

**ITEM 9**  
**AMENDMENT TO**  
**PARAMETERS AND GUIDELINES**  
**AND**  
**STATEMENT OF DECISION**

Government Code Section 50087, Statutes 1978, Chapter 845

*Filipino Employee Survey (CSM-2142)*  
12-PGA-02

As Repealed by:  
Statutes 2012, Chapter 32 (SB 1006)

Department of Finance, Requestor

The reimbursement period for this program ends June 27, 2012

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March 15, 2013

Ms. Heather Halsey  
Executive Director  
Commission on State Mandates  
980 Ninth Street, Suite 300  
Sacramento, CA 95814

Dear Ms. Halsey:

Pursuant to Government Code section 17557, subdivision (d)(2)(A), the Department of Finance requests that the Commission on State Mandates (Commission) amend the parameters and guidelines (Ps&Gs) for the Filipino Survey (CSM-2142) by adding language to show that the reimbursement period of this mandate program ended on June 27, 2012. Government Code section 50087 (test claim statute) was repealed by Chapter 32, Statutes of 2012, effective June 27, 2012. Without the test claim statute, no reimbursement is required pursuant to Article XIII B, section 6 of the California Constitution and Government Code section 17514. As a result, the Filipino Survey mandate program no longer exists based on the repeal of the test claim statute.

The proposed revised amendments to the Ps&Gs are attached.

Pursuant to section 1181.2, subdivision (c)(1)(E) of the California Code of Regulations, "documents that are e-filed with the Commission need not be otherwise served on persons that have provided an e-mail address for the mailing list."

If you have any questions regarding this letter, please contact Randall Ward, Principal Program Budget Analyst at (916) 445-3274.

Sincerely,

TOM DYER  
Assistant Program Budget Manager

Enclosure

Enclosure A

DECLARATION OF CARLA SHELTON  
DEPARTMENT OF FINANCE  
CLAIM NO. CSM-2142

1. I am currently employed by the State of California, Department of Finance (Finance), am familiar with the duties of Finance, and am authorized to make this declaration on behalf of Finance.

I certify under penalty of perjury that the facts set forth in the foregoing are true and correct of my own knowledge except as to the matters therein stated as information or belief and, as to those matters, I believe them to be true.

*March 15, 2013*

at Sacramento, CA

*Carla Shelton*

Carla Shelton

**Proposed Revised**  
**PARAMETERS AND GUIDELINES**  
Chapter 845, Statutes of 1979  
Filipino Employee Survey

**The reimbursement period for this program ended on June 27, 2012**

Summary of Mandate

Chapter 845, Statutes of 1978 requires in certain instances that Filipino employees be categorized as such in employee ethnicity surveys and tabulations.

Board of Control Decision

The Board of Control determined, on May 21, 1980, that cities and counties incurred "costs mandated by the State" as a result of conducting a survey to determine the number of employees who are of Filipino ancestry or ethnic origin in their workforce. The Board made its finding on a test claim filled by the City of Los Angeles on October 30, 1979, pursuant to the provisions of Revenue and Taxation Code Section 2253 (b) and (c).

Eligible Claimants

Every city, county, or city and county which has at least 5,000 residents or in which five percent (5%) of the population is of Filipino ancestry or ethnic origin, according to the last Federal census, and which conducts any survey as to the ancestry or ethnic origin of its employees, or which maintains any statistical tabulation of minority group employees, shall categorize employees whose ancestry or ethnic origin is Filipino as Filipinos in such survey or tabulation.

Period of Reimbursement

All costs incurred on or after January 1, 1979 are reimbursable. Chapter 845, Statutes of 1978 became effective January 1, 1979. Only one fiscal year shall be included in each claim. The first claim submitted will report costs incurred from January 1, 1979 through June 30, 1979. Pursuant to Revenue and Taxation Code Section 2231(d) (I), all claims for reimbursement of costs shall be submitted within 120 days from the date of notification by the Controller of the enactment of the claims bill.

If total costs incurred in a single fiscal year do not exceed \$200, no reimbursement shall be allowed except as otherwise provided in Revenue and Taxation Code Section 2233.

