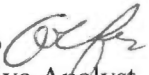


REPORT OF THE CHIEF LEGISLATIVE ANALYST

DATE: March 1, 2019

TO: Honorable Members of the Rules, Elections, and Intergovernmental Relations Committee

FROM: Sharon M. Tso 
Chief Legislative Analyst

Council File No: 19-0002-S30
Assignment No: 19-02-0152

SUBJECT: Resolution (Wesson – Harris-Dawson) to SUPPORT AB 177 (Low) which establishes Election Day as a holiday for state employees, community colleges, and public schools

CLA RECOMMENDATION: Adopt Resolution (Wesson – Harris-Dawson) to include in the City’s 2019-2020 State Legislative Program SUPPORT for AB 177 (Low) which would add the day on which a statewide general election is held to the State-designated list of holidays, and require that 1) community colleges and public schools be closed, and 2) state employees be given time-off with pay for days on which a statewide general election is held.

SUMMARY: On February 13, 2019, a Resolution (Wesson – Harris-Dawson) was introduced in support of AB 177 (Low) which would add the day on which a statewide general election is held to the State-designated list of holidays. The Resolution states that on the days of statewide general elections, individuals who are eligible to vote are often limited to exercise their ability to vote due to occupational or educational commitments when polls are open. The Resolution further states that adding the day on which a statewide general election is held to the list of State-recognized holidays would increase political engagement through participation in the civic process by ensuring that all voters will have time to vote on Election Day.

Therefore, the Resolution seeks an official position of the City of Los Angeles to support AB 177 (Low) which would add the day on which a statewide general election is held to the State-designated list of holidays, and require that 1) community colleges and public schools be closed, and 2) state employees be given time-off with pay for days on which a statewide general election is held.

BACKGROUND: Existing law in the State of California designates specific days as holidays on which community colleges and public schools are required to close. Additionally, existing law also entitles State employees, with specified exceptions, be given time off with pay for specified holidays. Currently, Election Day for a statewide general election occurs on the first Tuesday after the first Monday in November of each even-numbered year. Due to Election Day occurring on a weekday, getting to the polls can be difficult for people who have standing commitments as it relates to school or work.

In 2014, California saw historically low voter turnout, with 25% of registered voters participating in the primary, and 42% of registered voters participating in the general election. According to the Pew Research Center, the most common reason cited by eligible voters who did not vote in 2014 were work

and school conflicts. Additionally, when registered voters find the time to vote during the day, they may experience long wait times and crowds at the polls, as the most common time for individuals to vote are in the morning, evening, and during their lunch breaks. AB 177 (Low) would add Election Day to the State-designated list of holidays whereby public schools and community colleges are required to close, and certain state employees receive paid time off, giving students and state employees more opportunities to cast their ballots.

Support for AB 177 (Low) would be consistent with past and current City support for State legislation that further expands voting accessibility for registered voters.

DEPARTMENTS NOTIFIED

None.

BILL STATUS

01/09/19 Introduced

01/24/19 Referred to Committees on Elections and Redistricting, and Governmental Organization



Steve Luu
Analyst

SMT:sl

Attachment: 1. Resolution (Wesson – Harris-Dawson)
2. AB 177 (Low)

RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, existing law designates specific days as holidays in the State of California on which community colleges and public schools are required to close; and

WHEREAS, existing law entitles State employees, with specified exceptions, to be given time off with pay for specified holidays; and

WHEREAS, on the days of statewide general elections, individuals who are eligible to vote are often limited to exercise their ability to vote due to occupational or educational commitments when polls are open; and


WHEREAS, AB 177 (Low) would add the day on which a statewide general election is held, which is the first Tuesday after the first Monday in November of any even-numbered year, to the designated list of holidays that would 1) require community colleges and public schools to close, and 2) require that state employees, with specified exceptions, be given time off with pay; and

WHEREAS, adding the day on which a statewide general election is held to the list of State-recognized holidays would increase political engagement through participation in the civic process by ensuring that all voters will have time to vote on Election Day; and

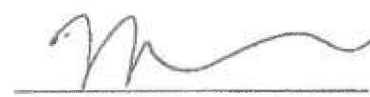
WHEREAS, thirteen states have made Election Day a paid holiday for state employees in order to increase voter turnout at the polls;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2019-2020 State Legislative Program support for AB 177 (Low) which would add the day on which a statewide general election is held, which is the first Tuesday after the first Monday in November of any even-numbered year, to the State-designated list of holidays, and require that 1) community colleges and public schools be closed, and 2) state employees, with specified exceptions, be given time off with pay for days on which a statewide general election is held.

