

COMMISSION ON STATE MANDATES

980 NINTH STREET, SUITE 300
SACRAMENTO, CA 95814
PHONE: (916) 323-3562
FAX: (916) 445-0278
E-mail: csminfo@csm.ca.gov



April 4, 2014

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

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

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Statutes 1978, Chapter 845 as repealed by Statutes 2012, Chapter 32 (SB 1006)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

Dear Mr. Dyer:

On March 28, 2014, the Commission on State Mandates adopted the statement of decision and amendment to parameters and guidelines on the above-entitled matter.

Please contact Heidi Palchik 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

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IN RE PARAMETERS AND GUIDELINES AMENDMENT FOR: Government Code section 50087 Statutes 1978, Chapter 845 As Repealed by Statutes 2012, Chapter 32 (SB 1006) Requested by the Department of Finance March 15, 2013.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 <i>Filipino Employee Survey (CSM -2142)</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> <i>(Served April 4, 2014)</i>
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STATEMENT OF DECISION

The Commission on State Mandates (Commission) adopted this statement of decision and amendment to parameters and guidelines on consent during a regularly scheduled hearing on March 28, 2014.

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.

I. Background

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.¹

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 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

¹ Government Code section 50087, Statutes of 1978, Chapter 845.

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 on May 27, 1982 which provide that all costs incurred on or after January 1, 1979 are reimbursable.

II. Request to Amend Parameters and Guidelines

On March 15, 2013, the Department of Finance (Finance) filed a request to amend the parameters and guidelines to reflect the repeal of Government Code section 50087.² Finance asserts that the repeal of the statute ends the mandate. On January 16, 2013, Commission staff issued the draft amendment to parameters and guidelines and statement of decision.³

III. Position of the Parties

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

On April 19, 2013, the State Controller's Office filed comments concurring with Finance's request.⁴ On January 27, 2014, Finance filed comments concurring with the proposed statement of decision to end the reimbursement period.⁵ Also on January 27, 2014, the State Controller's Office filed comments recommending no changes to the proposed statement of decision.⁶

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.

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.⁷

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

² Statutes 2012, chapter 32, effective June 27, 2012; Exhibit A.

³ Exhibit C.

⁴ Exhibit B.

⁵ Exhibit D.

⁶ Exhibit E.

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 state-mandated activities approved under the program.⁸

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.⁹

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.

⁸ Statutes 2012, chapter 32, effective June 27, 2012.

⁹ A review of the State Controller's website found no outstanding reimbursement claims for this program since 2004.

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

Filipino Employee Survey (CSM -2142)

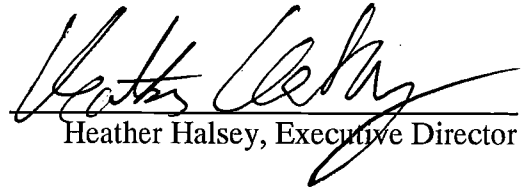
STATEMENT OF DECISION PURSUANT
TO GOVERNMENT CODE SECTION 17500
ET SEQ.; CALIFORNIA CODE OF
REGULATIONS, TITLE 2, DIVISION 2,
CHAPTER 2.5, ARTICLE 7

(Adopted March 28, 2014)

(Served April 4, 2014)

AMENDMENT TO PARAMETERS AND GUIDELINES

The Commission on State Mandates adopted the attached amendment to parameters and guidelines on March 28, 2014.


Heather Halsey, Executive Director

AMENDMENT TO PARAMETERS AND GUIDELINES

Government Code Section 50087
Chapter 845, Statutes of 1978¹

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

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

The reimbursement period for this program ends on June 27, 2012

I. 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.²

II. 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 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).

On March 15, 2013, the Department of Finance (Finance) filed a request to amend the parameters and guidelines to end reimbursement for the program on June 27, 2012, as the test claim statute, Government Code section 50087, was repealed by Statutes 2012, chapter 32, effective June 27, 2012.

III. Eligible Claimants

Every city, county, or city and county which has at least 5000 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.

IV. Period of Reimbursement

Statutes 2012, chapter 32 (SB 1006) repealed Government Code section 50087, repealing the state-mandated activities found to be reimbursable, and became effective on June 27, 2012. Therefore the reimbursement for this program ends beginning June 27, 2012.