**Chapter 32, Statutes of 2012, (SB 1006) repealed the state-mandated activities found to be reimbursable, and became effective on June 27, 2012. Therefore, The reimbursement for this program ended on June 27, 2012.**

Reimbursable Cost

Revenue and Taxation Code Section 2207 defines "costs mandated by the State" to mean any increased costs resulting from an "increased level of service or new program." Chapter 845, Statutes of 1978 mandates a new program for local government by requiring specified local governments which survey employees for ethnic composition to determine the number of employees who are of Filipino ancestry or ethnic origin in their workforce. Claimants will be reimbursed for increased costs associated with the following activities required by Chapter 845, Statutes of 1978:

- (1) Activity: Preparation of draft survey instrument.

Reimbursable Cost: Salary and benefits of personnel directly assigned to the preparation of the survey instrument, provided that reimbursement be provided only once.

- (2) Activity: Preparation of a final survey instrument, provided that reimbursement be provided only once.

Reimbursable Cost: Salary and benefits of personnel directly assigned to preparation of the survey.

- (3) Activity: Collection and tabulation of survey results,

Reimbursable Cost: Salaries and benefits of personnel directly assigned to the collection and tabulation of survey results, except that only the incremental increase in costs associated with surveying Filipino employees will, be reimbursed, (Reimbursement for conducting a separate survey shall be provided only if the survey was conducted during the period of January 1, 1979 through December 31, 1979).

- (4) Activity: Rewriting of existing computer programs to include data on employees who identify themselves as Filipino.

Reimbursable Cost: Salaries and benefits of personnel, directly assigned to this task.

Reimbursement for activities 1 through 4 shall be subject to the following:

- (1) Supplies -- charts, graphs, paper and other essential items which are necessary for use in the preparation and completion of the surveys are reimbursable.

- (2) Records of actual and necessary staff time to accomplish mandate should be maintained, and the claim must be based on these records.

Guidelines for Claim Preparation

This procedure will help the claimant organize the data presentation for the various categories of allowable costs that may be claimed. Adherence to this procedure will speed up the reimbursement process. It will also ensure consistency in the review of the claim and lessen the need by the Controller's Office to contact the claimant for additional information.

(1) Description of Activity

Copies of invoices, time records, and other documents necessary to support the costs included in this claim should be retained by the claimant for audit purposes. In addition, copies of the invoices relating to professional services are to be submitted with this claim. If costs cannot be supported, the costs reported will be disallowed by the Controller's Office. The selecting of appropriate data is the responsibility of the Claimant.

(2) Salary and Employee's Benefits

Show the classification of the employees involved, mandated function performed, number of hours devoted to the function, hourly rate and fringe benefits.

(3) Services and Supplies

Only expenditures which can be identified as a direct cost as a result of the mandate can be claimed here. List costs of material acquired which have been consumed or expended specifically for the purpose of this mandate,

(4) Allowable Overhead Cost

Indirect costs may only be claimed through an indirect cost rate proposal prepared in accordance with the provision of Federal Regulation OASC-10 (use in conjunction with FMC-74-4).

Supporting Data

For auditing purposes, all cost claimed must be traceable to source documents or worksheets that show evidence of and the validity of such costs. These documents must be kept on file and made available on the request of the State Controller.

Required Certification

The following Certification must accompany the claim:

Adopted May 27, 1982

Required Certification

The following Certification must accompany the claim.

I DO HEREBY CERTIFY:

THAT sections 1090 to 1096, inclusive, of the Government Code and other applicable provisions of the law have been complied with; and

THAT I am the person authorized by the local agency to file claim with the State of California.

Signature of Authorized Representative

Date

Title

Telephone Number

employees not subject to the Personal Leave Program 2012 (PLP 2012 Program), as described in subdivision (c) of Section 19851, shall be furloughed for one workday per calendar month. The department shall further adopt rules for the implementation, administration, and enforcement of this furlough plan. This subdivision shall not apply to retired annuitants or to employees of entities listed in Section 3.90 of the Budget Act of 2012.

(c) Except as provided in subdivision (b), if the provisions of this section are in conflict with the provisions of a memorandum of understanding reached pursuant to Section 3517.5, the memorandum of understanding shall be controlling without further legislative action, except that if such provisions of a memorandum of understanding require the expenditure of funds, the provisions shall not become effective unless approved by the Legislature in the annual Budget Act.

SEC. 21. Section 19851 of the Government Code is amended to read:

19851. (a) It is the policy of the state, except during the operation of subdivision (c), that the workweek of the state employee shall be 40 hours, and the workday of state employees eight hours, except that workweeks and workdays of a different number of hours may be established in order to meet the varying needs of the different state agencies. It is the policy of the state to avoid the necessity for overtime work whenever possible. This policy does not restrict the extension of regular working-hour schedules on an overtime basis in those activities and agencies where it is necessary to carry on the state business properly during a manpower shortage.