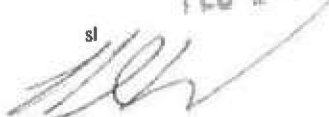
PRESENTED BY:


HERB J. WESSON, JR.
Councilmember, 10th District

SECONDED BY:



FEB 1 3 2019



ORIGINAL

[Home](#)[Bill Information](#)[California Law](#)[Publications](#)[Other Resources](#)[My Subscriptions](#)[My Favorites](#)**AB-177 Election day holiday.** (2019-2020)

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Date Published: 01/09/2019 09:00 PM

CALIFORNIA LEGISLATURE— 2019–2020 REGULAR SESSION

ASSEMBLY BILL**No. 177**

Introduced by Assembly Member Low
(Coauthors: Assembly Members Bonta, Gray, and Holden)

January 09, 2019

An act to amend Section 7.1 of the Civil Code, to amend Sections 37220, 45203, 79020, 79030, and 88203 of the Education Code, to amend Section 1100 of the Elections Code, to amend Sections 6700, 19853, and 19853.1 of the Government Code, and to amend Section 4692 of the Welfare and Institutions Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 177, as introduced, Low. Election day holiday.

Existing law requires that an election for congressional and state elective offices be held on the first Tuesday after the first Monday in November of each even-numbered year. Existing law requires a presidential general election to be held on the first Tuesday after the first Monday in November in any year that is evenly divisible by the number 4.

Existing law designates specific days as holidays in this state. Existing law designates holidays on which community colleges and public schools are required to close. Existing law entitles state employees, with specified exceptions, to be given time off with pay for specified holidays. Existing law designates optional bank holidays.

This bill would add the day on which a statewide general election is held, which is the first Tuesday after the first Monday in November of any even-numbered year, to these lists of holidays. The bill would require community colleges and public schools to close on any day on which a statewide general election is held. The bill would require that state employees, with specified exceptions, be given time off with pay for days on which a statewide general election is held.

By increasing the duties of local officials, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 7.1 of the Civil Code is amended to read:

7.1. Optional bank holidays within the meaning of Section 9 ~~are:~~ *are all of the following:*

(a) Any closing of a bank because of an extraordinary situation, as that term is defined in the Bank Extraordinary Situation Closing Act (Chapter ~~29~~ 4.5 (commencing with Section ~~3600~~ 1090) of Division ~~1~~ 1.1 of the Financial Code).

(b) Every Saturday.

(c) Every Sunday.

(d) January ~~1st~~ 1.

(e) The third Monday in January, known as "Dr. Martin Luther King, Jr. Day."

(f) February 12, known as "Lincoln Day."

(g) The third Monday in February.

(h) The last Monday in May.

(i) July ~~4th~~ 4.

(j) The first Monday in September.

(k) September ~~9th~~ 9, known as "Admission Day."

(l) The second Monday in October, known as "Columbus Day."

(m) The first Tuesday after the first Monday in November in any even-numbered year.

~~(m)~~

(n) November ~~11th~~ 11, known as "Veteran's "Veterans Day."

~~(n)~~

(o) December ~~25th~~ 25.

~~(o)~~

(p) Good Friday from 12 ~~noon~~ p.m. until closing.

~~(p)~~

(q) The Thursday in November appointed as "Thanksgiving Day."

~~(q)~~

(r) Any Monday following any Sunday on which January ~~1st~~, February 12th, July 4th, September 9th, November 11th, or December 25th falls: 1, February 12, July 4, September 9, November 11, or December 25 falls.

~~(r)~~

(s) Any Friday preceding any Saturday on which July 4th, September 9th, or December 25th falls: 4, September 9, or December 25 falls.

SEC. 2. Section 37220 of the Education Code is amended to read:

37220. (a) Except as otherwise provided, the public schools shall close on *all of* the following holidays:

(1) January 1.

