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SB-117 State employment: State Bargaining Units: memoranda of understanding: addenda. (2021-2022)

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Senate Bill No. 117

CHAPTER 6

An act relating to state employment, and making an appropriation therefor, to take effect immediately, bill related to the budget.

[Approved by Governor February 09, 2022. Filed with Secretary of State February 09, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

SB 117, Committee on Budget and Fiscal Review. State employment: State Bargaining Units: memoranda of understanding: addenda.

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.

Existing law requires the Department of Human Resources to provide a memorandum of understanding to the Legislative Analyst who then has 10 calendar days from the date the tentative agreement is received to issue a fiscal analysis to the Legislature. Existing law prohibits the memorandum of understanding from being subject to legislative determination until either the Legislative Analyst has presented a fiscal analysis of the memorandum of understanding or until 10 calendar days has elapsed since the memorandum was received by the Legislative Analyst.

This bill, notwithstanding the above provisions, would approve provisions of agreements entered into between the state employer and State Bargaining Units 2, 7, 9, 10, 12, and 13. The bill would provide that the provisions of the addenda included above that require the expenditure of funds will not take effect unless funds for these provisions are specifically appropriated by the Legislature. The bill would authorize the state employer or these state bargaining units to reopen negotiations if funds for these provisions are not specifically appropriated by the Legislature. The bill would require the provisions of these agreements that require the expenditure of funds to become effective even if the provisions are approved by the Legislature in legislation other than the annual Budget Act.

This bill would appropriate the sum of \$27,005,000 for State Bargaining Units 2, 7, 9, 10, 12, and 13, and all employees excluded from collective bargaining, for the purpose of state employee compensation, as provided in specified items of the Budget Act of 2021, in accordance with a specified schedule.

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 and make conforming changes to the agreements entered into by the state employer and State Bargaining Units 2, 7, 9, 10, 12, and 13 pursuant to Section 3517.5 of the Government Code.

SEC. 2. Notwithstanding Section 19829.5 of the Government Code, the provisions of the agreements prepared pursuant to Section 3517.5 of the Government Code and entered into by the state employer and State Bargaining Unit 2, dated September 30, 2021, State Bargaining Unit 7, dated September 28, 2021, State Bargaining Unit 9, dated October 1, 2021, State Bargaining Unit 10, dated September 29, 2021, State Bargaining Unit 12, dated September 30, 2021, and State Bargaining Unit 13, dated September 30, 2021, and that require the expenditure of funds, are hereby approved for purposes of Section 3517.6 of the Government Code.

SEC. 3. The provisions of the addenda included 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 Units 2, 7, 9, 10, 12 and 13 may reopen negotiations on all or part of the agreements.

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

SEC. 5. The sum of twenty-seven million five thousand dollars (\$27,005,000) is hereby appropriated for State Bargaining Units 2, 7, 9, 10, 12, 13, and all employees excluded from collective bargaining for the purpose of, state employee compensation, as provided in Items 9800-001-0001, 9800-001-0494, and 9800-001-0988 of Section 2.00 of the Budget Act of 2021, in accordance with the following schedule:

(a) Eight million nine thousand dollars (\$8,009,000) from the General Fund in augmentation of Item 9800-001-0001 of Section 2.00 of the Budget Act of 2021.

(b) Twelve million seven hundred twenty-seven thousand dollars (\$12,727,000) from unallocated special funds in augmentation of Item 9800-001-0494 of Section 2.00 of the Budget Act of 2021.

(c) Six million two hundred sixty-nine thousand dollars (\$6,269,000) from other unallocated nongovernmental cost funds in augmentation of Item 9800-001-0988 of Section 2.00 of the Budget Act of 2021.

SEC. 6. 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.