



# 2011 FINAL LEGISLATIVE REPORT

## SEIU CALIFORNIA





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## GOVERNOR'S ACTIONS

### CHILD CARE

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#### *Sponsored Legislation*

##### **AB 101 (J. Perez and Steinberg)**

Would give family day care providers the right to select a provider organization for the purpose of representing them in negotiations with the State on matters that affect their profession.

**Governor's Action:** Vetoed.

### EDUCATION:

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#### *Sponsored Legislation*

##### **AB 86 (Mendoza)**

Would provide classified employees the same rights as those afforded to teachers by allowing classified employees to participate in the petition signature process in the same manner as teachers when converting schools into charters.

**Governor's Action:** Vetoed.

#### *Supported Legislation*

##### **AB 501 (Campos)**

Would clarify and reaffirm current law that all employees employed by a school district or community college are in fact school employees and therefore entitled to collective bargaining rights. The bill would also clarify that employees of a Joint Powers Agreement are also public employees for the purpose of the Education Employment Relations Act (EERA).

**Governor's Action:** Signed into law.

##### **SB 753 (Padilla)**

Would improve assessment of English learners in the State of California by moving the testing window for the California English Language Development Test (CELDT) from the fall to the spring.

**Governor's Action:** Signed into law.

## LOCAL GOVERNMENT

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### ***Sponsored Legislation***

#### **AB 438 (Williams)**

Would allow for the privatization of library services if certain good government contracting standards are first met; such as: 1) a fair cost analysis, 2) proven savings to the taxpayers, 3) competitive bidding, 4) proven qualifications of the contractor, 5) doesn't displace employees, and 6) performance and financial audits are conducted.

**Governor's Action:** Signed into law.

### ***Supported Legislation***

#### **SB 469 (Vargas)**

Would require a city or county to prepare economic impact reports before it approves or disapproves the construction or conversion of superstore retailers. Sponsored by the California Labor Federation.

**Governor's Action:** Vetoed.

### ***Watched Legislation***

#### **SB 734 (DeSaulnier)**

Would require local Workforce Investment Boards to spend a specified sum of funds allocated under the Act to job training activities, and to leverage funds from other sources for this purpose – gut and amended from SB 776. We tracked this legislation for SEIU Locals 221, 521, 721 and 1021.

**Governor's Action:** Signed into law.

## PUBLIC EMPLOYEES:

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### ***Sponsored Legislation***

#### **AB 1036 (Allen)**

Would eliminate an outdated provision in the code that specifies that regional park and open space district employees hold employment at the will of the general manager.

**Governor's Action:** Signed into law.

## ***SEIU 1000 Sponsored Legislation***

### **AB 172 (Eng)**

Would establish the Reporting Transparency in Government (RTG) Internet Web site to provide audit and summary data regarding contracts valued at \$5,000 or more to the public.

**Governor's Action:** Vetoed.

### **AB 740 (Blumenfeld)**

Would require a state agency to immediately discontinue a contract disapproved by action of the State Personnel Board. This bill would prohibit the state agency from circumventing or disregarding the Board's action by entering into another contract for the same or similar services or a contract that continues the services that were the subject of the contract that was disapproved.

**Governor's Action:** Signed into law.

### **AB 1263 (Williams)**

Prohibits State Compensation Insurance Fund Board of Directors and fund officers from lobbying the fund for two years after leaving the fund, and requires board approval of consulting contracts with former board members of exempt employees.

**Governor's Action:** Signed into law.

### **AB 1395 (Swanson)**

Would require all state agencies to post examination announcements and job vacancies on the State Personnel Board (SPB) Internet Web site and requires the names of laid off employees in classifications that are limited to one department or limited departments to be placed on general employments lists in comparable statewide classifications.

**Governor's Action:** Vetoed.

## ***Supported Legislation***

### **AB 455 (Campos)**

Would require that, when a public agency establishes a personnel or merit system commission, half of the commission members be selected by the recognized employee organization. Personnel or merit system commissions establish and administer rules and regulations relating to employee selection, recruitment, pay, retention, promotion, evaluation, discipline and termination.

**Governor's Action:** Vetoed.

**AB 692 (Hall)**

Would require that an employment termination case at the State Personnel Board (SPB) take priority over all other cases initiated within the prior 6 months. The California Constitution establishes the civil service and creates the SPB to enforce the civil service statutes. When a case arises, the SPB then holds a hearing or investigation within a “reason able time” after a claim or petition is filed.

