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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 9.4. Public Employee Health Protection Act [3140 - 3142] (Chapter 9.4 added by Stats. 2021, Ch. 740, Sec. 1.)

3140. The Legislature finds as follows:

- (a) Public employers, including the state and the University of California, are among the largest employers in the state, offering medical and other health care benefits to hundreds of thousands of employees and their family members. Employers typically contribute all or part of the premium cost for employees and their dependent family members; employees may also contribute part of their pay to cover the premium cost.
- (b) Many of California's large employers, including the state, counties, municipalities, and the University of California, operate hospitals, medical clinics, and other health care delivery systems. To protect public health, staff at these medical facilities should have uninterrupted access to health care services.
- (c) Employers have previously threatened to or actually suspended their health care insurance contributions for striking employees, which upends workers' and their family members' access to health services.
- (d) Even a temporary lapse of health insurance coverage can have ripple effects on working families, their surrounding communities, and public health.
- (e) Working people and their family members who are denied access to their doctors, prescriptions, and necessary treatment during a strike may go without care, enroll in a publicly financed safety net plan, or seek uncompensated care, typically from public health care providers.
- (f) The COVID-19 pandemic has strained California's public health safety net programs, and future federal funding for the Medi-Cal program is in jeopardy.
- (g) It is a matter of statewide concern that access to health and other medical care continue and that employers not suspend coverage or their contributions towards premiums for workers or their dependent family members during a strike.
- (h) It is also a matter of statewide concern that the temporary loss of coverage during a strike harms not only the striking worker, but also harms dependent family members and the surrounding community, and further strains the already stretched public social safety net on which so many people depend.
- (i) Therefore, it is the intent of the Legislature to prohibit the activities referenced in this chapter.

(Added by Stats. 2021, Ch. 740, Sec. 1. (AB 237) Effective January 1, 2022.)

3141. For the purposes of this chapter, the following definitions apply:

- (a) "Authorized strike" means a strike sanctioned by the central labor council or the membership of an employee organization that represents the striking employees, or one that is engaged in by unrepresented employees.
- (b) "Covered employer" includes any public employer, including, but not limited to, those identified in subdivision (c) of Section 3552, that offers health care or other medical coverage for nonoccupational injuries or illness to its employees.
- (c) "Dependent" means a person who receives health care or other medical coverage based on their relationship to an employee of a covered employer, such as an employee's spouse, domestic partner, child, or other family member.
- (d) "Health care or other medical coverage" includes medical, behavioral health, dental, vision, disability, accidental death and dismemberment, life, and supplemental health insurance benefits provided through any governmental plan, as defined in 29 U.S.C. Sec. 1002(32).

(Added by Stats. 2021, Ch. 740, Sec. 1. (AB 237) Effective January 1, 2022.)

3142. (a) It shall be an unfair practice for a covered employer to do any of the following:

(1) Fail or refuse to maintain and pay for continued health care or other medical coverage for an enrolled employee or their enrolled dependents, for the duration of the enrolled employee's participation in an authorized strike, at the level and under the conditions that coverage would have been provided if the employee had continued to work in their position for the duration of the strike.

(2) Fail to collect and remit the employee's contributions, if any, to this coverage.

(3) Maintain any policy purporting to authorize any action prohibited by this section or otherwise threaten an employee's or their dependents' continued access to health and other medical care during or as a result of the employee's participation in a strike.

(b) Any health or other medical care premiums, contributions, or out-of-pocket expenses actually paid by the employee or their dependents as a result of the employer's violation of this section, or because the employer failed to ensure continued coverage during a strike, shall be restored along with any other equitable adjustments necessary and proper under the circumstances to ensure that the employee and their dependents are made whole.

(c) The Public Employment Relations Board shall have jurisdiction over any violation of this chapter as an unfair practice. The powers and duties of the board described in Section 3541.3 of the Government Code shall apply, as appropriate, to this chapter.

(d) This chapter shall be construed liberally to effectuate its purposes, to protect employees' access to health care during a labor dispute and to preserve state resources, to the fullest extent not preempted by federal law.

(e) The provisions of this chapter apply in addition to any other protections provided to employees under any memorandum of understanding or under any state or local law.

(f) The provisions of this chapter are severable. If any provision of this chapter or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

(g) This chapter is declaratory of, and clarifies, existing law by making some of the prohibitions and applicable remedies available under current law explicit in statute. This chapter does not limit any retaliation or discrimination protections workers may have under the law.

(Added by Stats. 2021, Ch. 740, Sec. 1. (AB 237) Effective January 1, 2022.)