

1950

## STATE CIVIL SERVICE

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<b>COMPENSATION OF LOCAL OFFICERS. Assembly Constitutional Amendment No. 81.</b> Amends Section 5 of Article XI of Constitution. Repeals prohibition against increasing compensation of any county, township or municipal officer after his election or during his term of office. Validates 1949 statutes prescribing compensation of those county officers whose salaries are fixed by the Legislature, making such compensation payable upon adoption of this amendment.	YES	
	NO	

(For full text of measure, see page 7, Part II)

**Analysis by the Legislative Counsel**

This constitutional amendment deletes an existing provision which prohibits any increase in the compensation of county, township, or municipal officers after their election or during their term of office.

If this measure is approved, it will allow increases in the compensation of county, township, or municipal officers at any time. It also validates all acts of the 1949 Session of the Legislature fixing the compensation of county officers and makes such compensation payable from the effective date of the amendment and until changed by the Legislature.

This constitutional amendment also deletes an existing provision authorizing the Legislature to suspend the prohibition against increases in compensation while the United States is engaged in war and for one year after the termination of hostilities and a provision making the prohibition against increases inapplicable to the compensation of deputies and assistants to county officers, and to the allowance of new or additional deputies or assistants to such officers. These two provisions are unnecessary if increases may be made at any time.

**Argument in Favor of Assembly Constitutional Amendment No. 81**

The section which this measure proposes to amend, as it now exists, prohibits any increase in the compensation of county, township, or municipal officers after their election or during their term of office, except that during the time the United States is engaged in war and for one year after the termination of hostilities the Legislature is authorized to suspend this provision.

The adoption of this proposition would authorize the increase in compensation of such officers at any time regardless of the date of their election

or term of office. This proposition would also validate all acts of the 1949 Session of the Legislature which fixed the compensation of county officers and provide that the compensation so fixed would be paid to such officers from the effective date of the adoption of this constitutional amendment and until changed by the Legislature.

Objection to permitting the increase of the compensation of a public officer after his election or during his term of office would logically exist only where such public officer had the power to determine the amount of his own compensation. The compensation of the members of boards of supervisors, district attorneys and auditors in the various counties are now and by the adoption of this proposition would continue to be regulated by the State Legislature and not by the public officers themselves. The compensation of all other county officers not regulated by the Legislature are in turn regulated by the voters or governing body in the particular county, township or municipality and not by the particular public officers themselves. In that the salaries or compensation of county, township, and municipal officers are not fixed or regulated by the public officers themselves there is no logical reason why their salaries or compensation should not be subject to change at any time.

In addition the present provisions of this section causes the illogical and unfair situation whereby members of the same board of supervisors for example are paid different salaries and compensation merely because some of the members were elected before and others after a change was made in the law as to their compensation.

A "YES" vote on this proposed amendment is recommended to correct this situation.

DONALD L. GRUNSKY  
Assemblyman, 32d District

<b>STATE CIVIL SERVICE. Senate Constitutional Amendment No. 6.</b> Amends Sections 4 and 6 of Article XXIV of Constitution. Exempts from state civil service officers and employees of district agricultural associations employed less than six months in calendar year; stewards and veterinarians of California Horse Racing Board employed on part-time basis. Prohibits Legislature from reviving any optional exemption from state civil service after once abolishing such exemption. Permits given position to be filled by successive temporary appointees, unless employment list is in existence; increases maximum employment period of temporary appointees to nine months in any consecutive 12-month period.	YES	
	NO	

(For full text of measure, see page 8, Part II)

**Analysis by the Legislative Counsel**

This constitutional amendment makes certain changes relating to state civil service in reference to exempt positions, temporary appointments and appointments generally.

The amendment adds to the classes of state employment exempt from civil service under Article XXIV those of the officers and employees of district agricultural associations employed less

than six months in any one calendar year, and stewards and veterinarians of the California Horse Racing Board who are not employed on a full-time basis.