¹ The original parameters and guidelines incorrectly stated Statutes of 1979 instead of 1978.

² Government Code section 50087.

V. 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:

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

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 less 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 costs 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:

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 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

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 April 4, 2014, I served the:

Statement of Decision and Amendment to Parameters and Guidelines

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

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 April 4, 2014 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

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.)

Socorro Aquino, *State Controller's Office*

Division of Audits, 3301 C Street, Suite 700, Sacramento, CA 95816

Phone: (916) 322-7522

SAquino@sco.ca.gov

Harmeet Barkschat, *Mandate Resource Services, LLC*

5325 Elkhorn Blvd. #307, Sacramento, CA 95842

Phone: (916) 727-1350

harmeet@calsdrc.com

Lacey Baysinger, *State Controller's Office*

Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816

Phone: (916) 324-0254

lbaysinger@sco.ca.gov

Allan Burdick,

7525 Myrtle Vista Avenue, Sacramento, CA 95831

Phone: (916) 203-3608

allanburdick@gmail.com

J. Bradley Burgess, *MGT of America*

895 La Sierra Drive, Sacramento, CA 95864

Phone: (916) 595-2646

Bburgess@mgtamer.com

Michael Byrne, *Department of Finance*

Requester Representative

915 L Street, 8th Floor, Sacramento, CA 95814
Phone: (916) 445-3274
michael.byrne@dof.ca.gov

Gwendolyn Carlos, *State Controller's Office*
Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 324-5919
gcarlos@sco.ca.gov

Daniel Carrigg, *League of California Cities*
1400 K Street, #400, Sacramento, CA 95814
Phone: (916) 658-8200
Dcarrigg@cacities.org

Annette Chinn, *Cost Recovery Systems, Inc.*
705-2 East Bidwell Street, #294, Folsom, CA 95630
Phone: (916) 939-7901
achinnrs@aol.com

Antoinette Christovale, *City of Los Angeles*
Office of Finance, 200 North Spring Street, Room 101, Los Angeles, CA 90012
Phone: (213) 473-5901
Finance.CustomerService@lacity.org

Marieta Delfin, *State Controller's Office*
Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 323-0706
mdelfin@sco.ca.gov

Tom Dyer, *Department of Finance (A-15)*
915 L Street, Sacramento, CA 95814
Phone: (916) 445-3274
tom.dyer@dof.ca.gov

Susan Geanacou, *Department of Finance*
915 L Street, Suite 1280, Sacramento, CA 95814
Phone: (916) 445-3274
susan.geanacou@dof.ca.gov

Dorothy Holzem, *California Special Districts Association*
1112 I Street, Suite 200, Sacramento, CA 95814
Phone: (916) 442-7887
dorothyh@csda.net

Mark Ibele, *Senate Budget & Fiscal Review Committee*
California State Senate, State Capitol Room 5019, Sacramento, CA 95814
Phone: (916) 651-4103
Mark.Ibele@sen.ca.gov

Edward Jewik, *County of Los Angeles*
Auditor-Controller's Office, 500 W. Temple Street, Room 603, Los Angeles, CA 90012
Phone: (213) 974-8564
ejewik@auditor.lacounty.gov

Ferlyn Junio, *Nimbus Consulting Group, LLC*

2386 Fair Oaks Boulevard, Suite 104, Sacramento, CA 95825

Phone: (916) 480-9444

fjunio@nimbusconsultinggroup.com

Jill Kanemasu, *State Controller's Office*

Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816

Phone: (916) 322-9891

jkanemasu@sco.ca.gov

Vicki Keoseian, *City of Los Angeles*

Personnel Department, 700 E. Temple Street, Room 305, Los Angeles, CA 90012

Phone: (213) 473-3470

vicki.keoseian@lacity.org

Anita Kerezi, *AK & Company*

3531 Kersey Lane, Sacramento, CA 95864

Phone: (916) 972-1666

akcompany@um.att.com

Jean Kinney Hurst, Senior Legislative Representative, Revenue & Taxation, *California State Association of Counties (CSAC)*

