

- **Board of Directors**
Communications and Legislation Committee

April 11, 2006 Board Meeting

7-5

Subject

Express support for AB 2069 (Maze, R-Visalia) regarding public employment and applicant qualifications

Description

AB 2069 (**Attachment 1**), introduced by Assembly Member Maze, prohibits public agencies from hiring a person who does not possess a degree from an accredited institution if the job description specifies that a degree from an accredited institution is required. Also, if the job description requires an applicant to furnish a diploma from an accredited institution, the public agency cannot hire an applicant for that position unless the applicant has provided the requisite diploma. Pursuant to the Education Code, “accredited” refers to an institution that has been recognized or approved as meeting the standards established by an accrediting agency recognized by the United States Department of Education or its foreign equivalent. (Ed Code § 94712)

Under the current law, public agencies do not have to specify in their job descriptions whether a degree must be from an accredited institution as defined by Ed Code § 94712, creating, at times, misunderstandings and controversies regarding the requirements for a particular job. This bill would benefit Metropolitan and other public agencies, as well as public agency job applicants, by clarifying that public agency job descriptions must indicate if a required degree or diploma must be from an accredited institution as defined by Ed Code § 94712.

The reason for including this stipulation is that there are ‘private’ accrediting agencies that are not recognized as legitimate by the United States Department of Education or its foreign equivalent.

Policy

Metropolitan Water District Administrative Code Section 6205: Eligibility and qualifications for employment

California Environmental Quality Act (CEQA)

CEQA determination for Option #1:

The proposed action is not defined as a project under CEQA because it involves continuing administrative activities, such as general policy and procedure making (Section 15378(b)(2) of the State CEQA Guidelines). In addition, where it can be seen with certainty that there is no possibility that the proposed action in question may have a significant effect on the environment, the proposed action is not subject to CEQA (Section 15061(b)(3) of the State CEQA Guidelines).

The CEQA determination is: Determine that the proposed action is not subject to CEQA pursuant to Sections 15378(b)(2) and 15061(b)(3) of the State CEQA Guidelines.

CEQA determination for Option #2:

None required

Board Options/Fiscal Impacts

Option #1

Adopt the CEQA determination and express support for AB 2069.

Fiscal Impact: Unknown based on avoidance of potential claims and controversies

Option #2

Do not express support for AB 2069.

Fiscal Impact: Unknown based on possible claims and controversies

Staff Recommendation

Option #1


Dani Elliott
Ethics Officer

3/28/2006
Date

Attachment 1 – AB 2069 (Amended March 22, 2006)

BLA #4438

AMENDED IN ASSEMBLY MARCH 22, 2006

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 2069

**Introduced by Assembly Member Maze
(Principal coauthor: Assembly Member Liu)
(Coauthors: Assembly Members Bass, Cogdill, Daucher,
Goldberg, La Malfa, La Suer, Richman, Villines, and Yee)**

February 16, 2006

An act to add Article 5 (commencing with Section 1390) to Chapter 2 of Division 4 of Title 1 of the Government Code, relating to public employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 2069, as amended, Maze. Public employment: applicant qualifications.

Existing law establishes various requirements regarding the employment of public officers and employees.

This bill would prohibit a public agency, as defined, in cases in which a requirement for a position with that agency is the possession of a particular degree from an accredited institution, from hiring an applicant for the position who does not possess that degree from an accredited institution. The bill would also prohibit a public agency, if that agency's job description requires an applicant to furnish a diploma from an accredited institution to the agency's hiring entity as a condition of employment, from hiring an applicant unless the applicant has provided the entity with his or her diploma from an accredited institution, *as specified*. By imposing additional duties on local agencies with respect to their employment practices, the bill would impose a state mandated local program.

AB 2069

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The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Article 5 (commencing with Section 1390) is
2 added to Chapter 2 of Division 4 of Title 1 of the Government
3 Code, to read:

4
5 Article 5. Applicants for Public Employment
6

7 1390. As used in this article, the following terms apply:

8 (a) "Accredited" has the same meaning set forth in Section
9 94712 of the Education Code.

10 (b) "Public agency" means the state or any agency or
11 department of the state, and any city, county, city and county,
12 special district, school district, municipal corporation, political
13 subdivision, joint powers authority, or any board, commission, or
14 agency thereof.

15 1391. (a) If a public agency establishes a job description or
16 classification for a specific position, and a requirement for the
17 position is the possession of a particular degree from an
18 accredited institution, the public agency shall not hire an
19 applicant for that position who does not possess the requisite
20 degree from an accredited institution.

21 (b) If a job description for a position with a public agency
22 requires that an applicant furnish a diploma from an accredited
23 institution to the public agency's hiring entity as a condition of
24 employment, the public agency shall not hire an applicant unless
25 the applicant has provided the entity with his or her diploma from
26 an accredited institution.

1 (c) *The requirement to provide a diploma from an accredited*
2 *institution to the public agency's hiring entity refers to a diploma*
3 *from a postsecondary school and does not refer to a high school*
4 *diploma or General Education Development (GED) equivalent.*

5 SEC. 2. If the Commission on State Mandates determines that
6 this act contains costs mandated by the state, reimbursement to
7 local agencies and school districts for those costs shall be made
8 pursuant to Part 7 (commencing with Section 17500) of Division
9 4 of Title 2 of the Government Code.