



Judicial Council of California

ADMINISTRATIVE OFFICE OF THE COURTS

OFFICE OF GOVERNMENTAL AFFAIRS

770 L Street, Suite 1240 • Sacramento, California 95814-3358
Telephone 916-323-3121 • Fax 916-323-4347 • TDD 415-865-4272

TANI G. CANTIL-SAKAUYE
Chief Justice of California
Chair of the Judicial Council

JODY PATEL
Interim Administrative Director of the Courts

CURT SODERLUND
Interim Chief Deputy Director

CURTIS L. CHILD
Director, Office of Governmental Affairs

May 1, 2012

Hon. Felipe Fuentes, Chair
Assembly Appropriations Committee
State Capitol, Room 2114
Sacramento, California 95814

Subject: AB 2381 (Hernández), as amended April 12, 2012 – Fiscal Impact Statement
Hearing: Assembly Appropriations Committee – May 9, 2012

Dear Assembly Member Fuentes:

AB 2381 makes the Ralph C. Dills Act applicable to “an employee of the Judicial Council or the Administrative Office of the Courts,” providing the right to join an employee organization to represent the rights of AOC employees and collectively bargain.

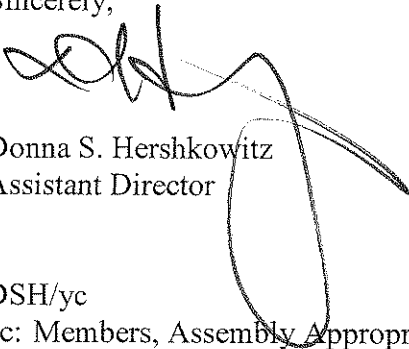
Fiscal Impact

If enacted, AB 2381 will result in increased workload for the Administrative Office of the Courts, especially in the first years when extensive work will need to be performed to determine the composition of the bargaining unit or units and to bargain the first contract. It is estimated that 3 – 5 FTEs (specifically labor and employee relations officers) will be required, at a cost of \$408,726 - \$749,250. This estimate assumes a mid-step salary, plus benefits for 3 labor and employee relations officer I positions at the low end, and 5 labor and employee relations officer II positions at the high end. Additionally, AB 2381 could increase employment costs for the Administrative Office of the Courts as a result of bargained salary and benefit increases.

Hon. Felipe Fuentes
May 1, 2012
Page 2

Please contact me at 916-323-3121 or donna.hershkowitz@jud.ca.gov if you would like further information or have any questions about the fiscal impact of this legislation on the judicial branch.

Sincerely,



Donna S. Hershkowitz
Assistant Director

DSH/yc

cc: Members, Assembly Appropriations Committee

Hon. Roger Hernández Member of the Assembly

Mr. Roger Dunstan, Consultant, Assembly Appropriations Committee

Mr. Allan Cooper, Fiscal Consultant, Assembly Republican Fiscal Office

Ms. Karon Green, Chief Consultant, Assembly Public Employees, Retirement and Social Security Committee

Mr. Terry Mast, Consultant, Assembly Republican Office of Policy

Mr. Gareth Elliott, Legislative Affairs Secretary, Office of the Governor

Ms. Madelynn McClain, Budget Analyst, Department of Finance



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June 18, 2012

Hon. Roger Hernández
Member of the Assembly
State Capitol, Room 5150
Sacramento, California 95814

Subject: AB 2381 (Hernández), as amended April 12, 2012 –No position on policy;
concerns about technical approach

Hearing: Senate Public Employment and Retirement Committee – June 25, 2012

Dear Assembly Member Hernández:

AB 2381 makes the Ralph C. Dills Act applicable to all employees of the Administrative Office of the Courts (AOC), with the exception of managerial, confidential, or supervisory employees, thereby providing employees the right to join an employee organization to represent the rights of AOC employees and collectively bargain.

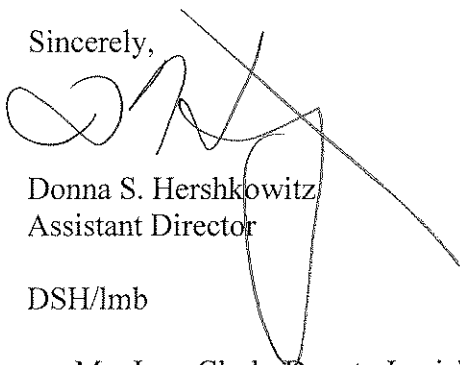
The Judicial Council's concern with AB 2381 is focused on the technical approach taken by this bill of folding judicial branch employees in under the Dills Act, which otherwise applies to executive branch employees. Because of differences between the executive branch and the judicial branch, the council does not believe it is appropriate or feasible to simply say that the Dills Act applies to employees of the AOC. As a result, the council has presented the author, sponsor, and committee staff, with language that would accomplish the same goals as this bill, but instead create a separate act which substantially mirrors the Dills Act but recognizes the differences between the different branches of government. Examples of the need for a distinct act are set forth below:

