



# NEWS

Judicial Council of California  
ADMINISTRATIVE OFFICE OF THE COURTS  
Public Information Office  
(415) 865-7740

Lynn Holton, Public Information Officer

Release Date: March 1, 2004

Release Number: S.C. 09/04

## **SUMMARY OF CASES ACCEPTED DURING THE WEEK OF FEBRUARY 23, 2004**

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#04-13 *California State Personnel Bd. v. California State Employees Assn., Local 1000*, S122058. (C042437; 114 Cal.App.4th 11; Sacramento County Superior Court; 02CS00787.) Petition for review after the Court of Appeal reversed the judgment in an action for writ of administrative mandate. This case presents the following issue: Does a “post and bid” program included in memoranda of understanding between the Department of Personnel Administration and certain state employee unions, under which vacancies in 50 percent of the positions in specified classifications must be filled by appointment of the most senior eligible employee who bids for the position, violate Article VII, section 1(b), of the California Constitution, which provides that “permanent appointment and promotion [in the civil service] shall be made under a general system based on merit ascertained by competitive examination”?

### **DISPOSITIONS**

#03-107 *City of Anaheim v. Pacific Bell Telephone Co.*, S117248, was transferred to the Court of Appeal for reconsideration in light of *People ex rel. Orloff v. Pacific Bell* (2003) 31 Cal.4th 1132.

(over)

#03-75 *De Grezia v. Superior Court*, S115219, was transferred to the Court of Appeal for reconsideration in light of *St. Agnes Medical Center v. Pacificare of California* (2003) 31 Cal.4th 1187.

#02-78 *Pacific Gas & Electric Co. v. Superior Court*, S104412, was dismissed in light of the settlement of the action.

#