

1974

STATE CIVIL SERVICE EXEMPTIONS

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STATE CIVIL SERVICE EXEMPTIONS California Proposition 7 (1974).
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Ballot Title

STATE CIVIL SERVICE EXEMPTIONS. LEGISLATIVE CONSTITUTIONAL AMENDMENT. Amends Article XXIV, Section 4, of the State Constitution to exempt additional positions from civil service consisting of: chief administrative officer of the California Postsecondary Education Commission and five deputies. Financial Impact: This measure involves little or no fiscal effect.

Analysis by Legislative Counsel**Effect:**

California's Constitution provides that in the state civil service, permanent appointment and promotion shall be made under a general system based on merit ascertained by competitive examination. It further provides that the State Civil Service System includes every officer and employee of the state except as otherwise provided in the Constitution; it then exempts certain specified officers and employees from civil service. The officers and employees presently exempt from civil service include, generally, those elected by the people or appointed directly by the Governor, those employed by the Legislature, the courts, the University of California and the California State University and Colleges and the teaching staff of public schools and certain designated deputies and employees.

This measure would amend the Constitution to also exempt from the state's civil service the Chief Administrative

Officer of the California Postsecondary Education Commission and five deputies of that office.

Fiscal Impact:

The Department of Finance and the Legislative Analyst advise that adoption of this measure would have little or no fiscal effect.

You should vote "YES" on this measure if you want to exempt the Chief Administrative Officer of the California Postsecondary Education Commission and five deputies from civil service.

You should vote "NO" on this measure if you do not want the Chief Administrative Officer of the California Postsecondary Education Commission and five deputies to be exempt from civil service.

Apply for Your Absentee Ballot Early

Text of Proposed Law

This amendment proposed by Assembly Constitutional Amendment 76 (Statutes of 1974, Resolution Chapter 6) expressly amends an existing section of the Constitution by adding a subdivision thereto; therefore, the provisions proposed to be ADDED are printed in **BOLDFACE TYPE** to indicate that they are NEW.

PROPOSED AMENDMENT TO ARTICLE XXIV, SECTION 4

SEC. 4. The following are exempt from civil service:

- (a) **Officers and employees appointed or employed by the Legislature, either house, or legislative committees.**
- (b) **Officers and employees appointed or employed by councils, commissions or public corporations in the judicial branch or by a court of record or officer thereof.**
- (c) **Officers elected by the people and a deputy and an employee selected by each elected officer.**
- (d) **Members of boards and commissions.**
- (e) **A deputy or employee selected by each board or commission either appointed by the Governor or authorized by statute.**

(f) **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, and the employees of the Lieutenant Governor's office directly appointed or employed by the Lieutenant Governor.**

(g) **A deputy or employee selected by each officer, except members of boards and commissions, exempted under Section 4(f).**

(h) **Officers and employees of the University of California and the California State Colleges.**

(i) **The teaching staff of schools under the jurisdiction of the Department of Education or the Superintendent of Public Instruction.**

(j) **Member, inmate, and patient help in state homes, charitable or correctional institutions, and state facilities for mentally ill or retarded persons.**

(k) **Members of the militia while engaged in military service.**

(l) **Officers and employees of district agricultural associations employed less than 6 months in a calendar year.**

(m) **In addition to positions exempted by other provisions of this section, the Attorney General may appoint or employ six deputies or employees, the Public Utilities Commission may appoint or employ one deputy or employee, and the Legislative Counsel may appoint or employ two deputies or employees.**

(n) **The chief administrative officer of the California Postsecondary Education Commission and five deputies.**

**Remember to Vote on Election Day
Tuesday, June 4, 1974
Polls are open from 7A.M. to 8P.M.**

Argument in Favor of Proposition 7

Proposition 7 will enable California's new Postsecondary Education Commission to improve statewide planning and coordination of our vast system of education beyond the high school level.

Nearly 1½ million students attend our two hundred private and publicly supported colleges and universities alone. Additionally, there are hundreds of vocational, trade, and business schools. There has been little effective planning and coordination between them.

