

Assembly Bill No. 692

CHAPTER 682

An act to amend Section 18671.1 of the Government Code, relating to public employment.

[Approved by Governor October 9, 2011. Filed with
Secretary of State October 9, 2011.]

LEGISLATIVE COUNSEL'S DIGEST

AB 692, Hall. Civil service: employee hearings.

The California Constitution establishes the civil service and creates the State Personnel Board to enforce the civil service statutes. Existing law authorizes the State Personnel Board to hold hearings and make investigations concerning matters relating to the administration of the civil service. These provisions require, among other things, that a hearing or investigation be commenced within a reasonable time after the filing of the petition whenever a hearing or investigation is conducted in regard to an appeal by an employee.

This bill would authorize an employee to make a written request for a priority hearing by the board for an appeal of an action that resulted in the employee's termination if an evidentiary hearing has not commenced within 6 months of the filing of the appeal. The bill would require the board to schedule an evidentiary hearing within 60 days of the written request, as specified. The bill would also authorize the board to order all of, or a portion of, any hearing to be conducted using electronic media pursuant to board rules. The bill would also make nonsubstantive, technical changes to that provision.

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

SECTION 1. Section 18671.1 of the Government Code is amended to read:

18671.1. (a) If a hearing or investigation is conducted by the board or its authorized representative in regard to an appeal by an employee, the hearing or investigation shall be commenced within a reasonable time after the filing of the petition. For appeals from actions resulting in the termination of an employee, if an evidentiary hearing has not commenced within six months of the filing of the appeal, the employee may make a written request for a priority hearing by the board. Upon receipt of the written request, the board shall schedule an evidentiary hearing within 60 days of the request at a hearing location designated by the board.

(b) The board shall render its decision within a reasonable time after the conclusion of the hearing or investigation, except that the period from the filing of the petition to the decision of the board shall not exceed six months or 90 days from the time of the submission, whichever time period is less, and except that the board may extend the six-month period up to 45 additional days.

(c) In the event of an extension, the board shall publish substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period. Submission occurs on the last day of the hearing, if no other documents are to be filed, or on the last day designated for the filing of briefs or other evidence necessary to complete the record.

(d) The provisions described in subdivision (b) relating to the six-month or the 90-day periods for a decision may be waived by the employee but if not so waived, a failure to render a timely decision is an exhaustion of all available administrative remedies.

(e) The board may order all of, or a portion of, any hearing to be conducted using electronic media pursuant to board rules.

(f) In cases involving complaints of discrimination, harassment, or retaliation, where the executive officer renders a decision, the decision shall be rendered within four months of the filing of the appeal.