



# County of Santa Cruz 75

## BOARD OF SUPERVISORS

701 OCEAN STREET, SUITE 500, SANTA CRUZ, CA 95060-4069  
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WALTER J. SYMONS  
SECOND DISTRICT

MARDI WORMHOUDT  
THIRD DISTRICT

TONY CAMPOS  
FOURTH DISTRICT

JEFF ALMQUIST  
FIFTH DISTRICT

AGENDA: 8/24/99

August 16, 1999

BOARD OF SUPERVISORS  
County of Santa Cruz  
701 Ocean Street  
Santa Cruz, CA 95060

RE: SUPPORT FOR SENATE BILL 984

Dear Members of the Board:

Cesar Chavez brought a message to California that social and economic justice could be achieved through non-violent protest. His advocacy for improved working and social conditions for agricultural workers was an inspiration and he was regarded as a role model for the entire nation. Proper recognition of the leadership, inspiration and personal sacrifice that defined the life of Cesar Chavez is long overdue.

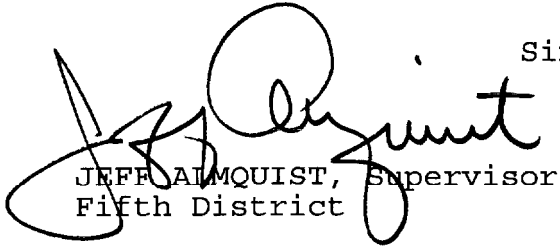
State Senate Bill 984, introduced by Senator Richard Polanco, designates a holiday to be known as "Cesar Chavez Day," which would be either the Monday or Friday following or preceding March 31, each year. It would be a judicial holiday and a required paid holiday for public schools, community colleges, and State employees. In 1983, the State Legislature enacted the "Martin Luther King, Jr. Day" holiday in the same manner outlined in SB 984.

Given the importance of the work done by Cesar Chavez during his life, we recommend that the Board endorse the passage of SB 984 by taking the following actions:

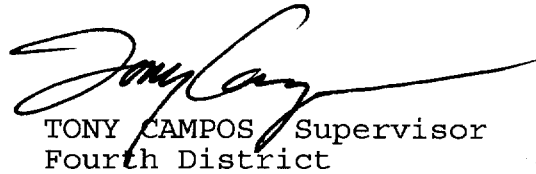
1. Adopt the attached resolution supporting the passage of Senate Bill 984.
2. Direct the Clerk of the Board to distribute the resolution as indicated.

3. Direct the County Administrative Officer to place the Bill in our legislative tracking system.

Sincerely,



JEFF ALMQUIST, Supervisor  
Fifth District



TONY CAMPOS, Supervisor  
Fourth District

JA/TC:pmp  
Attachments

cc: Senator Richard Polanco  
Senator Bruce McPherson  
County Administrative Office

152135

BEFORE THE BOARD OF SUPERVISORS  
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO.

On the motion of Supervisor  
duly seconded by Supervisor  
the following resolution is adopted

RESOLUTION SUPPORTING THE PASSAGE OF SENATE BILL 984

WHEREAS, Senator Richard Polanco has introduced Senate Bill 984 into the California State Legislature; and

WHEREAS, Senate Bill 984 would designate a holiday to be known as "Cesar Chavez Day" on either the Monday or Friday following or preceding March 31 each year, said day to be a judicial holiday and a required paid holiday for public schools, community colleges, and State employees; and

WHEREAS, Cesar Chavez brought a message to California that social and economic justice could be achieved through non-violent protest; and

WHEREAS, the advocacy of Cesar Chavez for improved working and social conditions for agricultural workers was truly an inspiration; and

WHEREAS, Cesar Chavez was regarded as a role model for the entire nation and proper recognition of the leadership, inspiration and personal sacrifice that defined the life of Cesar Chavez is long overdue; and

WHEREAS, the importance of the work done by Cesar Chavez during his life would be memorialized through the passage of Senate Bill 984 and the designation of Cesar Chavez Day.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this \_\_\_\_\_ day of \_\_\_\_\_, 1999, by the following vote:

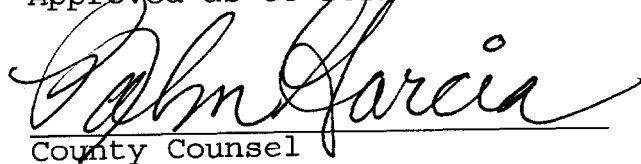
AYES: SUPERVISORS  
NOES: SUPERVISORS  
ABSENT: SUPERVISORS

\_\_\_\_\_  
JEFF ALMQUIST, Chairperson  
Board of Supervisors

ATTEST: \_\_\_\_\_  
Clerk of said Board

RESOLUTION SUPPORTING THE PASSAGE OF SENATE BILL 984  
Page 2

Approved as to form:

  
County Counsel

DISTRIBUTION:    Senator Richard Polanco  
                      Senator Bruce McPherson  
                      Assembly Member Fred Keeley  
                      Assembly Member Peter Frusetta  
                      Governor Davis