(b) If the provisions of this section are in conflict with the provisions of a memorandum of understanding reached pursuant to Section 3517.5, the memorandum of understanding shall be controlling without further legislative action, except that if the provisions of a memorandum of understanding require the expenditure of funds, the provisions shall not become effective unless approved by the Legislature in the annual Budget Act.

(c) Notwithstanding any other law, for the period from July 1, 2012, to June 30, 2013, inclusive, a state employee shall participate in the Personal Leave Program 2012 (PLP 2012 Program), either as required by an applicable memorandum of understanding reached pursuant to Section 3517.5 or by the direction of the department for excluded employees. Under the PLP 2012 Program, each employee shall receive a reduction in pay not greater than 5 percent. In exchange for this reduction in pay, each employee shall receive eight hours of PLP 2012 Program leave credits on the first day of each monthly pay period. This subdivision shall not apply to retired annuitants or to employees of entities listed in Section 3.90 of the Budget Act of 2012.

SEC. 22. Section 50087 of the Government Code is repealed.

SEC. 23. Section 51298 of the Government Code is amended to read:

51298. It is the intent of the Legislature in enacting this chapter to provide local governments with opportunities to attract either large manufacturing or research and development facilities to invest in their communities and to encourage industries, such as high technology,

## COMMISSION ON STATE MANDATES

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PHONE: (916) 323-3562  
FAX: (916) 445-0278  
E-mail: [csminfo@csm.ca.gov](mailto:csminfo@csm.ca.gov)



March 22, 2013

Mr. Tom Dyer  
Department of Finance  
915 L Street  
Sacramento, CA 95814

*And Affected State Agencies and Interested Parties (See Mailing List)*

RE: **Notice of Complete Filing and Schedule for Comments**  
Request to Amend Parameters and Guidelines  
*Filipino Employee Survey, 12-PGA-02 (CSM-2142)*  
Government Code Section 50087  
Statutes 1978, Chapter 845 as repealed by Statutes 2012, Chapter 32 (SB 1006)  
Department of Finance, Requestor

Dear Mr. Dyer:

On March 15, 2013 the Commission on State Mandates (Commission) received your request to amend the parameters and guidelines for the above-named program. Following initial review, Commission staff found this matter to be complete.

**Review and Comments.** All state agencies and interested parties are invited to comment on the request to amend the parameters and guidelines. Written comments or recommendations must be submitted to the Commission by **April 22, 2013**. The requesting party and other interested parties may submit written rebuttals within 30 days of service of the comments and recommendations.

The Commission will promulgate a mailing list of parties, interested parties, and interested persons for each filing and provide the list to those included on the list, and to anyone who requests a copy.

You are advised that documents filed with the Commission are required to be simultaneously served on the other interested parties on the mailing list, and to be accompanied by a proof of service. However, this requirement may also be satisfied by electronically filing documents on the Commission's website. Please see the instructions on electronic filing on the Commission's website at [http://www.csm.ca.gov/dropbox\\_procedures.shtml](http://www.csm.ca.gov/dropbox_procedures.shtml). The documents will be posted on the Commission's website and the mailing list will be notified by electronic mail of the posting. (Cal. Code Regs., tit. 2, § 1181.2.).

Please contact Heidi Palchik at (916) 323-3562 if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Heather Halsey".

Heather Halsey  
Executive Director

**DECLARATION OF SERVICE BY EMAIL**

I, the undersigned, declare as follows:

I am a resident of the County of Solano and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

On March 22, 2013, I served the:

**Request to Amend Parameters and Guidelines; and  
Notice of Complete Filing and Schedule for Comments**  
Request to Amend Parameters and Guidelines  
*Filipino Employee Survey, 12-PGA-02 (CSM-2142)*  
Government Code Section 50087  
Statutes 1978, Chapter 845 as repealed by Statutes 2012, Chapter 32 (SB 1006)  
Department of Finance, Requestor

by making it available on the Commission's website and providing notice of how to locate it to the email addresses provided on the attached mailing list.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on March 22, 2013 at Sacramento, California.