(2) The third Monday in January or the Monday or Friday in the week in which January 15 occurs, known as "Dr. Martin Luther King, Jr. Day." On the Friday preceding the day on which schools are closed, schools shall include exercises commemorating and directing attention to the history of the civil rights movement in the United States and particularly the role therein of Dr. Martin Luther King, Jr.

(3) The Monday or Friday of the week in which February 12 occurs, known as "Lincoln Day." On the day that school is in session prior to the day on which schools are closed for that purpose, all public schools and educational institutions throughout the state shall hold exercises in memory of Abraham Lincoln.

(4) The third Monday in February, known as "Washington Day." On the Friday preceding, all public schools and educational institutions throughout the state shall hold exercises in memory of George Washington.

(5) The last Monday in May, known as "Memorial Day."

(6) July 4.

(7) The first Monday in September, known as "Labor Day."

(8) *The first Tuesday after the first Monday in November in any even-numbered year.*

~~(8)~~

(9) November 11, known as "Veterans Day."

~~(9)~~

(10) That Thursday in November proclaimed by the President as "Thanksgiving Day."

~~(10)~~

(11) December 25.

~~(11)~~

(12) All days appointed by the Governor for a public fast, thanksgiving, or holiday, and all special or limited holidays on which the Governor provides that the schools shall close.

~~(12)~~

(13) All days appointed by the President as a public fast, thanksgiving, or holiday, unless it is a special or limited holiday.

~~(13)~~

(14) Any other day designated as a holiday by the governing board of the school district.

(b) When any of the holidays on which the schools would be closed falls on Sunday, the public schools shall close on the Monday following.

(c) When any of the holidays on which the schools would be closed falls on Saturday, the public schools shall close on the preceding Friday, and that Friday shall be declared a state holiday.

(d) If any holiday on which the public schools are required to close pursuant to subdivision (a) occurs under federal law on a date different from the date specified in subdivision (a), the governing board of any school district may close the public schools of the district on the date recognized by federal law and maintain classes on the date specified in subdivision (a).

(e) Except for Veterans Day, as designated in paragraph~~(8)~~ (9) of subdivision (a), the governing board of a school district, by adoption of a resolution, may revise the date upon which the schools of the district close in observance of any of the holidays identified in subdivision (a).

(f) The governing board of a school district may not request a waiver of paragraph~~(8)~~ (9) of subdivision (a) from the state board.

(g) This section does not prohibit a school district from authorizing its facilities or grounds to be used in accordance with Section 38131 on those days on which the public schools are closed.

SEC. 3. Section 45203 of the Education Code is amended to read:

45203. (a) All probationary or permanent employees that are a part of the classified service shall be entitled to *all* of the following paid holidays provided they are in a paid status during any portion of the working day immediately preceding or succeeding the holiday: ~~January 1, February 12 known as "Lincoln Day," the third Monday in February known as "Washington Day," the last Monday in May known as "Memorial Day," July 4, the first Monday in September known as "Labor Day," November 11 known as "Veterans Day," that Thursday in November proclaimed by the President as "Thanksgiving Day," December 25, every day appointed by the President, or the Governor of this state, as provided for in subdivisions (b) and (c) of Section 37220 for a public fast, thanksgiving or holiday, or any day declared a holiday under Section 1318 or 37222 for classified or certificated employees. School recesses during the Christmas, Easter, and mid-February periods shall not be considered holidays for classified employees who are normally required to work during that period. However, this shall not be construed as affecting vacation rights specified in this section.~~

(1) *January 1.*

(2) *February 12, known as "Lincoln Day."*

(3) *The third Monday in February, known as "Washington Day."*

(4) *The last Monday in May, known as "Memorial Day."*

(5) *July 4.*

(6) *The first Monday in September, known as "Labor Day."*

(7) *The first Tuesday after the first Monday in November in any even-numbered year.*

(8) *November 11, known as "Veterans Day."*

(9) *That Thursday in November proclaimed by the President as "Thanksgiving Day."*

(10) *December 25.*

(11) *Every day appointed by the President, or the Governor of this state, as provided for in paragraphs (12) and (13) of subdivision (a) of Section 37220 for a public fast, thanksgiving or holiday, or any day declared a holiday under Section 1318 or 37222 for classified or certificated employees.*

