Senate Budget and Fiscal Review—Scott Wiener, Chair

SUBCOMMITTEE NO. 5

Agenda

Senator Aisha Wahab, Chair Senator María Elena Durazo Senator Josh Newman Senator Kelly Seyarto



Thursday, May 30, 2024 9:30 a.m. or upon adjournment of Session - State Capitol, Room 112

Consultant: Christopher Francis, Ph.D.

Part B- Labor, Workforce Development, Public Employment, and Public Retirement Vote-Only Calendar

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Public Comment

Pursuant to the Americans with Disabilities Act, individuals who, because of a disability, need special assistance to attend or participate in a Senate Committee hearing, or in connection with other Senate services, may request assistance at the Senate Rules Committee, 1020 N Street, Suite 255 or by calling (916) 651-1505. Requests should be made one week in advance whenever possible.

Vote-Only Calendar

VARIOUS DEPARTMENTS

Issue 1-5: Various Crosscutting Proposals

<u>Issue</u> #	<u>Origin</u>	Subject	Staff Recommendation
1.	January Governor's Budget	Telework Stipend Savings. The Governor's budget summary states the intent to negotiate with each bargaining unit for the elimination of the telework stipend first offered to state employees in 2021-22. The budget proposes estimated savings of \$51.2 million (\$25.6 million General Fund), assuming the stipend is eliminated beginning with the July 2024 pay period.	Approve associated savings and reject trailer bill language
2.	May Revision	Vacant Positions Permanent Reduction. The April 2024 early action agreement AB 106 (Gabriel), Chapter 9, Statutes of 2024 included the Governor's January Budget proposal to reduce departmental budgets by \$1.5 billion (\$762.5 million General Fund) for savings associated with vacant positions. The May Revision proposes making the one-time reduce permanent and the Department of Finance indicates that it will work with agencies and departments in the Fall on appropriate reductions starting in 2024-25.	Approve May Revision scored reductions and adopt provisional budget bill language
3.	May Revision	Ongoing Reductions to State Operations. The May Revision includes an across-the-board reduction to state operations by approximately 7.95 percent beginning in 2024-25 to nearly all department budgets. This reduction includes personnel, operating costs, and contracting. The Department of Finance indicates that it will work with agencies and departments in the Fall on these reductions.	Approve May Revision scored reductions and adopt provisional budget bill language

4.	May Revision	Relocation to New Labor Agency Building. The May Revision includes \$5.66 million (all various special funds) and \$491,000 reimbursement authority in 2024-25, and \$1.06 million (all various special funds) and \$148,000 reimbursement authority in 2025-26 split amongst multiple entities within the Labor and Workforce Development Agency to provide limited-term resources for the initial information technology set-up and configuration for the New Labor Agency Building.	
5.	Legislature	New Employee Orientation. Until June 31, 2025, the law requires that an exclusive representative be entitled to schedule an in-person meeting at the worksite during employment hours, if a public employer has not conducted an in-person new employee orientation within 30 days, as specified, amongst other provisions. This was part of budget trailer bill legislation SB 191 (Committee on Budget and Fiscal Review), Chapter 67, Statutes of 2022. The Legislature's proposes trailer bill language to remove the sunset date for these provisions.	Adopt placeholder trailer bill language

7900 CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (CALPERS) 7920 CALIFORNIA STATE TEACHERS' RETIREMENT SYSTEM (CALSTRS)

Issue 6-10: Employee Compensation, Pensions, and Retirement Proposals

<u>Issue</u> #	<u>Origin</u>	Subject	Staff Recommendation
6.	May Revision	State Employees' Retirement Contributions . The May Revise proposes \$6.86 billion (\$3.48 billion General Fund) as the statutorily required annual state contribution to California Public Employees' Retirement System (CalPERS) for state pension costs in 2024-25. This is \$1.7 billion (\$1.3 billion General Fund) lower than the Budget Act of 2023 due to the application of prior Proposition 2 debt repayment funding paid to CalPERS as adopted in the April 2024 early action agreement. Included in these costs are \$608.5 million General Fund for California State University retirement costs.	Approve May Revision

