

ASSEMBLY BILL

No. 1603

Introduced by Assembly Member Ridley-Thomas

February 17, 2017

An act to amend Sections 3501, 3507, and 3507.1 of the Government Code, relating to public employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 1603, as introduced, Ridley-Thomas. Meyers-Milias-Brown Act: local public agencies.

The Meyers-Milias-Brown Act (MMBA) authorizes a local public agency to adopt reasonable rules and regulations after consultation in good faith with representatives of an employer-employee organization or organizations for the administration of employer-employee relations under the act. The Public Employment Relations Board (PERB) has jurisdiction over certain disputes arising pursuant to MMBA. The MMBA rules and regulations may include exclusive recognition of employee organizations formally recognized pursuant to a vote of the employees of the agency or an appropriate unit thereof, subject to the right of an employee to represent himself or herself.

This bill instead would specify that those rules and regulations may provide for exclusive recognition of employee organizations formally recognized pursuant to a vote of the employees of the agency or an appropriate unit thereof, subject to the employee's right to represent himself or herself, and provided that an otherwise appropriate unit of a public agency and one or more joint employers do not require the agency or joint employer's consent.

Under the MMBA, unit determinations and representation elections are determined and processed in accordance with rules adopted by a

public agency and the MMBA. Existing law requires, in a representation election, a majority vote of the employees in the appropriate bargaining unit.

This bill also would specify that the appropriate bargaining unit includes a unit that consists of a public agency and one or more joint employers.

The MMBA requires a public agency to grant exclusive or majority recognition to an employee organization based on a signed petition, authorization cards, or union membership cards showing that the majority of the employees in the appropriate bargaining unit desire the representation, unless another labor organization has previously been lawfully recognized as exclusive or majority representative or all or part of the same unit.

This bill would specify that the requirement of a majority of the employees in an appropriate bargaining unit desire the representation also includes an appropriate bargaining unit consisting of a public agency and one or more joint employers.

The MMBA defines “public employee” to mean any person employed by a public agency, in addition to other specified employees.

This bill would revise the definition of “public employee” for the purpose of the act to include persons jointly employed by a public agency.

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 3501 of the Government Code is amended
- 2 to read:
- 3 3501. As used in this chapter:
- 4 (a) “Employee organization” means either of the following:
- 5 (1) Any organization that includes employees of a public agency
- 6 and that has as one of its primary purposes representing those
- 7 employees in their relations with that public agency.
- 8 (2) Any organization that seeks to represent employees of a
- 9 public agency in their relations with that public agency.
- 10 (b) “Recognized employee organization” means an employee
- 11 organization which has been formally acknowledged by the public
- 12 agency as an employee organization that represents employees of
- 13 the public agency.

1 (c) Except as otherwise provided in this subdivision, “public
2 agency” means every governmental subdivision, every district,
3 every public and quasi-public corporation, every public agency
4 and public service corporation and every town, city, county, city
5 and county and municipal corporation, whether incorporated or
6 not and whether chartered or not. As used in this chapter, “public
7 agency” does not mean a school district or a county board of
8 education or a county superintendent of schools or a personnel
9 commission in a school district having a merit system as provided
10 in Chapter 5 (commencing with Section 45100) of Part 25 and
11 Chapter 4 (commencing with Section 88000) of Part 51 of the
12 Education Code or the State of California.

13 (d) “Public employee” means any person employed by any
14 public agency, including *persons jointly employed by a public*
15 *agency, and* employees of the fire departments and fire services
16 of counties, cities, cities and counties, districts, and other political
17 subdivisions of the state, excepting those persons elected by
18 popular vote or appointed to office by the Governor of this state.

19 (e) “Mediation” means effort by an impartial third party to assist
20 in reconciling a dispute regarding wages, hours and other terms
21 and conditions of employment between representatives of the
22 public agency and the recognized employee organization or
23 recognized employee organizations through interpretation,
24 suggestion and advice.

