Assembly Bill No. 1906

Passed the Assembly August 31, 2020

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Chief Clerk of the Assembly

Passed the Senate August 30, 2020

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Secretary of the Senate

This bill was received by the Governor this _____ day of ____________, 2020, at ____ o’clock ____m.

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Private Secretary of the Governor
AB 1906 — 2 —

CHAPTER ________

An act to add Section 19885.5 to the Government Code, relating to peace officers.

LEGISLATIVE COUNSEL’S DIGEST

AB 1906, Salas. Pregnant peace officers: duty assignment policy. Existing law creates the Department of Human Resources, which is headed by the Director of the Department of Human Resources, and commits to the director the duty to administer and enforce the laws relating to personnel. Pursuant to this authority, the department prescribes rules regarding leave. Existing law creates the Department of Corrections and Rehabilitation and grants it jurisdiction over specified prisons and institutions. Existing law requires an open examination for the position of correctional officer, correctional program supervisor, and other custodial positions that normally afford entry into the department’s service to include a demonstration of the physical ability to effectively carry out the duties and responsibilities of the position, as specified.

This bill would require the Department of Corrections and Rehabilitation, in consultation with the Department of Human Resources, on or before January 1, 2021, to establish a policy pursuant to which a pregnant peace officer shall be permitted to perform alternate, light duty assignments, subject to a medical certification that establishes the nature of their pregnancy-related limitations. The bill would require the policy to include specified elements. The bill would require the Department of Corrections and Rehabilitation to carefully weigh any request for an alternate, light duty assignment and to base final determinations upon the employee’s medical limitations or restrictions, the employee’s classification, and the needs of the department. The bill would require the department to provide a publicly available report that contains the reasons for the denial of a request for an alternate, light duty assignment. The bill would require all denials, including the denial of an initial request that was later modified and granted, and denial of an extension of the duration of time during which a pregnant peace officer shall be permitted to perform an alternate, light duty assignment, to be submitted for review by the deputy
The people of the State of California do enact as follows:

SECTION 1. Section 19885.5 is added to the Government Code, to read:

19885.5. (a) The Department of Corrections and Rehabilitation, in consultation with the Department of Human Resources, on or before January 1, 2021, shall establish a policy pursuant to which a pregnant peace officer shall be permitted to perform alternate, light duty assignments, subject to a medical certification that establishes the nature of their pregnancy-related limitations. The policy shall include the following elements:

(1) The pregnant peace officer shall remain in their job classification while working in an alternate, light duty assignment.

(2) The pregnant peace officer shall not be forced into an alternate, light duty assignment. The pregnant peace officer shall be responsible for requesting an alternate, light duty assignment, and submitting documentation from their health care provider that sets forth any restrictions or limitations that support their placement in an alternate, light duty assignment.

(3) The pregnant peace officer shall continue to receive normal promotional opportunities and pay increases to the same extent and under the same conditions afforded prior to performing alternate, light duty assignments.

(b) The Department of Corrections and Rehabilitation shall carefully weigh any request for an alternate, light duty assignment. The department shall make every effort to accommodate each employee’s individual needs and to consider a combination of options in reaching final determinations, which shall be made based upon the employee’s medical limitations or restrictions, the employee’s classification, and the needs of the department.

(c) If a request for an alternate, light duty assignment is denied by the department, the department shall provide a publicly available report that contains the reasons for the denial; however the report shall not include any personally identifying information relating to the peace officer. All denials, including the denial of an initial request that was later modified and granted, and denial of an extension of the duration of time during which a pregnant peace
officer shall be permitted to perform an alternate, light duty assignment, shall be submitted to the department headquarters staff within five business days for a second level of review. The review shall be conducted by the deputy director of facility support for the Division of Adult Institutions, Department of Corrections and Rehabilitation, or their designee, who shall receive input from the department’s Office of Employee Health and Wellness.

(d) If this section is in conflict with the provisions of a memorandum of understanding reached pursuant to Section 3517.7, the memorandum of understanding shall control without further legislative action, except that if the provisions of the agreement require the expenditure of funds, the provisions shall not become effective unless approved by the Legislature in the annual Budget Act.
Approved ________________________, 2020

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Governor