7.	May Revision	Teachers' Retirement Contributions . The May Revise proposes \$4.26 billion General Fund as the statutorily required annual state contribution to California State Teachers' Retirement System (CalSTRS) in 2024-25. The roughly \$320 million increase from the 2023 Budget Act is due to higher-than-anticipated growth in creditable compensation from 2021-22 to 2022-23.	Approve May Revision
8.	May Revision	Proposition 2 Debt Payments . Under the Administration's May Revise revenue forecast, the state has a roughly \$1.6 billion Proposition 2 debt payment requirement in 2024-25. Of this total, the Governor proposes the state allocate: \$360 million to prefunding retiree health benefits, \$836 million to repay the CalPERS borrowing plan, and \$420 million to pay down CalPERS' unfunded liabilities. In 2024-25, and similarly to 2022-23 and 2023-24, the Administration does not propose to direct any Proposition 2 debt payment funding to CalSTRS.	Approve May Revision and proposed trailer bill language
9.	May Revision	Employee Compensation (Item 9800). Compared to the Governor's Budget, the May Revision includes a net decrease of \$92.8 million ongoing (\$42.8 million General Fund) for augmentation of employee compensation to reflect updated expenditures for collectively bargained pay increases and health and dental premiums. In total, May Revise proposes \$1.23 billion (\$639 million General Fund). Additionally, while these figures include estimated health premium rates, the Administration notes that final health rates are not expected to be adopted by the CalPERS Board of Administration until Summer 2024.	Approve May Revision
10.	May Revision	Control Section 3.61. The May Revision proposes amending Control Section 3.61 to authorize the Department of Finance to transfer Proposition 2 debt repayment funding to the California Employers' Retiree Benefit Trust Fund in the current or prior fiscal year to satisfy the Proposition 2 debt repayment allocation for the relevant fiscal year.	Approve May Revision

0559 LABOR AND WORKFORCE DEVELOPMENT AGENCY (LWDA)

Issue 11: Operational Support Realignment

<u>bject</u>	Staff Recommendation
perational Support Realignment. The Governor's budget included three positions and	Approve as budgeted
12,000 reimbursement authority in 2024-2025 and ongoing to manage new and existing orkloads. This request will make 3.0 limited-term positions permanent. The 2021-22 Budget evided 3.0 limited term staff for three years: a Deputy Secretary, a Staff Services Manager II becialist), and a Staff Services Analyst (Communications Analyst). These positions have been all to supporting workforce development programs and strategies for economic recovery and	
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7100 EMPLOYMENT DEVELOPMENT DEPARTMENT (EDD)

Issue 12-18: Various Proposals

Issue #	Origin	Subject	Staff Recommendation
12.	January	EDDNext. The Governor's budget includes \$326.8 million one-time in 2024-25 (\$163.4 million	Approve as budgeted
	Governor's	General Fund) to continue the planning and development of EDDNext, for the third year of a five-	
	Budget	year plan to modernize EDD. The effort includes enhancements to EDD's benefits system,	
		improving call centers, simplifying forms and notices, including user testing and engagement,	
		developing data analysis tools to continue curbing fraudulent benefit claims, and training.	
13.	May	2024-25 Unemployment Insurance (UI) Interest Revised Estimate. The January budget initially	Approve May
	Revision	proposed a total one-time payment of \$331 million (\$231 million General Fund and \$100 million	Revision
		Employment Training Fund) to support the state's UI loan interest payment. The May Revision	
		increased this estimated payment by \$153 million General Fund one-time. This update increases the	
		total proposed Unemployment Insurance loan interest payment to \$484 million (\$384 million	
		General Fund and \$100 million Employment Training Fund).	

14.	May Revision	2025-26 Unemployment Insurance (UI) Interest Payment. The May Revision proposes a one-time \$50 million Employment Training Fund payment to support the state's UI loan interest payment. The 2024 early action agreement between the Governor, Assembly, and Governor included the Governor's January proposal to support the state's Unemployment Insurance loan interest payment with \$100 million Employment Training Fund in 2024-25.	Approve May Revision
15.	May Revision	California Jobs First. The California Jobs First program is an inter-agency partnership to create regionally governed investments focused on job creation adapted to climate change. The 2021 Budget Act included \$600 million for workforce investments in 13 regions across California. The April 2024 early action agreement delayed \$275 million from 2021-22 and instead included \$91.7 million for each year between 2024-25 and 2026-27. The May Revision reduces funding for the program by \$150 million over three years (\$50 million General Fund reduction in each of 2024-25, 2025-26, and 2026-27) and reverts \$25 million appropriated in the 2021 Budget Act. These actions would leave \$50 million in each of 2024-25, 2025-26, and 2026-27 for the program.	Approve the following: • Approve May Revision proposed savings • Transfer \$25 million of the remaining \$150 million from California Jobs First to the CA Workforce Development Board to fund existing grantees to create new, expand, scale, or replicate high road training partnerships as used in subdivision (s) in UIC Section 14005.

