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SB-852 State public employment: memorandum of understanding: State Bargaining Unit 6: approval.
(2017-2018)

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Senate Bill No. 852

CHAPTER 49

An act to amend Sections 19829.9846 and 19829.9847 of the Government Code, relating to state public employment, and making an appropriation therefor, to take effect immediately, bill related to the budget.

[Approved by Governor June 27, 2018. Filed with Secretary of State June 27, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

SB 852, Committee on Budget and Fiscal Review. State public employment: memorandum of understanding: State Bargaining Unit 6: approval.

(1) Existing law provides that a provision of a memorandum of understanding reached between the state employer and a recognized employee organization representing state civil service employees that requires the expenditure of funds does not become effective unless approved by the Legislature in the annual Budget Act.

This bill would approve provisions requiring the expenditure of funds in the memorandum of understanding entered into between the state employer and State Bargaining Unit 6, California Correctional Peace Officers Association.

This bill would provide that provisions of the memorandum of understanding described above and approved by this bill that require the expenditure of funds will not take effect unless funds for those provisions are specifically appropriated by the Legislature. The bill would authorize the state employer and State Bargaining Unit 6 to meet and confer to renegotiate the affected provisions if funds for those provisions are not specifically appropriated by the Legislature. The bill would require the provisions of this memorandum of understanding that require the expenditure of funds to become effective even if these provisions are approved by the Legislature in legislation other than the annual Budget Act.

The bill would appropriate to the Controller from the General Fund, unallocated special funds, including federal funds and unallocated nongovernmental cost funds, and any other fund from which state employees are compensated, the amount necessary for the payment of compensation and employee benefits to state employees covered by the memorandum of understanding described above if the Budget Act is not enacted on or before July 1 in the 2018–19 or 2019–20 fiscal year, as specified.

(2) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

Vote: majority Appropriation: yes Fiscal Committee: yes Local Program: no

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

SECTION 1. The Legislature finds and declares that the purpose of this act is to approve the agreement entered into by the state employer and State Bargaining Unit 6 pursuant to Section 3517.5 of the Government Code.

SEC. 2. The provisions of the memorandum of understanding prepared pursuant to Section 3517.5 of the Government Code and entered into by the state employer and State Bargaining Unit 6, dated May 14, 2018, and that require the expenditure of funds, are hereby approved for the purposes of subdivision (b) of Section 3517.6 of the Government Code.

SEC. 3. The provisions of the memorandum of understanding approved in Section 2 of this act that require the expenditure of funds shall not take effect unless funds for these provisions are specifically appropriated by the Legislature. If funds for these provisions are not specifically appropriated by the Legislature, either the state employer or State Bargaining Unit 6 may reopen negotiations on all or part of the memorandum of understanding.

SEC. 4. Notwithstanding Section 3517.6 of the Government Code, the provisions of the memorandum of understanding included in Section 2 of this act that require the expenditure of funds shall become effective even if the provisions of the memorandum of understanding are approved by the Legislature in legislation other than the annual Budget Act.

SEC. 5. Section 19829.9846 of the Government Code is amended to read:

19829.9846. (a) Notwithstanding Section 13340, for the 2018–19 fiscal year, if the Budget Act of 2018 is not enacted by July 1, 2018, for the memoranda of understanding entered into between the state employer and State Bargaining Unit 2 (effective July 1, 2016, to July 1, 2019, inclusive), State Bargaining Unit 6 (effective July 3, 2018, to July 2, 2019, inclusive), State Bargaining Unit 7 (effective July 2, 2016, to July 1, 2019, inclusive), State Bargaining Unit 12 (effective July 1, 2015, to July 1, 2020, inclusive), State Bargaining Unit 13 (effective July 2, 2016, to June 30, 2019, inclusive), State Bargaining Unit 18 (effective July 1, 2016, to July 1, 2019, inclusive), State Bargaining Unit 1, 3, 4, 11, 14, 15, 17, 20, or 21 (each effective July 2, 2016, to January 1, 2020, inclusive), State Bargaining Unit 16 (effective July 1, 2016, to July 1, 2020, inclusive), State Bargaining Unit 19 (effective July 1, 2016, to July 1, 2020, inclusive), and State Bargaining Unit 8 (effective January 1, 2017, to July 1, 2021, inclusive), there is hereby continuously appropriated to the Controller from the General Fund, unallocated special funds, including, but not limited to, federal funds and unallocated nongovernmental cost funds, and any other fund from which state employees are compensated, the amount necessary for the payment of compensation and employee benefits to state employees covered by the above memoranda of understanding until the Budget Act of 2018 is enacted. The Controller may expend an amount no greater than necessary to enable the Controller to compensate state employees covered by the above memoranda of understanding for work performed between July 1, 2018, of the 2018–19 fiscal year and the enactment of the Budget Act of 2018.

