 69917] (Article 8 added by Stats. 1953, Ch. 206.)

69893.7. Notwithstanding any other provision of law, the following provisions shall apply to the Yolo County superior and municipal courts.

(a) To assist the court in the performance of its duties and the exercise of the powers conferred by law upon the court, a majority of the judges of the superior and municipal courts, with the approval of the board of supervisors, may establish such job classifications and may appoint a clerk and such officers, assistants, and employees, including official court reporters, as necessary. A majority of the judges of the superior and municipal courts may delegate the creation of job classifications and the appointment of employees to the court executive officer. Official court reporters shall hold office at the pleasure of the appointing officer.

(b) The compensation, including salary, retirement, vacations, and other benefits, of all Yolo County superior and municipal court officers and employees may be adjusted by the board of supervisors. The board of supervisors may extend the management benefits package to officers, assistants, and employees of the superior and municipal courts, including judges, on the same basis as it is extended to other officers and employees of the county. Unless otherwise provided by law, employees of the superior and municipal courts are subject to the personnel regulations, memoranda of understanding and affirmative action plan of the county.

(c) In addition to the official court reporters, the presiding judge of the superior and municipal courts may appoint as many court reporters pro tempore as the business of the court requires, who shall hold office at his or her pleasure. The court reporters pro tempore shall be unsalaried, but shall be compensated at a rate to be established by joint action of the board of supervisors and a majority of the judges of the superior and municipal courts. In criminal cases, the compensation of the court reporters pro tempore shall, upon order of the court, be a charge against the general fund of the county. The presiding judge of the superior and municipal courts may delegate the appointment of court reporters pro tempore and the determination of their salary to the court executive officer.

(Amended by Stats. 1996, Ch. 1153, Sec. 1. Effective January 1, 1997.)

69894. (a) The superior court shall provide any court user access to a lactation room in any courthouse in which a lactation room is also provided to court employees in compliance with Section 1031 of the Labor Code. The lactation room for court users shall be located within the court facility in an area that is accessible to the public or in any location that is reasonably accessible to the public using the court facility.

(b) A superior court may comply with this section by designating a lactation room for court users that does not meet all of the requirements of subdivision (d) of Section 1031 of the Labor Code in order to provide the greatest number of court users with access to lactation rooms in as many courthouses as possible. The superior court shall use the most cost effective means possible to construct or renovate lactation rooms in courthouses, including by installing portable lactation rooms where appropriate, due to operational, financial, or space limitations. The lactation room shall not be a bathroom, shall be shielded from view and free from intrusion while it is being used by a court user to express milk, and shall otherwise comply with the requirements of subdivision (c) of Section 1031 of the Labor Code.

(c) This section shall become operative on July 1, 2026.

(Amended by Stats. 2024, Ch. 228, Sec. 1. (AB 3280) Effective January 1, 2025. Operative July 1, 2026, by its own provisions.)

69894.1. (a) Beginning July 1, 2026, the superior court shall provide any court user who is participating in an ongoing court proceeding a reasonable amount of break time during the court proceeding in which the court user is participating to allow the court user to express breast milk for the individual's infant child pursuant to the confidential process described in subdivision (b).

(b) On or before January 1, 2026, the Judicial Council shall adopt or amend rules of court or forms to implement this section. The rules of court or forms shall provide a confidential process for the court user to request the break time.

(c) Nothing in this section affects any requirements imposed by law upon a superior court as an employer in relation to its employees, including, but not limited to, the requirements for employers to accommodate the needs of lactating employees specified in Section 1030 and 1031 of the Labor Code.

(Added by Stats. 2024, Ch. 159, Sec. 1. (SB 949) Effective January 1, 2025.)

69894.2. (a) On or before March 1, 2025, and by March 1 of each year thereafter, consistent with subdivision (d), the Judicial Council shall submit a report to the Legislature regarding how all funds previously appropriated by the Legislature for the purpose of compliance with Section 69894, including, but not limited to, the funds appropriated pursuant to Item 020-001-0001 of Section 2.00 of the Budget Act of 2022, have been expended by the superior courts. The report shall include at least all of the following information:

- (1) The number of lactation rooms that have been constructed, installed, or renovated to comply with the requirements of Section 69894, including the cost per lactation room.
- (2) The plan for future construction, installation, or renovation of lactation rooms to comply with the requirements of Section 69894, including the average cost per lactation room, detailing the average cost for new construction, renovation of an existing court facility, and installation of portable lactation rooms that comply with subdivision (b) of Section 69894.
- (3) How many lactation rooms are estimated to be constructed, installed, or renovated upon expenditure of all funds previously appropriated by the Legislature.
- (4) The funds necessary for courts to fully comply with Section 69894 and provide to any court user access to a lactation room in any courthouse in which a lactation room is also provided to court employees in compliance with Section 1031 of the Labor Code.
- (5) The estimated dates, according to the Judicial Council, when the following will occur:

(A) Courts will fully comply with Section 69894.