16.	May Revision	Trailer Bill: California Jobs First. To provide more time for the implementation phase of the California Jobs First program, the Administration requests trailer bill language to push back various timelines for expenditure and obligation of funds. The proposed trailer bill would instead require the majority of funds to be used to provide economic development grants through June 30, 2028. The trailer bill would require grant recipe recipients to demonstrate a plan to fully spend or obligate all funds received by June 30, 2028, and require all obligations to be paid by June 30, 2030.	Adopt placeholder trailer bill language
17.	May Revision	Ounemployment Insurance Program Benefit. The May Revision requests that that budget bill Item 7100-101-0871, Budget Act of 2023, pursuant to Provision 3, is increased by \$197,558,000 in 2023-24 to align with an estimated increase in unemployment insurance claims. This item is a local assistance item for the Unemployment Insurance Program, payable from the Unemployment Fund—Federal. O Disability Insurance Program Benefits. The May Revision requests that budget bill Item 7100-101-0588 be increased by \$461,192,000 ongoing to align with updated State Disability Insurance program benefit payment estimates. Additionally, Item 7100-101-0588, Budget Act of 2023, pursuant to Provision 2, is increased by \$935,332,000 in 2023-24 to align with an estimated increase in disability insurance claim payments. This item is a local assistance item for the Disability Insurance Program, payable from the Unemployment Compensation Disability Fund. Revised Employee Compensation Costs—The May Revision proposes that Item 7100-001-0184 be increased by \$117,000; Item 7100-001-0185 be increased by \$491,000; Item 7100-001-0514 be increased by \$67,000; Item 7100-011-0588 be increased by \$566,000; and Item 7100-001-0908 be increased by \$10,000 ongoing to reflect revised employee compensation costs.	Adopt May Revision

18.	May	Workforce Innovation and Opportunity Act (WIOA) Allocations. The Administration requests	Adopt May Revision
	Revision	that Items 7100-001-0869 and 7100-021-0890 be increased by \$28,642,000 one-time and Items	
		7120-101-0869 and 7100-101-0890 be increased by \$28,972,000 one-time to align Workforce	
		Innovation and Opportunity Act funding authority with estimated federal allocations.	

7120 CALIFORNIA WORKFORCE DEVELOPMENT BOARD (CWDB)

Issues 19-22: Various Proposals

Issue #	Origin	Subject	Staff Recommendation
19.	January Governor's Budget	Low Carbon Economy Program. The budget proposes a \$15 million General Fund reduction and maintaining \$30 million (\$15 million General Fund and \$15 million Greenhouse Gas Reduction Fund) over two years for the program.	Approve as budgeted
20.	January Governor's Budget	High Road Training Partnerships in Health and Human Services. The budget proposes to reduce this funding by \$45 million in 2023-24 and maintain \$90 million over two years for the program.	Reject this proposal
21.	May Revision	California Youth Leadership Corps. The 2022 Budget Act included \$20 million General Fund in 2022-23 and \$20 million General Fund in each of 2023-24 and 2024-25 as advance payment and support to the Emerald Cities Collaborative for the California Youth Leadership Corps for community change learn-and-earn career pathway programs at 20 selected community colleges over four-year period. The May Revision reduces funding for this program by \$20 million in 2024-25.	Reject this proposal

22	. May	Reappropriation of Federal Funds. The May Revision includes budget bill language to added	Approve as budgeted
	Revision	to extend the encumbrance and expenditure period for \$9 million in Item 7120-001-0890, Budget	
		Act of 2023 to allow the California Workforce Development Board to fund appropriate staff costs	
		throughout the life of federal grants. This item is related to the implementation and operation of	
		the Workforce Innovation and Opportunity Act program. This budget bill language would extend	
		the encumbrance and expenditure period from June 30, 2024, to June 30, 2028.	

