

Hi, this is Chris Micheli with the Sacramento Government and Relations Firm of Aprea and Micheli, and an adjunct professor at McGeorge School of Law. Today's podcast is looking at California's Public Employee System. California, like all other states and the federal government, have a system for the employment of individuals, our Public Employee System. It is established by our state's constitution, including our civil service system. This is found in Article VII. So Article VII deals with public officers and employees.

It was added to the California Constitution by Prop 13 on the June 8th, 1976 ballot, and Article VII of the Constitution includes 11 sections. In Section 1, it states that the civil service includes every officer and employee of the state, except those that are provided for in the Constitution elsewhere. It also states that in the civil service, permanent appointment and promotion must be made under a general system based on merit by use of competitive examinations.

Section 2 of Article VII establishes the State Personnel Board, which is comprised of five members who were appointed by the Governor and receive advice and consent by approval of the State Senate by a majority vote. The State Personnel Board members serve 10 year terms and until their successors are appointed. Section 3 provides that the State Personnel Board must enforce the civil service statutes, and by majority vote of its five members must prescribe probationary periods and employee classifications that they are to adopt rules that are authorized by statute and that they are to review disciplinary actions.

Section 4 of Article VII is the largest and most extensive. It basically specifies that the following are exempt from civil service, including those who are employed or appointed by the Legislature, that are employed by councils, commissions in the judicial branch, those who are elected by the people, members of boards and commissions, those who are selected by boards and commissions or appointed by the governor, state officers who were appointed by the governor with or without confirmation of the Senate, the employees of the Governor's office, the Lieutenant Governor, deputies or employees that are generally exempt, the UC and CSU systems, officers and employees, the teaching staff of schools that are under the jurisdiction of the Department of Education or SPI, the superintendent, members, inmates, and patients in state homes in correctional institutions, or other state facilities, members of the militia who were engaged in military service, those who are employed by district agricultural associations, and then others who are exempted by other provisions, including the attorney general, the PUC with few exceptions and the legislative council, again, with a few exceptions for certain deputies or employees.

Then we have Section 5 of Article VII that provides that a temporary appointment may be made to a position or which there isn't an employment list. However, no person may serve in these positions longer than nine months in 12 consecutive months. Section 6 specifies that the Legislature may provide preferences for veterans and surviving spouses of veterans. Section 7 prohibits a person from holding a lucrative office under the United States or other power from holding a civil office.

Section 8 specifies that every person must be disqualified from holding any office of profit in the state who's been convicted of having given or offered a bribe to procure personal election or appointment. Section 9 provides the person or organization who advocates for the overthrow of the government of the US, or the government of steep by force or violence or any sort of unlawful means, or who advocates support of a foreign government against the United States can't hold any office or employment, including the UC or with any county or city or political subdivision, as well as any boards, commissions, or public agencies of the state. They also cannot receive any exemption from any tax imposed by the state or any local jurisdiction for that matter.

Section 10 specifies that no person who's found liable in a civil action for making libelous or slanderous statements against an opposing candidate or any office at the local or state level can retain the seat to

which he or she has been elected, where it is established that the libel or slander is a major contributing cause in the defeat of an opposing candidate. And then lastly is Section 11 that prohibits the legislator's retirement system from paying any retirement allowance to any persons who on or after January 1, 1987 entered office for the first time. Those are the public officer and employee provisions of the California State Constitution. Thanks for joining this podcast. I hope you found it to be useful.