\_\_\_\_\_  
Heidi J. Palchik  
Commission on State Mandates  
980 Ninth Street, Suite 300  
Sacramento, CA 95814  
(916) 323-3562

## Commission on State Mandates

Original List Date: 3/20/2013  
Last Updated:  
List Print Date: 03/22/2013  
Claim Number: 12-PGA-02  
Issue: Filipino Employee Survey

### Mailing List

#### TO ALL PARTIES AND INTERESTED PARTIES:

Each commission mailing list is continuously updated as requests are received to include or remove any party or person on the mailing list. A current mailing list is provided with commission correspondence, and a copy of the current mailing list is available upon request at any time. Except as provided otherwise by commission rule, when a party or interested party files any written material with the commission concerning a claim, it shall simultaneously serve a copy of the written material on the parties and interested parties to the claim identified on the mailing list provided by the commission. However, this requirement may also be satisfied by electronically filing your documents. Please see <http://www.csm.ca.gov/dropbox.shtml> on the Commission's website for instructions on electronic filing. (Cal. Code Regs., tit. 2, § 1181.2.)

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**JOHN CHIANG**  
California State Controller  
Division of Accounting and Reporting

April 19, 2013

Ms. Heather Halsey  
Executive Director  
Commission on State Mandates  
980 Ninth Street, Suite 300  
Sacramento, CA 95814

Re: Request to Amend Parameters and Guidelines  
Filipino Employee Survey, 12-PGA-02 (CSM-2142)  
Government Code Section 50087  
Statutes 1978, Chapter 845 as repealed by Statutes 2012, Chapter 32 (SB 1006)  
Department of Finance, Requestor

Dear Ms. Halsey:

The State Controller's Office (SCO) has reviewed the Department of Finance's request to amend the parameters and guidelines for the Filipino Employee Survey program. The SCO agrees with and recommends no changes to the amended parameters and guidelines. The SCO has also verified that Chapter 845, Statutes of 1978 has been repealed effective June 27, 2012.

Should you have any questions regarding the above, please contact Dennis Speciale at (916) 324-0254 or e-mail [dspeciale@sco.ca.gov](mailto:dspeciale@sco.ca.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "JAL", with a long horizontal flourish extending to the right.

JAY LAL, Manager  
Local Reimbursements Section

**DECLARATION OF SERVICE BY EMAIL**

I, the undersigned, declare as follows:

I am a resident of the County of Sacramento and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

On April 19, 2013, I served the:

**SCO Comments**

*Filipino Employee Survey, 12-PGA-02 (CSM-2142)*

Government Code Section 50087

Statutes 1978, Chapter 845 as repealed by Statutes 2012, Chapter 32 (SB 1006)

Department of Finance, Requestor

By making it available on the Commission's website and providing notice of how to locate it to the email addresses provided on the attached mailing list.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on April 19, 2013 at Sacramento, California.



Lorenzo Duran  
Commission on State Mandates  
980 9<sup>th</sup> Street, Suite 300  
Sacramento, CA 95814

# Commission on State Mandates

Original List Date: 3/20/2013  
Last Updated: 4/9/2013  
List Print Date: 04/19/2013  
Claim Number: 12-PGA-02  
Issue: Filipino Employee Survey

## Mailing List

### TO ALL PARTIES AND INTERESTED PARTIES:

Each commission mailing list is continuously updated as requests are received to include or remove any party or person on the mailing list. A current mailing list is provided with commission correspondence, and a copy of the current mailing list is available upon request at any time. Except as provided otherwise by commission rule, when a party or interested party files any written material with the commission concerning a claim, it shall simultaneously serve a copy of the written material on the parties and interested parties to the claim identified on the mailing list provided by the commission. However, this requirement may also be satisfied by electronically filing your documents. Please see <http://www.csm.ca.gov/dropbox.shtml> on the Commission's website for instructions on electronic filing. (Cal. Code Regs., tit. 2, § 1181.2.)

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## COMMISSION ON STATE MANDATES

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SACRAMENTO, CA 95814  
PHONE: (916) 323-3562  
FAX: (916) 445-0278  
E-mail: csminfo@csm.ca.gov



January 16, 2014

Mr. Tom Dyer  
Department of Finance  
915 L Street  
Sacramento, CA 95814

*And Parties, Interested Parties, and Interested Persons (See Mailing List)*

Re: **Draft Proposed Amendment to Parameters and Guidelines and Statement of Decision, Schedule for Comments, and Notice of Hearing**  
*Filipino Employee Survey, 12-PGA-02 (CSM-2142)*  
Government Code Section 50087  
Statutes 1978, Chapter 845 as repealed by Statutes 2012, Chapter 32 (SB 1006)  
Department of Finance, Requester

Dear Mr. Dyer:

The draft proposed amendment to parameters and guidelines and statement of decision for the above-named matter are enclosed for your review and comment.

