

**SUMMARY ANALYSIS OF AMENDED BILL**

Author: Jones-Sawyer Analyst: Janet Jennings Bill Number: AB 769  
See Prior  
Related Bills: Analysis Telephone: 845-3495 Amended Date: April 12, 2016  
Attorney: Bruce Langston Sponsor \_\_\_\_\_

**SUBJECT:** State Employment/Adverse Actions Against State Employees Are Not Valid Unless Notice & Investigation is Completed Within One Year After Cause for Discipline Arose Unless Specified

**SUMMARY**

This bill would modify the statute of limitations on adverse actions served against state employees.

**RECOMMENDATION**

No position.

**SUMMARY OF AMENDMENTS**

The April 12, 2016, amendments added the unauthorized accessing or disclosure of confidential tax information as an exception to the one year adverse action completion requirement. These amendments resolved the implementation concern discussed in the department's analysis of the bill as introduced on February 25, 2015. Except for the "Effective/Operative Date," "This Bill," "Implementation Concerns" and "Fiscal Impact" the department's analysis of the bill as introduced February 25, 2015, still applies. The "Economic Impact" section is restated for convenience.

**EFFECTIVE/OPERATIVE DATE**

This bill would be effective and operative January 1, 2017, and would apply to adverse actions occurring on or after that date.

**THIS BILL**

This bill would prohibit adverse actions against state employees unless notice of the adverse action is served and the investigation is completed within one year of the date the cause for discipline arose, except for the following:

Adverse actions for fraud, embezzlement, falsification of records, or unauthorized accessing or disclosure of confidential franchise or income tax information would remain subject to a three year period for service of the notice of action.

**IMPLEMENTATION CONSIDERATIONS**

Implementing this bill would require some changes to existing personnel practices to meet the one year statute of limitations, when applicable.

## **FISCAL IMPACT**

Implementing this bill would not significantly impact the department's programs and operations.

## **ECONOMIC IMPACT**

This bill would not impact the state's income tax revenue.

## **SUPPORT/OPPOSITION<sup>1</sup>**

Support: Service Employees International Union, Local 1000 (Co-Sponsor)  
American Federation of State, County and Municipal Employees (Co-Sponsor)  
Association of California State Supervisors  
California Association of Highway Patrolmen  
California Association of Psychiatric Technicians  
California Correctional Peace Officers Association  
California Correctional Supervisors Organization  
California Immigrant Policy Center

Opposition: None on file.

## **LEGISLATIVE STAFF CONTACT**

Janet Jennings  
Legislative Analyst, FTB  
(916) 845-3495  
[janet.jennings@ftb.ca.gov](mailto:janet.jennings@ftb.ca.gov)

Jame Eiserman  
Revenue Manager, FTB  
(916) 845-7484  
[jame.eiserman@ftb.ca.gov](mailto:jame.eiserman@ftb.ca.gov)

Gail Hall  
Legislative Director, FTB  
(916) 845-6333  
[gail.hall@ftb.ca.gov](mailto:gail.hall@ftb.ca.gov)

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<sup>1</sup> According to the April 22, 2015, Assembly Committee on Public Employees, Retirement, and Social Security analysis.