(b) If the memoranda of understanding entered into between the state employer and State Bargaining Unit 2 (effective July 1, 2016, to July 1, 2019, inclusive), State Bargaining Unit 6 (effective July 3, 2018, to July 2, 2019, inclusive), State Bargaining Unit 7 (effective July 2, 2016, to July 1, 2019, inclusive), State Bargaining Unit 12 (effective July 1, 2015, to July 1, 2020, inclusive), State Bargaining Unit 13 (effective July 2, 2016, to June 30, 2019, inclusive), State Bargaining Unit 18 (effective July 1, 2016, to July 1, 2019, inclusive), State Bargaining Unit 1, 3, 4, 11, 14, 15, 17, 20, or 21 (each effective July 2, 2016, to January 1, 2020, inclusive), State Bargaining Unit 16 (effective July 1, 2016, to July 1, 2020, inclusive), State Bargaining Unit 19 (effective July 1, 2016, to July 1, 2020, inclusive), and State Bargaining Unit 8 (effective January 1, 2017, to July 1, 2021, inclusive) are in effect and approved by the Legislature, the compensation and contribution for employee benefits for state employees represented by these bargaining units shall be at a rate consistent with the applicable memorandum of understanding referenced above.

(c) Expenditures related to any warrant drawn pursuant to subdivision (a) are not augmentations to the expenditure authority of a department. Upon the enactment of the Budget Act of 2018, these expenditures shall be subsumed by the expenditure authority approved in the Budget Act of 2018 for each affected department.

(d) This section shall only apply to an employee covered by the terms of the State Bargaining Unit 2 (effective July 1, 2016, to July 1, 2019, inclusive), State Bargaining Unit 6 (effective July 3, 2018, to July 2, 2019, inclusive), State Bargaining Unit 7 (effective July 2, 2016, to July 1, 2019, inclusive), State Bargaining Unit 12 (effective July 1, 2015, to July 1, 2020, inclusive), State Bargaining Unit 13 (effective July 2, 2016, to June 30, 2019, inclusive), State Bargaining Unit 18 (effective July 1, 2016, to July 1, 2019, inclusive), State Bargaining Unit 1, 3, 4, 11, 14, 15, 17, 20, or 21 (each effective July 2, 2016, to January 1, 2020, inclusive), State Bargaining Unit 16 (effective July 1, 2016, to July 1, 2020, inclusive), State Bargaining Unit 19 (effective July 1, 2016, to July 1, 2020, inclusive), or State Bargaining Unit 8 (effective January 1, 2017, to July 1, 2021, inclusive) memorandum of understanding. Notwithstanding Section 3517.8, this section shall not apply after the term of the applicable memorandum of understanding has expired. For purposes of this section, the memorandum of understanding for State Bargaining Unit 13 expires on June 30, 2019, the memoranda of understanding for State Bargaining Units 2, 7, and 18 expire on July 1, 2019, the memorandum of understanding for State Bargaining Unit 6 expires on July 2, 2019, the memoranda of understanding for State Bargaining Units 1, 3, 4, 11, 14, 15, 17, 20, and 21 expire on January 1, 2020, the memoranda of understanding for State Bargaining Units 12, 16, and 19 expire on July 1, 2020, and the memorandum of understanding for State Bargaining Unit 8 expires on July 1, 2021.