Under the present provisions of Article XXIV the Legislature has power to include in civil service any or all of the positions exempt under the article, except those of elected officers, appointees of the Governor and employees of his

office, employees of the University of California, and members of the State Militia while engaged in military service. The amendment provides that where the Legislature has included, or in the future includes, any exempt position in civil service, it cannot again exempt that position, except that it may provide that any state officer so included may be appointed by the Governor and consequently be exempt. The Legislature has so far, under the article, included in civil service certain positions under the Department of Natural Resources, Attorney General's Office, the State Parole System, the Office of the Public Utilities Commission, and the State Prison System (Government Code, Sections 18591-18594; Penal Code, Section 6052).

The existing section provides that a temporary appointment to a civil service position shall be made only if there is no civil service eligible list from which the position can be filled. This amendment changes "eligible list" to "employment list." An eligible list is defined as a list of persons who have been examined in open competitive examination and are eligible for certification for a specific class (Government Code, Section 18532). Employment list includes both eligible lists and lists of civil service personnel eligible for promotion or re-employment after a layoff (Government Code, Section 18537). The amendment would resolve any ambiguity in the constitutional provision and prevent a temporary appointment when there is any person eligible under the civil service law to appointment, promotion, or re-employment in the position.

Under the present form of Article XXIV any one position in civil service cannot be filled by a temporary appointment after it has been filled by temporary appointment for a total period of six months, and no one person may serve in the civil service under temporary appointment for a longer total period than six months in any one calendar year. The amendment eliminates the prohibition of temporary appointments to positions that have been filled by temporary appointment for six months, and allows any person to

serve under temporary appointment for nine months out of any consecutive 12 months.

**Argument in Favor of Senate Constitutional Amendment No. 6**

One of the difficult problems in state civil service is to maintain for local district agricultural fairs and for racing events eligible lists of employees who are employed only on a temporary basis to perform work which is of short duration. Under existing law a considerable number of documents must be prepared by these fairs in order to meet the technicalities of the existing constitutional provisions relative to such short-time employment. For this reason the Legislature, without a dissenting vote, adopted this constitutional amendment which exempts from civil service officers and employees of district agricultural associations, who are employed less than six months in any one calendar year and also stewards and veterinarians of the California Horse Racing Board who are employed on a part-time basis. The adoption of this provision in the amendment will eliminate a large volume of unnecessary clerical procedure.

The amendment also extends from six months to nine months the period during which a person may hold a temporary appointment with the State exempt from civil service. It has been found exceedingly difficult at times to schedule within six months examinations, correct papers, and establish eligible lists for permanent positions where, because of the absence of such eligible list, it is necessary to employ persons on a temporary basis for not to exceed six months.

The California State Employees' Association, representing 80 percent of the state employees, realizing the necessity for a change in the existing law, raised no objection to the adoption of this constitutional amendment when it was considered by the Legislature.

**Vote "YES"!**

**JESSE W. MAYO**  
Senator, District 26

**PUBLIC HOUSING PROJECTS. REQUIRING ELECTION TO ESTABLISH.**

**Initiative Constitutional Amendment.** Adds Article XXXIV to Constitution. Requires approval of majority of electors of county or city, voting at an election, as prerequisite for establishment of any low-rent housing project by the State or any county, city, district, authority, or other state public body. Defines low-rent housing project as living accommodations for persons of low income financed or assisted by Federal Government or state public body. Exempts any project subject to existing contract between state public body and Federal Government.

YES	
NO	

(For full text of measure, see page 9, Part II)

**Analysis by the Legislative Counsel**

This constitutional amendment prohibits the development, construction, or acquisition of any low-rent housing project by the State, or any city, county, district, authority, agency or other subdivision or public body of the State until approved by a majority vote of the electors of the city, town, or county in which the project is to be located.

"Low-rent housing project" is defined as any development composed of urban or rural dwellings, apartments, or other living accommodations for persons of low income, financed in whole or in part by the United States or any of its agencies or instrumentalities, or by the State or any of its agencies or public bodies, or to which the Federal Government or the state public body extends assistance by supplying labor, guaranteeing the payment of liens, or otherwise, except where a contract for financial assistance between any

state public body and the Federal Government in respect to such project is in existence on the effective date of the amendment.

"Persons of low income" means persons or families who lack the income necessary (as determined by the state public body developing, constructing, or acquiring the project) to enable them without financial assistance to live in decent, safe, and sanitary dwellings, without overcrowding.

The amendment would be self-executing, but legislation to facilitate its operation may be enacted.