**Governor’s Action:** Signed into law.

**SB 857 (T. Lieu)**

Would establish that the Public Employment Relations Board has no authority, in an action to recover damages due to an unlawful strike, to award strike-preparation expenses as damages, or to award damages for costs, expenses, or revenue losses incurred during, or as the consequence of, an unlawful strike.

**Governor’s Action:** Signed into law.

**SB 931 (Evans)**

Would require payroll cardholder agreements to offer workers basic protections and the means to avoid unreasonable fees to access wages. Banks and card issuers would have to disclose details of their paycard program, including upfront disclosure of all fees, terms and conditions, at no charge to the worker. Sponsored by the California Labor Federation.

**Governor’s Action:** Vetoed.

**COURTS:**

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***Supported Legislation***

**AB 973 (Campos)**

Would require a trial court to hold a public hearing and to afford the public an opportunity to speak on the proposed budget prior to adoption.

**Governor’s Action:** Signed into law.

**RETIREMENT SECURITY**

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**AB 1028 (Committee on Public Employees and Retirement)**

Would make technical changes to PERS law and includes the fresh start provision for Santa Clara County.

**Governor’s Action:** Signed into law.

## HEALTHCARE

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### *Sponsored Legislation*

#### **SB 408 (Hernandez)**

Would close a loophole in hospital licensing laws to make sure that when a hospital changes ownership or when day-to-day operations of the facility are handed over to a new individual or entity, the new owner must obtain a license to operate the facility. The bill would extend new authority to the California Department of Public Health to ask for a change of ownership application when they think one is indicated.

**Governor's Action:** Vetoed.

#### **SB 751 (Gaines)**

Would require hospitals to disclose pricing and charging information to health plans and self-insured plans.

**Governor's Action:** Signed into law.

### *Supported Legislation*

#### **SB 946 (Steinberg)**

Would require health care service plans and health insurers to provide coverage for behavioral health treatment for pervasive developmental disorder and autism (PDD/A) from July 1, 2012, through July 1, 2014, or earlier, as specified. SEIU DD Council took a support position.

**Governor's Action:** Signed into law.

#### **AB 922 (Monning)**

Would make the Office of Patient Advocate Consumer Assistance at the Department of Managed Health Care responsible for providing outreach and education about health care coverage to consumers. Authorizes the OPA to contract with community organizations to fulfill some parts of the consumer assistance. Moves the Office of Patient Advocate and the Department of Managed Health Care to the Health and Human Services Agency from its current position in the Business, Transportation and Housing Agency. The bill was amended in the final days of the legislature to add the DMHC reorganization piece at the behest of the Secretary of Health and Human Services.

**Governor's Action:** Signed into law.

#### **AB 1136 (Swanson)**

Would require hospitals to develop and implement safe patient handling policies including buying, maintaining and using machine lifts wherever possible.

**Governor's Action:** Signed into law.

**ABX1 21 and ABX1 30 (Blumenfield)**

This pair of bills combined is both the budget amendment and trailer bill to pass the managed care fee for the next year. The fee continues to be assessed only so long as the Healthy Families program remains in MRMIB. The fee and the contingency sunset in July of 2012.

**Governor's Action:** Signed into law.

***Opposed Legislation***

**SB 161 (Huff)**

Would allow unlicensed classified school employees to inject epileptic students with Diastat or its equivalent. This bill was opposed by CSEA, Cal Labor Fed, CTA, CNA and SEIU.

**Governor's Action:** Signed into law.

***Watched Legislation***

**SB 335 (Hernandez)**

Would create a hospital provider fee to finance key programs. This complex 59-page bill was the result of months of closed-door negotiations with the hospitals. We were not in these negotiations, and we are still reviewing the bill. The formula that the fee uses may be at issue.

**Governor's Action:** Signed into law.

**HOME CARE**

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***Sponsored Legislation***

**SB 930 (Evans)**

Would repeal requirements that IHSS recipients provide fingerprint images and that provider timesheets include spaces for provider and recipient fingerprints; would also repeal the prohibition against providers using a post office box address to receive their paychecks, as well as other steps to expedite the appeals process for any individual who has requested an appeal of a denial of placement on the registry of IHSS personnel or denial of eligibility to provide supportive services to an IHSS recipient.