In order to better meet California's educational needs, and to save more taxpayer dollars; the Governor and Legislature in 1973 created the Postsecondary Education Commission. It is responsible for preparing a comprehensive five-year plan for California postsecondary education which will integrate the programs and plans of our various public and private institutions. The Commission will also advise the Governor, the Legislature, and the educational institutions themselves, in an effort to provide better and more economic educational decisions.

Our Constitution wisely guarantees civil service status for most state employees. It automatically grants one top exempt position to each state agency and provides more where justified and approved by the voters. Proposition 7 grants six exemptions to the new Postsecondary Education Commission. This will give the Commission needed flexibility for attracting the most highly qualified persons to fulfill its sensitive role.

The entire staffs of the University of California and the California State University and Colleges are exempt from

civil service regulations. The Commission—which has planning and coordinating responsibilities relating to these two large public systems—needs similar freedom.

Proposition 7 has strong support from the higher education community. The University of California administration has said "this exemption would provide the Commission with the flexibility necessary to recruit outstanding people to carry out the Commission's work."

This proposal was first recommended by a joint legislative committee after its two-year study of California higher education. It has strong bipartisan support. It passed the Assembly by a vote of 62-1, the Senate by a vote of 27-9.

Proposition 7 is endorsed by Assembly Speaker Bob Moretti, Assembly Republican leader Bob Beverly, and by Assemblymen Willie Brown and Ray Gonzales. It is supported by Republican Senator Howard Way and Democratic Senator Albert Rodda.

No group, including the California State Employees Association, opposes Proposition 7.

Help yourself and all Californians to better planned and more economic postsecondary education. Vote "yes" on Proposition 7.

JOHN VASCONCELLOS
Assemblyman, 24th District
FRANK LANTERMAN
Assemblyman, 47th District
ROBERT STEVENS
Senator, 25th District

No rebuttal to the argument in favor of Proposition 7 was submitted

Argument Against Proposition 7

EACH ELECTION YEAR WE ARE ASKED TO VOTE FOR MANY PROPOSITIONS. THERE IS NO COMPELLING NEED FOR THIS PROPOSITION.

EXEMPTING EMPLOYEES OF THE STATE OF CALIFORNIA FROM CIVIL SERVICE STATUS USUALLY HAS THE EFFECT OF TURNING SUCH EMPLOYEES INTO "POLITICAL APPOINTEES" AND TO PAY THEM MORE THAN THEY WOULD OTHERWISE BE ENTITLED TO RECEIVE.

There are some unique circumstances which justify an exempt status, however, we do not feel that staff employees

of the California Postsecondary Education Commission should be categorized as a unique circumstance. These individuals are employed by the people of the State to conduct the State's business and therefore ought to be subject to all the rules and regulations which apply to state employees. The civil service was established to keep politics out of State government and we see no valid reason to make an exception in this case.

GEORGE DEUKMEJIAN
Senator, 37th District

JOHN Y. BRIGGS
Assemblyman, 35th District

Rebuttal to Argument Against Proposition 7

The need for Proposition 7 has been recognized and affirmed by 89 of the 99 legislators who voted on this proposal.

The Postsecondary Education Commission replaces the Coordinating Council for Higher Education. The Governor and Legislature abolished the Council because it was unable to do its job of providing for the orderly growth of California higher education. A major weakness was its lack of necessary staffing flexibility.

We reaffirm the principle of civil service. The California State Employees' Association, which represents the State's thousands of civil service employees, does not oppose this measure.

We, too, want to "keep politics out of State government." Proposition 7 is not a political issue; it has nothing to do with "political appointees." Nor is the intent of Proposition 7 to pay excess salaries. Paying adequate salaries will attract competent persons who will improve the planning and

coordination of postsecondary education and save taxpayer dollars.

The Postsecondary Education Commission was created after an intensive two-year study by a legislative committee. These civil service exemptions were an integral part of the recommendations which prompted the Legislature and Governor to create this new state agency.

We, the proponents of Proposition 7, are Republicans and Democrats, liberals and conservatives. We are vitally committed to and concerned with improving California postsecondary education.

Let's give this commission the flexibility it needs. Vote "yes" on Proposition 7.

JOHN VASCONCELLOS
Assemblyman, 24th District

FRANK LANTERMAN
Assemblyman, 47th District

ROBERT STEVENS
Senator, 25th District