SEC. 6. Section 19829.9847 of the Government Code is amended to read:

19829.9847. (a) Notwithstanding Section 13340, for the 2019–20 fiscal year, if the Budget Act of 2019 is not enacted by July 1, 2019, for the memoranda of understanding entered into between the state employer and State Bargaining Unit 1, 3, 4, 11, 14, 15, 17, 20, or 21 (each effective July 2, 2016, to January 1, 2020, inclusive), State Bargaining Unit 6 (effective July 3, 2018, to July 2, 2019, inclusive), State Bargaining Unit 12 (effective July 1, 2015, to July 1, 2020, inclusive), State Bargaining Unit 16 (effective July 1, 2016, to July 1, 2020, inclusive), State Bargaining Unit 19 (effective July 1, 2016, to July 1, 2020, inclusive), and State Bargaining Unit 8 (effective January 1, 2017, to July 1, 2021, inclusive), there is hereby continuously appropriated to the Controller from the General Fund, unallocated special funds, including, but not limited to, federal funds and unallocated nongovernmental cost funds, and any other fund from which state employees are compensated, the amount necessary for the payment of compensation and employee benefits to state employees covered by the above memoranda of understanding until the Budget Act of 2019 is enacted. The Controller may expend an amount no greater than necessary to enable the Controller to compensate state employees covered by the above memoranda of understanding for work performed between July 1, 2019, of the 2019–20 fiscal year and the enactment of the Budget Act of 2019.

(b) If the memoranda of understanding entered into between the state employer and State Bargaining Unit 1, 3, 4, 11, 14, 15, 17, 20, or 21 (each effective July 2, 2016, to January 1, 2020, inclusive), State Bargaining Unit 6 (effective July 3, 2018, to July 2, 2019, inclusive), State Bargaining Unit 12 (effective July 1, 2015, to July 1, 2020, inclusive), State Bargaining Unit 16 (effective July 1, 2016, to July 1, 2020, inclusive), State Bargaining Unit 19 (effective July 1, 2016, to July 1, 2020, inclusive), and State Bargaining Unit 8 (effective January 1, 2017, to July 1, 2021, inclusive) are in effect and approved by the Legislature, the compensation and contribution for employee benefits for state employees represented by these bargaining units shall be at a rate consistent with the applicable memorandum of understanding referenced above.

(c) Expenditures related to any warrant drawn pursuant to subdivision (a) are not augmentations to the expenditure authority of a department. Upon the enactment of the Budget Act of 2019, these expenditures shall be subsumed by the expenditure authority approved in the Budget Act of 2019 for each affected department.

(d) This section shall only apply to an employee covered by the terms of the State Bargaining Unit 1, 3, 4, 11, 14, 15, 17, 20, or 21 (each effective July 2, 2016, to January 1, 2020, inclusive), State Bargaining Unit 6 (effective July 3, 2018, to July 2, 2019, inclusive), State Bargaining Unit 12 (effective July 1, 2015, to July 1, 2020, inclusive), State Bargaining Unit 16 (effective July 1, 2016, to July 1, 2020, inclusive), State Bargaining Unit 19 (effective July 1, 2016, to July 1, 2020, inclusive), or State Bargaining Unit 8 (effective January 1, 2017, to July 1, 2021, inclusive) memorandum of understanding. Notwithstanding Section 3517.8, this section shall not apply after the term of the applicable memorandum of understanding has expired. For purposes of this section, the memorandum of understanding for State Bargaining Unit 6 expires on July 2, 2019, the memoranda of understanding for State Bargaining Units 1, 3, 4, 11, 14, 15, 17, 20, and 21 expire on January 1, 2020, the memoranda of understanding for State Bargaining Units 12, 16, and 19 expire on July 1, 2020, and the memorandum of understanding for State Bargaining Unit 8 expires on July 1, 2021.

SEC. 7. This act is a bill providing for appropriations related to the Budget Bill within the meaning of subdivision (e) of Section 12 of Article IV of the California Constitution, has been identified as related to the budget in the Budget Bill, and shall take effect immediately.