

COMMISSION ON STATE MANDATES

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April 23, 2007

Mr. Keith B. Petersen
SixTen and Associates
5252 Balboa Avenue, Suite 807
San Diego, CA 92117

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

RE: Proposed Statewide Cost Estimate

Agency Fee Arrangements (00-TC-17, 01-TC-14)

Statutes 1980, Chapter 816; Statutes 2000, Chapter 893; Statutes 2001, Chapter 805

Government Code sections 3543, 3546, and 3546.3

Clovis Unified School District, Claimant

Dear Mr. Petersen

The draft staff analysis and proposed statewide cost estimate for this program are enclosed for your review and comment.

Written Comments

Any party or interested person may file written comments on the staff analysis by **May 8, 2007**. Comments filed with the Commission are required to be simultaneously served on the parties on the mailing list, and to be accompanied by a proof of service. (Cal. Code Regs., tit. 2, § 1181.2.) To request an extension of time to file comments, please refer to section 1183.01, subdivision (c)(1) of the Commission's regulations.

Hearing

This matter is now set for hearing on **May 31, 2007**, at 9:30 a.m. in Sacramento, California. This item will be scheduled for the consent calendar unless any party objects. 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, subdivision (c), of the Commission's regulations.

Special Accommodations

For any special accommodations such as a sign language interpreter, an assistive listening device, materials in an alternative format, or any other accommodations, please contact the Commission Office at least five to seven *working* days prior to the meeting.

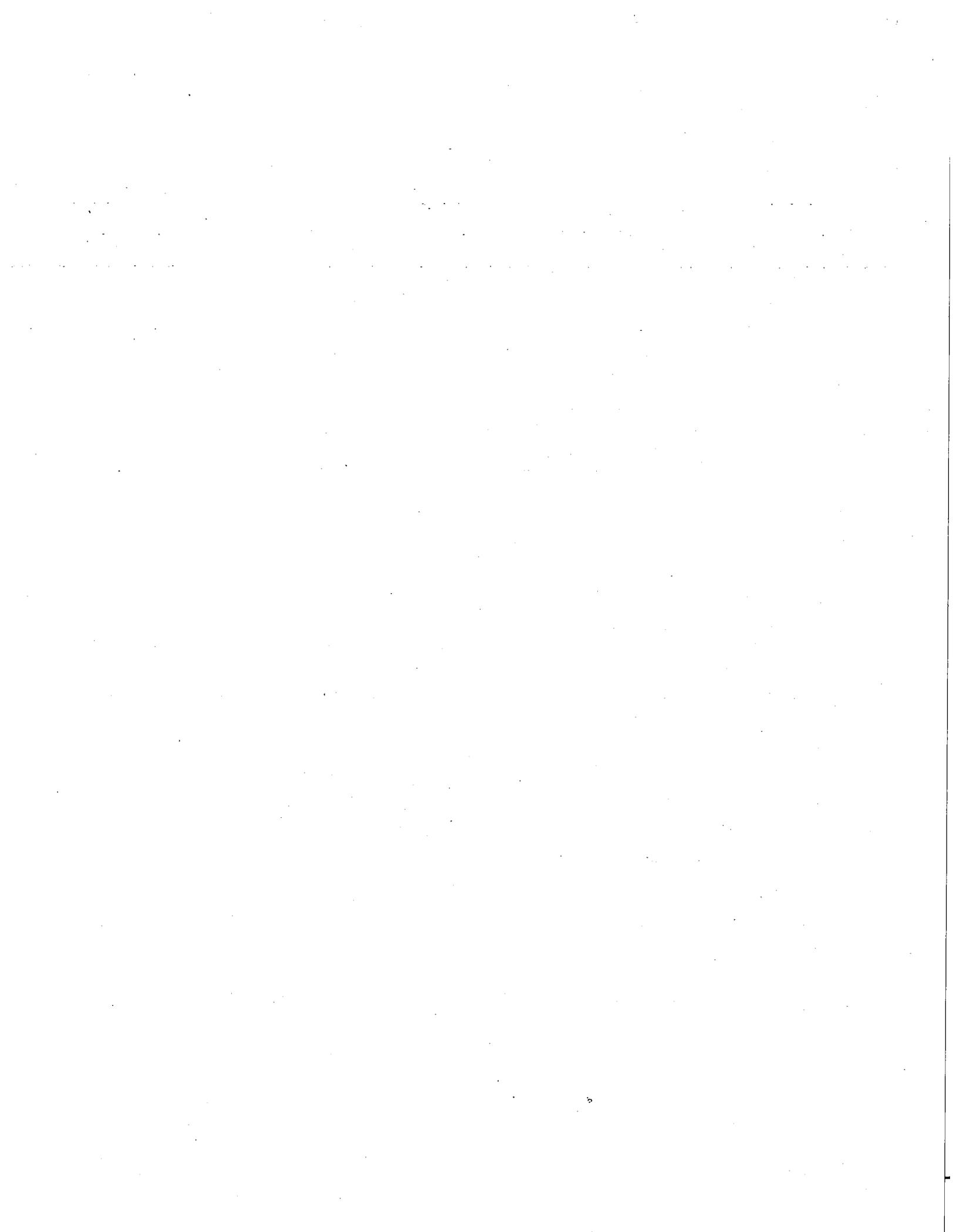
Please contact Victoria Soriano at (916) 323-8213 with questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Nancy Patton", written over a horizontal line.