**Governor's Action:** Signed into law.

***Watched Legislation***

**AB 876 (Valadao)**

Redefines "authorized representative" (who is able to request the provider be excluded from a type 2 criminal conviction) to exclude a provider with the criminal record unless that individual is a parent, guardian, or person having legal custody of a minor recipient, a conservator of an adult recipient, or a spouse or registered domestic partner of a recipient.

**Governor's Action:** Signed into law.

## NURSING HOMES

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### *Watched Legislation*

#### **AB 641 (Feuer)**

Eliminates the citation review conference (CRC) process from the citation appeals process for long-term care (LTC) facilities, and allows fines to be levied from both state and federal agencies when an incident violates both state and federal laws. Last minute amendments also remove the increase in penalties for Class B citations and require the Department of Health Care Services (DHCS) to consider, at the initial application or upon redetermination for the Medi-Cal LTC benefit, whether an undue hardship exists for eligibility for home and facility care under specified circumstances relating to the transfer of assets by making rules for domestic partners and same sex-spouses the same as for opposite-sex spouses.

**Governor's Action:** Signed into law.

## ELECTIONS

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### *Supported Bills*

#### **SB 202 (Hancock)**

Would shift initiatives and referenda from June Primary to November General, as specified (also includes provision re: ACA 4).

**Governor's Action:** Signed into law.

## BUDGET

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### **SB1x 6 (Committee on Budget)**

Amends the provisions of the 2010-2011 budget act to require the Director of Finance to report to the legislature any proposed cuts authorized under the trigger provisions of that budget act. It also requires the Director of Finance to consult with legislative leadership prior to making any of the authorized cuts under the trigger.

**Governor's Action:** Signed into law.



**ALL OTHER SEIU BILLS**

**EDUCATION:**

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***Supported Legislation***

**AB 925 (Lara and Alejo)**

Would require independent charter schools to comply with certain laws granting basic rights and benefits to classified school employees.

**Final Outcome:** The bill is a two year bill and will be eligible to reconsidered next year in the Senate Education Committee.

**Vote Count:** The Assembly passed the bill to the Senate by a vote of 48-28.

**AB 1203 (Mendoza)**

Would authorize a school or community college district to be reimbursed for the cost of granting release time to non-elected union members. The bill would also require a local public agency to give reason able time off to public agency employee representatives when they are participating in proceedings before the Public Employment Relations Board.

**Final Outcome:** The bill is being held at the Senate desk.

**Vote Count:** The Assembly passed the bill by a vote of 50-23 while the Senate passed the bill by a vote of 23-13.

***Opposed Legislation***

**AB 1252 (Davis)**

Would establish a separate process for the election of the Los Angeles Community College District (LACCD) trustees by creating trustee areas.

**Final Outcome:** The bill is a two year bill and will not likely move next year.

**Vote Count:** There were no votes taken on the bill.

**SB 871 (Runner)**

Would prohibit salary increases for any school employee in a year in which the instructional minutes or days are fewer than the previous school year.

**Final Outcome:** The bill is a two year bill and is eligible for a hearing next year in the Senate Education Committee.

**Vote Count:** No votes were taken on the bill.

## LOCAL GOVERNMENT

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### *Sponsored Legislation*

#### **AB 1015 (Calderon)**

Would modify existing law by requiring counties to consult with specified stakeholders, including county child welfare workers, on improvement plans, and by requiring the inclusion in an existing report to the legislature of a separately titled provision explaining the rationale for proposed operational improvements.

**Final Outcome:** Held in Senate Appropriations (Suspense File).

**Vote Count:** Passed Assembly 49-25.

### *Watched Legislation*

#### **SB 776 (DeSaulnier)**

Would require local Workforce Investment Boards to spend a specified sum of funds allocated under the Act to job training activities.

**Final Outcome:** Held in Assembly Appropriations.

**Vote Count:** Passed Senate 35-3. We tracked this legislation for SEIU Locals 221, 521, 721 and 1021.

## PUBLIC EMPLOYEES:

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### *SEIU 1000 Sponsored Legislation*

#### **AB 391 (Pan)**

Would require the Employment Development Department to provide unemployment insurance (UI) benefits assistance in comprehensive one-stop career centers in five workforce investment areas.

**Final Outcome:** Held in Assembly Appropriations Committee.

**Vote Count:** Passed 50-25 in the Assembly; no floor vote in Senate on original bill.

#### **AB 933 (Allen)**

Would extend industrial death and disability benefits to state miscellaneous members of the California Public Employees' Retirement System (CalPERS) employed by a state hospital.