152135

CHAIR, BUDGET SUBCOMMITTEE  
NO. 4 GENERAL GOVERNMENT

CHAIR, LATINO LEGISLATIVE  
CAUCUS

CHAIR, JOINT COMMITTEE ON  
PRISON CONSTRUCTION &  
OPERATIONS

CHAIR, SUBCOMMITTEE ON  
PROFESSIONAL & VOCATIONAL  
STANDARDS

CHAIR, SUBCOMMITTEE ON THE  
AMERICAS



MEMBER  
BUDGET AND FISCAL REVIEW  
BUSINESS AND PROFESSIONS  
COMMITTEE  
ELECTIONS AND  
REAPPORTIONMENT  
FINANCE INVESTMENT AND  
INTERNATIONAL TRADE  
HEALTH AND HUMAN SERVICES  
LOCAL GOVERNMENT  
PUBLIC SAFETY  
TRANSPORTATION

# California State Senate

## Senate Majority Leader

SENATOR RICHARD G. POLANCO  
TWENTY-SECOND SENATORIAL DISTRICT

July 23, 1999

Dear Elected Official:

I write to respectfully request a letter of support for Senate Bill 984. This measure would create a new California holiday in honor of Cesar Chavez who passed away April 23, 1993.

Cesar Chavez' message of justice and non-violent protest, his advocacy for improved working and social conditions of workers and his leadership in the farm worker movement make him an inspiration and role model for us all.

SB 984 provides that March 31, known as "Cesar Chavez Day," could be either the Monday or Friday following or preceding that date. It would be a judicial holiday, and a required paid holiday for public schools (K-12), community colleges, and state employees. Chavez was born on March 31, 1927. It was also on that day in 1962 that Chavez dedicated himself full-time to the struggle of farm workers

Proper state recognition of Cesar Chavez is long overdue. **Cesar** Chavez stands among Mahatma Gandhi and Dr. Martin Luther King Jr. in his adherence to the principals of non-violence and his advocacy for human rights. Honoring him in this way will send an important message to our children that in California we recognize and value the leadership, inspiration and personal sacrifice that defined the life of Cesar Chavez.

In 1983, the Legislature enacted the "Martin Luther King, Jr. Day" holiday in the same manner outlined in SB 984. At the time, the Commission on State Mandates determined that the only mandated costs associated with that holiday were one-time administrative costs of \$250,000.

If you have any questions regarding SB 984 feel free to have your staff contact my Chief Aide Bill Mabie at (213) 620-2529. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Richard G. Polanco".

**Richard G. Polanco**  
Majority Leader, California Senate  
Chair, Latino Legislative Caucus

BILL NUMBER: SB 984            INTRODUCED  
                   BILL TEXT

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INTRODUCED BY    Senator    Polanco

FEBRUARY 26, 1999

An act to amend Sections 10, 12a, and 135 of the Code of Civil Procedure, to amend Sections 37220, 37220.5, 45203, 79020, and 88203 of the Education Code, and to amend Sections 19853 and 19853.1 of the Government Code, relating to Cesar Chavez Day.

LEGISLATIVE COUNSEL'S DIGEST

SB 984, as introduced, Polanco. State holidays: Cesar Chavez Day.

Existing law includes March 31, known as Cesar Chavez Day as a state holiday. Existing law excludes March 31 as a judicial holiday.

Existing law also authorizes, but does not require that March 31 be a holiday for public schools and community colleges.

This bill would provide that March 31 is a judicial holiday, a required holiday for schools and community colleges, and a paid holiday for state employees.

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

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

SECTION 1. Section 10 of the Code of Civil Procedure is amended to read:

10. Holidays within the meaning of this code are every Sunday and such other days, other than the ~~holidays~~ holiday specified in ~~subdivisions~~ subdivision (c) and (f) of Section 6700 of the Government Code as are specified or provided for as holidays in Chapter 7 (commencing with Section 6700) of Division 7 ~~of Title 1 of the Government Code.~~

SEC. 2. Section 12a of the Code of Civil Procedure is amended to read:

12a. If the last day for the performance of any act provided or required by law to be performed within a specified period of time shall be a holiday, then that period is hereby extended to and including the next day which is not a holiday. The term "holiday" as used herein shall mean all day on Saturdays, all holidays specified in Section 6700 and 6701 of the Government Code, other than the ~~holidays~~ holiday specified in ~~subdivisions~~ subdivision (c) and (f)

of Section 6700 of the Government Code, and, to the extent provided in Section 12b, all days which by terms of Section 12b are required to be considered as holidays. However, for a period of time expiring prior to January 1, 1952, time shall be computed and extended in accordance with the provisions of this section as they existed on January 1, 1951.

This section applies also to Sections 659, 659a, 946, and 974 through 982, inclusive, and the periods of time severally therein prescribed or provided for, and to all other provisions of law, however stated or wherever expressed, providing or requiring an act to be performed on a particular day or within a specified period of time. The mention of these sections is not intended and shall not be construed to exclude the application of this section to any other provisions of law, whether the latter are expressed in this or any other code or statute, ordinance, rule, or regulation.