(b) *School recesses during the Christmas, Easter, and mid-February periods shall not be considered holidays for classified employees who are normally required to work during that period. However, this shall not be construed as affecting vacation rights specified in this section.*

Regular

(c) *Regular employees of the district who are not normally assigned to duty during the school holidays of December 25 and January 1 shall be paid for those two holidays provided that they were in a paid status during any portion of the working day of their normal assignment immediately preceding or succeeding the holiday period.*

When

(d) *When a holiday listed in this section falls on a Sunday, the following Monday shall be deemed to be the holiday in lieu of the day observed. When a holiday listed in this section falls on a Saturday, the preceding Friday shall be deemed to be the holiday in lieu of the day observed. When a classified employee is required to work on any of these holidays, he or she shall be paid compensation, or given compensating time off, for such work, in addition to the regular pay received for the holiday, at the rate of time and one-half the employee's regular rate of pay.*

The

(e) *The provisions of Article 3 (commencing with Section 37220) of Chapter 2 of Part 22 shall not be construed to in any way limit the provisions of this section, nor shall anything in this section be construed to prohibit the*

governing board from adopting separate work schedules for the certificated and the classified services, or from providing holiday pay for employees who have not been in paid status on the days specified herein. Notwithstanding the adoption of separate work schedules for the certificated and the classified services, on any schoolday during which pupils would otherwise have been in attendance but are not and for which certificated personnel receive regular pay, classified personnel shall also receive regular pay whether or not they are required to report for duty that day.

In

(f) In addition to the other paid holidays specified in this section, the classified service may be entitled to a paid holiday on March 31 known as "Cesar Chavez Day," and a paid holiday on the fourth Friday in September known as "Native American Day," provided they are in a paid status during any portion of the working day immediately preceding or succeeding the holiday, if the governing board, pursuant to a memorandum of understanding reached pursuant to Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, agrees to the paid holiday.

This

(g) ~~This section shall apply~~ applies to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 6 (commencing with Section 45240).

SEC. 4. Section 79020 of the Education Code is amended to read:

79020. Except as otherwise ~~provided~~ provided, the community colleges shall continue in session or close on specified holidays as follows:

(a) *The community colleges shall close on all of the following holidays:*

(1) *January 1.*

~~(a)~~

~~(2) The community colleges shall close on January 1st, the third Monday in January, commencing in the 1989-90 fiscal year, known as "Dr. Martin Luther King, Jr. Day," February 12th known as "Lincoln Day," the third Monday in February known as "Washington Day," the last Monday in May known as "Memorial Day," July 4th, the first Monday in September known as "Labor Day," November 11th known as "Veterans Day," that Thursday in November proclaimed by the President as "Thanksgiving Day," and December 25th. Day."~~

(3) *February 12, known as "Lincoln Day."*

(4) *The third Monday in February, known as "Washington Day."*

(5) *The last Monday in May, known as "Memorial Day."*

(6) *July 4.*

(7) *The first Monday in September, known as "Labor Day."*

(8) *The first Tuesday after the first Monday in November in any even-numbered year.*

(9) *November 11, known as "Veterans Day."*

(10) *That Thursday in November proclaimed by the President as "Thanksgiving Day."*

(11) *December 25.*

(b) Any contractual provision between any community college district and its employees in effect on the effective date of the act that adds this subdivision shall prevail over any conflict regarding Dr. Martin Luther King, Jr. Day until the termination date of the contract or upon termination by mutual agreement of the parties, whichever occurs first.

(c) The Governor in appointing any other day for a public fast, thanksgiving, or holiday may provide whether the community colleges shall close on the day. If the Governor does not provide whether the community colleges shall close, they shall continue in session on all special or limited holidays appointed by the Governor, but shall close on all other days appointed by the Governor for a public fast, thanksgiving, or holiday.

(d) The community colleges shall close on every day appointed by the President as a public fast, thanksgiving, or holiday, unless it is a special or limited holiday.

(e) The community colleges shall continue in session on all legal holidays other than those designated by or pursuant to this section, and shall hold proper exercises commemorating the day.

