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8   UNITED STATES DISTRICT COURT

9   NORTHERN DISTRICT OF CALIFORNIA

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11 MARCIANO PLATA, et al.,   Case No. C01-1351 TEH

12   *Plaintiffs,*   [PROPOSED] ORDER GRANTING
                                               RECEIVER'S APPLICATION FOR
13   v.   ORDER WAIVING STATE STATUTES,
                                               REGULATIONS AND PROCEDURES
14 ARNOLD SCHWARZENEGGER, et al.,   REGARDING SALARY GRIDS FOR
                                               RECEIVER CAREER EXECUTIVE
15   *Defendants.*   ASSIGNMENTS

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1   The Receiver submitted his Application for an order waiving a number of State statutes

2 and regulations governing the administration of salaries for executives hired into certain Receiver

3 Career Executive Assignment ("RCEA") classifications to permit the Receiver to implement

4 compensation grids with respect to RCEA classifications. The Court has considered the

5 Application, and finds that implementation of such salary grids for RCEA classifications is

6 necessary to permit the Receiver to bring the prison medical care system up to constitutional

7 standards and furthers the goals of this Court's Orders dated July 3, 2007 and September 11,

8 2007 (Docket ## 758 and 827), that the Department of Personnel Administration ("DPA") does

9 not oppose the Application, that the statutes and regulations which are the subject of the

10 Application are clearly preventing the Receiver from carrying out his duty to bring the prison

11 medical care system up to constitutional standards and that no adequate alternatives under State

12 law exist. In addition, Plaintiffs and Defendants were given an opportunity to file objections to the Receiver's application, and no objections were received.

13   Accordingly,

14   IT IS HEREBY ORDERED that the following State statutes and regulations and

15 procedures are waived with respect to implementation of the proposed salary grids:

16   Cal. Gov't Code § 19826 (only to the extent that it grants DPA the power to set salaries

17 within prescribed ranges);

18   Cal. Gov't Code § 19829 (establishing requirements for salary ranges);

19   Cal. Gov't Code § 19832 (governing yearly increases);

20   Cal. Gov't Code § 19834 (providing for automatic salary adjustments);

21   Cal. Gov't Code § 19835 (providing for right to automatic salary adjustments);

22   Cal. Gov't Code § 19836 (authorizing DPA to make salary adjustments);

23   2 Cal. Code Regs. § 599.679 (governing employee retention of salary above maximum

24 when moving between classes);

25   2 Cal. Code Regs. § 599.680 (governing termination of salary above maximum);

26   2 Cal. Code Regs. § 599.682 (governing qualifying service for salary adjustments);

27   2 Cal. Code Regs. § 599.683 (governing yearly increases); and

28   2 Cal. Code Regs. § 599.685 (governing in-grade salary increases).

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1   IT IS SO ORDERED.

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     Dated: _11/03_, 2008.
3   Hon. Thelton E. Henderson
                                               United States District Judge
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6   Judge Thelton E. Henderson

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