**Final Outcome:** Held in Assembly Appropriations Committee.

**Vote Count:** No floor votes.

***Supported Legislation***

**AB 920 (Portantino)**

Would enact the Public Employees' Bill of Rights to inform public employees of their rights and terms of employment. The bill would also authorize the formation of peer review committees to allow input on workplace operations.

**Final Outcome:** The bill is a two-year bill and is eligible to be heard in the Assembly Appropriations Committee next year.

**Vote Count:** The passed the Assembly Public Employees Retirement & Social Security Committee by a vote of 4-2.

***Opposed Legislation***

**AB 1179 (Wagner)**

Would enact the California Voluntary Contributions Act to make changes to the way employees can financially contribute to union political activities.

**Final Outcome** The bill is a two year bill and is eligible to be heard by the Assembly Labor and Employment Committee next year.

**Vote Count:** There were no votes taken this year.

**PRIVATE SECTOR/PROPERTY SERVICES**

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***Sponsored Legislation***

**AB 350 (Solorio)**

Would rename the Displaced Janitor Opportunity Act as the Displaced Property Service Employee Opportunity Act and make the provisions of the act applicable to property services, which would consist of licensed security, window cleaning, food cafeteria and dietary services, janitorial services and building maintenance services.

**Final Outcome:** Failed in the Senate.

**Vote Count:** Original Senate vote was 18-18. Upon reconsideration, the vote was 17-18. Asm. Solorio made multiple efforts to get votes on the Senate floor. Senator Padilla and his staff put a great deal of effort into floor managing this bill.

## COURTS:

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### ***Supported Legislation***

#### **AB 1208 (Calderon)**

Would require that all funds appropriated for trial court operations be allocated to trial courts on an established formula; would require that funding for statewide programs be identified in the State Budget Act; would prohibit the reallocation of trial court operating funds to technology projects without the prior consent of 2/3rds of the proportional representation of all the trial courts, and would prohibit the reallocation or encumbrance of a trial court's unexpended carry-over funds by the Administrative Office of the Courts (AOC).

**Final Outcome:** The bill is now a two-year bill and is eligible to be heard on the Assembly floor next year.

**Vote Count:** The Assembly Judiciary Committee passed the bill by a vote of 7-2 and the Assembly Appropriations Committee passed the bill by a vote of 14-1.

### ***Opposed Legislation***

#### **AB 803 (Wagner)**

Would eliminate court reporter jobs and replace them with electronic recording (ER) devices as a means of producing a verbatim record in court proceedings. Specifically, AB 803 would require, beginning in 2012, the implementation of ER in 20% of all superior court courtrooms; as well as require the implementation of ER in an additional 20% of all superior court courtrooms each year thereafter. AB 803 excludes felony cases.

**Final Outcome:** The bill is a two-year bill and is eligible to be heard by the Assembly Judiciary Committee next year.

**Vote Count:** No votes were taken this year.

## RETIREMENT SECURITY

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All of the major retirement reform legislation supported by Democratic legislators was held in the legislature pending the results of a conference committee created to deal with pension reform. AB 340 (Furutani) and SB 827 (Simitian) which both would have dealt with spiking and double dipping, were gutted and replaced with intent language to create vehicles for the conference committee. The conference committee is expected to be formed shortly and begin hearing throughout the fall recess in order to prepare a report to the legislature early next year.

#### **AB 1184 (Gatto)**

Would have changed provisions of reciprocity, abolished the supplemental benefit program, and capped pensions at the federal level.

**Final Outcome:** Held pending the outcome of the conference committee on pension reform.

**Vote Count:** Passed the Assembly 54-23 and the Senate 37-0; held in Assembly pending concurrence.

**AB 344 (Furutani)**

Strengthens the rules on post employment by CalPERS board members and staff

**Final Outcome:** Held pending the outcome of the conference committee on pension reform.

**Vote Count:** Passed by bipartisan votes of 75-0 in the Assembly; no floor vote in the Senate.

## HEALTHCARE

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### *Supported Legislation*

**AB 714 (Atkins)**

Would require DHCS, MRMIB, Family PACT and other programs, as well as some hospitals, to provide information about The California Health Benefits Exchange to clients for the purpose of pre-enrolling them to be ready to obtain subsidized coverage in January 2014.

