



JUDICIAL COUNCIL OF CALIFORNIA

770 L Street, Suite 1240 • Sacramento, California 95814-3368
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

MARTIN HOSHINO
Administrative Director

CORY T. JASPERSON
Director, Governmental Affairs

July 25, 2016

Hon. Jim Cooper
California State Assembly
State Capitol, Room 5158
Sacramento, California 95814

Subject: AB 2835 (Cooper), as amended June 21, 2016 – Oppose
Hearing: Senate Appropriations Committee – August 1, 2016

The Judicial Council of California regrettably opposes AB 2835, which among other things, requires public employers to provide newly hired public employees a specified public employee orientation within two months of hiring at the public employee's worksite, in-person unless agreed upon otherwise.

California Rules of Court Title 10 governs employee orientation, employee education and meet and confer requirements among other things. This bill interferes with existing rules and existing labor relations at the superior courts. The Judicial Council believes the existing Rules of Court, as well as through local labor relations, are the best venues to develop employee orientation rules. Employee organizations already have the right to negotiate the issue of orientations. If the desire orientation that vary from the requirements of AB 2835, employer would be required to negotiate an agreement with employee representatives, creating the prospect of constant meeting and conferring with employee organization.

This bill could also create serious administrative and possibly legal issues.

This proposal requires that orientations occur “during the regular work day” and “at the worksite.” For some courts, this means they may be required to send a multiple staff (at a minimum an HR

Hon. Jim Cooper

July 25, 2016

Page 2

representative as well as the exclusive representative, as required by the bill) for orientation for just one employee or a few employees who work at remote courthouse locations. Rather than bringing multiple employees to a central location for orientation. We would have to provide the staff that presents at our employee orientation overtime, travel pay, possibly lodging and shift differential in order to meet the requirements that the orientation take place at the employees' actual worksite. Public agencies could no longer conduct new employee orientation online- this proposal would eradicate that cost-effective and environmentally-friendly process for our courts, who are working to be more efficient.

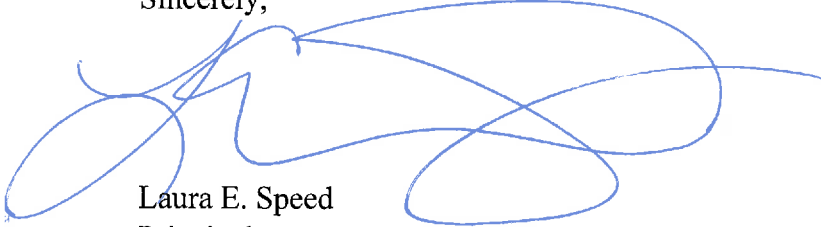
The requirement that orientation be held within the first two months of employment could be costly and also difficult based on the requirements outlined in the bill. For larger courts, this could mean that orientation is ongoing and continuous to meet the requirements of the bill.

Further, there are provisions of the bill that raise privacy concerns. California Rule of Court 10.500 governs public access to judicial administrative records. Rule 10.500(f)(3)¹, provides that "information whose disclosure would constitute an unwarranted invasion of personal privacy" is not required to be disclosed. However, AB 2835 requires disclosure of employees' personal information, by requiring that the public employer provide to the employee organization or exclusive representative, the job title, department, work location, phone number, and home address of any newly hired employee within seven days of the date hired. Such information as providing an employee's home address, likely to a person unknown to them within the first seven days of employment, raises serious privacy issues.

The burdens placed on the courts and other public agencies throughout California will be costly, and could disrupt critical services at our courts, impeding the public's access to justice.

For these reasons, the Judicial Council regrettably opposes AB 2835. If you have any questions please contact me at 916-323-3121 or laura.speed@jud.ca.gov.

Sincerely,



Laura E. Speed
Principal Manager

LES/lmb

cc: Ms. Pamela Schneider, Chief Consultant, Public Employment & Retirement Committee
Mr. Scott Chavez, Consultant, Senate Republican Office of Policy
Ms. Camille Wagner, Legislative Affairs Secretary, Office of the Governor
Mr. Martin Hoshino, Administrative Director, Judicial Council of California



JUDICIAL COUNCIL OF CALIFORNIA

770 L Street, Suite 1240 • Sacramento, California 95814-3368
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

MARTIN HOSHINO
Administrative Director

CORY T. JASPERSON
Director, Governmental Affairs

July 28, 2016

Hon. Ricardo Lara, Chair
Senate Appropriations Committee
State Capitol, Room 5050
Sacramento, California 95814

Subject: AB 2835 (Cooper), as amended June 21, 2016 – Fiscal Impact Statement
Hearing: Senate Appropriations Committee – August 1, 2016

AB 2835, which among other things, requires public employers to provide newly hired public employees a specified public employee orientation within two months of hiring at the public employee's worksite, in-person unless agreed upon otherwise. The Judicial Council believes the bill, if signed into law in its current form, could result in increased training costs for California's trial courts of up to 80 percent.

Many California counties have court locations miles away from their main branch or hub. It would be significantly more cost-effective to provide trainings at such a hub. Members of the training teams, not all of which are likely to be required for the full training, would be able to have productive work days including the new employee training, rather than losing time in travel, perhaps all day, waiting to return from the remote location after the training session. Alternatively, the court may be forced to pay the staff at the employee orientation overtime, travel pay, and possibly lodging in order to meet the requirements that the orientation take place at the employees' actual worksite unless otherwise agreed. Tenured employees are best utilized in their regularly assigned duties. While a 15-minute or half hour presentation at the training is an important feature, these employees should be able to undertake their work with as little unnecessary interruption as possible. A day of waiting, or even hours of driving, for a quarter of an hour presentation to new hires seems

Hon. Ricardo Lara

July 28, 2016

Page 2

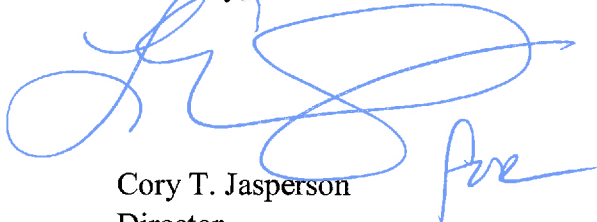
inconsistent with the desire for employees to perform their duties, as well as with setting a standard of quality work, responsibility and public service.