#### **Written Comments**

Written comments may be filed on the draft staff analysis by **January 27, 2014**. You are advised that comments filed with the Commission are required to be simultaneously served on the other interested parties on the mailing list, and to be accompanied by a proof of service. However, this requirement may also be satisfied by electronically filing your documents. Please see <http://www.csm.ca.gov/dropbox.shtml> on the Commission's website for instructions on electronic filing. (Cal. Code Regs., tit. 2, § 1181.2.)

If you would like to request an extension of time to file comments, please refer to section 1183.01(c)(1) of the Commission's regulations.

#### **Hearing**

This matter is set for hearing on **Friday, March 28, 2014**, at 10:00 a.m., State Capitol, Room 447, Sacramento, California. The final staff analysis will be issued on or about March 14, 2014. Please let us know in advance if you or a representative of your agency will testify at the hearing, and if other witnesses will appear. If you would like to request postponement of the hearing, please refer to section 1183.01(c)(2) of the Commission's regulations.

Please contact Giny Chandler at (916) 323-3562 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Heather Halsey".

Heather Halsey  
Executive Director

**ITEM \_\_\_\_\_**  
**DRAFT AMENDMENT TO**  
**PARAMETERS AND GUIDELINES**  
**AND**  
**STATEMENT OF DECISION**

Government Code Section 50087, Statutes 1978, Chapter 845

*Filipino Employee Survey (CSM-2142)*  
12-PGA-02

As Repealed by:  
Statutes 2012, Chapter 32 (SB 1006)

Department of Finance, Requestor

The reimbursement period for this program ends June 27, 2012

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**EXECUTIVE SUMMARY**

Attached is the draft proposed statement of decision in this matter. This draft proposed statement of decision also functions as the draft staff analysis, as required by section 1183.07 of the Commission's regulations.

**I. Background**

On March 15, 2013, the Department of Finance (Finance) filed a request with the Commission on State Mandates (Commission) to amend the parameters and guidelines for the *Filipino Employee Survey* program to end reimbursement because the Legislature repealed the test claim statute.<sup>1</sup>

Government Code section 50087 was enacted in 1978 and provided:

Every city, county or city and county which has at least 5,000 residents or in which 5 percent of the population is of Filipino ancestry or ethnic origin according to the last federal census, and which conducts any survey as to the ancestry or ethnic origin of its employees, or maintains any statistical tabulation of minority group employees, shall categorize employees whose ancestry or ethnic origin is Filipino as Filipinos in such survey or tabulation.<sup>2</sup>

On May 21, 1980, the Board of Control (predecessor to the Commission) determined that cities and counties incurred "costs mandated by the state" as a result of conducting a survey to determine the number of employees in their workforce who are of Filipino ancestry or ethnic origin. The test

<sup>1</sup> Government Code section 50087, effective June 27, 2012 (Stats. 2012, ch. 32).

<sup>2</sup> Government Code section 50087, Statutes of 1978, Chapter 845.

claim was filed by the City of Los Angeles on October 30, 1979, before the passage of Proposition 4, which established a constitutional right to reimbursement for state-mandated local programs and higher levels of service and before the enactment of Government Code section 17500 et seq., which established a quasi-judicial process for the exercise of that right. Based on the filing date of the test claim, the Board of Control made its findings pursuant to the quasi-legislative process provided by Revenue and Taxation Code section 2253(b) and (c). The Board of Control adopted parameters and guidelines for the test claim on May 27, 1982. The parameters and guidelines provide that all costs incurred on or after January 1, 1979 are reimbursable.

## **II. Procedural History**

On March 15, 2013, the Department of Finance (Finance) filed a request to amend the parameters and guidelines for the *Filipino Employee Survey* program. No comments were received on this request.

## **III. Analysis**

Government Code section 17557(d) authorizes the Commission to amend the parameters and guidelines to delete any reimbursable activity that has been repealed by statute after the adoption of original or last amended parameters and guidelines.

