

ASSEMBLY BILL

No. 657

Introduced by Assembly Member Bonta

February 12, 2021

An act to add Section 19136 to the Government Code, relating to state employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 657, as introduced, Bonta. State civil service system: personal services contracts: professionals.

Existing law, the State Civil Service Act, establishes standards for the use of personal services contracts by state agencies and authorizes personal services contracts when prescribed conditions are met, including, among others, when the contracting agency demonstrates that the proposed contract will result in actual overall cost savings to the state, as specified.

This bill would prohibit a state agency from entering into a contract with a professional, as defined, for a period of more than 365 consecutive days or for a period of 365 nonconsecutive days in a 24-month period. The bill would define “professional,” for these provisions, to include, among others, a physician and surgeon, dentist, and clinical psychologist. The bill would require each state agency that has a contract with a professional pursuant to these provisions to prepare a monthly report to the exclusive bargaining representative for the professional, if the professional is represented, providing certain information, including the name and contact information of the professionals subject to a contract with the state agency, the details of the contract period for each professional, and the number of open professional positions available, as specified.

This bill would also require a state agency that uses a personal services contract for an employee position for each state agency that has a budgetary allocation to provide the applicable employee organization that represents employees who provide the same or similar services with certain information, including, among other things, the expenditures for recruiting and advertising to fill positions for which contractors are hired, and the number of applications for personal services received in the most recent quarter of the fiscal year.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 19136 is added to the Government Code,
2 to read:
3 19136. (a) Notwithstanding Section 19130 or any other law,
4 a professional, as defined in subdivision (b), who has a personal
5 services contract with any state agency, shall not be under contract
6 with the state agency for a time period that exceeds either of the
7 following:
8 (1) Three hundred sixty-five consecutive days to the state
9 agency.
10 (2) Three hundred sixty-five nonconsecutive days in a 24-month
11 period.
12 (b) For purposes of this section, “professional” means any of
13 the following:
14 (1) A physician and surgeon licensed by the Medical Board of
15 California or the Osteopathic Medical Board of California.
16 (2) A dentist licensed by the Dental Board of California.
17 (3) A clinical psychologist licensed by the Board of Psychology.
18 (4) A clinical social worker licensed by the Board of Behavioral
19 Sciences.
20 (5) A pharmacist licensed by the California State Board of
21 Pharmacy.
22 (c) Each state agency that has a contract with a professional
23 pursuant to this section shall prepare a monthly report to the
24 exclusive bargaining representative for the professional, if the
25 professional is represented. The monthly report shall include all
26 of the following information:

1 (1) The names and contact information of the professionals
2 subject to a contract with the state agency.

3 (2) The details of the contract period for each professional,
4 including, but not limited to, their hourly rate, beginning and end
5 date, and the number of days worked pursuant to their current
6 contract.

7 (3) The number of “open” professional positions for the state
8 agency and the number of “contract” professional positions. For
9 purposes of this paragraph, “open” means a position authorized in
10 the budget for the state agency.

11 (d) If a state agency uses a personal services contract for an
12 employee position for which the agency has a budgetary allocation,
13 the agency shall provide to the applicable employee organization
14 that represents employees who provide the same or similar services
15 the following information:

16 (1) The expenditures for recruiting and advertising in the most
17 recent quarter of the fiscal year to fill positions for which
18 contractors are hired.

19 (2) The number of applications for personal services contracts
20 received in the most recent quarter of the fiscal year.

21 (3) The number of applicants interviewed for personal services
22 contracts received in the most recent quarter of the fiscal year.

23 (4) The number of applicants rejected for personal services
24 contracts received in the most recent quarter of the fiscal year.