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AB-530 Public employment: collective bargaining: peace officers. (2017-2018)

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ENROLLED SEPTEMBER 13, 2017

PASSED IN SENATE SEPTEMBER 06, 2017

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AMENDED IN SENATE JULY 03, 2017

AMENDED IN SENATE JUNE 19, 2017

AMENDED IN ASSEMBLY APRIL 04, 2017

CALIFORNIA LEGISLATURE— 2017–2018 REGULAR SESSION

ASSEMBLY BILL

NO. 530

**Introduced by Assembly Member Cooper
(Coauthor: Assembly Member Eduardo Garcia)**

February 13, 2017

An act to repeal and add Section 3511 of the Government Code, relating to public employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 530, Cooper. Public employment: collective bargaining: peace officers.

Existing law establishes the Public Employment Relations Board (PERB) in state government as a means of resolving disputes and enforcing the statutory duties and rights of employers and employees under the Educational Employment Relations Act, the Higher Education Employer-Employee Relations Act, the Ralph C. Dills Act, and the Meyers-Milias-Brown Act. Existing law includes within PERB's jurisdiction resolving disputes alleging violation of rules and regulations adopted by a public agency, as defined, concerning unit determinations, representations, recognition, and elections, as specified.

Existing law requires bargaining unit determinations and representation elections to be determined and processed in accordance with rules adopted by a public agency, as specified. Existing law requires, in a representation election, a majority of the votes cast by the employees in the appropriate bargaining unit.

Existing law requires PERB to enforce and apply rules adopted by a public agency concerning unit determinations, representation, recognition, and elections. Existing law also requires specified complaints to be processed as an unfair practice charge by PERB.

Existing law does not apply the above provisions to persons who are peace officers, as defined.

This bill would expand the jurisdiction of PERB to include resolving disputes and statutory duties and rights of persons who are employed by public agencies, as defined, and are peace officers, as defined. The bill also would authorize a peace officer, or a recognized employee organization that represents any person who is a peace officer, as specified, to bring an action in superior court to seek injunctive and other relief pending a final determination by the board, as specified. The bill would except the employee relations commissions of the County of Los Angeles and the City of Los Angeles from the application of its provisions.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 3511 of the Government Code is repealed.

SEC. 2. Section 3511 is added to the Government Code, to read:

3511. (a) Except as described in subdivision (c), notwithstanding any other law, on and after January 1, 2018, persons who are employed by a public agency and are peace officers as defined in Section 830 of the Penal Code shall be subject to the jurisdiction of the board.

(b) Any peace officer, as defined in Section 830 of the Penal Code, or a recognized employee organization that represents any person who is a peace officer under Section 830, may bring an action in superior court to seek injunctive relief or a writ of mandamus to preserve the status quo or prevent irreparable harm pending a final determination by the board on any issue upon which a court has not made a ruling.

(c) This section does not apply to employers and employees under the jurisdiction of the employee relations commissions established by, and in effect for, the County of Los Angeles and the City of Los Angeles, and does not affect the authority of those commissions provided by subdivision (d) of Section 3509.