NANCY PATTON
Assistant Executive Director

Enclosure



ITEM _____

**DRAFT STAFF ANALYSIS
PROPOSED STATEWIDE COST ESTIMATE**

Government Code Sections 3543, 3546, and 3546.3

Statutes 1980, Chapter 816

Statutes 2000, Chapter 893

Statutes 2001, Chapter 805

California Code of Regulations, Title 8, Sections 34030 and 34055

Agency Fee Arrangements (00-TC-17, 01-TC-14)

Clovis Unified School District, Claimant

EXECUTIVE SUMMARY

The Executive Summary will be included in the Final Staff Analysis.

STAFF ANALYSIS

Claimant

Clovis Unified School District

Chronology

06/27/01 Claimant files original test claim (00-TC-17) with the Commission
07/02/01 Commission staff issues completeness review letter
08/06/01 California Community Colleges Chancellor's Office files comments on the test claim
08/06/01 Department of Finance (DOF) files comments on the test claim
09/10/01 Claimant files rebuttal to state agency comments
05/15/02 Claimant files test claim amendment (01-TC-14) with the Commission
05/20/02 Commission staff issues completeness review letter on test claim amendment
06/19/02 DOF requests an extension of time to file comments on the amendment
06/20/02 Commission staff grants extension request
07/31/02 DOF files comments on the amendment to the test claim
08/07/02 Claimant declines to file a rebuttal to DOF's comments on the test claim amendment
08/12/02 Claimant representative files a declaration from the Vice Chancellor, Fiscal Services of the San Bernardino Community College District, alleging costs incurred pursuant to the test claim legislation
10/07/05 Commission staff issues the draft staff analysis
12/09/05 Commission adopts Statement of Decision
12/14/05 Commission staff issues draft parameters and guidelines
12/30/05 Claimant files comments on draft parameters and guidelines
06/07/06 Draft staff analysis and proposed parameters and guidelines issued
07/28/06 Commission adopts Parameters and Guidelines

Summary of the Mandate

On December 9, 2005, the Commission on State Mandates (Commission) adopted its Statement of Decision finding that Government Code section 3546, subdivisions (a) and (f), and California Code of Regulations, title 8, sections 34030, subdivision (a), and 34055, subdivision (a), impose new programs or higher levels of service for school districts, county offices of education, and community college districts within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514 to perform the following activities:

- Upon receiving notice from the exclusive representative of a classified public school employee who is in a unit for which an exclusive representative has been selected, the employer shall deduct the amount of the fair share service fee authorized by this section

from the wages and salary of the employee and pay that amount to the employee organization. (Gov. Code, § 3546, subd. (a).)

- School district employers of a public school employee shall provide the exclusive representative of a public employee with the home address of each member of a bargaining unit. (Gov. Code, § 3546, subd. (f).)
- Within 20 days following the filing of the petition to rescind or reinstate an organizational security arrangement, the school district employer shall file with the regional office of PERB an alphabetical list containing the names and job titles or classifications of the persons employed in the unit described in the petition as of the last date of the payroll period immediately preceding the date the petition was filed. (Cal. Code Regs., tit. 8, §§ 34030, subd. (a), and 34055, subd. (a).)

The Commission adopted the parameters and guidelines on July 28, 2006 approving the reimbursable activities as listed below. Eligible claimants were required to file initial reimbursement claims with the State Controller's Office (SCO) by February 5, 2007.

