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GOVERNMENT CODE - GOV

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

DIVISION 4.5. Mediation and Conciliation Service [3600 - 3616] (Division 4.5 added by Stats. 2012, Ch. 46, Sec. 11.)

CHAPTER 3. Public Transportation Labor Disputes [3610 - 3616] (Chapter 3 added by Stats. 2012, Ch. 46, Sec. 11.)

3610. The definitions set forth in this section shall govern the construction and meaning of the terms used in this chapter:

(a) "Local agency" means any city, county, special district, or other public entity in the state. It includes a charter city or a charter county.

(b) "Public transit employee" means an employee of any transit district of the state, an employee of the Golden Gate Bridge, Highway and Transportation District, and an employee of any local agency who is employed to work for transit service provided by that agency.

(Added by Stats. 2012, Ch. 46, Sec. 11. (SB 1038) Effective June 27, 2012.)

3611. Notwithstanding any other law, the following provisions shall govern disputes between exclusive bargaining representatives of public transit employees and local agencies:

(a) The disputes shall not be subject to any fact-finding procedure otherwise provided by law.

(b) Each party shall exchange contract proposals not less than 90 days before the expiration of a contract, and shall be in formal collective bargaining not less than 60 days before that expiration.

(c) Each party shall supply to the other party all reasonable data as requested by the other party.

(d) At the request of either party to a dispute, a conciliator from the California State Mediation and Conciliation Service shall be assigned to mediate the dispute and shall have access to all formal negotiations.

The provisions of this section shall not apply to any local agency subject to the provisions of Chapter 10 (commencing with Section 3500) of Division 4.

(Added by Stats. 2012, Ch. 46, Sec. 11. (SB 1038) Effective June 27, 2012.)

3612. (a) Whenever in the opinion of the Governor, a threatened or actual strike or lockout will, if permitted to occur or continue, significantly disrupt public transportation services and endanger the public's health, safety, or welfare, and upon the request of either party to the dispute, the Governor may appoint a board to investigate the issues involved in the dispute and to make a written report to him or her within seven days. The report shall include a statement of the facts with respect to the dispute, including the respective positions of the parties, but shall not contain recommendations. The report shall be made available to the public.

(b) Any strike or lockout during the period of investigation of the board appointed pursuant to this section is prohibited.

(Added by Stats. 2012, Ch. 46, Sec. 11. (SB 1038) Effective June 27, 2012.)

3613. The board of investigation shall be composed of no more than five members, one of whom shall be designated by the Governor as chairperson. Members of the board shall receive one hundred dollars (\$100) for each day actually spent by them in the work of the board and shall receive their actual and necessary expenses incurred in the performance of their duties.

The board may hold public hearings to ascertain the facts with respect to the causes and circumstances of the dispute. For the purpose of any hearing or investigation, the board may summon and subpoena witnesses, require the production of papers, books, accounts, reports, documents, records, and papers of any kind and description, to issue subpoenas, and to take all necessary means to compel the attendance of witnesses and procure testimony.

(Added by Stats. 2012, Ch. 46, Sec. 11. (SB 1038) Effective June 27, 2012.)

3614. Upon receiving a report from a board of investigation, the Governor may request the Attorney General to, and he or she shall, petition any court of competent jurisdiction to enjoin the strike or lockout or the continuing thereof, for a period of 60 days. The court shall issue an order enjoining the strike or lockout, or the continuation thereof, if the court finds that the threatened or actual strike or lockout, if permitted to occur or continue, will significantly disrupt public transportation services and endanger the public's health, safety, or welfare.

(Added by Stats. 2012, Ch. 46, Sec. 11. (SB 1038) Effective June 27, 2012.)

3615. If the charter or establishing legislation of the local agency establishes a time period for the negotiating or meeting and conferring process which is shorter than 60 days, the provisions of this chapter shall not be applicable to any disputes which may arise between the exclusive bargaining representative of public transit employees and the local agency.

(Added by Stats. 2012, Ch. 46, Sec. 11. (SB 1038) Effective June 27, 2012.)

3616. Except as expressly provided by subdivision (b) of Section 3612 and Section 3614, nothing in this chapter shall be construed to grant or deprive employees of a right to strike.

(Added by Stats. 2012, Ch. 46, Sec. 11. (SB 1038) Effective June 27, 2012.)