(B) All funds previously appropriated by the Legislature for the purpose of compliance with Section 69894 will be expended.

(b) In order to provide the greatest number of court users with access to the greatest number of lactation rooms in as many courthouses as possible, the superior court shall use the most cost-effective means possible to construct or renovate lactation rooms in courthouses, including by installing portable lactation rooms that comply with subdivision (b) of Section 69894.

(c) A report to be submitted pursuant to subdivision (a) shall be submitted in compliance with Section 9795 of the Government Code.

(d) The report required pursuant to subdivision (a) of this section shall be required only until courts either fully comply with Section 69894, or until all funds previously appropriated by the Legislature for the purpose of compliance with Section 69894 are expended.

(Added by Stats. 2024, Ch. 228, Sec. 2. (AB 3280) Effective January 1, 2025.)

69894.3. Employees of the superior court in each county of the first class shall be entitled to step advancement, vacation, sick leave, holiday benefits and other leaves of absence and other benefits as may be directed by rules of the court. Where statutes require implementation by local ordinances for the extension of benefits to local officers and employees, these may be made applicable by rule to court personnel, including, but not limited to, jurors and judges.

These benefits shall also include the same lump sum payments for sick leave and vacation for the superior court employees when they are separated from the service as are made to county employees of the county; except that lump-sum payments to court commissioners when separated from the service of the superior court shall be limited to accrued vacation if any, as is provided by local rule of court, exclusive of accrued sick leave.

Court employees under this section shall have the right to transfer to other departments in the county government, subject to the approval of the board of supervisors, the county charter, and other usual conditions that may be placed upon the transfer, including, but not limited to, a requirement that the transferee successfully complete an appropriate civil service examination. The right of transfer shall not give any employee any additional rights by reason of their employment with the court, other than those to which they would have been entitled if the employment had been with a different department of the county government.

Employment by the court shall be deemed to be employment by the county, if approved by rule of court, for the purpose of determining a court employee's rights with respect to a county's ordinances providing for salary step advancements and other employee benefits and rights, including, but not limited to, amount of compensation, vacations, sick leave, and accumulated sick leave.

In any such county, attachés may be voluntarily transferred from a position in one judicial district to a position in another within the county and promoted or voluntarily demoted from a position in one judicial district to a position in another within the county in substantially the same manner as transfers, demotions and promotions are authorized generally in county departments or between departments of the county.

Rules of the court may include other matters pertaining to the general administration of the court, including conditions of employment of court personnel, including, but not limited to, jurors and judges. When rules are adopted by a majority of the judges and filed with the Judicial Council, they shall have the same status as other rules of court adopted pursuant to Section 68070.

When requested to do so by the court, the county shall, through the county civil service commission, furnish to the court services as may be required in connection with the recruitment and employment of court officers and employees.

(Amended by Stats. 2023, Ch. 478, Sec. 45. (AB 1756) Effective January 1, 2024.)

69894.4. In each county of the first class, whenever, because of the nature of the duties of any judge or officer of the court, the court determines that the best interest of the court would be served, it may assign an automobile in lieu of allowing traveling expenses.

(Repealed and added by Stats. 2023, Ch. 478, Sec. 47. (AB 1756) Effective January 1, 2024.)

69894.5. The court may by rule employ and assign officers or attachés to perform the duties outlined in Section 26806 of the Government Code.

(Added by Stats. 1961, Ch. 769.)

69894.6. Notwithstanding Section 69894.1, in the County of Los Angeles, a majority of the judges of the superior court may appoint 362 court reporters at salary schedule 82F, NZ, N3. The salary schedule and notes are those found in the Los Angeles County Code, Title 6. Court reporters shall serve at the pleasure of the court and may at any time be removed by the court in its discretion.

(Amended by Stats. 1994, Ch. 995, Sec. 4. Effective January 1, 1995.)

69902. Any county having a retirement system for its employees may include in it the employees and attachés of the superior court of that county whose salaries are paid by the county. Where such action is taken by any county the included employees and attachés shall be subject to all of the provisions of the local retirement system.

(Added by Stats. 1953, Ch. 206.)

