

AMENDED IN SENATE AUGUST 17, 2006

AMENDED IN SENATE AUGUST 7, 2006

AMENDED IN SENATE JUNE 13, 2006

AMENDED IN ASSEMBLY APRIL 18, 2006

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 2683

Introduced by Assembly Member Negrete McLeod
(Principal coauthor: Assembly Member Bogh)

February 24, 2006

~~An act to amend Section 5588 of the Business and Professions Code, relating to architects. An act to amend Section 19827.3 of the Government Code, relating to state employees.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2683, as amended, Negrete McLeod. ~~Architecture: report on judgment, settlement, or arbitration award. State employees: State Bargaining Unit 8: compensation.~~

Existing law provides that in order for the state to recruit skilled firefighters for the California Department of Forestry and Fire Protection, it is the policy of the state to consider prevailing salaries and benefits prior to making salary recommendations. Existing law requires the Department of Personnel Administration, in order to provide comparability in pay, to take into consideration the salary and benefits of other jurisdictions employing 75 or more full-time firefighters who work in California.

This bill would require the state to pay rank and file members of State Bargaining Unit 8 the estimated average total compensation for

each corresponding rank the average salary and benefits received by other jurisdictions employing 75 or more full-time firefighters who work in California. The bill would require the state and the exclusive representative for State Bargaining Unit 8 to jointly survey annually and calculate the estimated average total compensation based on projected average total compensation for these jurisdictions as of July 1 of the year in which the survey is conducted.

~~Existing law provides for the licensing and regulation of architects by the California Architects Board. Existing law requires a licensee to report to the board any civil action judgment, settlement, arbitration award, or administrative action resulting in a judgment, settlement, or arbitration award against the licensee if the action alleges fraud, deceit, negligence, incompetence, or recklessness by the licensee in the practice of architecture and the amount or value of the judgment, settlement, or award is \$5,000 or more.~~

~~A licensee who fails to comply with this requirement is subject to disciplinary action.~~

~~This bill would provide that a licensee who fails to comply with this requirement may also be subject to a civil penalty, as specified, as an additional intermediate sanction.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 19827.3 of the Government Code is
2 amended to read:
3 19827.3. ~~In~~ (a) (1) *Notwithstanding any other provision of*
4 *law, in order for the state to recruit skilled firefighters and retain*
5 *the highest qualified employees for the California Department of*
6 *Forestry and Fire Protection, it is the policy of the state to*
7 *consider prevailing salaries and benefits prior to making salary*
8 *recommendations. In order to provide comparability in pay, the*
9 *Department of Personnel Administration shall take into*
10 *consideration the salary and benefits of shall pay rank and file*
11 *members of State Bargaining Unit 8 the estimated average total*
12 *compensation for each corresponding rank the average of salary*
13 *and benefits received by other jurisdictions employing 75 or*
14 *more full-time firefighters who work in California. Total*
15 *compensation shall include base salary, educational incentive*

1 *pay, physical performance pay, longevity pay, and retirement*
2 *contributions made by the employer on behalf of the employee.*

3 *(2) The state and the exclusive representative for State*
4 *Bargaining Unit 8 shall jointly survey annually and calculate the*
5 *estimated average total compensation based on projected*
6 *average total compensation for the jurisdictions described in*
7 *paragraph (1) as of July 1 of the year in which the survey is*
8 *conducted. The state and the exclusive representative shall utilize*
9 *the survey methodology outlined in the “Description of Survey*
10 *Process Pursuant to Government Code 19827 Regarding the*
11 *Recruitment and Retention of California Highway Patrol*
12 *Officers” dated July 1, 2001, and maintained as a permanent*
13 *agreement between the state and the exclusive representative of*
14 *State Bargaining Unit 5.*

15 *(3) Any increase in total compensation resulting from this*
16 *section shall be implemented through a memorandum of*
17 *understanding negotiated pursuant to the Ralph C. Dills Act*
18 *(Chapter 10.3 (commencing with Section 3512) of Division 4 of*
19 *Title 1). Notwithstanding the foregoing, failure of the parties to*
20 *reach agreement for a memorandum of understanding pursuant*
21 *to the Ralph C. Dills Act shall not relieve the state of the duty to*
22 *compensate sworn represented members of State Bargaining*
23 *Unit 8 in accordance with the formula set forth in this section.*

24 *(4) The total compensation for represented members of State*
25 *Bargaining Unit 8 may deviate from the survey results by mutual*
26 *agreement between the exclusive representative and the state*
27 *pursuant to the collective bargaining process.*

28 *(5) If the provisions of this subdivision are in conflict with the*
29 *provisions of a memorandum of understanding reached pursuant*
30 *to Section 3517.5, the memorandum of understanding shall be*
31 *controlling without further legislative action, except that if the*
32 *provisions of a memorandum of understanding require the*
33 *expenditure of funds, the provisions shall not become effective*
34 *unless approved by the Legislature in the annual Budget Act.*

35 *(b) When determining compensation for state classifications*
36 *supervising State Bargaining Unit 8 members, it is the policy of*
37 *the state to consider total compensation for corresponding ranks*
38 *within jurisdictions specified in subdivision (a), as well as other*
39 *factors, including internal comparisons.*

1 SECTION 1. ~~Section 5588 of the Business and Professions~~
2 ~~Code is amended to read:~~

3 ~~5588. (a) A licensee shall report to the board in writing~~
4 ~~within 30 days of the date the licensee has knowledge of any~~
5 ~~civil action judgment, settlement, arbitration award, or~~
6 ~~administrative action resulting in a judgment, settlement, or~~
7 ~~arbitration award against the licensee in any action alleging~~
8 ~~fraud, deceit, negligence, incompetence, or recklessness by the~~
9 ~~licensee in the practice of architecture if the amount or value of~~
10 ~~the judgment, settlement, or arbitration award is five thousand~~
11 ~~dollars (\$5,000) or greater.~~

12 ~~(b) The report required by subdivision (a) shall be signed by~~
13 ~~the licensee and shall set forth the facts that constitute the~~
14 ~~reportable event. If the reportable event involves the action of an~~
15 ~~administrative agency or court, the report shall set forth all of the~~
16 ~~following:~~

- 17 ~~(1) The title of the matter.~~
- 18 ~~(2) The court or agency name.~~
- 19 ~~(3) The docket number.~~
- 20 ~~(4) The claim or file number.~~
- 21 ~~(5) The date on which the reportable event occurred.~~

22 ~~(c) A licensee shall promptly respond to oral or written~~
23 ~~inquiries from the board concerning the reportable events,~~
24 ~~including inquiries made by the board in conjunction with license~~
25 ~~renewal.~~

26 ~~(d) Failure of a licensee to report to the board in the time and~~
27 ~~manner required by this section shall be grounds for disciplinary~~
28 ~~action.~~

29 ~~(e) Any licensee who fails to comply with this section may be~~
30 ~~subject to a civil penalty of not less than one hundred dollars~~
31 ~~(\$100) and not more than one thousand dollars (\$1,000) as an~~
32 ~~additional intermediate sanction imposed by the board in lieu of~~
33 ~~revoking the licensee's license. Any licensee who knowingly and~~
34 ~~intentionally fails to comply with this section may be subject to a~~
35 ~~civil penalty of up to twenty thousand dollars (\$20,000) as an~~
36 ~~additional intermediate sanction imposed by the board in lieu of~~
37 ~~revoking the licensee's license.~~

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