

BUDGET LETTER

		NUMBER: 01-04
SUBJECT:	COSTS FOR ADMINISTRATION OF COLLECTIVE BARGAINING, LITIGATION, AND ARBITRATION	DATE ISSUED: February 13, 2001
REFERENCES:	GOVERNMENT CODE SECTION 19815.6	SUPERSEDES: 99-36

TO: Agency Secretaries
Department Directors
Departmental Budget Officers
Departmental Accounting Officers
Department of Finance Budget Staff

FROM: DEPARTMENT OF FINANCE

Under the provisions of the Ralph C. Dills Act (Dills Act), the Department of Personnel Administration (DPA) represents the Governor and all State departments in labor relation matters involving State civil service employees. By the express terms of Government Code Section 19815.6, the Chief Counsel of DPA, independent of the Attorney General, is authorized to represent the State in all legal matters in which DPA is interested, before any administrative agency or court of law. Accordingly, all State departments and agencies will be represented by the DPA's attorneys at their requests for injunctive relief and formal hearings before the Public Employment Relations Board, at arbitrations held pursuant to the provisions of negotiated Memoranda of Understanding (MOU), and in all other labor law and non-merit personnel matters in state and federal courts. Representation by the DPA attorneys will be mandated in such cases regardless of whether the dispute arises at the departmental or DPA level.

All necessary and actual legal services rendered by DPA and costs incurred therewith in requests for injunctive relief, unfair practices and representation cases, arbitration hearings, court matters, and legal opinions shall be reimbursed by the appropriate State department or agency irrespective of the genesis of the legal action, upon receipt of an invoice from DPA. Where more than two agencies are represented in the same matter, or where the dispute involves a bargaining unit(s) that covers two or more departments, the legal services will be billed on pro-rata basis as determined by DPA. DPA legal services are billed at the same rates as that of the Attorney General's Office, which are currently \$106 per hour for attorney time and \$53 per hour for paralegal time. Effective July 1, 2001, the rate for attorney services will increase to \$112 per hour. The billing rate for paralegal services will remain at \$53 per hour. Costs of all fees, including but not limited to filing fees, expert witnesses and consultant costs, hearing reporter and transcription fees, and other necessary legal costs may be billed separately, as DPA determines. In all cases permitted or required by law or negotiated MOU, such items as arbitration costs, hearing room rentals, transcription fees, and any other related costs shall be shared equally by the exclusive representative and the appropriate State department or agency.

In the event that the Chief Counsel of DPA delegates the authority to represent the State employer to State agencies or departments, this Budget Letter shall not apply. This Budget Letter shall continue until superseded by a subsequently issued Budget Letter. If you have any questions, please contact the DPA Legal Office at (916) 324-0512.

/s/ Yoshie Fujiwara

YOSHIE FUJIWARA
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