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AB-316 State employees: under-represented groups. (2021-2022)

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Assembly Bill No. 316

CHAPTER 312

An act to amend Sections 19797 and 19827.2 of the Government Code, relating to state government.

[Approved by Governor September 13, 2022. Filed with Secretary of State September 13, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

AB 316, Cooper. State employees: under-represented groups.

Existing law, the State Civil Services Act, requires each state agency to establish an equal opportunity plan which includes, at a minimum, identifying the areas of significant underutilization of specific groups based on race, ethnicity, and gender, within each department and job category level, as provided.

This bill would require that each agency, prior to January 1, 2024, and once every 2 years thereafter, establish a plan to recruit, attract, and retain employees identified as belonging to these underutilized groups. The bill would further require that the Department of Human Resources, by January 1, 2024, develop and implement a monitoring and compliance program to address deficiencies, and provide guidance and recommendations.

Existing law requires the Department of Human Resources to administer the Personnel Classification Plan of the State of California including the allocation of every position to the appropriate class in the classification plan. Existing law also requires the department to review and analyze specified existing information, including studies from other jurisdictions, regarding the setting of salaries for jobs that employ a higher proportion of females than males.

This bill would further require the department to evaluate all state civil service classifications in the Personnel Classification Plan, and prepare a detailed report, as specified, on gender and ethnicity pay equity in each classification where there is an underrepresentation of women and minorities.

This bill would state that its provisions are severable.

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

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

SECTION 1. Section 19797 of the Government Code is amended to read:

19797. (a) Each state agency shall develop, update annually, and implement an equal employment opportunity plan which shall, at a minimum, identify the areas of significant underutilization of specific groups based on race, ethnicity, and gender, within each department by job category and level, contain an equal employment opportunity analysis of all job categories and levels within the hiring jurisdiction, and include an explanation and specific actions for removing any non-job-related employment barriers.

(b) (1) Each state agency shall, prior to January 1, 2024, and once every two years thereafter, establish a plan to recruit, attract, and retain employees identified pursuant to subdivision (a). Agency plans shall be submitted to the department.

(2) The department shall, by January 1, 2024, develop and implement a monitoring and compliance program and work closely with state agencies to address deficiencies and provide guidance and recommendations for meeting their goals and other required benchmarks.

SEC. 2. Section 19827.2 of the Government Code is amended to read:

19827.2. (a) The Legislature, having recognized December 1980 statistics from the U.S. Department of Labor, finds: that 60 percent of all women 18 to 64 are in the workforce, that two-thirds of all those women are either the head of a household or had husbands whose earnings were less than ten thousand dollars (\$10,000), and that most women are in the workforce because of economic need; that the average working woman has earned less than the average working man, not only because of the lack of educational and employment opportunities in the past, but because of segregation into historically undervalued occupations where wages have been depressed; and that a failure to reassess the basis on which salaries in state service are established will perpetuate these pay inequities, which have a particularly discriminatory impact on minority and older women; and, therefore, it is the intent of the Legislature in enacting this statute to establish a state policy of setting salaries on the basis of comparability of the value of the work for jobs that employ a higher proportion of females than males.

(b) The department shall evaluate all state civil service classifications in the Personnel Classification Plan and prepare a detailed report on gender and ethnicity pay equity in each classification where there is an underrepresentation of women and minorities. The department shall review and analyze existing information, including studies from other jurisdictions that are relevant to setting salaries for jobs that employ a higher proportion of females than males. This information shall be provided on an annual basis to the appropriate policy committee of the Legislature and to the parties meeting and conferring pursuant to Section 3517.

(c) The report described in subdivision (b) shall include at least the following:

(1) The department's efforts that are consistent with existing state and federal law toward meeting the goals of pay equity for women and minorities.

(2) Statistical information for each state civil service classification.

(d) For the purpose of implementing this section, the following definitions apply:

(1) "Salary" means, except as otherwise provided in Section 18539.5, the amount of money or credit received as compensation for service rendered, exclusive of mileage, traveling allowances, and other sums received for actual and necessary expenses incurred in the performance of the state's business, but including the reasonable value of board, rent, housing, lodging, or similar advantages received from the state.

(2) "Comparability of the value of the work" means the value of the work performed by an employee, or group of employees within a class or salary range, in relation to the value of the work of another employee, or group of employees, to any class or salary range within state service.

(3) "Skill" means the skill required in the performance of the work, including any type of intellectual or physical skill acquired by the employee through experience, training, education, or natural ability.

(4) "Effort" means the effort required in the performance of the work, including any intellectual or physical effort.

(5) "Responsibility" means the responsibility required in the performance of the work, including the extent to which the employer relies on the employee to perform the work, the importance of the duties, and the accountability of the employee for the work of others and for resources.

(6) "Working conditions" means the conditions under which the work of an employee is performed, including physical or psychological factors.

(e) If the provisions of this section are in conflict with the provisions of a memorandum of understanding reached pursuant to Section 3517.5, the memorandum of understanding shall be controlling without further legislative action, except that if the provisions of a memorandum of understanding require the expenditure of funds, the provisions shall not become effective unless approved by the Legislature in the annual Budget Act.

SEC. 3. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.