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Commission on  
State Mandates

EDMUND G. BROWN JR. ■ GOVERNOR

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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 Government Code section 50087 (test claim statute) was repealed by Chapter 32, Statutes of 2012, effective June 27, 2012.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*

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at Sacramento, CA

*Carla Shelton*

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Carla Shelton

Adopted May 27, 1982

**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.



Adopted May 27, 1982

- (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,