(f) When any of the holidays on which the schools would be closed fall on Sunday, the community colleges shall close on the Monday following, except that (1) if Lincoln Day falls on a Sunday, the community colleges may observe this holiday on the preceding or following Friday, the following Monday, or the following Tuesday, and maintain classes on the date specified in subdivision (a) where applicable, or (2) if Lincoln Day falls on a Monday, the community colleges may observe this holiday on the preceding or following Friday, that Monday, or the following Tuesday, and maintain classes on the date specified in subdivision (a) where applicable.

(g) When any of the holidays on which the schools would be closed, except Lincoln Day, fall on Saturday, the community colleges shall close on the preceding Friday, and that Friday shall be declared a state holiday.

(h) If any holiday on which the community colleges are required to close pursuant to subdivision (a) occurs under federal law on a date different than the date specified in subdivision (a), the governing board of any community college district may close the community colleges of the district on the date recognized by federal law and maintain classes on the date specified in subdivision (a).

(i) When Veterans Day would fall on Tuesday, the governing board of a community college district may close the colleges on the preceding Monday, and maintain classes on the date specified in subdivision (a). When Veterans Day would fall on Wednesday, the governing board of a community college district may close the colleges on either the preceding Monday or the following Friday, and maintain classes on the date specified in subdivision (a). When Veterans Day would fall on Thursday, the governing board of a community college district may close the colleges on the following Friday, and maintain classes on the date specified in subdivision (a).

(j) When Lincoln Day would fall on Tuesday, the governing board of a community college district may close the colleges on the preceding Monday, the preceding Friday, or the following Friday, and maintain classes on the date specified in subdivision (a) where appropriate. When Lincoln Day would fall on Wednesday, the governing board of a community college district may close the colleges on the preceding Monday, the preceding Friday, or the following Friday, and maintain classes on the date specified in subdivision (a). When Lincoln Day would fall on Thursday, the governing board of a community college district may close the colleges on the preceding Friday or the following Friday, and maintain classes on the date specified in subdivision (a). When Lincoln Day falls on Saturday, the governing board of a community college district may close the colleges on the preceding Friday or the following Friday, and maintain classes on the date specified in subdivision (a) where appropriate.

(k) In addition to the holidays specified in subdivision (a), a community college may close on March 31 known as "Cesar Chavez Day" if the governing board, pursuant to a memorandum of understanding reached pursuant to Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, agrees to close the community college for that purpose.

(l) In addition to the holidays specified in subdivision (a), a community college may close on the fourth Friday in September known as "Native American Day" if the governing board, pursuant to a memorandum of understanding reached pursuant to Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, agrees to close the community college for that purpose.

(m) ~~Nothing in this~~ *This section is to shall not* be interpreted as authorizing a community college district governing board to maintain community colleges in its district for a lesser number of days during the college year than the minimum established by law.

SEC. 5. Section 79030 of the Education Code is amended to read:

79030. (a) Whenever climatic conditions of a community college district are such as to render it necessary that the colleges be closed as early in the year as possible or opened as late in the year as possible, the governing board of the community college district may maintain classes on any days other than the 25th day of December, the first day of January, the fourth day of July, *the first Tuesday after the first Monday in November in any even-numbered year*, and any day appointed by the President or the Governor for a public thanksgiving.

When

(b) *When* classes are maintained on holidays pursuant to this section, proper exercises shall be held commemorating the day.

SEC. 6. Section 88203 of the Education Code is amended to read:

88203. (a) All probationary or permanent employees who are part of the classified service shall be entitled to the following paid holidays if they are in a paid status during any portion of the working day immediately preceding or succeeding the holiday: ~~January 1, February 12 known as "Lincoln Day," the third Monday in February known as "Washington Day," the last Monday in May known as "Memorial Day," July 4, the first Monday in September known as "Labor Day," November 11 known as "Veterans Day," that Thursday in November proclaimed by the President as "Thanksgiving Day," December 25, every probationary or permanent employees who are part of the classified service shall be entitled to the following paid holidays if they are in a paid status during any portion of the working day appointed~~

(1) *January 1.*

(2) *February 12, known as "Lincoln Day."*

(3) *The third Monday in February, known as "Washington Day."*

(4) *The last Monday in May, known as "Memorial Day."*

(5) *July 4.*

(6) *The first Monday in September, known as "Labor Day."*

(7) *The first Tuesday after the first Monday in November in any even-numbered year.*

(8) *November 11, known as "Veterans Day."*

(9) *That Thursday in November proclaimed by the President as "Thanksgiving Day."*

(10) *December 25.*

(11) *Every day* appointed by the President, or the Governor of this state, as provided for in subdivisions (c) and (d) of Section 79020 for a public fast, thanksgiving or holiday, or any day declared a holiday under Section 1318 for classified or academic employees. ~~College~~

(b) *College* recesses during the Christmas and Easter periods shall not be considered holidays for classified employees who are normally required to work during that period; provided, however, that this shall not be construed as affecting vacation rights specified in this section.

