

**ASSEMBLY BILL**

**No. 1510**

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**Introduced by Committee on Public Employment and Retirement  
(Assembly Members McKinnor (Chair), Boerner, Elhawary,  
Garcia, and Nguyen)**

March 4, 2025

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An act to amend Sections 19775.17 and 19775.18 of, and to repeal Section 19775.16 of, the Government Code, and to add Section 100312 to the Public Utilities Code, relating to public employees.

LEGISLATIVE COUNSEL’S DIGEST

AB 1510, as introduced, Committee on Public Employment and Retirement. State employees: Santa Clara Valley Transportation Authority: employee relations.

Existing law requires the state to provide certain benefits and compensation to a state employee who, who as a member of the California National Guard or a United States military reserve organization, is called into active duty as a result of the Bosnia crisis on or after November 21, 1995. Existing law also requires the state to provide certain benefits to a state employee who, as a member of the California National Guard or United States military reserve organization, is ordered to active duty on and after September 11, 2001, as a result of the War on Terrorism. Existing law requires the state to reimburse the cost of insurance premiums for certain state employees for the period of time on active duty, not to exceed 365 calendar days.

This bill would repeal the provisions requiring the state to provide benefits and compensation for a state employee called into active duty as a result of the Bosnia crisis. The bill would increase the maximum

number of calendar days for reimbursement for the cost of the insurance premium to 730 cumulative calendar days.

Existing law, the Santa Clara Valley Transportation Authority Act, establishes the Santa Clara Valley Transportation Authority with various powers and duties relative to transportation projects and services and the operation of public transit in the County of Santa Clara.

Existing law establishes the Public Employment Relations Board (PERB) in state government as a means of resolving disputes and enforcing the statutory duties and rights of specified public employers and employees under various acts regulating collective bargaining, including the Meyers-Milias-Brown Act. Existing law vests PERB with jurisdiction to enforce certain provisions related to the authority's employees, over charges of unfair practices for represented authority employees, subject to a selection by an exclusive representative. Existing law, in the case of such a selection, gives PERB jurisdiction over the initial determination as to whether those charges are justified and, if so, the appropriate remedy, subject to certain restrictions.

This bill would authorize any charging party, respondent, or intervenor aggrieved by a final decision or order of PERB in an unfair practice case, except a decision of PERB not to issue a complaint in such a case, to petition for a writ of extraordinary relief from that decision or order, as specified. The bill, if the time to petition for extraordinary relief from a PERB decision or order has expired, would authorize PERB to seek enforcement of any final decision or order in a district court of appeal or superior court having jurisdiction over the county where the events giving rise to the decision or order occurred, as specified.

This bill would make legislative findings and declarations as to the necessity of a special statute for the authority.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 19775.16 of the Government Code is
- 2 repealed.
- 3 ~~19775.16. (a) In addition to the benefits provided pursuant to~~
- 4 ~~Sections 19775 and 19775.1, an employee who, as a member of~~
- 5 ~~the California National Guard or a United States military reserve~~
- 6 ~~organization, is called into active duty as a result of the Bosnia~~

1 ~~crisis on or after November 21, 1995, shall have the benefits~~  
2 ~~provided for in subdivision (b):~~

3 ~~(b) Any employee to which subdivision (a) applies, while on~~  
4 ~~active duty, shall, with respect to active duty served on or after~~  
5 ~~November 21, 1995, as a result of the Bosnia crisis, receive from~~  
6 ~~the state, for a period not to exceed 180 calendar days, as part of~~  
7 ~~his or her compensation both of the following:~~

8 ~~(1) The difference between the amount of his or her military~~  
9 ~~pay and allowances and the amount the employee would have~~  
10 ~~received as a state employee as determined by the Department of~~  
11 ~~Human Resources, including any merit raises that would otherwise~~  
12 ~~have been granted during the time the individual was on active~~  
13 ~~duty:~~