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SEC. 3. Section 135 of the Code of Civil Procedure is amended to read:

135. Every full day designated as a holiday by Section 6700 of the Government Code, including that Thursday of November declared by the President to be Thanksgiving Day, is a judicial holiday, except September 9, known as "Admission Day," ~~March 31, known as "Cesar Chavez Day."~~ and any other day appointed by the President, but not by the Governor, for a public fast, thanksgiving, or holiday. If a judicial holiday falls on a Saturday or a Sunday, the Judicial Council may designate an alternative day for observance of the holiday. Every Saturday and the day after Thanksgiving Day is a judicial holiday. Officers and employees of the courts shall observe only the judicial holidays established pursuant to this section.

SEC. 4. Section 37220 of the Education Code is amended to read:

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

(1) January 1.  
 (2) The third Monday in January or Monday or Friday in the week in which January 15 occurs, known as "Dr. Martin Luther King, Jr. Day." On the Friday preceding which day the 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) *March 31, known as "Cesar Chavez Day," or the appropriate Monday or Friday following or preceding that date, as the case may be.*

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

~~(6)~~

(7) July 4.

~~(7)~~

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

~~(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.

(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) 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 of Education.

SEC. 5. Section 37220.5 of the Education Code is amended to read:

~~37220.5. (a) In addition to the holidays prescribed in Section 37220, public schools may be closed on March 31, known as "Cesar Chavez Day," or the appropriate Monday or Friday following or preceding that date, 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 schools for that purpose.~~

~~(b) On March 31 or on the day determined by the governing board, public schools and educational institutions throughout the state may include exercises, funded through existing resources, commemorating and directing attention to the history of the farm labor movement in the United States and particularly the role therein of Cesar Chavez. The State Board of Education may adopt a model curriculum guide to be available for use by public schools for exercises related to Cesar Chavez Day.~~

SEC. 6. Section 45203 of the Education Code is amended to read:

45203. All probationary or permanent employees that are a part of the classified service shall be entitled to 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," March 31 known as "Cesar Chavez 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.

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 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~~ this 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 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



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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 addition to the other paid holidays specified in this section, the classified service may be entitled to a paid holiday on March 7 <sup>1</sup> 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 section shall apply 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. 7. Section 79020 of the Education Code is amended to read:

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

(a) 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," March 31 known as "Cesar Chavez 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.

(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 21 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) (1) Nothing in this section is to 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. 8. Section 88203 of the Education Code is amended to read:  
88203. 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," March 31 known as "Cesar Chavez 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 (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 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 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 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~~ these holidays, he or she shall be paid compensation, or given compensating time off, for ~~such~~ the 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 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 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 section shall apply 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. 9. Section 19853 of the Government Code is amended to read:

19853. (a) Except as provided in subdivision (c), all employees shall be entitled to the following holidays: January 1, the third Monday in January, February 12, the third Monday in February, ~~March 31,~~ the last Monday in May, July 4, the first Monday in September, the second Monday in October, November 11, the day after Thanksgiving, December 25, the day chosen by an employee pursuant to Section 19854, and 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 11th 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 subdivision, 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 their classification's assigned workweek group. 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, or compensating time off, shall be considered as time worked by the employee.

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

(c) Any employee, who is either 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, shall be entitled to the following holidays, with pay, in addition to any official state holiday appointed by the Governor:

(1) January 1, the third Monday in January, February 12, the third Monday in February, March 31, the last Monday in May, July 4, the first Monday in September, the second Monday in October, November 11, Thanksgiving Day, the day after Thanksgiving, December 25, and any personal holiday chosen pursuant to Section 19854. The department head or designee may require an employee to provide five working days' advance notice before a personal holiday is taken, and may deny use subject to operational needs.

(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 or November 11, falls on a Saturday, an employee shall, regardless of whether he or she works on the holiday, only accrue 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) Less than full-time employees shall receive holidays in accordance with Department of Personnel Administration rules.

(d) (1) Any employee, as defined in subdivision (c) of Section 3513, may elect to receive eight hours of holiday credit for ~~March 31, known as "Cesar Chavez Day," or 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.

(2) It is not the intent of the Legislature, by the amendments to this subdivision that add this paragraph, to increase the personal holiday credit that an employee receives pursuant to Section 19854.

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 or 16.

(b) Except as provided in subdivision (c), all 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, the day after Thanksgiving, December 25, and 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) 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 the following holidays, with pay, in addition to any official state holiday appointed by the Governor:

(1) 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. 8.7

(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 Personnel Administration 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 March 31, known as "Cesar Chavez Day."~~

~~(f) 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."~~

~~(g)~~  
(f) This section shall become effective only when the Department of Personnel Administration notifies the Legislature that the language contained in this section has been agreed to by all the parties, and the necessary statutes are amended to reflect this change for employees excluded from the Ralph C. Dills Act (Chapter 10.3 (commencing with Section 3512), Division 4, Title 1).