~~Regular~~

(c) *Regular* employees of the district who are not normally assigned to duty during the college holidays of December 25 and January 1 shall be paid for those two holidays if they were in a paid status during any portion of the working day of their normal assignment immediately preceding or succeeding the holiday period.

~~When~~

(d) *When* a holiday herein listed falls on a Sunday, the following Monday shall be deemed to be the holiday in lieu of the day observed. When a holiday herein listed falls on a Saturday, the preceding Friday shall be deemed to be the holiday in lieu of the day observed. When a classified employee is required to work on any of ~~said those~~ holidays, he or she shall be paid compensation, or given compensating time off, ~~for such that~~ work, in addition to the regular pay received for the holiday, at the rate of time and one-half his or her regular rate of pay.

~~Article~~

(e) *Article 3* (commencing with Section 79020) of Chapter 8 of Part 48 ~~of this division~~ shall not be construed to in any way limit this section, nor shall anything in this section be construed to prohibit the governing board from adopting separate work schedules for the academic and the classified services, or from providing holiday pay for employees who have not been in paid status on the days specified herein. Notwithstanding the adoption of separate work schedules for the academic and the classified services, on any schoolday during which students would otherwise have been in attendance, but are not and for which faculty receive regular pay, classified personnel shall also receive regular pay whether or not they are required to report for duty that day.

~~In~~

~~(f)~~ In addition to the other paid holidays specified in this section, the classified service may be entitled to a paid holiday on March 31 known as "Cesar Chavez Day" and a paid holiday on the fourth Friday in September known as "Native American Day," if they are in a paid status during any portion of the working day immediately preceding or succeeding the holiday, if the governing board, pursuant to a memorandum of understanding reached pursuant to Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, agrees to the paid holiday.

~~This~~

~~(g)~~ This section ~~shall apply~~ applies to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 3 (commencing with Section 88060).

SEC. 7. Section 1100 of the Elections Code is amended to read:

1100. ~~No~~ An election shall ~~not~~ be held on any day other than a ~~Tuesday, nor Tuesday~~ and shall ~~any election not~~ be held on the day before, the day of, or the day after, a ~~state holiday.~~ holiday, except for a statewide general election holiday as described in paragraph (13) of subdivision (a) of Section 6700 of the Government Code.

SEC. 8. Section 6700 of the Government Code is amended to read:

6700. (a) The holidays in this state ~~are:~~ are all of the following:

- (1) Every Sunday.
- (2) January ~~1st.~~ 1.
- (3) The third Monday in January, known as "Dr. Martin Luther King, Jr. Day."
- (4) February ~~12th,~~ 12, known as "Lincoln Day."
- (5) The third Monday in February.
- (6) March ~~31st,~~ 31, known as "Cesar Chavez Day."
- (7) The last Monday in May.
- (8) July ~~4th.~~ 4.
- (9) The first Monday in September.
- (10) September ~~9th,~~ 9, known as "Admission Day."
- (11) The fourth Friday in September, known as "Native American Day."
- (12) The second Monday in October, known as "Columbus Day."
- (13) ~~The first Tuesday after the first Monday in November 11th,~~ known as "Veterans Day," in any even-numbered year.
- (14) November 11, known as "Veterans Day."
- ~~(14)~~
- (15) December ~~25th.~~ 25.
- ~~(15)~~
- (16) Good Friday from 12 ~~noon~~ until p.m. to 3 p.m.
- ~~(16)~~
- (17) (A) Every day appointed by the President or Governor for a public fast, thanksgiving, or holiday.
- (B) Except for the Thursday in November appointed as Thanksgiving Day, this paragraph and paragraphs (3) and (6) shall not apply to a city, county, or district unless made applicable by charter, or by ordinance or resolution of

the governing body thereof.