14 ~~(2) All benefits that he or she would have received had he or~~  
15 ~~she not been called to active duty unless the benefits are prohibited~~  
16 ~~or limited by vendor contracts:~~

17 ~~(c) Any individual receiving compensation pursuant to~~  
18 ~~subdivision (b) who does not return to state service within 60 days~~  
19 ~~of being released from active duty shall have that compensation~~  
20 ~~treated as a loan payable with interest at the rate earned on the~~  
21 ~~Pooled Money Investment Account. This subdivision shall not~~  
22 ~~apply to compensation received pursuant to Section 19775:~~

23 ~~(d) This section shall not apply to any active duty served~~  
24 ~~voluntarily after the close of the Bosnia crisis:~~

25 ~~(e) Benefits provided under paragraph (1) of subdivision (b)~~  
26 ~~shall only be provided to an employee who was not eligible to~~  
27 ~~participate in the federal Ready Reserve Mobilization Income~~  
28 ~~Insurance Program (10 U.S.C. Sec. 12521 et seq.) or a successor~~  
29 ~~federal program that, in the determination of the Director of Human~~  
30 ~~Resources, is substantively similar to the federal Ready Reserve~~  
31 ~~Mobilization Income Insurance Program. For an employee eligible~~  
32 ~~to participate in the federal Ready Reserve Mobilization Income~~  
33 ~~Insurance Program or a successor program, and whose monthly~~  
34 ~~salary as a state employee was higher than the sum of his or her~~  
35 ~~military pay and allowances and the maximum allowable benefit~~  
36 ~~under the federal Ready Reserve Mobilization Income Insurance~~  
37 ~~Program or a successor program, the employee shall receive the~~  
38 ~~amount payable under paragraph (1) of subdivision (b), but that~~  
39 ~~amount shall be reduced by the maximum allowable benefit under~~  
40 ~~the federal Ready Reserve Mobilization Income Insurance Program~~

1 ~~or a successor program. For individuals who elected the federal~~  
2 ~~Ready Reserve Mobilization Income Insurance Program, the state~~  
3 ~~shall reimburse for the cost of the insurance premium for the period~~  
4 ~~of time on active duty, not to exceed 180 calendar days.~~

5 SEC. 2. Section 19775.17 of the Government Code is amended  
6 to read:

7 19775.17. (a) In addition to the benefits provided pursuant to  
8 Sections 19775 and 19775.1, a state employee who, as a member  
9 of the California National Guard or a United States military reserve  
10 organization, is ordered to active duty by Presidential determination  
11 that it is necessary to augment the active forces for any operational  
12 mission, or when in time of national emergency declared by the  
13 President or otherwise authorized by law, shall have the benefits  
14 provided for in subdivision (b).

15 (b) Any state employee to which subdivision (a) applies, while  
16 on active duty, shall receive from the state, for the duration of the  
17 event as authorized pursuant to Sections 12302 and 12304 of Title  
18 10 of the United States Code, but not for more than 180 calendar  
19 days, as part of the state employee's compensation both of the  
20 following:

21 (1) The difference between the amount of the state employee's  
22 military pay and allowances and the amount the employee would  
23 have received as a state employee, including any merit raises that  
24 would otherwise have been granted during the time the individual  
25 was on active duty. The amount an employee, as defined in Section  
26 18526, would have received as a state employee, including any  
27 merit raises that would otherwise have been granted during the  
28 time the individual was on active duty, shall be determined by the  
29 Department of Human Resources.

30 (2) All benefits that the state employee would have received  
31 had they not served on active duty unless the benefits are prohibited  
32 or limited by vendor contracts.

33 (c) Any individual receiving compensation pursuant to  
34 subdivision (b) who does not reinstate to state service following  
35 active duty, shall have that compensation treated as a loan payable  
36 with interest at the rate earned on the Pooled Money Investment  
37 Account. This subdivision shall not apply to compensation received  
38 pursuant to Section 19775.

