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**AB-1048 Alameda Health System Hospital Authority: labor negotiations.** (2021-2022)

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**Assembly Bill No. 1048**

**CHAPTER 379**

An act to amend Section 101851 of the Health and Safety Code, relating to employment.

[ Approved by Governor September 28, 2021. Filed with Secretary of State September 28, 2021. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 1048, Cooper. Alameda Health System Hospital Authority: labor negotiations.

Existing law establishes an independent public agency to manage, administer, and control the Alameda Health System, which is known as the Alameda Health System Hospital Authority. The hospital authority is governed by a board that is appointed by the Board of Supervisors of the County of Alameda. Existing law prescribes the characteristics of employees of the hospital authority who are and are not authorized to participate in the Alameda County Employees' Retirement Association at the time the provisions authorizing the creation of the hospital authority become effective. Existing law generally prohibits a person employed by the hospital authority on or before the date these provisions became effective who was not qualified for membership in the Alameda County Employees' Retirement Association at that time from becoming qualified for membership as a result of subsequent employment with the hospital authority.

This bill would repeal the above-described prohibition on certain employees of the Alameda Health System Hospital Authority qualifying for membership in the Alameda County Employees' Retirement Association. The bill, during a specified time period, would require that a request to meet and confer by a recognized union or bargaining agent result in the reopening of an effective memorandum of understanding for the purpose of negotiating an agreement regarding the inclusion of certain people within the applicable bargaining unit in the Alameda County Employees' Retirement Association. The bill would authorize a side letter or similar agreement to be negotiated in lieu of reopening the memorandum of understanding. The bill would prescribe membership tier requirements for people who are members of the Alameda County Employees' Retirement Association and who transfer, reassign, or are hired, as specified, which would apply if the facility or hospital authority and a recognized union or bargaining agent agree to include people within an applicable bargaining unit participating in the Alameda County Employees' Retirement Association. The bill would delete a provision relating to people who are not members of the Alameda County Employees' Retirement Association in connection with the characteristics of people who may become a member of the association, subject to a memorandum of understanding, as specified.

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

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

**SECTION 1.** Section 101851 of the Health and Safety Code is amended to read:

**101851.** On or after the effective date of the act adding this section, the eligibility of an employee of the hospital authority described in this section to participate in the Alameda County Employees' Retirement Association, as prescribed in subdivision (s) of Section 101850, is limited as follows:

(a) (1) A person who has the following characteristics shall not become a member of the Alameda County Employees' Retirement Association upon entering the employ of the hospital authority or during a subsequent period of employment with the hospital authority and shall instead be subject to paragraph (2):

(A) The person is an employee of a facility on the date that the facility is acquired by, or merged into, the hospital authority or the person later becomes an employee of that facility after its acquisition or merger.

(B) The person is not a member of the Alameda County Employees' Retirement Association on the date that the facility is acquired by, or merged into, the hospital authority or when the person later becomes an employee of that facility.

(C) The person is not subject to a memorandum of understanding between the facility or hospital authority and a recognized union or bargaining agent.

(2) A person described by this subdivision shall become a participant in one or more retirement plans sponsored by the hospital authority that were adopted by the hospital authority on November 27, 2012, or as subsequently amended.

(b) (1) A person who has the following characteristics may become a member of the Alameda County Employees' Retirement Association, subject to paragraph (2), upon entering the employ of the hospital authority or during a subsequent period of employment with the hospital authority:

(A) The person is an employee of a facility on the date that the facility is acquired by, or merged into, the hospital authority or the person later becomes an employee of that facility after its acquisition or merger.

(B) The person is subject to a memorandum of understanding between the facility or hospital authority and a recognized union or bargaining agent.

(2) The retirement benefits of a person described in this subdivision shall be governed by the applicable memorandum of understanding, which may provide for the person's membership in the Alameda County Employees' Retirement Association or prohibit that membership and instead provide either of the following:

(A) That the person shall become a participant in one or more retirement plans sponsored by the hospital authority that were adopted by the hospital authority on November 27, 2012, or as subsequently amended.

(B) That the hospital authority contribute on behalf of the person to a pension trust sponsored by a third party pursuant to which the hospital authority qualifies as a participating employer.

(c) (1) Upon adoption of a resolution by the hospital authority making this subdivision applicable, a person who has the following characteristics shall not become a member of the Alameda County Employees' Retirement Association upon entering the employ of the hospital authority and shall instead be subject to paragraph (2):

(A) The person is hired by the hospital authority on or after the effective date of this section and on or after the effective date of the resolution.

(B) The person is not a member of the Alameda County Employees' Retirement Association on the date of hire.

(C) The person is not subject to a memorandum of understanding between the hospital authority and a recognized union or bargaining agent.

(2) A person described by this subdivision shall become a participant in one or more retirement plans sponsored by the hospital authority that were adopted by the hospital authority on November 27, 2012, or as subsequently amended.

(d) (1) Notwithstanding subdivision (b), during the period between the effective date of the act adding this subdivision and the expiration of a memorandum of understanding that is in effect during that period between the facility or hospital authority and a recognized union or bargaining agent, a request to meet and confer by the recognized union or bargaining agent shall reopen the memorandum of understanding solely for the purpose of negotiating an agreement regarding inclusion of people within the applicable bargaining unit in the Alameda County Employees' Retirement Association. Either party may elect to negotiate a side letter or similar agreement in lieu of reopening the memorandum of understanding. This subdivision shall not be interpreted to abrogate agreements that are in effect between the facility or hospital authority and a recognized union or bargaining agent.

(2) If the facility or hospital authority and a recognized union or bargaining agent agree to include people within an applicable bargaining unit participating in the Alameda County Employees' Retirement Association, a person who subsequently transfers,

reassigns, or is hired into that bargaining unit who is a member of the Alameda County Employees' Retirement Association shall maintain the same tier of membership in the Alameda County Employees' Retirement Association upon being transferred, reassigned, or hired into that bargaining unit.