(b) If the provisions of this section are in conflict with the provisions of a memorandum of understanding reached pursuant to Chapter 12 (commencing with Section 3560) of Division 4 of Title 1, the memorandum of understanding shall be controlling without further legislative action, except that if those 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. 9. Section 19853 of the Government Code is amended to read:

19853. (a) All state employees shall be entitled to the following holidays: ~~January 1, the third Monday in January, the third Monday in February, March 31, the last Monday in May, July 4, the first Monday in September, November 11, Thanksgiving Day, the day after Thanksgiving, December 25, the~~

(1) *January 1.*

(2) *The third Monday in January.*

(3) *The third Monday in February.*

(4) *March 31.*

(5) *The last Monday in May.*

(6) *July 4.*

(7) *The first Monday in September.*

(8) *The first Tuesday after the first Monday in November in any even-numbered year.*

(9) *November 11.*

(10) *Thanksgiving Day.*

(11) *The day after Thanksgiving.*

(12) *December 25.*

(13) *The day chosen by an employee pursuant to Section ~~19854~~, and every day 19854.*

(14) *Every day appointed by the Governor of this state for a public fast, thanksgiving, or holiday.*

(b) If a day listed in this subdivision (a) falls on a Sunday, the following Monday shall be deemed to be the holiday in lieu of the day observed. If November 11 falls upon a Saturday, the preceding Friday shall be deemed to be the holiday in lieu of the day observed.

(c) Any state employee who may be required to work on any of the holidays included in this section, and who does work on any of these holidays, shall be entitled to receive straight-time pay and eight hours of holiday credit.

(d) For the purpose of computing the number of hours worked, time when an employee is excused from work because of holidays, sick leave, vacation, annual leave, compensating time off, or any other leave shall not be considered as time worked by the employee for the purpose of computing cash compensation for overtime or compensating time off for overtime.

(e) Any state employee, as defined in subdivision (c) of Section 3513, may elect to receive eight hours of holiday credit for the fourth Friday in September, known as "Native American Day," in lieu of receiving eight hours of personal holiday credit in accordance with Section 19854.

(f) Persons employed on less than a full-time basis shall receive holidays in accordance with the Department of Human Resources rules.

(g) If subdivision (a), (c), or (d) is in conflict with the provisions of a memorandum of understanding executed or amended pursuant to Section 3517.5 on or after February 1, 2009, or the date that the act adding this section takes effect, whichever is later, the memorandum of understanding shall be controlling without further legislative

action, except that if those provisions of the memorandum of understanding require the expenditure of funds, the provisions shall not become effective unless approved by the Legislature in the annual Budget Act.

~~(h) This section shall become operative on February 1, 2009, or the date that the act adding this section takes effect, whichever is later.~~

SEC. 10. Section 19853.1 of the Government Code is amended to read:

19853.1. (a) Notwithstanding Section 19853, this section shall apply to state employees in State Bargaining Unit 5.

(b) Except as provided in subdivision (c), all employees shall be entitled to *all of* the following holidays: ~~January 1, the third Monday in January, the third Monday in February, March 31, the last Monday in May, July 4, the first Monday in September, November 11, the day after Thanksgiving, December 25, and every day appointed by the Governor of this state for a public fast, thanksgiving, or holiday.~~

(1) *January 1.*

(2) *The third Monday in January.*

(3) *The third Monday in February.*

(4) *March 31.*

(5) *The last Monday in May.*

(6) *July 4.*

(7) *The first Monday in September.*

(8) *The first Tuesday after the first Monday in November in any even-numbered year.*

(9) *November 11.*

(10) *The day after Thanksgiving.*

(11) *December 25.*

(12) *Every day appointed by the Governor of this state for a public fast, thanksgiving, or holiday.*

If a day listed in this subdivision falls on a Sunday, the following Monday shall be deemed to be the holiday in lieu of the day observed. If November 11 falls upon a Saturday, the preceding Friday shall be deemed to be the holiday in lieu of the day observed. Any employee who may be required to work on any of the holidays included in this section and who does work on any of these holidays shall be entitled to be paid compensation or given compensating time off for that work in accordance with his or her classification's assigned workweek group.

(c) If the provisions of subdivision (b) 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.