- The Dills Act begins by noting that “Nothing in this chapter shall be construed to contravene the spirit or intent of the merit principle in state employment, nor to limit the entitlements of state civil service employees, including those designated as managerial and confidential, provided by Article VII of the California Constitution or by laws or rules enacted pursuant thereto.” However, the California constitution makes judicial branch employees exempt from civil service and its governing principles. The proposed alternative draft makes clear that nothing in the new act is intended to contravene the purposes of the constitutional provision making employees of the judicial branch exempt from civil service.
- The Dills Act excludes from its reach certain employees of the Department of Finance involved in budget preparation, and certain employees of the Department of Personnel Administration, and employees in the Controller’s office responsible for payroll and personnel services. As a separate branch of government, employees performing these services for the judicial branch need to be presumptively exempt as well. The proposed alternative draft would address that. AB 2381 as written does not.
- The proposed alternative draft expressly highlights the issue of separation of powers where necessary and appropriate, as well as recognizing the proper role and responsibilities of the Judicial Council. For example, the draft requires a memorandum of understanding agreed to by the Administrative Director of the Courts and a recognized employee organization to be approved by the Judicial Council before submission to the Legislature

Your staff and sponsor have indicated a willingness to evaluate the draft language and consider amendments that provide a parallel act to the Dills Act. We truly understand that the budget has by necessity pushed many, many issues temporarily to the side. The council remains hopeful that these conversations will occur and that we are able to reach agreement on language consistent with that which was proposed.

Again, the Judicial Council wants to make clear that it is not objecting the policy in the bill allowing employees to organize. The council’s concerns are focused on the approach taken by the bill to accomplish this policy. Please contact me at 916-323-3121 or donna.hershkowitz@jud.ca.gov, if you have any questions about this position.

Sincerely,

A handwritten signature in black ink, appearing to read 'Donna S. Hershkowitz', is written over a large, light-colored oval shape. A long, thin diagonal line is drawn across the signature and the oval.

Donna S. Hershkowitz
Assistant Director

DSH/lmb

cc: Ms. June Clark, Deputy Legislative Affairs Secretary, Office of the Governor



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June 18, 2012

Hon. Gloria Negrete McLeod, Chair
Senate Public Employment and Retirement Committee
State Capitol, Room 4061
Sacramento, California 95814

Subject: AB 2381 (Hernández), as amended April 12, 2012 – No position on policy; concerns about technical approach

Hearing: Senate Public Employment and Retirement Committee – June 25, 2012

Dear Senator Negrete McLeod:

AB 2381 makes the Ralph C. Dills Act applicable to all employees of the Administrative Office of the Courts (AOC), with the exception of managerial, confidential, or supervisory employees, thereby providing employees the right to join an employee organization to represent the rights of AOC employees and collectively bargain.

The Judicial Council's concern with AB 2381 is focused on the technical approach taken by this bill of folding judicial branch employees in under the Dills Act, which otherwise applies to executive branch employees. Because of differences between the executive branch and the judicial branch, the council does not believe it is appropriate or feasible to simply say that the Dills Act applies to employees of the AOC. As a result, the council has presented the author, sponsor, and committee staff, with language that would accomplish the same goals as this bill, but instead create a separate act which substantially mirrors the Dills Act but recognizes the differences between the different branches of government. Examples of the need for a distinct act are set forth below:

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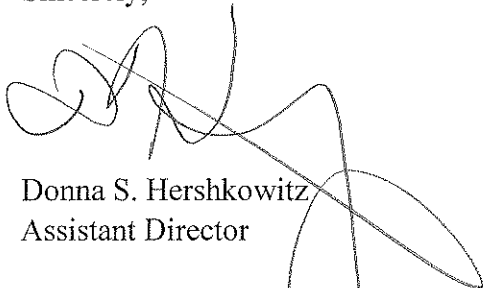
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Sincerely,



Donna S. Hershkowitz
Assistant Director

DSH/lmb

cc: Members, Senate Public Employment and Retirement Committee

Hon. Roger Hernández Member of the Assembly

Mr. Glenn Miles, Consultant, Senate Public Employment and Retirement Committee

Mr. Gary Link, Consultant, Senate Republican Office of Policy

Ms. June Clark, Deputy Legislative Affairs Secretary, Office of the Governor