

AMENDED IN ASSEMBLY MARCH 11, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1765**

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**Introduced by Assembly Member Solorio**  
**(Principal coauthor: Assembly Member Arambula)**  
**(Coauthors: Assembly Members ~~Bradford, Charles Calderon, Coto,~~**  
**~~Feuer, Hayashi, Nava, and Torres~~ Blumenfield, Bradford,**  
***Charles Calderon, Coto, Eng, Feuer, Hayashi, Nava, Portantino,***  
***Salas, Saldana, Skinner, and Torres*)**

February 9, 2010

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An act to add Section 19851.5 to the Government Code, relating to public employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 1765, as amended, Solorio. Public employment: furloughs.

Existing law states that it is the policy of the state that the workweek of the state employee shall be 40 hours, and the workday of state employees 8 hours, except that workweeks and workdays of a different number of hours may be established in order to meet the varying needs of the different state agencies. Executive ~~Orders~~ *Order Nos. S-16-08* and *S-13-09* imposed 3 unpaid furlough days on state employees.

This bill would prohibit a state employee from being furloughed when the unemployment rate in California during the previous month reached or exceeded 8.5%, and the ~~employee works for a program that is 100%~~ *employee's position is at least 95%* funded by the federal government, performs services that combat the state's recession, and works for the California Unemployment Insurance Appeals Board or the Employment Development Department. *The bill would also make related findings and declarations.*

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. *The Legislature finds and declares all of the*  
2 *following:*

3     (a) *In 2009 and 2010, California and the nation have*  
4 *experienced the most severe economic recession since the Great*  
5 *Depression of the 1930s. More than 2.2 million people were*  
6 *unemployed in California in January 2010, comprising 12.4*  
7 *percent of the state's labor force.*

8     (b) *Unemployment insurance (UI) benefits are vital for*  
9 *unemployed workers and their families and, during periods of high*  
10 *unemployment, are vital to the success of many businesses and*  
11 *communities as a result of the increased spending made possible*  
12 *by these monetary benefits.*

13     (c) *Reviews by the United States Department of Labor have*  
14 *found that the California Employment Development Department*  
15 *(EDD) and the California Unemployment Insurance Appeals Board*  
16 *(CUIAB), the state's UI administrative agencies, are failing to*  
17 *achieve federal performance standards in processing and paying*  
18 *unemployment insurance benefits.*

19     (d) *Executive Order Nos. S-16-08 and S-13-09 have imposed*  
20 *three unpaid furlough days per month on state employees. These*  
21 *furloughs reduce employees' compensation by 14 percent and*  
22 *reduce the services available to the public. Furloughs have been*  
23 *imposed without regard to whether the employees are working in*  
24 *positions which combat the state's economic recession.*

25     (e) *Furloughing state employees whose positions are financed*  
26 *by the federal government and who work in programs designed to*  
27 *combat the state's economic recession fails to produce savings to*  
28 *the state General Fund, reduces services to the public, contributes*  
29 *to the late payment of vital unemployment benefits to unemployed*  
30 *people in California, and delays the state's economic recovery.*

31     (f) *It is important for the state's economic recovery that the*  
32 *employees working to provide unemployment insurance services,*  
33 *administered by the Employment Development Department and*  
34 *the California Unemployment Insurance Appeals Board, no longer*

1 *be subject to a policy of employee furloughs during periods of high*  
2 *unemployment in the state.*

3 **SECTION 1.**

4 *SEC. 2.* Section 19851.5 is added to the Government Code, to  
5 read:

6 19851.5. A state employee shall not be furloughed when all of  
7 the following criteria apply:

8 (a) The unemployment rate in California during the previous  
9 month reached or exceeded 8.5 percent.

10 ~~(b) The employee works for a program that is 100-percent~~  
11 ~~funded by the federal government.~~

12 *(b) The employee's position is funded 95 percent or more by*  
13 *the federal government.*

14 (c) The employee performs services that combat the state's  
15 recession. *For the purposes of this subdivision, performing services*  
16 *related to the Unemployment Insurance Program constitutes a*  
17 *service that combats the state's recession.*

18 (d) The employee works for the California Unemployment  
19 Insurance Appeals Board or the Employment Development  
20 Department.