(d) (1) Any employee who either is excluded from the definition of state employee in subdivision (c) of Section 3513, or is a nonelected officer or employee of the executive branch of government who is not a member of the civil service, is entitled to *all of* the following holidays, with pay, in addition to any official state holiday appointed by the Governor:

(A) *January 1.*

(B) *The third Monday in January.*

(C) *The third Monday in February.*

(D) *March 31.*

(E) *The last Monday in May.*

(F) *July 4.*

(G) *The first Monday in September.*

~~(1) January 1, the third Monday in January, the third Monday in February, March 31, the last Monday in May, July 4, the~~

~~(H) The first Tuesday after the first Monday in September, November 11, Thanksgiving Day, the day after Thanksgiving, and December 25, in any even-numbered year.~~

(I) *November 11.*

(J) *Thanksgiving Day.*

(K) *The day after Thanksgiving.*

(L) *December 25.*

(2) When November 11 falls on a Saturday, employees shall be entitled to the preceding Friday as a holiday with pay.

(3) When a holiday, other than a personal holiday, falls on a Saturday, an employee shall, regardless of whether he or she works on the holiday, accrue only an additional eight hours of personal holiday credit per fiscal year for the holiday. The holiday credit shall be accrued on the actual date of the holiday and shall be used within the same fiscal year.

(4) When a holiday other than a personal holiday falls on Sunday, employees shall be entitled to the following Monday as a holiday with pay.

(5) Employees who are required to work on a holiday shall be entitled to pay or compensating time off for this work in accordance with their classification's assigned workweek group.

(6) Persons employed on less than a full-time basis shall receive holidays in accordance with the Department of Human Resources rules.

(e) Any employee, as defined in subdivision (c) of Section 3513, may elect to use eight hours of vacation, annual leave, or compensating time off consistent with departmental operational needs and collective bargaining agreements for the fourth Friday in September, known as "Native American Day."

(f) This section shall become effective with regard to the March 31 holiday only when the Department of Human Resources notifies the Legislature that the language contained in this section has been agreed to by all exclusive representatives, and the Department of Human Resources authorizes this holiday to be applied to employees designated as excluded from the Ralph C. Dills Act (Chapter 10.3 (commencing with Section 3512), Division 4, Title 1), and the necessary statutes are amended to reflect this change.

SEC. 11. Section 4692 of the Welfare and Institutions Code is amended to read:

4692. (a) Effective August 1, 2009, subject to subdivisions (c) and (e), regional centers shall not compensate a work activity program, activity center, adult development center, behavior management program, social recreation program, adaptive skills trainer, infant development program, program support group (day service), socialization training program, client/parent support behavior intervention training program, community integration training program, community activities support service, or creative arts program, as defined in Title 17 of the California Code of Regulations, for providing any service to a consumer on any of the following holidays:

(1) January 1.

(2) The third Monday in January.

(3) The third Monday in February.

(4) March 31.

(5) The last Monday in May.

(6) July 4.

(7) The first Monday in September.

(8) *The first Tuesday after the first Monday in November*~~11~~, in any even-numbered year.

(9) November 11.

~~(9)~~

(10) Thanksgiving Day.

~~(10)~~

(11) December 25.

~~(11)~~

(12) The four business days between December 25 and January 1.

(b) Effective August 1, 2009, subject to subdivisions (c) and (e), regional centers shall not compensate a transportation vendor/family member, transportation company, transportation/additional component vendor, transportation broker, transportation assistant/vendor, transportation vendor/auto driver, or transportation vendor/public or rental car agency or taxi, in accordance with Title 17 of the California Code of Regulations, for transporting any consumer to receive services from any of the vendors specified in subdivision (a) for any of the holidays set forth in paragraphs (1) to~~(11)~~, (12), inclusive, of subdivision (a).

(c) If a holiday listed in this section falls on a Saturday or a Sunday, the following Monday shall be deemed to be the holiday in lieu of the day observed.

(d) Contracts between the vendors described in this section and regional centers shall reflect the holiday closures set forth in this section and shall be renegotiated accordingly, as necessary.

(e) The department may adjust the holidays set forth in subdivision (a) through a program directive. This directive shall be provided to the regional centers and posted on the department's Internet Web site at least 60 days~~prior to~~ before the effective date of the change in holiday.

SEC. 12. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.