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Equal Employment Opportunity Programs in State Civil Service: Constitutional and Statutory Framework

LEGISLATIVE ANALYST'S OFFICE

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Committee
Hon. Rob Bonta, Chair

Senate Public Employment and Retirement Committee
Hon. Richard Pan, Chair





State Civil Service

- Established by Voters More Than 80 Years Ago.*** With the passage of Proposition 7 in the November 1934 election, voters established the framework of California's current system of civil service employment. In the more than 80 years since the voters first established the civil service, a variety of statutes, decisions, rules, practices, and case law have built upon the constitutional framework.

- Applies to Most State Employees.*** All state employees are in the civil service unless specifically exempted by the Constitution.

- System Based on Merit.*** Civil service rules establish the state's policies for hiring, promoting, disciplining, and terminating state civil service employees. The Constitution requires that all appointments and promotions within the civil service be made under a general system based on merit determined by competitive examination.



Proposition 209



Prohibits Discrimination or Preferential Treatment in State Government. The voters approved the proposition to amend the Constitution in the November 1996 election. The proposition prohibits the state from discriminating against—or granting preferential treatment to—any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting.



Civil Service Equal Employment Opportunity (EEO) Program

- Statutory Requirements.** The state's EEO program is established in the Government Code beginning with Section 19790. The purpose of EEO programs is to ensure nondiscrimination and equal access to state jobs, work assignments, training, and other employment-related opportunities for all qualified job applicants and employees.

- Data Collection and Analysis.** The Department of Human Resources (CalHR) collects and analyzes demographic data to determine if certain groups are underrepresented in the state civil service. These data include the distribution of state civil service employees' race, ethnicity, gender, age, veteran status, department, salary level, occupation, and attrition rates by occupation. In addition, CalHR is required to collect and analyze data measuring the advancement of persons categorized by race, ethnicity, and disability to better paying and higher level positions—referred to as "upward mobility" data.

- Annual Report.** CalHR is required to produce an annual census reporting the demographic and upward mobility data that it has collected.