The test claim statute, former Government Code section 50087, was enacted in 1978 and provided:

Every city, county or city and county which has at least 5,000 residents or in which 5 percent of the population is of Filipino ancestry or ethnic origin according to the last federal census, and which conducts any survey as to the ancestry or ethnic origin of its employees, or maintains any statistical tabulation of minority group employees, shall categorize employees whose ancestry or ethnic origin is Filipino as Filipinos in such survey or tabulation.<sup>3</sup>

On May 21, 1980, the Board of Control determined that cities and counties incurred “costs mandated by the state” as a result of conducting a survey to determine the number of employees in their workforce who are of Filipino ancestry or ethnic origin pursuant to former Government Code section 50087. On May 27, 1982, The Board of Control adopted parameters and guidelines providing that all costs incurred on or after January 1, 1979 are reimbursable.

Statutes 2012, chapter 32 repealed Government Code section 50087, effective June 27, 2012, ending the employee survey program and ending all reimbursable state-mandated activities approved under the program.

Accordingly, beginning June 27, 2012, a reimbursable state-mandated program within the meaning of article XIII B, section 6 of the California Constitution no longer exists. Therefore, the proposed amendment to the parameters and guidelines ends reimbursement for the program beginning June 27, 2012.

## **IV. Conclusion and Staff Recommendation**

Staff recommends that the Commission adopt the proposed statement of decision and approve Finance’s request to amend the parameters and guidelines for the *Filipino Employee Survey* program to end reimbursement for the program beginning June 27, 2012.

<sup>3</sup> Statutes of 1978, Chapter 845.

Staff further recommends that the Commission authorize staff to make non-substantive, technical corrections to the statement of decision and parameters and guidelines following the Commission hearing on this matter.

BEFORE THE  
COMMISSION ON STATE MANDATES  
STATE OF CALIFORNIA

IN RE PARAMETERS AND GUIDELINES AMENDMENT FOR:  Government Code section 50087  Statutes 1978, Chapter 845  As Repealed by Statutes 2012, Chapter 32 (SB 1006)    Requested by the Department of Finance March 15, 2013.	Case No.: 12-PGA-02 (CSM -2142)  <i>Filipino Employee Survey</i>  STATEMENT OF DECISION PURSUANT TO GOVERNMENT CODE SECTION 17500 ET SEQ.; CALIFORNIA CODE OF REGULATIONS, TITLE 2, DIVISION 2, CHAPTER 2.5, ARTICLE 7.  <i>(Adopted March 28, 2014)</i>
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**STATEMENT OF DECISION**

The Commission on State Mandates (Commission) adopted the attached proposed statement of decision and amendment to parameters and guidelines during a regularly scheduled hearing on March 28, 2014. [Witness list will be included in the final statement of decision.]

The law applicable to the Commission’s determination of a reimbursable state-mandated program is article XIII B, section 6 of the California Constitution, Government Code section 17500 et seq., and related case law.

The Commission adopted/rejected the amendment to parameters and guidelines and statement of decision by a vote of [vote count will be included in the final statement of decision].

**I. Background**

On March 15, 2013, the Department of Finance (Finance) filed a request to amend the parameters and guidelines for the *Filipino Employee Survey* program to end reimbursement because the Legislature repealed the test claim statute.<sup>4</sup> Government Code section 50087 was enacted in 1978 and provided:

Every city, county or city and county which has at least 5,000 residents or in which 5 percent of the population is of Filipino ancestry or ethnic origin according to the last federal census, and which conducts any survey as to the ancestry or ethnic origin of its employees, or maintains any statistical tabulation of minority group employees,

<sup>4</sup> Statutes 2012, chapter 32, effective June 27, 2012.

shall categorize employees whose ancestry or ethnic origin is Filipino as Filipinos in such survey or tabulation.<sup>5</sup>

On May 21, 1980, the Board of Control determined that cities and counties incurred “costs mandated by the state” as a result of conducting a survey to determine the number of employees in their workforce who are of Filipino ancestry or ethnic origin. The Board made its finding on the test claim filed by the City of Los Angeles on October 30, 1979, pursuant to the provisions of Revenue and Taxation Code section 2253(b) and (c). The Board of Control adopted parameters and guidelines for the test claim on May 27, 1982. The parameters and guidelines provide that all costs incurred on or after January 1, 1979 are reimbursable.

## **II. Request to Amend Parameters and Guidelines**

On March 15, 2013, Finance filed a request to amend the parameters and guidelines to reflect the repeal of Government Code section 50087. Finance asserts that the repeal of the statute ends the mandate.

## **III. Position of the Parties**

No comments have been filed by local government on the request to amend these parameters and guidelines.

