



**COUNTY OF
SAN BERNARDINO**

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April 10, 2007

The Honorable Members
Committee on Public Employees, Retirement and Social Security
State Capitol Building
Sacramento, CA 95814

RE: **AB 1496 (Swanson)** – As Amended March 29, 2007 - **OPPOSE**

Dear Committee Members:

The County of San Bernardino, along with the California State Association of Counties, the League of California Cities, the Regional Council of Rural Counties, and the Urban Counties Caucus respectfully opposes and requests your “no” vote on AB 1496 (Swanson), as amended.

As you know, the current Government Code provisions permit counties to adopt a civil service system, and permit cities to adopt either a merit or civil service system. The County of San Bernardino along with thirty-seven other counties have adopted such systems. County systems must comply with State Personnel Board regulations and are subject to regular audits. Some civil service or merit systems are adopted pursuant to county or city charter. All county civil service and merit systems have been subject to local agency collective bargaining law since 1978 and their provisions are included in some local agency collective bargaining agreements.

AB 1496 would mandate restrictive changes to all county and city civil service and merit systems by March 1, 2008. The bill would eliminate limits permitted in current law and require inclusion of all employees within the civil service or merit system except: (1) apprentices or technical experts employed temporarily for a specific project, or (2) substitute or short term employees employed and paid for less than 50% of work days in a fiscal year. The use of short-term employees would further be restricted to employment that would not be extended or needed on a continuing basis, and to a requirement for employment by the governing body by action in public session with specified findings. Substitute employees would further be restricted to a person or persons collectively employed no longer than 60 days to fill a vacancy. The bill seems to sweep all contract employment into the above provisions.

AB 1496 would impose severe restrictions on use of temporary and contract employees. A notable example of this would be with our county hospital. San Bernardino County’s hospital, the Arrowhead Regional Medical Center, would have to compete with private hospitals that have no restrictions on temporary “float” medical-technical personnel to fill duty assignments. Our hospital, as well as county hospitals throughout the state, under this bill would be crippled in use of temporary medical technical personnel and be forced to either turn away patients during periods of high workload, rely upon very expensive registry staff, or become even less competitive by use of overtime payment to permanent employees if any permanent workers are available. Similar harmful results would impact other county operations, particularly those reliant upon skilled seasonal help such as tax collection and snow removal staff, institutional coverage such as mental health facilities and juvenile halls, hard to recruit occupational

The Honorable Members

The mission of the government of the County of San Bernardino is to satisfy its customers by providing service that promotes the health, safety, well being, and quality of life of its residents according to the County Charter, general laws, and the will of the people it serves.

groups such as informational technical, and difficult to fill positions such as election poll workers and recreational staff.

The provisions within AB 1496 are already subject to local agency collective bargaining. This bill conflicts with existing charter and contract provisions. This bill competes with existing authority to limit temporary employment already granted local agency pension systems, most notably the Public Employee Retirement System (PERS). In addition to significant staffing restrictions imposed on local agencies, this bill would be very costly in situations where it would force the replacement of temporary personnel with permanent personnel on regular or overtime payment. Costs mandated on cities and counties would be subject to future reimbursement from the state general fund.

For these reasons, the County of San Bernardino opposes AB 1496 (Swanson), as amended and again, respectfully requests your "no" vote when the item comes before you.

Sincerely,

PAUL BIANE

Chairman, Board of Supervisors