7300 AGRICULTURAL LABOR RELATIONS BOARD (ALRB) 7350 DEPARTMENT OF INDUSTRIAL RELATIONS (DIR)

Issues 23-38: Various Proposals

<u>Issue</u> <u>#</u>	Origin	<u>Subject</u>	Staff Recommendation
23.	Legislature	Vacancies and Hiring Issues at DIR. The state has enacted many laws to improve conditions for workers but staffing for enforcement, education, and compliance has not kept pace with the growth of the state. As a result, the time to resolve worker claims regarding wage theft and retaliation have taken longer than intended—especially to the disadvantage of low-income California workers. A central focus of the delays has been staffing issues at DIR. These issues were covered in 2022 and 2023 Subcommittee No. 5 hearings. The Legislature's plan includes trailer bill language to address hiring issues at the Labor Commissioner's Office and Cal/OSHA.	Adopt placeholder trailer bill language
24.	Legislature	California Workplace Outreach Project (CWOP). The Legislature proposes a one-time \$30 million Labor and Workforce Development Fund appropriation for CWOP in 2024-25. The Budget Act of 2022 included \$50 million General Fund over two years (\$25 million in each 2022-23 and 2023-24) to DIR to partner with organizations to perform	Approve this proposal

25.	May Revision	COVID-19 outreach and education to workers and employers in high-risk industries. The Budget Act of 2023 shifted the fund source to Labor and Workforce Development Fund for 2023-24 and renamed the program to the California Workplace Outreach Program to assist with worker outreach and education across different sectors and to promote awareness of and compliance with labor protections that affect California workers in a post-pandemic workplace environment. California Youth Apprenticeship Program. The Governor's January budget proposed to delay \$25 million for the program to 2025-26. The May Revision proposes to turn this delay into a reduction of \$25 million General Fund.	Reject this proposal
26.	May Revision	Women in Construction Unit Elimination. The Governor's January budget proposed to reduce funding for the unit by \$5 million General Fund in 2024-25 and ongoing and maintain the program at \$10 million General Fund ongoing. The May Revision eliminates the program by reducing funding for the Unit at DIR by \$15 million on an ongoing basis.	Reject this proposal
27.	May Revision	Apprenticeship Innovation Fund. The 2024 early action agreement between the Governor, Assembly, and Governor included the Governor's January proposal to delay \$40 million General Fund in 2024-25 and spread this funding over 2025-26 and 2026-27 fiscal years. The May Revision proposes to turn this delay into a reduction of \$40 million General Fund.	Adopt May Revision

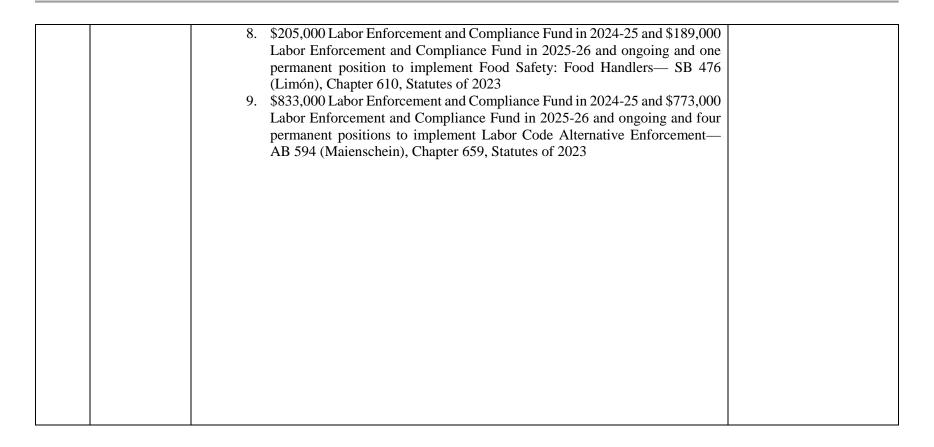
28.	January Governor's Budget	Rural Strategic Engagement Program. The budget includes \$4.4 million Labor and Workforce Development Fund (LWDF) in 2024-25, 2025-26 and 2026-27 for the Agricultural Labor Relations Board and \$3.4 million LWDF in 2024-25, \$4.0 million in 2025-26, and \$4.3 million in 2026-27 for DIR to educate workers in rural and semi-rural areas on workplace rights, increase access to state services for workers in those areas, and improve state labor enforcement programs.	Approve funding and adopt provisional budget bill language
29.	January Governor's Budget	Workers' Compensation Appeals Board. The budget proposes \$2.8 million Workers' Compensation Administration Revolving Fund and 13 positions over three years to reduce the backlog at the appeals board.	Approve as budgeted
30.	January Governor's Budget	Trailer Bill: Workers' Compensation Appeals Board Timeline Clarification Trailer Bill. As outlined previously, the Workers' Compensation Appeals Board has been facing challenges with a growing backlog of cases. To further address the issue, the Department is additionally requesting trailer bill language to adjust the timelines by which the appeals board must act on a petition. Under existing law, individuals have the right to petition the WCAB for a reconsideration of any decisions, orders, or awards related to workers' compensation that are considered final. The law further states that such a petition for reconsideration is automatically considered denied if the WCAB does not to take action within 60 days from the date the petition was filed. The proposed trailer bill seeks to modify this procedure by starting the 60-day countdown	Reject this proposal
		from the moment the WCAB receives the petition, instead of when it is filed. The Department indicates that this change is necessary because the initial process of filing the petition itself consumes a portion of the 60-day period due to the various administrative	