## **IV. Commission Findings**

Government Code section 17557(d) authorizes the Commission to amend the parameters and guidelines to delete any reimbursable activity that has been repealed by statute after the adoption of original or last amended parameters and guidelines.

Statutes 2012, chapter 32 repealed Government Code section 50087, effective June 27, 2012, ending the employee survey program and ending all state-mandated activities approved under the program.<sup>6</sup>

Accordingly, beginning June 27, 2012, a reimbursable state-mandated program within the meaning of article XIII B, section 6 of the California Constitution no longer exists.

## **V. Conclusion**

The Commission approves Finance’s request and adopts the amended parameters and guidelines for the *Filipino Employee Survey* program to end reimbursement beginning June 27, 2012.

<sup>5</sup> Government Code section 50087, Statutes of 1978, Chapter 845.

<sup>6</sup> A review of the State Controller’s website found no outstanding reimbursement claims for this program since 2004.

**DECLARATION OF SERVICE BY EMAIL**

I, the undersigned, declare as follows:

I am a resident of the County of Yolo and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

On January 16, 2014, I served the:

**Draft Proposed Amendment to Parameters and Guidelines and  
Statement of Decision, Schedule for Comments, and Notice of Hearing**

*Filipino Employee Survey, 12-PGA-02 (CSM-2142)*

Government Code Section 50087

Statutes 1978, Chapter 845 as repealed by Statutes 2012, Chapter 32 (SB 1006)

Department of Finance, Requester

By making it available on the Commission's website and providing notice of how to locate it to the email addresses provided on the attached mailing list.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on January 16, 2014 at Sacramento, California.

  
\_\_\_\_\_  
Jason Hone  
Commission on State Mandates  
980 9<sup>th</sup> Street, Suite 300  
Sacramento, CA 95814

# COMMISSION ON STATE MANDATES

## Mailing List

Last Updated: 1/16/14

Claim Number: 12-PGA-02

Matter: Filipino Employee Survey (CSM-2142)

Requester: Department of Finance

TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

Each commission mailing list is continuously updated as requests are received to include or remove any party or person on the mailing list. A current mailing list is provided with commission correspondence, and a copy of the current mailing list is available upon request at any time. Except as provided otherwise by commission rule, when a party or interested party files any written material with the commission concerning a claim, it shall simultaneously serve a copy of the written material on the parties and interested parties to the claim identified on the mailing list provided by the commission. (Cal. Code Regs., tit. 2, § 1181.2.)

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**RECEIVED**

January 27, 2014

**Commission on  
State Mandates**

January 27, 2013

Ms. Heather Halsey  
Executive Director  
Commission on State Mandates  
980 Ninth Street, Suite 300  
Sacramento, CA. 95814

Dear Ms. Halsey:

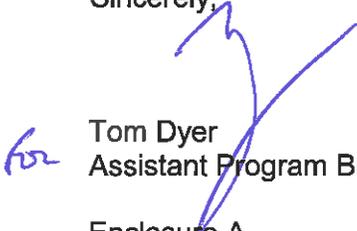
**Draft Proposed Amendment to Parameters and Guidelines and Statement of Decision on the Filipino Employee Survey, 12-PGA-02 (CSM-2142)**

As requested in your letter of January 16, 2014, the Department of Finance (Finance) has reviewed the draft proposed amendment to the Parameters and Guidelines for the Filipino Employee Survey, test claim CSM-2142. Finance concurs with the staff recommendation that the Commission approve the Draft Amendment to Parameters and Guidelines and Statement of Decision which will end reimbursement for the program effective June 27, 2012.

Pursuant to section 1181.2, subdivision (c)(1)(E) of the California Code of Regulations, "documents that are e-filed with the Commission on State Mandates need not be otherwise served on persons that have provided an email address for the mailing list."

If you have any questions regarding this letter, please contact Michael Byrne, Principal Program Budget Analyst at (916) 445-3274.

Sincerely,



Tom Dyer  
Assistant Program Budget Manager

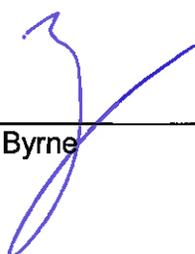
Enclosure A

DECLARATION OF MICHAEL BYRNE  
DEPARTMENT OF FINANCE  
CLAIM NO. 12-PGA-02

I am currently employed by the State of California, Department of Finance (Finance), am familiar with the duties of Finance, and am authorized to make this declaration on behalf of Finance.