**Argument in Favor of Initiative Proposition No. 10**

A "YES" vote for this proposed constitutional amendment is a vote neither for nor against public housing. It is a vote for the future right to "yes" or "no" when the community considers a public housing project.

**STATE CIVIL SERVICE. Senate Constitutional Amendment No. 6.** Amends Sections 4 and 6 of Article XXIV of Constitution. Exempts from state civil service officers and employees of district agricultural associations employed less than six months in calendar year; stewards and veterinarians of California Horse Racing Board employed on part-time basis. Prohibits Legislature from reviving any optional exemption from state civil service after once abolishing such exemption. Permits given position to be filled by successive temporary appointees, unless employment list is in existence; increases maximum employment period of temporary appointees to nine months in any consecutive 12-month period.

YES
NO

(This proposed amendment expressly amends existing sections of the Constitution; therefore **EXISTING PROVISIONS** proposed to be **DELETED** are printed in **STRIKE-OUT TYPE**; and **NEW PROVISIONS** proposed to be **INSERTED** are printed in **BLACK-FACED TYPE**.)

**PROPOSED AMENDMENT TO THE CONSTITUTION**

**SEC. 4.** (a) The provisions hereof shall apply to, and the term "state civil service" shall include, every officer and employee of this State except:

- (1) State officers elected by the people.
- (2) State officers directly appointed by the Governor with or without the consent or confirmation of the Senate and the employees of the Governor's office.
- (3) State officers and employees directly appointed or employed by the Attorney General or the Judicial Council; or by any court of record in this State or any justice, judge or clerk thereof.
- (4) State officers and employees directly appointed or employed by the Legislature or either house thereof.
- (5) One person holding a confidential position to any officer mentioned in paragraphs (1), (2) or (4) hereof except that there shall be but one such position to any board or commission composed in whole or in part of officers mentioned in said paragraphs, each such person to be selected by the officer, board or commission to be served.
- (6) One deputy for the Legislative Counsel and for each state officer elected by the people, each such deputy to be selected by the officer to be served.
- (7) Persons employed by the University of California.
- (8) Persons employed by any state normal school or teachers college.
- (9) The teaching staff of all schools under the direction or jurisdiction of the Superintendent of Public Instruction, the Department of Education or the director thereof or the State Board of Education who otherwise would be members of the state civil service.
- (10) Employees of the Federal Government, or persons whose selection is subject to rules or requirements of the Federal Government, engaged in work done by cooperation between the State and Federal Government or engaged in work financed in whole or in part with federal funds.
- (11) Persons appointed or employed by or under the

State Board of Prison Directors or any warden of a state prison.

(12) The officers and employees of the Railroad Commission.

(13) Member help in the Veterans' Home of California and inmate help in all state charitable or correctional institutions.

(14) The members of the militia of the State while engaged in military service.

(15) Officers and employees of district agricultural associations employed less than six months in any one calendar year.

(16) Stewards and veterinarians of the California Horse Racing Board who are not employed on a full time basis.

(b) The Legislature may provide that the provisions of this article shall apply to, and the term "state civil service" shall include, any person or group of persons hereinbefore excepted other than those mentioned in paragraphs (1), (2), (7) or (14) of subdivision (a) of this section. Hereafter, no exception shall be revived with respect to any person or group of persons heretofore or hereafter included in the state civil service under this subdivision. The Legislature may, however, provide that any officer included in the state civil service pursuant to this paragraph may be appointed by the Governor and in such case the provisions of paragraph (2) shall

(c) Whenever the appointment or employment of or additional officers or employees of this State is hereafter authorized by law, such officers or employees shall be subject to the provisions hereof and included within the state civil service unless of a class excepted herein.

**SEC. 6.** (a) No temporary appointment of a person to any position shall be made unless there is no **eligible employment** list from which such position can be filled.

(b) ~~No further temporary appointments shall be made to a given position after such position has been filled by a temporary appointment or appointments for a total period of six months.~~

~~(c) No person shall hold a given position under temporary appointment for a longer period than six months, nine months in any consecutive 12 months, nor shall any person serve in the State civil service under temporary appointment for a longer total period than six nine months in any one calendar year; consecutive 12 months.~~