

**Department of Personnel Administration
Memorandum**

TO: Personnel Management Liaisons (PML)

SUBJECT: Excluded Employees' Bill of Rights (Legislative Changes)	REFERENCE NUMBER: 2005-003
DATE ISSUED: 01-21-05	SUPERSEDES:

This memorandum should be forwarded to:

**Employee Relations Officers
Personnel Officers**

FROM: Department of Personnel Administration
Labor Relations Division

CONTACT: Frank Marr, Labor Relations Officer
(916) 324-0504
Fax: (916) 322-0765
Email: frankmarr@dpa.ca.gov

Effective January 1, 2005, two sections of the Bill of Rights for State Excluded Employees (Government Code sections 3525 et. seq.) were revised by Assembly Bill 1875 (2004 – Maldonado).

Generally, the changes made (1) reaffirm the State's authority to decide supervisory matters and make changes in services, policies, and terms and conditions that affect supervisory employees and (2) require the State to provide reasonable advance notice to supervisory employee organizations of such changes and to afford the organizations with the opportunity to meet and confer prior to the State implementing changes within the scope of representation for supervisors.

Specifically, the revised statute:

1. Specifies that the reasonable notice to supervisory employee organizations may be verbal, electronic (e-mail), or written. Neither the content of the notice nor how far in advance the notice must be provided is specified in the statute. The urgency and necessity of the change should dictate the content and period of notice.
2. Provides that an opportunity to meet and confer will be afforded supervisory organizations, wherein a requesting organization may make its presentation and be allowed to discuss alternative means of achieving the employer's objectives. The statute does not require ongoing meet and confer sessions that would unreasonably delay implementation of the proposed changes.
3. Reinforces that the final determination of policy or course of action is the sole responsibility of the State.

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Attachment A is the revised text of Government Code sections 3526 and 3533. The complete text of the Bill of Rights for State Excluded Employees may be found at the Legislative website at www.leginfo.ca.gov.

Attachment B is a listing of the Supervisory and Excluded Organizations that are registered for Fiscal Year 2004 – 05. Questions regarding which organizations to notice may be directed to Frank Marr (see contact information above).

/s/ Dave Gilb

Dave Gilb
Chief of Labor Relations

**Bill of Rights for State Excluded Employees
(Government Code sections 3526 and 3533)**

3526. The purpose of this chapter is to inform state supervisory, managerial, confidential, and employees otherwise excepted from coverage under the Ralph C. Dills Act by subdivision (c) of Section 3513 of their rights and terms and conditions of employment, and to inspire dedicated service, to recognize their important and fundamental roles in the management of state government, and to promote harmonious personnel relations among those representing state management in the conduct of state affairs.

3533. Upon request, the state shall meet and confer with verified supervisory organizations representing supervisory employees on matters within the scope of representation. Prior to arriving at a determination of policy or course of action directly impacting supervisory employees, the state employer shall provide reasonable advance notice and provide the verified supervisory employee organizations an opportunity to meet and confer with the state employer to discuss alternative means of achieving objectives. Advance notice may be written, oral, or electronic. "Meet and confer" shall mean that the state employer shall consider as fully as it deems reasonable, such presentations as are made by the verified supervisory employee organization on behalf of its supervisory members prior to arriving at a determination of policy or course of action. The final determination of policy or course of action shall be the sole responsibility of the state employer.

When the state employer determines that, due to an emergency or other immediate operational necessity, a law, rule, resolution, or regulation must be adopted immediately without prior notice or meeting and conferring with excluded employee organizations, the state employer shall provide notice and opportunity to meet and confer at the earliest practical time following the adoption of the law, rule, resolution, or regulation.

Supervisory and Excluded Employee Organizations 2004-2005

Mr. Mitch Semer, Executive Officer
Association of California State Supervisors
1108 O Street, Suite 205
Sacramento, CA 95814

Phone: (916) 326-4257
Fax: (916) 326-4364
E-mail: jwinn@calcsea.org

Mr. Steve Packwood, President
Association of Supervising Special Investigators
9148 Lakewood Drive
Windsor, CA 95492

Phone: (707) 542-1424
Fax: (707) 542-3413
E-mail: spackwood@dmv.ca.gov

Mr. John Garton, Supervisory Director
California Association of Highway Patrolmen
2030 V. Street
Sacramento, CA 95818-1730
Attn: Carrie Lane

Phone: (916) 452-6751
Fax: (916) 457-3398
E-mail: jdgarton@sbcglobal.net

E-mail: clane@thecahp.org

Mr. Dennis Batchelder, Executive Director
California Association of Managers
11344 Coloma Road, Suite 440
Gold River, CA 95670

Phone: 1-800-632-7672
Fax: (916) 853-2450
E-mail: president@camsonline.org

Ms. Kristen Haynie, Consultant
California Association of Professional Scientists
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Ms. Raquel Silva, Executive Director
California Attorneys, Administrative Law Judges, and
Hearing Officers in State Employment (CASE)
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Sacramento, CA 95833

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Mr. Robert Dean, Supervisory Vice President
California Correctional Peace Officers Association
755 Riverpoint Drive
West Sacramento, CA 95605-1632

Phone: (916) 372-6060
Fax: (916) 340-2944
E-mail: robert.dean@ccpoa.org

Ms. Pat Le Sage, Chief Operations and Financial Officer
California Correctional Supervisors Organization
1481 Ullrey Avenue
Escalon, CA 95320

Phone: 1-800-449-2940
Fax: (209) 838-6759
Email: ccsopat@charterinternet.com

Mr. Dennis DeAnda, President
California Fish and Game Warden Supervisors and
Managers Association (CFGWSMA)
P.O. Box 216
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Mr. Rick Henson, Director of Supervisory Affairs
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Mr. Larry Svetich, Representative
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Mr. Larry Svetich, Representative
Department of Transportation Supervisors
2230 L Street
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Mr. Mike Van Buskirk, President
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Mr. Dennis Alexander, Consultant
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Mr. Ken Schon, Chief Financial Officer
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