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AB-1550 Higher education labor relations: employee organizations. (2021-2022)

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Assembly Bill No. 1550

CHAPTER 754

An act to amend Section 3579 of the Government Code, relating to higher education labor relations.

[Approved by Governor October 09, 2021. Filed with Secretary of State October 09, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1550, Luz Rivas. Higher education labor relations: employee organizations.

Existing law establishes the University of California under the administration of the Regents of the University of California.

Existing law, the Higher Education Employer-Employee Relations Act, contains provisions relating to employer-employee relations between the State of California and the employees of the University of California. The act assigns major responsibilities for its implementation to the Public Employment Relations Board. A provision of the act relates to the factors to be considered in the determination of the appropriateness of an employee representation unit. The act specifies that the only appropriate representation units that include members of the Academic Senate of the University of California are either a single statewide unit consisting of all eligible members of the senate or divisional units consisting of all eligible members of a division of the senate.

If the University of California adds to the academic senate an existing job classification that was previously outside of the academic senate, and employees in that job classification were represented by an exclusive representative, this bill would instead require continued representation of that job classification and those employees by that exclusive representative.

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

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

SECTION 1. Section 3579 of the Government Code is amended to read:

3579. (a) In each case where the appropriateness of a unit is an issue, in determining an appropriate unit, the board shall take into consideration all of the following criteria:

(1) The internal and occupational community of interest among the employees, including, but not limited to, the extent to which they perform functionally related services or work toward established common goals, the history of employee representation with the employer, the extent to which the employees belong to the same employee organization, the extent to which the employees have common skills, working conditions, job duties, or similar educational or training requirements, and the extent to which the employees have common supervision.

(2) The effect that the projected unit will have on the meet and confer relationships, emphasizing the availability and authority of employer representatives to deal effectively with employee organizations representing the unit, and taking into account factors

such as work location, the numerical size of the unit, the relationship of the unit to organizational patterns of the higher education employer, and the effect on the existing classification structure or existing classification schematic of dividing a single class or single classification schematic among two or more units.

(3) The effect of the proposed unit on efficient operations of the employer and the compatibility of the unit with the responsibility of the higher education employer and its employees to serve students and the public.

(4) The number of employees and classifications in a proposed unit, and its effect on the operations of the employer, on the objectives of providing the employees the right to effective representation, and on the meet and confer relationship.

(5) The impact on the meet and confer relationship created by fragmentation of employee groups or any proliferation of units among the employees of the employer.

(b) There shall be a presumption that professional employees and nonprofessional employees shall not be included in the same representation unit. However, the presumption shall be rebuttable, depending upon what the evidence pertinent to the criteria set forth in subdivision (a) establishes.

(c) There shall be a presumption that all employees within an occupational group or groups located principally within the State of California shall be included within a single representation unit. However, the presumption shall be rebutted if there is a preponderance of evidence that a single representation unit is inconsistent with the criteria set forth in subdivision (a) or with the purposes of this chapter.

(d) Notwithstanding the foregoing provisions of this section, or any other provision of law, an appropriate group of skilled crafts employees shall have the right to be a single, separate unit of representation. Skilled crafts employees shall include, but not necessarily be limited to, employment categories such as carpenters, plumbers, electricians, painters, and operating engineers. The single unit of representation shall include not less than all skilled crafts employees at a campus or at a Lawrence Laboratory.

(e) (1) (A) Notwithstanding the foregoing provisions of this section, the only appropriate representation units including members of the Academic Senate of the University of California shall be either a single statewide unit consisting of all eligible members of the senate, or divisional units consisting of all eligible members of a division of the senate.

(B) Notwithstanding subparagraph (A), if the University of California adds to the academic senate an existing job classification that was previously outside of the academic senate, and employees in that job classification were represented by an exclusive representative, that job classification and those employees shall continue to be represented by that exclusive representative.

(2) In addition to the limitations of subdivision (q) of Section 3562, the scope of representation of any divisional unit shall be limited to those matters that have customarily been determined on a division basis, but the employer shall consult with the exclusive representative of a division on matters that would be within the scope of representation or consultation of a statewide representative.

(3) When 35 percent of the eligible members of the academic senate are represented by an exclusive representative or representatives in divisional units, the board, on petition of a representative or of an organization composed of those representatives, shall conduct an election to determine if the eligible members of the entire senate wish thereafter to be represented by a representative or organization in a single unit on all matters within the scope of representation. Any other exclusive representative or organization of representatives or any employee organization meeting the requirements of subdivision (a) of Section 3577 shall be entitled, on petition, to appear on the ballot, and in the event no choice receives a majority of the votes cast, the runoff provisions of subdivision (a) of Section 3577 shall be applicable.

(f) The board shall not determine that any unit is appropriate if it includes, together with other employees, employees who are defined as peace officers pursuant to subdivisions (b) and (c) of Section 830.2 of the Penal Code.