

SENATE BILL

No. 1212

Introduced by Senator Romero

March 19, 2001

An act to amend Section 3572.5 of the Government Code, relating to higher education labor relations.

LEGISLATIVE COUNSEL'S DIGEST

SB 1212, as introduced, Romero. Higher education labor relations: memorandum of understanding.

Existing law relating to higher education labor relations provides that, in the case where various specified statutes conflict with a memorandum of understanding, the memorandum of understanding shall be controlling.

This bill would, instead, provide that, with respect to a memorandum of understanding entered into on or after January 1, 2002, a prescribed statutory provision provides a minimum level of benefits or rights and shall be superseded by a memorandum of understanding only if the relevant terms of the memorandum of understanding provide more than the minimum level of benefits or rights provided by that statute.

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 3572.5 of the Government Code is
- 2 amended to read:
- 3 3572.5. ~~In~~ (a) *Except as provided in subdivision (b), in the*
- 4 *case where the following provisions of law are in conflict with a*
- 5 *memorandum of understanding, the memorandum of*
- 6 *understanding shall be controlling.*



1 (a)–

2 (1) Part 13 (commencing with Section 22000) of ~~Division 1 of~~
3 ~~Title 1 of,~~ and Sections 66609, 89007, 89039, 89500, 89501,
4 89502, 89503, 89504, 89505, 89505.5, 89506, 89507, 89508,
5 ~~89509,~~ 89510, 89512, 89513, 89514, 89515, 89516, 89517,
6 89518, 89519, 89520, 89523, 89524, 89527, 89531, 89532,
7 89533, 89534, 89537, 89541, 89542, ~~89542.5,~~ 89543, 89544,
8 89545, 89546, 89550, 89551, 89552, 89553, 89554, 89555,
9 89556, 89700, and 89701 of, the Education Code.

10 (b)–

11 (2) Sections 825, 825.2, 825.6, 3569.5, 6700, 11020, and
12 11021 of, Chapter 4 2 (commencing with Section 18150) of Part
13 1 of Division 5 of Title 2 of, Sections 18200, 19841, 19848,
14 19850.6, ~~and 19864,~~ ~~and 19875~~ of, Article 4 (commencing with
15 Section 19869) and Article 5 (commencing with Section 19878)
16 of Chapter 2.5 of Part 2.6 of Division 5 of Title 2 of, and Section
17 22825.1 of, the Government Code.

18 (c)–

19 (3) Sections 395, 395.01, 395.05, 395.1, and 395.3 of the
20 Military and Veterans Code.

21 (b) (1) *Notwithstanding the inclusion, in Section 89542.5 of*
22 *the Education Code, except with respect to subdivision (e) of that*
23 *section, of a provision providing that, if the statute is in conflict*
24 *with a memorandum of understanding reached pursuant to this*
25 *chapter, the memorandum of understanding shall be controlling*
26 *without further legislative action unless the memorandum of*
27 *understanding requires the expenditure of funds, that section,*
28 *except for subdivision (e) of that section, provides a minimum level*
29 *of benefits or rights, and is superseded by a memorandum of*
30 *understanding only if the relevant terms of the memorandum of*
31 *understanding provide more than the minimum level of benefits or*
32 *rights set forth in that section, except for subdivision (e) of that*
33 *section.*

34 (2) *This subdivision only applies to a memorandum of*
35 *understanding entered into on or after January 1, 2002.*

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