39 (d) Benefits provided under paragraph (1) of subdivision (b)  
40 shall only be provided to a state employee who was not eligible

1 to participate in a federally sponsored income protection program  
2 for National Guard personnel or military reserve personnel, or  
3 both, called into active duty, as determined by the Department of  
4 Human Resources. For a state employee eligible to participate in  
5 a federally sponsored income protection program, and whose salary  
6 as a state employee was higher than the sum of their military pay  
7 and allowances and the maximum allowable benefit under the  
8 federally sponsored income protection program, the state employee  
9 shall receive the amount payable under paragraph (1) of subdivision  
10 (b), but that amount shall be reduced by the maximum allowable  
11 benefit under the federally sponsored income protection program.  
12 For individuals who elected the federally sponsored income  
13 protection program, the state shall reimburse for the cost of the  
14 insurance premium for the period of time on active duty, not to  
15 exceed 180 calendar days.

16 (e) For purposes of this section, “state employee” means an  
17 employee as defined in Section 18526 or an officer or employee  
18 of the legislative, executive, or judicial department of the state.

19 (f) This section shall not apply to any state employee entitled  
20 to additional compensation or benefits pursuant to Section  
21 ~~19775.16~~ or 19775.18 of this code, or Section 395.08 of the  
22 Military and Veterans Code.

23 SEC. 3. Section 19775.18 of the Government Code is amended  
24 to read:

25 19775.18. (a) In addition to the benefits provided pursuant to  
26 Sections 19775 and 19775.1, a state employee who, as a member  
27 of the California National Guard or a United States military reserve  
28 organization, is ordered to active duty on and after September 11,  
29 2001, as a result of the War on Terrorism, shall have the benefits  
30 provided for in subdivision (b).

31 (b) Any state employee to which subdivision (a) applies, while  
32 on active duty, shall receive from the state, for the duration of the  
33 event known as the War on Terrorism, as authorized pursuant to  
34 Sections 12302 and 12304 of Title 10 of the United States Code,  
35 but not for more than 365 calendar days, as part of the state  
36 employee’s compensation both of the following:

37 (1) The difference between the amount of the state employee’s  
38 military pay and allowances and the amount the employee would  
39 have received as a state employee, including any merit raises that  
40 would otherwise have been granted during the time the individual

1 was on active duty. The amount an employee, as defined in Section  
2 18526, would have received as a state employee, including any  
3 merit raises that would otherwise have been granted during the  
4 time the individual was on active duty, shall be determined by the  
5 Department of Human Resources.

6 (2) All benefits that the state employee would have received  
7 had they not served on active duty unless the benefits are prohibited  
8 or limited by vendor contracts.

9 (c) Any individual receiving compensation pursuant to  
10 subdivision (b) who does not reinstate to state service following  
11 active duty, shall have that compensation treated as a loan payable  
12 with interest at the rate earned on the Pooled Money Investment  
13 Account. This subdivision does not apply to compensation received  
14 pursuant to Section 19775.

15 (d) Benefits provided under paragraph (1) of subdivision (b)  
16 shall only be provided to a state employee who was not eligible  
17 to participate in a federally sponsored income protection program  
18 for National Guard personnel or military reserve personnel, or  
19 both, called into active duty, as determined by the Department of  
20 Human Resources. For a state employee eligible to participate in  
21 a federally sponsored income protection program, and whose salary  
22 as a state employee was higher than the sum of their military pay  
23 and allowances and the maximum allowable benefit under the  
24 federally sponsored income protection program, the state employee  
25 shall receive the amount payable under paragraph (1) of subdivision  
26 (b), but that amount shall be reduced by the maximum allowable  
27 benefit under the federally sponsored income protection program.  
28 For individuals who elected the federally sponsored income  
29 protection program, the state shall reimburse for the cost of the  
30 insurance premium for the period of time on active duty, not to  
31 exceed ~~365~~ 730 *cumulative* calendar days.