**Final Outcome:** In Senate Appropriations, held on suspense.

**Vote Count:** AB 714 passed 51-25 in the Assembly; no floor vote in the Senate.

**AB 792 (Bonilla)**

Would ensure that Californians can easily sign up for coverage during key life changes. Would require that California consumers be provided information about the Exchange upon filing for divorce, separation, unemployment, adoption, or other life circumstances. After 2014, certain insurers and plans must also provide information about those dropping off coverage to the Exchange.

**Final Outcome:** In Senate Appropriations, held on suspense.

**Vote Count:** The bill passed 50-26 in the Assembly; no floor vote in the Senate.

**AB 52 (Feuer)**

Rate regulation. Sponsored by Insurance Commissioner Dave Jones.

**Final Outcome:** On Senate floor, never taken up for vote.

**Vote Count:** Passed 45-28 in the Assembly; no floor vote in the Senate.

**AB 375 (Skinner)**

Presumptive Eligibility for MRSA contraction for hospital workers. CNA sponsored bill.

**Final Outcome:** Failed on Senate floor.

**Vote Count:** Failed on Senate floor 17-5.

**SB 155 (Evans)**

Maternity coverage. Health Access sponsored bill.

**Final Outcome:** Held in Assembly.

**Vote Count:** Passed 26-11 in the Senate; no floor vote in the Assembly.

**SB 703 (Hernandez)**

This is the state implementation of basic Health Plan option under the ACA. Local Health Plans is the sponsor.

**Final Outcome:** In Assembly Appropriations committee, on suspense.

**Vote Count:** Passed 25-14 in the Senate; no floor vote in the Assembly.

## HOME CARE

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### *Sponsored Legislation*

**SB 411 (Price)**

Would license and regulate California's private homecare industry and require all private homecare aides to be certified. Certification standards include Live Scan background checks, clean TB test, and training.

**Final Outcome:** Assembly floor – The administration said that this was an important and necessary bill that they wanted to do correctly. They requested that we make it a two-year bill in order to resolve cost issues and implementation of a statewide “safe provider” registry. We have agreed to work on it until January or February to see if these issues can be resolved.

**Vote Count:** Passed on a party line vote of 25-13 in the Senate; no vote on the Assembly floor.

### *Opposed Legislation*

**AB 479 (Nestande)**

Spot bill so that he can be relevant on IHSS.

**Final Outcome:** Two-year bill. Assembly desk – did not move.

**Vote Count:** None.

**SB 176 (Emerson)**

Spot bill on IHSS.

**Final Outcome:** Two-year bill.

**Vote Count:** None.

## NURSING HOMES

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### ***Supported Legislation***

#### **SB 840 (Evans)**

Would have required CO detectors in nursing homes.

**Final Outcome:** Senate Appropriations suspense file – potential two-year bill.

**Vote Count:** No floor votes.

### ***Watched Legislation***

#### **AB 217 (Carter)**

Would require stricter rules regarding smoking in Skilled Nursing Facilities.

**Final Outcome:** Senate Health. Two-year bill. This legislation was held in Senate Health in favor of SB 575 (DeSaulnier) that is now stuck in Assembly GO Committee. SB 575 would, among other things, entirely remove the exception for long term care facilities from the ban on smoking in the workplace. This issue will be back next year and SEIU should have a position on it.

**Vote Count:** AB 217 passed the Assembly on a 50-26 party line vote. SB 575 passed the Senate on a 25-14 party line vote.

#### **SB 558 (Simitian)**

This Consumer Attorney Sponsored Legislation would have lowered the standard of proof-in cases of elder or dependent adult physical abuse or neglect brought under the Elder abuse and Dependent Adult Civil Protection Act (EADACPA) – from “clear and convincing” to “a preponderance of the evidence.”

**Final Outcome:** Assembly Appropriations Suspense. SEIU needs a position going forward. This bill died because litigation costs are allowable reimbursable expenses under the AB 1629 reimbursement formula and therefore may have resulted in higher costs to the state. It is possible that the Consumer Attorneys will propose legislation next year to limit reimbursement for litigation costs. SEIU should be prepared with a position.

**Vote Count:** Passed the Senate on a 21-14 party line vote, with Democrats Correa, Vargas, Negrete McLeod, and Hernandez not voting.

## ELECTIONS

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### ***Supported Bills***

#### **SB 641 (Calderon)**

Would allow conditional voters to register and vote at any time, including on election day, and for the vote to be counted during that election.

**Final Outcome:** Held in Assembly Appropriations (Suspense File).

**Vote Count:** Passed Senate 21-14.