

State of California

M M O R A N D U M

DATE: June 18, 2002

TO: PERSONNEL MANAGEMENT LIAISONS **REFERENCE CODE:** 2002-038

THIS MEMORANDUM SHOULD BE DISTRIBUTED TO:

Employee Relations Officers
Personnel Officers

FROM: Department of Personnel Administration
Labor Relations Division

SUBJECT: Unit 1, 4, and 11 Post and Bid Provisions

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The purpose of this PML is to inform you that Sacramento Superior Court Judge Lloyd G. Connelly has issued a temporary stay as it pertains to post and bid for Units 1, 4 and 11. Consequently, as discussed below, you must immediately stop implementation and application of the following MOU provisions, and revert to customary hiring methods for affected classifications, until you receive further notification.

1. Unit 1 - Sections 15.3.1 (Pilot Post and Bid) and 15.4.1 (EDD Post and Bid)
2. Unit 4 - Section 15.3.4 (Pilot Post and Bid)
3. Unit 11 - Section 15.3.11 (Post and Bid Program)

On June 14, 2002, the State Personnel Board sought and received a temporary stay which prevents all State departments, agencies, boards and commissions from implementing or applying the above MOU provisions, until the court issues a final decision. A hearing will be held on July 12, 2002, at which time Judge Connelly is expected to make a final decision regarding the constitutionality of the above-referenced MOU provisions. In the meantime:

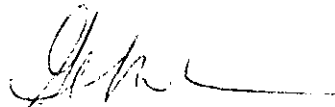
1. No action should be taken to reverse appointments or promotions made based on seniority because of the MOU provisions if they took effect before June 14, 2002.
2. If:
 - (a) Your department has already made a job offer pursuant to the post and bid provisions of the MOUs; AND
 - (b) That offer was accepted before June 14, 2002, AND
 - (c) The employee has not yet reported to work in the new job; AND
 - (d) Your department does not have an imperative need to fill the position immediately; THEN

Provide the applicant with a new, tentative appointment date effective after July 12, 2002, and inform that person that his/her actual appointment may be affected by the court's final determination.

3. If:
 - (a) Your department has already made a job offer pursuant to the post and bid provisions of the MOUs; AND
 - (b) That offer was accepted before June 14, 2002, AND
 - (c) The employee has not yet reported to work in the new job; AND
 - (d) Your department has an imperative need to fill the position immediately; THEN

Proceed with the appointment if you have merit-related reasons other than seniority for the choice; OR

Withdraw the initial offer of employment, and fill the position by choosing someone using the methods in force before post and bid.



Gloria Moore Andrews
Chief of Labor Relations