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Code: Section:

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GOVERNMENT CODE - GOV

TITLE 1. GENERAL [100 - 7931.000] (Title 1 enacted by Stats. 1943, Ch. 134.)

DIVISION 4. PUBLIC OFFICERS AND EMPLOYEES [1000 - 3599.84] (Division 4 enacted by Stats. 1943, Ch. 134.)

CHAPTER 11. Prohibition on Public Employers Deterring or Discouraging Union Membership [3550 - 3553] (Heading of Chapter 11 amended by Stats. 2018, Ch. 92, Sec. 86.)

3550. A public employer shall not deter or discourage public employees or applicants to be public employees from becoming or remaining members of an employee organization, or from authorizing representation by an employee organization, or from authorizing dues or fee deductions to an employee organization. This is declaratory of existing law.

(Amended by Stats. 2018, Ch. 53, Sec. 11. (SB 866) Effective June 27, 2018.)

3551. (a) Except as provided in paragraphs (b) and (c), the Public Employment Relations Board shall have jurisdiction over violations of this chapter. The powers and duties of the board described in Section 3541.3 shall apply, as appropriate, to this chapter.

(b) For a public transit agency, the provisions in the Public Utilities Code that regulate labor relations shall govern violations of this chapter.

(c) The employee relations commissions established by the County of Los Angeles and the City of Los Angeles shall have jurisdiction over violations of this chapter in the County of Los Angeles and the City of Los Angeles, respectively.

(Amended by Stats. 2018, Ch. 53, Sec. 12. (SB 866) Effective June 27, 2018.)

3551.5. (a) (1) An employee organization that is subject to the jurisdiction of the Public Employment Relations Board may bring a claim before the board alleging that a public employer violated Section 3550. Upon a finding by the board that the public employer violated Section 3550, the employer shall be subject to a civil penalty, to be deposited in the General Fund, of up to one thousand dollars (\$1,000) per each affected employee, not to exceed one hundred thousand dollars (\$100,000) in total, and shall be subject to attorney's fees and costs, as described in subdivision (b).

(2) The Public Employment Relations Board shall apply the following criteria when assessing a civil penalty pursuant to paragraph (1):

(A) The public employer's annual budget.

(B) The severity of the violation.

(C) Any prior history of violations by the public employer.

(b) (1) The Public Employment Relations Board shall award attorney's fees and costs to a prevailing employee organization unless the board finds the claim was frivolous, unreasonable, or groundless when brought, or the employee organization continued to litigate after it clearly became so. The attorney's fees and costs shall be calculated from the inception of proceedings before the board's Division of Administrative Law until final disposition of the claim by the board.

(2) Notwithstanding paragraph (1), the board shall not award attorney's fees and costs under this section for any proceedings before the board that challenge the dismissal of an unfair practice charge by the board's Office of the General Counsel.

(3) If the board initiates proceedings with the superior court to enforce or achieve compliance with a board order pursuant to this section or is required to defend a decision of the board involving this section after an employer seeks judicial review, the court shall award the board attorney's fees and costs if the board is the prevailing party.

(Added by Stats. 2022, Ch. 823, Sec. 1. (SB 931) Effective January 1, 2023.)

3552. For the purpose of this chapter:

- (a) "Employee organization" means an employee organization within the meaning of the provisions listed in subdivision (c).
- (b) "Public employee" means an employee granted rights by the provisions listed in subdivision (c) or an employee of a public transit agency, the labor relations of which are regulated by provisions in the Public Utilities Code.
- (c) "Public employer" means any employer subject to Chapter 10 (commencing with Section 3500), Chapter 10.3 (commencing with Section 3512), Chapter 10.4 (commencing with Section 3524.50), Chapter 10.7 (commencing with Section 3540), or Chapter 12 (commencing with Section 3560) of Division 4 of Title 1, Chapter 7 (commencing with Section 71600) or Chapter 7.5 (commencing with Section 71800) of Title 8 of this code, or Chapter 7 (commencing with Section 99560) of Part 11 of Division 10 of the Public Utilities Code, or Section 12302.25 of the Welfare and Institutions Code. This chapter also applies to public transit districts with respect to their public employees who are in bargaining units not subject to the provisions listed in this subdivision.

(Amended by Stats. 2018, Ch. 53, Sec. 13. (SB 866) Effective June 27, 2018.)

- 3553.** (a) This section shall apply only when an employee organization has been recognized or certified by the governing body of the public employer or the Public Employment Relations Board as the exclusive representative of employees in a bargaining unit.
- (b) If a public employer chooses to disseminate mass communications to public employees or applicants to be public employees concerning public employees' rights to join or support an employee organization, or to refrain from joining or supporting an employee organization, it shall meet and confer with the exclusive representative concerning the content of the mass communication.
- (c) If the public employer and the exclusive representative do not come to agreement on the content of a public employer's mass communication covered by this section, and if the public employer still chooses to disseminate the mass communication, the public employer shall distribute to the public employees, in addition to, and at the same time as, its own mass communication, a communication of reasonable length provided to the public employer by the exclusive representative. The exclusive representative shall provide the public employer with adequate copies of its own mass communication prior to distribution.
- (d) This section shall not apply to a public employer's distribution of a communication concerning public employee rights that has been adopted for purposes of this section by the Public Employment Relations Board or the Department of Human Resources.
- (e) For purposes of this section, a "mass communication," means a written document, or script for an oral or recorded presentation or message, that is intended for delivery to multiple public employees.

(Added by Stats. 2018, Ch. 53, Sec. 14. (SB 866) Effective June 27, 2018.)