69903. In any county with a population of less than 1,073,200, but more than 1,069,700 as determined by the 1970 federal census, a majority of the judges of the superior court may appoint the listed officers and employees whose salaries shall be paid by the county as follows:

	Title	Item
1	Executive officer	9030
1	Assistant executive officer	9031
1	Juvenile courts coordinator	9039
1	Probate commissioner	9050
2	Senior referees	9053
31	Court reporters	9056
1	Staff services assistant	0230
2	Secretary II	1220
1	Court statistician	9038
1	Supervising conciliation counselor	9054
1	Conciliation counselor	9057
3	Steno II	1210

1	Chief calendar clerk	9033
1	Chief deputy jury commissioner	9035
1	Chief deputy calendar clerk/jury commissioner	9034
1	Legal secretary reporter II	1245
10	Specialist clerks	1128
2	Supervising clerk I	1138
1	Chief probate investigator	9065
3	Probate investigators	9060
1	Clerk II	1120
	Court reporter, pro tem	F 78.16/day

The item number set forth in the previous paragraph refers to the classifications contained in the Alameda County salary ordinance and superior court positions shall be paid the equivalent amount as specified in the salary ordinance.

All personnel appointed pursuant to this section shall be exempt from civil service laws serving at the pleasure of the judges of the court and may at any time be removed by a majority thereof at their discretion. Notwithstanding any other provision of this section, each judge may appoint a competent phonographic reporter who shall perform, in addition to his other duties, such secretarial services for the appointing judge as he requires in the performance of his official duties.

With the approval of the board of supervisors, a majority of the judges may establish such additional titles and pay rates as are required and may appoint such additional commissioners, officers, assistants, and other employees as they deem necessary for the performance of the duties and exercise of the powers conferred by law upon the court and its members. Rates of compensation of all such officers, assistants, and other employees may be adjusted by joint action and approval of the board of supervisors and a majority of the judges of the court. Such additional appointments or changes in compensation made pursuant to this section shall be on an interim basis and shall expire on the effective date of appropriate ratifying or modifying state legislation.

All personnel except pro tem court reporters shall be entitled to salary advancement, vacation, sick leave, holiday benefits, other leaves of absence, and other benefits, not more than that provided in the Alameda County Administrative Code for county employees. However, vacation benefits for commissioner and referee classifications shall be determined by written court policy.

All personnel except pro tem court reporters shall be included in the Alameda County retirement system.

If the board of supervisors provides by ordinance or resolution for a rate of compensation for positions in any of the superior court classes specified in this section which is higher than that herein otherwise provided for, such higher rate of compensation shall be effective at the same time and in the same manner as rates of pay for Alameda County employees generally. Comparative classes shall be determined by a majority of the judges and the board of supervisors.

(Repealed and added by Stats. 1979, Ch. 418.)

69905. In any county a majority of the judges of the superior court may appoint research assistants. The number and compensation of research assistants shall be set by the judges. The compensation of those research assistants shall be paid by the county in which they serve.

(Amended by Stats. 1998, Ch. 973, Sec. 4. Effective January 1, 1999.)

69906.5. Notwithstanding Section 270 of the Welfare and Institutions Code, in Mendocino County the offices of assistant probation officer and deputy probation officer, or either of them, shall exist only if established by an ordinance adopted by the board of supervisors; and the probation officer may appoint one or more deputy or assistant probation officers only if the positions have been authorized by the board of supervisors.

(Added by renumbering Section 69906 (as added by Stats. 1984, Ch. 775) by Stats. 1987, Ch. 56, Sec. 94.)

69907. (a) In the County of San Diego, in addition to any other compensation and benefits, each judge of the superior court shall receive the same life insurance, accidental death and dismemberment insurance, comprehensive annual physical examinations, executive flexible benefits plan (except that if deferred compensation is selected, no adjustment based on retirement tier shall apply),

and dental and vision insurance as provided by the County of San Diego for the classification of chief administrative officer. Changes in these benefits shall be effective on the same date as for those for the classification of chief administrative officer.

(b) Subject to approval by the board of supervisors, each judge of the superior court shall receive long-term disability insurance to the same extent as provided by the County of San Diego for the classification of chief administrative officer.

(Amended by Stats. 1990, Ch. 1232, Sec. 4. Operative January 9, 1991, by Sec. 10 of Ch. 1232.)

69909. (a) In the County of Riverside, in addition to any other compensation and benefits, each judge of the superior court shall receive the county flexible benefits plan.

(b) Subject to approval by the board of supervisors, each judge of the superior court shall receive long-term disability insurance to the same extent as provided by the County of Riverside for other elected county officials.

(Added by renumbering Section 69908 (as added by Stats. 1990, Ch. 1232) by Stats. 1991, Ch. 1091, Sec. 66.)

69917. A subordinate judicial officer may not engage in the private practice of law except to the extent permitted by Judicial Council rules. As used in this section, "subordinate judicial officer" means an officer appointed by the court to perform subordinate judicial duties as authorized by Section 22 of Article VI of the California Constitution.

(Added by Stats. 2002, Ch. 784, Sec. 326. Effective January 1, 2003.)