		steps involved. By adjusting the timeline to begin when the petition is actually received, the WCAB believes it would have more time to act within the allocated 60-day window.	
31.	January Governor's Budget	Cal/OSHA Data Modernization Project. The budget proposes \$25.2 million Labor and Workforce Development Fund in 2024-25 to develop a system that will meet federal and state-mandated requirements, consolidate information into a central database/repository, interface to other DIR systems, and automate manual processes across its units.	Approve as budgeted
32.	January Governor's Budget	Electronic Adjudication Management System Modernization. The budget proposes \$22.1 million Workers Compensation Administration Revolving Fund in 2024-25 for DIR to support the replacement of the Division of Workers' Compensation's electronic case management and document storage system.	Approve as budgeted
33.	January Governor's Budget	Public Works Information Technology System. The budget proposes \$10.6 million Labor and Workforce Development Fund in 2024-25 for DIR to complete enhancements to the Public Works Information Technology System.	Approve as budgeted
34.	January Governor's Budget	Public Records Act Oversight Unit. The budget proposes 12 permanent positions and \$2 million in 2024- 25, 10 permanent positions and \$3.3 million in 2025-26, and \$3.2 million in 2026-27 and ongoing funded through various special funds to enable DIR and its divisions to timely respond to requests for public records under the California Public Records Act.	Approve as budgeted
35.	January Governor's Budget	Trailer Bill: Public Works Clean Up. The Budget Act of 2023 included a trailer bill that clarified registration requirements for all contractors and subcontractors on a development project pursuant to AB 2011 (Wicks) Chapter 647, Statutes of 2022 and SB 6 (Caballero), Chapter 659, Statutes of 2022 and provided DIR with the authority to establish and adjust annual registration and renewal fees.	Approve as proposed

		Specifically, DIR was provided the authority to establish and adjust annual registration and renewal fees of up to \$800 by publishing the fees on the department's internet website, but would subject the establishment or adjustment of registration and renewal fees in excess of \$800 to the rulemaking provisions of the Administrative Procedure Act (APA). SB 4 (Wiener), Chapter 771, Statutes of 2023 enacted additional changes related to housing development projects that impacted contractor registration requirements. The Administration is requesting trailer bill language to conform changes made by SB 4, and conform the Department's ability to establish and adjust annual registration and renewal fees of up to \$800 by publishing fees on its website, and subject the establishment and renewal of any fees in excess of \$800 to the APA—consistent with the 2023 trailer bill.	
36.	January Governor's Budget	OSHA 23(g) Federal Funding Increase. The budget proposes an increase of \$1.37 million Federal Trust Fund authority in 2024-25 and ongoing associated with the Occupational Safety and Health Administration (OSHA) 23(g) State Plan Program Federal Grant base increase.	Approve as budgeted

37.	January	General Counsel Management Upgrades. The Agriculture Labor Relations Board	Approve as budgeted
	Governor's	(ALRB) requests \$89,000 General Fund in 2024-25, and ongoing, to convert two	
	Budget	Associate General Counsel, Unfair Labor Practices, Agricultural Labor Relations Board	
		(Regional Director) positions and the Attorney IV (Deputy General Counsel) position to	
		higher level Classifications.	
		Recruitment and retention of ALRB's two Associate General Counsel, Unfair Labor Practices, Labor Relations Board (Regional Director) positions and the Attorney IV (Deputy General Counsel) has been a significant challenge due to salary compaction and limited candidate pools. The Regional Director classification is specific to ALRB and was not included in CalHR's recent attorney class consolidation. As a result, the salary for that classification is far below comparable positions at other state entities.	