1100 K Street, Suite 101, Sacramento, CA 95814-3941

Phone: (916) 327-7500

jhurst@counties.org

Jay Lal, *State Controller's Office (B-08)*

Division of Accounting & Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816

Phone: (916) 324-0256

JLal@sco.ca.gov

Kathleen Lynch, *Department of Finance (A-15)*

915 L Street, Suite 1280, 17th Floor, Sacramento, CA 95814

Phone: (916) 445-3274

kathleen.lynch@dof.ca.gov

Hortensia Mato, *City of Newport Beach*

100 Civic Center Drive, Newport Beach, CA 92660

Phone: (949) 644-3000

hmato@newportbeachca.gov

Michelle Mendoza, *MAXIMUS*

17310 Red Hill Avenue, Suite 340, Irvine, CA 95403

Phone: (949) 440-0845

michellemendoza@maximus.com

Geoffrey Neill, Senior Legislative Analyst, Revenue & Taxation, *California State Association of Counties (CSAC)*

1100 K Street, Suite 101, Sacramento, CA 95814

Phone: (916) 327-7500

gneill@counties.org

Andy Nichols, *Nichols Consulting*

1857 44th Street, Sacramento, CA 95819

Phone: (916) 455-3939

andy@nichols-consulting.com

Marianne O'Malley, *Legislative Analyst's Office (B-29)*

925 L Street, Suite 1000, Sacramento, CA 95814

Phone: (916) 319-8315

marianne.O'malley@lao.ca.gov

Christian Osmena, *Department of Finance*

915 L Street, Sacramento, CA 95814

Phone: (916) 445-0328

christian.osmena@dof.ca.gov

Keith Petersen, *SixTen & Associates*

P.O. Box 340430, Sacramento, CA 95834-0430

Phone: (916) 419-7093

kbpsixten@aol.com

Jai Prasad, *County of San Bernardino*

Office of Auditor-Controller, 222 West Hospitality Lane, 4th Floor, San Bernardino, CA 92415-0018

Phone: (909) 386-8854

jai.prasad@atc.sbcounty.gov

Mark Rewolinski, *MAXIMUS*

625 Coolidge Drive, Suite 100, Folsom, CA 95630

Phone: (949) 440-0845

markrewolinski@maximus.com

Kathy Rios, *State Controller's Office*

Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816

Phone: (916) 324-5919

krios@sco.ca.gov

Matthew Schuneman, *MAXIMUS*

900 Skokie Boulevard, Suite 265, Northbrook, IL 60062

Phone: (847) 513-5504

matthewschuneman@maximus.com

Lee Scott, *Department of Finance*

15 L Street, 8th Floor, Sacramento, CA 95814

Phone: (916) 445-3274

lee.scott@dof.ca.gov

David Scribner, *Max8550*

2200 Sunrise Boulevard, Suite 240, Gold River, CA 95670

Phone: (916) 852-8970

dscribner@max8550.com

Jim Spano, Chief, Mandated Cost Audits Bureau, *State Controller's Office*

Division of Audits, 3301 C Street, Suite 700, Sacramento, CA 95816

Phone: (916) 323-5849

jspano@sco.ca.gov

Dennis Speciale, *State Controller's Office*

Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816

Phone: (916) 324-0254
DSpeciale@sco.ca.gov

Meg Svoboda, *Senate Office of Research*
1020 N Street, Suite 200, Sacramento, CA
Phone: (916) 651-1500
meg.svoboda@sen.ca.gov

Jolene Tollenaar, *MGT of America*
2001 P Street, Suite 200, Suite 200, Sacramento, CA 95811
Phone: (916) 443-9136
jolene_tollenaar@mgtamer.com

Evelyn Tseng, *City of Newport Beach*
100 Civic Center Drive, Newport Beach, CA 92660
Phone: (949) 644-3127
etseng@newportbeachca.gov

Brian Uhler, *Legislative Analyst's Office*
925 L Street, Suite 1000, Sacramento, CA 95814
Phone: (916) 319-8328
brian.uhler@lao.ca.gov

David Wellhouse, *David Wellhouse & Associates, Inc.*
3609 Bradshaw Road, Suite 121, Sacramento, CA 95927
Phone: (916) 368-9244
dwa-david@surewest.net

Hasmik Yaghobyan, *County of Los Angeles*
Auditor-Controller's Office, 500 W. Temple Street, Room 603, Los Angeles, CA 90012
Phone: (213) 893-0792
hyaghobyan@auditor.lacounty.gov