25 (f) “Board” means the Public Employment Relations Board
26 established pursuant to Section 3541.

27 SEC. 2. Section 3507 of the Government Code is amended to
28 read:

29 3507. (a) A public agency may adopt reasonable rules and
30 regulations after consultation in good faith with representatives of
31 a recognized employee organization or organizations for the
32 administration of employer-employee relations under this chapter.

33 The rules and regulations may include provisions for all of the
34 following:

35 (1) Verifying that an organization does in fact represent
36 employees of the public agency.

37 (2) Verifying the official status of employee organization
38 officers and representatives.

39 (3) Recognition of employee organizations.

1 (4) Exclusive recognition of employee organizations formally
2 recognized pursuant to a vote of the employees of the agency or
3 an appropriate unit thereof, subject to the right of an employee to
4 represent himself or herself as provided in Section ~~3502~~: 3502,
5 *and provided that an otherwise appropriate unit of a public agency*
6 *and one or more joint employers does not require the consent of*
7 *the agency or joint employer.*

8 (5) Additional procedures for the resolution of disputes involving
9 wages, hours and other terms and conditions of employment.

10 (6) Access of employee organization officers and representatives
11 to work locations.

12 (7) Use of official bulletin boards and other means of
13 communication by employee organizations.

14 (8) Furnishing nonconfidential information pertaining to
15 employment relations to employee organizations.

16 (9) Any other matters that are necessary to carry out the purposes
17 of this chapter.

18 (b) Exclusive recognition of employee organizations formally
19 recognized as majority representatives pursuant to a vote of the
20 employees may be revoked by a majority vote of the employees
21 only after a period of not less than 12 months following the date
22 of recognition.

23 (c) No public agency shall unreasonably withhold recognition
24 of employee organizations.

25 (d) Employees and employee organizations shall be able to
26 challenge a rule or regulation of a public agency as a violation of
27 this chapter. This subdivision shall not be construed to restrict or
28 expand the board’s jurisdiction or authority as set forth in
29 subdivisions (a) to (c), inclusive, of Section 3509.

30 SEC. 3. Section 3507.1 of the Government Code is amended
31 to read:

32 3507.1. (a) Unit determinations and representation elections
33 shall be determined and processed in accordance with rules adopted
34 by a public agency in accordance with this chapter. In a
35 representation election, a majority of the votes cast by the
36 employees in the appropriate bargaining ~~unit~~ *unit, including an*
37 *appropriate bargaining unit consisting of a public agency and one*
38 *or more joint employers, shall be required.*

39 (b) Notwithstanding subdivision (a) and rules adopted by a
40 public agency pursuant to Section 3507, a bargaining unit in effect

1 as of the effective date of this section shall continue in effect unless
2 changed under the rules adopted by a public agency pursuant to
3 Section 3507.

4 (c) A public agency shall grant exclusive or majority recognition
5 to an employee organization based on a signed petition,
6 authorization cards, or union membership cards showing that a
7 majority of the employees in an appropriate bargaining unit desire
8 the representation, *including an appropriate bargaining unit*
9 *consisting of a public agency and one or more joint employers,*
10 unless another labor organization has previously been lawfully
11 recognized as exclusive or majority representative of all or part of
12 the same unit. Exclusive or majority representation shall be
13 determined by a neutral third party selected by the public agency
14 and the employee organization who shall review the signed petition,
15 authorization cards, or union membership cards to verify the
16 exclusive or majority status of the employee organization. In the
17 event the public agency and the employee organization cannot
18 agree on a neutral third party, the California State Mediation and
19 Conciliation Service shall be the neutral third party and shall verify
20 the exclusive or majority status of the employee organization. In
21 the event that the neutral third party determines, based on a signed
22 petition, authorization cards, or union membership cards, that a
23 second labor organization has the support of at least 30 percent of
24 the employees in the unit in which recognition is sought, the neutral
25 third party shall order an election to establish which labor
26 organization, if any, has majority status.

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