In Kern County, for example, a typical new hire training program consists of presentations from at least eight employees over an eight-hour program. Only one of the team members from, the HR department, participates in the full day of training. Everyone else on the team participates for periods ranging from 15 to 30 minutes. Kern's training costs will increase from \$470 to almost \$3000 per training depending on which location in the county, under the terms of AB 2835, the training must occur. Those numbers include both mileage and travel time; they do not include the potential for lost time if a member of the training team ends up sacrificing an entire day due to waiting for the training carpool to return to base. It should be noted that, as with most courts, Kern's court employee training programs include the court executive officer (CEO). This person is responsible for every aspect of court operations; making sure this person is, on the one hand, available for new hires at the orientations, and, on the other, available where he/she is most needed to manage the complex needs of a trial court, would strongly favor employee training opportunities at a central location. The costs saved, in mileage and drive time, by having a few new employees come to a main training location rather than sending the eight-person training team makes sense.

Practically speaking, the new employees will have few other opportunities to meet many of their colleagues if they are not required to come to a central court location for orientation. Consider a newly hired clerk who will be calling upon more experienced clerks—an opportunity is lost if the new hire can't meet the person or people from whom the best wisdom and tools of the trade can be learned; it might not be feasible to separate the more experienced employee from her daily responsibilities for a brief meeting/presentation. The burdens placed on the courts and other public agencies throughout California could be costly, and could disrupt critical services at our courts.

If you have any questions about the fiscal concerns we have for AB 2835, please contact Andi Liebenbaum at 916-323-3121 or andi.liebenbaum@jud.ca.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Cory T. Jasperson', with a stylized flourish extending to the right.

Cory T. Jasperson
Director

Hon. Ricardo Lara

July 28, 2016

Page 3

CTJ/ABL/yc-s

cc: Members, Senate Appropriations Committee
Hon. Jim Cooper, Member of the Assembly
Mr. Robert Ingenito, Consultant, Senate Appropriations Committee
Mr. Matt Osterli, Fiscal Consultant, Senate Republican Fiscal Office
Mr. Glenn Miles, Consultant, Senate Public Employment & Retirement Committee
Mr. Ryan Eisberg, Consultant, Senate Republican Office of Policy
Mr. Daniel Seeman, Deputy Legislative Secretary, Office of the Governor
Ms. Emma Jungwirth, Budget Analyst, Department of Finance
Mr. Martin Hoshino, Administrative Director, Judicial Council of California



JUDICIAL COUNCIL OF CALIFORNIA

770 L Street, Suite 1240 • Sacramento, California 95814-3368
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

MARTIN HOSHINO
Administrative Director

CORY T. JASPERSON
Director, Governmental Affairs

August 17, 2016

Hon. Jim Cooper
Member of the Assembly
State Capitol, Room 5158
Sacramento, California 95814

Subject: AB 2835 (Cooper), as amended August 15, 2016 – Oppose

The Judicial Council of California regrettably opposes AB 2835, which among other things, requires public employers to provide newly hired public employees a specified public employee orientation within two months of hiring, in-person unless agreed upon otherwise. Despite recent amendments this bill continues to pose logistical and administrative issues for the courts.

California Rules of Court Title 10 governs employee orientation, employee education and meet and confer requirements among other things. This bill interferes with existing rules and existing labor relations at the superior courts. The Judicial Council believes the existing Rules of Court, as well as through local labor relations, are the best venues to develop employee orientation rules. Employee organizations already have the right to negotiate the issue of orientations.

The requirement that orientation be held within the first two months of employment could be costly and also difficult based on the requirements outlined in the bill. For larger courts, this could mean that orientation is ongoing and continuous to meet the requirements of the bill. In addition, the bill requires that the exclusive representative be provided 30 minutes within the first half of the orientation to make a presentation. Many courts provide time to employee representatives to meet with their members, and this narrow scheduling requirement puts an unreasonable restriction on how orientations are timed and conducted.

Further, there are provisions of the bill that raise privacy concerns. California Rule of Court 10.500 governs public access to judicial administrative records. Rule 10.500(f)(3)¹, provides that “information whose disclosure would constitute an unwarranted invasion of personal privacy” is not required to be disclosed. However, AB 2835 requires disclosure of employees’ personal information, by requiring that the public employer provide to the employee organization or exclusive representative, the job title, department, work location, phone number, and home address of any newly hired employee within 30 days of the date hired. Such information, as providing an employee’s home address, raises serious privacy issues.

The burdens placed on the courts and other public agencies throughout California will be costly, and could disrupt critical services at our courts, impeding the public’s access to justice.

For these reasons, the Judicial Council regrettably opposes AB 2835. If you have any questions please contact me at 916-323-3121 or laura.speed@jud.ca.gov.

Sincerely,



Laura E. Speed
Principal Manager, Governmental Affairs

LES/lmb

cc: Ms. Karon Green, Chief Consultant, Assembly Public Employees, Retirement and
Social Security Committee
Mr. Terry Mast, Consultant, Assembly Republican Office of Policy
Mr. Daniel Seeman, Deputy Legislative Affairs Secretary, Office of the Governor
Mr. Martin Hoshino, Administrative Director, Judicial Council of California