Reimbursable Activities

1. Upon receiving notice from the exclusive representative of a classified public school employee who is in a unit for which an exclusive representative has been selected, the employer shall deduct the amount of the fair share service fee authorized by this section from the wages and salary of the employee and pay that amount to the employee organization. (Gov. Code, § 3546, subd. (a).) (*Reimbursement period begins January 1, 2001.*)
 - a. Deduction of the fair share service fee from the wages and salary of the employee who is in the bargaining unit upon receiving notice from the exclusive representative.
 - b. Payment of the collected amount of the fair share service fee to the employee organization.
2. School district employers of a public school employee shall provide the exclusive representative of a public employee with the home address of each member of a bargaining unit. (Gov. Code, § 3546, subd. (f).) (*Reimbursement period begins January 1, 2002.*)
 - a. Provision of the bargaining unit member's home address by the school district employer to the exclusive representative of a public school employee.
3. Within 20 days following the filing of the petition to rescind or reinstate an organizational security arrangement, the school district employer shall file with the regional office of PERB an alphabetical list containing the names and job titles or classifications of the persons employed in the unit described in the petition as of the last date of the payroll period immediately preceding the date the petition was filed. (Cal. Code Regs., tit. 8, §§ 34030, subd. (a), and 34055, subd. (a).) (*Reimbursement period begins January 1, 2001.*)
 - a. Providing a list of the names of employees and their job titles or classifications within 20 days following the filing of the petition to rescind or reinstate an organizational security arrangement.

Statewide Cost Estimate

Staff reviewed the claims data submitted by one community college district and compiled by the SCO. The actual claims data shows that one community college district filed four claims

between fiscal years 2002-2003 and 2005-2006, for a total of \$5,916.¹ Based on this data, staff made the following assumptions and used the following methodology to develop a statewide cost estimate for this program. If the Commission adopts this proposed statewide cost estimate, it will be reported to the Legislature along with staff's assumptions and methodology.

Assumptions

Staff made the following assumptions:

1. *The actual claiming data is unaudited and may be inaccurate.* The four actual claims filed by one community college district for fiscal years 2002-2003 through 2005-2006 are unaudited. Staff notes that the total costs only represent an estimated cost of the program for fiscal years 2002-2003 through 2005-2006.
2. *The actual amount claimed will increase if late or amended claims are filed.* Only one community college district in California has filed reimbursement claims. Thus, if reimbursement claims are filed by any of the remaining school entities, the amount of reimbursement claims may exceed the statewide cost estimate. While late claims may be filed for this program until February 2008, additional claims are not expected because according to three claimant's representatives, many of the school districts will be unable to meet the \$1,000 minimum threshold for filing reimbursement claims.
3. *The actual amount claimed may decrease because the SCO may reduce any reimbursement claim for this program.* If the SCO audits this program and deems any reimbursement claim to be excessive or unreasonable, it may be reduced. Therefore, the total amount of reimbursement for this program may be lower than the statewide cost estimate.
4. *Citrus Community College District will file reimbursement claims in 2006-2007, 2007-2008, and 2008-2009.*

Methodology

Fiscal Years 2002-2003 through 2005-2006

The proposed statewide cost estimate for fiscal years 2002-2003 through 2005-2006 is based on the four actual reimbursement claims filed with the SCO for these years.

Fiscal Years 2006-2007, 2007-2008, and 2008-2009

Staff estimated fiscal year 2006-2007 costs by multiplying the 2005-2006 estimate by the implicit price deflator for 2005-2006 (3.1%). Staff estimated fiscal year 2007-2008 costs by multiplying the 2006-2007 estimate by the implicit price deflator for 2006-2007 (6.4%). Finally, staff estimated fiscal year 2008-2009 costs by multiplying the 2007-2008 estimate by the implicit price deflator for 2007-2008 (3.7%).

The proposed statewide cost estimate includes seven fiscal years for a total of \$10,343. This averages to \$1,478 annually in costs for the state.

Following is a breakdown of estimated total costs per fiscal year:

¹ Claims data reported as of March 6, 2007.

**TABLE 1. BREAKDOWN OF ESTIMATED
TOTAL COSTS PER FISCAL YEAR**

Fiscal Year	Number of Claims Filed with SCO	Estimated Cost
2002-2003	1	\$ 1,578
2003-2004	1	1,388
2004-2005	1	1,310
2005-2006	1	1,640
2006-2007 (estimated)	N/A	1,398
2007-2008 (estimated)	N/A	1,487
2008-2009 (estimated)	N/A	1,542
TOTAL	4	\$ 10,343

Staff Recommendation

Staff recommends that the Commission adopt the proposed statewide cost estimate of **\$10,343** (\$1,478 in annual costs) for costs incurred in complying with the *Agency Fee Arrangements* program.

Commission on State Mandates

Original List Date: 6/27/2001
Last Updated: 11/27/2006
List Print Date: 04/23/2007
Claim Number: 00-TC-17
Issue: Agency Fee Arrangements

Mailing Information: Draft Staff Analysis

Mailing List

Related Matter(s)

01-TC-14 TC Amendment: Agency Fee Arrangements

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. (Cal. Code Regs., tit. 2, § 1181.2.)

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