32 (e) The Governor may, by executive order, extend the period  
33 of time for the receipt of benefits provided pursuant to this section  
34 by no more than an additional 1,460 calendar days.

35 (f) (1) "Military pay and allowances" for the purposes of this  
36 section does not include hazardous duty pay, hostile fire pay, or  
37 imminent danger pay. A state employee is entitled to retain these  
38 and any other special and incentive pay provided by the federal  
39 government.

1 (2) “State employee” for the purposes of this section means an  
2 employee as defined in Section 18526 or an officer or employee  
3 of the legislative, executive, or judicial department of the state.

4 (g) This section does not apply to any state employee entitled  
5 to additional compensation or benefits pursuant to Section  
6 ~~19775.16~~ or 19775.17 of this code, or Section 395.08 of the  
7 Military and Veterans Code.

8 (h) This section does not apply to any active duty served after  
9 the close of the War on Terrorism.

10 SEC. 4. Section 100312 is added to the Public Utilities Code,  
11 to read:

12 100312. (a) Any charging party, respondent, or intervenor  
13 aggrieved by a final decision or order of the Public Employment  
14 Relations Board in an unfair practice case, except a decision of  
15 that board not to issue a complaint in such a case, may petition for  
16 a writ of extraordinary relief from that decision or order.

17 (b) A petition for a writ of extraordinary relief shall be filed in  
18 the district court of appeal having jurisdiction over any county in  
19 which the VTA operates. The petition shall be filed within 30 days  
20 from the date of the issuance of the Public Employment Relations  
21 Board’s final decision or order, or order denying reconsideration,  
22 as applicable. Upon the filing of the petition, the court shall cause  
23 notice to be served upon the Public Employment Relations Board  
24 and thereafter shall have jurisdiction of the proceeding. The Public  
25 Employment Relations Board shall file in the court the record of  
26 the proceeding, certified by that board, within 10 days after the  
27 clerk’s notice unless that time is extended by the court for good  
28 cause shown. The court shall have jurisdiction to grant any  
29 temporary relief or restraining order it deems just and proper, and  
30 in like manner to make and enter a decree enforcing, modifying,  
31 and enforcing as modified, or setting aside in whole or in part the  
32 decision or order of the Public Employment Relations Board. The  
33 findings of the Public Employment Relations Board with respect  
34 to questions of fact, including ultimate facts, if supported by  
35 substantial evidence on the record considered as a whole, shall be  
36 conclusive. Title 1 (commencing with Section 1067) of Part 3 of  
37 the Code of Civil Procedure relating to writs shall, except where  
38 specifically superseded by this section, apply to proceedings  
39 pursuant to this section.

(c) If the time to petition for extraordinary relief from a Public Employment Relations Board decision or order has expired, the Public Employment Relations Board may seek enforcement of any final decision or order in a district court of appeal or superior court having jurisdiction over the county where the events giving rise to the decision or order occurred. The Public Employment Relations Board shall respond within 10 days to any inquiry from a party to the action as to why the Public Employment Relations Board has not sought court enforcement of the final decision or order. If the response does not indicate that there has been compliance with the Public Employment Relations Board's final decision or order, the Public Employment Relations Board shall seek enforcement of the final decision or order upon the request of the party. The Public Employment Relations Board shall file in the court the record of the proceeding, certified by that board, and appropriate evidence disclosing the failure to comply with the decision or order. If, after hearing, the court determines that the order was issued pursuant to the procedures established by the Public Employment Relations Board and that the person or entity refuses to comply with the order, the court shall enforce the order by writ of mandamus or other proper process. The court may not review the merits of the order.

SEC. 5. The Legislature finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique need of the Santa Clara Valley Transportation Authority to efficiently and cost-effectively adjudicate unfair labor practice complaints.