



## JUDICIAL COUNCIL OF CALIFORNIA

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April 20, 2016

Hon. Richard Pan, Chair  
Senate Public Employment & Retirement Committee  
1020 N Street, Room 568  
Sacramento, California 95814

Subject: AB 874 (Santiago), as amended February 17, 2016 – Neutral position; technical amendments  
Hearing: Senate Public Employment & Retirement Committee – April 25, 2016

Dear Senator Pan:

AB 874 makes the Ralph C. Dills Act applicable to employees of the Judicial Council, thereby providing employees the right to join an employee organization and collectively bargain.

The Judicial Council has adopted a neutral position on the policy of AB 874, however, it is seeking clarifying and technical amendments to provide parity and balance between the judicial branch and the legislative and executive branches.

The council seeks to work with the author and sponsor on the following amendments:

1. Pursuant to Article 7 Sec. 4 of the California Constitution, employees of the judicial branch, just like employees of the Legislature, are “at will” and not subject to civil service. AB 874 should be amended to clarify that it will not alter that status.

2. Currently, in addition to managers, supervisors, and confidential employees, the Dills Act excludes a number of executive branch employees<sup>1</sup>. Parallel exclusions are also necessary for Judicial Council employees who occupy the same or substantially similar roles:

<b>Dills Act Exemptions</b>	<b>Judicial Council Parallel Exemptions</b>
Employees of the Department of Human Resources	Employees of Human Resources
Professional employees of the Department of Finance engaged in technical or analytical state budget preparation other than the auditing staff	Professional employees of Finance engaged in technical or analytical judicial branch budget preparation for the Judicial Council, trial or appellate courts
Professional employees in the Personnel/Payroll Services Division of the Controller's office engaged in technical or analytical duties in support of the state's personnel and payroll systems other than the training staff	Professional personnel/payroll employees engaged in technical or analytical duties in support of the branch's personnel and payroll systems (it is unclear if these would otherwise be covered under HR or Finance exemptions)
Employees of the Bureau of State Audits	Employees of Audit Services
Employees of the Legislative Counsel Bureau	Employees of Governmental Affairs; and Employees of Legal Services.

3. One additional necessary exemption is for employees who serve as staff to the Judicial Council internal committees, advisory committees/bodies, and task forces. These employees perform duties equivalent to the staff of a committee in the Legislature. To achieve parity with those legislative employees, Judicial Council employees serving in these roles should not be included in the definition of "employee" specified in the bill.

The Judicial Council is the constitutionally created policymaking body of the judicial branch. As such, its internal committees, advisory committees, task forces, and other advisory bodies evaluate issues of importance to the branch, and develop and make recommendations to the Judicial Council on policy and legislation pertaining to issues that affect the judicial branch. Similar to legislative employees who staff committees in

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<sup>1</sup> Gov. Code § 3513(c). The Dills Act includes additional exemptions as well for "employees of the office of the Inspector General, employees of the [Public Employment Relations] board, conciliators employed by the State Conciliation Service within the Department of Industrial Relations, employees of the Office of the State Chief Information Officer except as otherwise provided in Section 11546.5, and intermittent athletic inspectors who are employees of the State Athletic Commission."

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the Legislature, the duties of employees who staff Judicial Council committees and task forces include:

- Drafting new and amended California Rules of Court, Judicial Council forms, jury instructions, legislation, and policy;
- Reviewing and analyzing public comments on rules and legislative proposals; and
- Assisting and advising those entities and the Judicial Council regarding issues of public concern and options to achieve judicial branch goals.

Again, the Judicial Council does not object to the policy in the bill of allowing the Judicial Council employees to organize. The amendments sought will address some key differences between the executive branch and the judicial branch as well as provide parity and balance between the three branches.

If you have any questions please contact Laura Speed, Governmental Affairs office, at 916-323-3121 or [laura.speed@jud.ca.gov](mailto:laura.speed@jud.ca.gov).

Sincerely,



Cory T. Jasperson

Director, Governmental Affairs

CTJ/LES/lmb

cc: Members, Senate Public Employment & Retirement Committee  
Hon. Miguel Santiago, Member of the Assembly  
Ms. Pamela Schneider, Chief Consultant, Public Employment & Retirement Committee  
Mr. Gary Link, Consultant, Senate Republican Office of Policy  
Ms. Camille Wagner, Legislative Affairs Secretary, Office of the Governor  
Mr. Mario Guerrero, Legislative Affairs Director, SEIU Local 1000  
Mr. Randall Cheek, Legislative Advocate, SEIU Local 1000  
Mr. Martin Hoshino, Administrative Director, Judicial Council of California