I certify under penalty of perjury that the facts set forth in the foregoing are true and correct of my own knowledge except as to the matters therein stated as information or belief and, as to those matters, I believe them to be true.

1/27/2014  
at Sacramento, California.

  
Michael Byrne

**DECLARATION OF SERVICE BY EMAIL**

I, the undersigned, declare as follows:

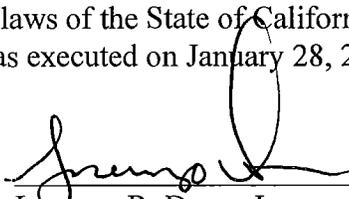
I am a resident of the County of Sacramento and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

On January 28, 2014, I served the:

**Department of Finance Comments,  
State Controller's Office Comments**  
*Filipino Employee Survey, 12-PGA-02 (CSM-2142)*  
Government Code Section 50087  
Statutes 1978, Chapter 845 as repealed by Statutes 2012, Chapter 32 (SB 1006)  
Department of Finance, Requester

By making it available on the Commission's website and providing notice of how to locate it to the email addresses provided on the attached mailing list.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on January 28, 2014 at Sacramento, California.



---

Lorenzo R. Duran Jr.  
Commission on State Mandates  
980 9<sup>th</sup> Street, Suite 300  
Sacramento, CA 95814

# COMMISSION ON STATE MANDATES

## Mailing List

Last Updated: 1/16/14

Claim Number: 12-PGA-02

Matter: Filipino Employee Survey (CSM-2142)

Requester: Department of Finance

TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

Each commission mailing list is continuously updated as requests are received to include or remove any party or person on the mailing list. A current mailing list is provided with commission correspondence, and a copy of the current mailing list is available upon request at any time. Except as provided otherwise by commission rule, when a party or interested party files any written material with the commission concerning a claim, it shall simultaneously serve a copy of the written material on the parties and interested parties to the claim identified on the mailing list provided by the commission. (Cal. Code Regs., tit. 2, § 1181.2.)

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**JOHN CHIANG**  
California State Controller  
Division of Accounting and Reporting

**RECEIVED**  
January 27, 2014  
**Commission on  
State Mandates**

January 27, 2014

Ms. Heather Halsey  
Executive Director  
Commission on State Mandates  
980 Ninth Street, Suite 300  
Sacramento, CA 95814

Re: Draft Proposed Amendment to Parameters and Guidelines and Statement of Decision,  
Schedule for Comments, and Notice of Hearing  
Filipino Employee Survey, 12-PGA-02 (CSM-2142)  
Government Code Section 50087  
Statutes 1978, Chapter 845 as repealed by Statutes 2012, Chapter 32 (SB 1006)  
California Department of Finance, Requester

Dear Ms. Halsey:

The State Controller's Office has reviewed the draft proposed amendment to parameters and guidelines and statement of decision for the Filipino Employee Survey program and recommends no changes.

Should you have any questions regarding the above, please contact Lacey Baysinger at (916) 324-7876 or e-mail lbaysinger@sco.ca.gov.

Sincerely,

A handwritten signature in black ink that reads "J Lal" with a stylized flourish.

JAY LAL, Manager  
Local Reimbursements Section

**DECLARATION OF SERVICE BY EMAIL**

I, the undersigned, declare as follows:

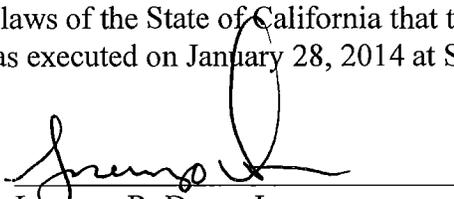
I am a resident of the County of Sacramento and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

On January 28, 2014, I served the:

**Department of Finance Comments,  
State Controller's Office Comments**  
*Filipino Employee Survey, 12-PGA-02 (CSM-2142)*  
Government Code Section 50087  
Statutes 1978, Chapter 845 as repealed by Statutes 2012, Chapter 32 (SB 1006)  
Department of Finance, Requester

By making it available on the Commission's website and providing notice of how to locate it to the email addresses provided on the attached mailing list.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on January 28, 2014 at Sacramento, California.



Lorenzo R. Duran Jr.  
Commission on State Mandates  
980 9<sup>th</sup> Street, Suite 300  
Sacramento, CA 95814

# COMMISSION ON STATE MANDATES

## Mailing List

Last Updated: 1/16/14

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Matter: Filipino Employee Survey (CSM-2142)

Requester: Department of Finance

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