38.	May Revision	DIR Chaptered Legislation Proposals. The May Revision includes various requests for resources from various special funds to implement statutory requirements associated with legislation chaptered in 2023 and 2024. The requests are as follows:	Approve May Revision
		 legislation chaptered in 2023 and 2024. The requests are as follows: \$300,000 Workers Compensation Administration Revolving Fund in each of 2024-25 and 2025-26 to implement Workers' Compensation: Post-Traumatic Stress Disorder—SB 623 (Laird) Chapter 621, Statutes of 2023. \$5.188 million special fund in 2024-25, \$4.883 million special fund in 2025-26 and ongoing, and 21.5 permanent positions to implement Fast Food Council— AB 1228 (Holden) Chapter 262, Statutes of 2023 and AB 610 (Holden) Chapter 4, Statutes of 2024. \$1.555 million Occupational Safety and Health Fund in 2024-25 and \$1.465 million Occupational Safety and Health Fund in 2025-26 and ongoing and 6 permanent positions to implement Workplace Violence Prevention—SB 553 (Cortese), Chapter 289, Statutes of 2023 \$1.854 million State Public Works Enforcement Fund in 2024-25 and \$1.702 million State Public Works Enforcement Fund in 2025-26 and ongoing and 10 permanent positions to implement Affordable Housing on Faith and Higher Education Lands Act of 2023—SB 4, (Wiener) Chapter 771, Statutes of 2023. \$706,000 State Public Works Enforcement Fund in 2024-25 and \$190,000 State Public Works Enforcement Fund in 2025-26 and ongoing and one permanent position to implement Public Works: Ineligibility List—AB 1121 (Haney), Chapter 465, Statutes of 2023. \$605,000 Labor Enforcement and Compliance Fund in 2024-25 and \$560,000 Labor Enforcement and Compliance Fund in 2025-26 and ongoing and three permanent positions to implement Paid Sick Days Accrual and Use—SB 616 (Gonzalez), Chapter 309, Statutes of 2023 \$648,000 Labor Enforcement and Compliance Fund in 2024-25 and \$609,000 Labor Enforcement and Compliance Fund in 2025-26 and ongoing and 2.5 permanent positions to implement Grocery Workers—AB 647 (Holden), 	
		Chapter 452, Statutes of 2023	



7501 CALIFORNIA DEPARTMENT OF HUMAN RESOURCES (CALHR)

Issues 39-41: Various Proposals

<u>Issue</u> #	<u>Origin</u>	<u>Subject</u>	Staff Recommendation
39.	January Governor's Budget	Trailer Bill: California State Payroll System Bi-Weekly Pay. In 2016, the state began to assess industry standards and information technology solutions to implement a new payroll system for California state employees.	Approve as proposed
		The initiative is named the California State Payroll system (CSPS) project, and aims to modernize core human resources functionalities, such as payroll, position control, benefits and personnel administration, and time management. One of the most significant operational changes under the CSPS Project will be the state's transition from a monthly payroll cycle to a biweekly payroll – a pay schedule that is more in line with current industry standards. As CSPS is being implemented, CalHR is responsible for updating human resources laws, rules, policies, and bargaining agreements that specify how the state will operate under a biweekly payroll model.	
		To that end, CalHR is requesting trailer bill language that would revise various statutory provisions to accommodate the implementation of a uniform payroll cycle that is not monthly. Additional non-substantive technical cleanups are included in the requested trailer bill.	
40.	January Governor's Budget	Technology Modernization and Security. The budget includes \$350,000 in 2024-25 and ongoing, (\$290,000 General Fund) to improve cybersecurity operations at the Department. Specifically, the resources will be used to implement two-factor authentication on the various CalHR online platforms (CalCareers and ECOS). Two-factor authentication is the process by	Approve as budgeted
		which two different forms of verification are required to be submitted before granting access to a system or portal. Resources will also be used to implement a Security Incident and Event Management System (SIEM). SIEM is used by the California Department of Technology (CDT) to track and archive security event logs. CDT has informed all departments that the costs	

		associated with the services will no longer be funded by CDT. This request will fund CalHR's SIEM.	
41.		Department Workload for Psychological Screening Program. The budget includes two	Approve as budgeted
	Governor's	positions and \$433,000 reimbursement authority for fiscal year 2024-25 and ongoing. These	
	Budget	resources are to address staffing issues in the Psychological Screening Program (PSP). PSP is the	
		only entity authorized to conduct pre-employment psychological assessments for law enforcement	
		candidates for state agencies. Demand for pre-employment psychological assessments for law	
		enforcement candidates has increased for several reasons and now exceeds PSP's capacity. PSP	
		requests authorization to transition two limited term Psychologist positions to permanent.	
		Approving this request would enable PSP to continue providing timely and comprehensive pre-	
		employment psychological assessments for law enforcement candidates in California civil	
		service.	