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AB-2556 Local public employee organizations. (2021-2022)

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Assembly Bill No. 2556

CHAPTER 412

An act to amend Section 3505.7 of, and to add Section 3503.1 to, the Government Code, relating to public employment.

[Approved by Governor September 18, 2022. Filed with Secretary of State September 18, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2556, O'Donnell. Local public employee organizations.

The Meyers-Milias-Brown Act contains various provisions that govern collective bargaining of local represented employees and delegates jurisdiction to the Public Employment Relations Board to resolve disputes and enforce the statutory duties and rights of local public agency employers and employees. The act requires the governing body of a public agency to meet and confer in good faith regarding wages, hours, and other terms and conditions of employment with representatives of recognized employee organizations. Under the act, if the representatives of the public agency and the employee organization fail to reach an agreement, they may mutually agree on the appointment of a mediator and equally share the cost. Existing law gives public employees the right to refuse to join or participate in the activities of employee organizations, and provides that employees who are members of a bona fide religion, body, or sect that has historically held conscientious objections to joining or financially supporting public employee organizations are not required to join or financially support a public employee organization as a condition of employment, as specified.

Existing law, the Firefighters Procedural Bill of Rights Act, grants certain employment rights to firefighters, as defined.

This bill would authorize a recognized employee organization to charge an employee covered by the Firefighters Procedural Bill of Rights Act for the reasonable cost of representation when the employee holds a conscientious objection, as described above, or declines membership in the organization and requests individual representation in a discipline, grievance, arbitration, or administrative hearing from the organization. The bill would apply this authorization only to these proceedings for which the recognized employee organization does not exclusively control the process.

Existing law provides that after any applicable mediation and factfinding procedures have been exhausted, but no earlier than 10 days after the factfinders' written findings of fact and recommended terms of settlement have been submitted to the parties, a public agency that is not required to proceed to interest arbitration may, after holding a hearing regarding the impasse, implement its last, best, and final offer.

This bill would revise the above-described timeframe to no earlier than 15 days after the factfinders' written findings of fact and recommended terms of settlement have been submitted to the parties.

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

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

SECTION 1. Section 3503.1 is added to the Government Code, to read:

3503.1. If an employee covered by Chapter 9.6 (commencing with Section 3250) holds a conscientious objection described in subdivision (c) of Section 3502.5 or declines membership in the recognized employee organization and requests individual representation in a discipline, grievance, arbitration, or administrative hearing from the recognized employee organization, the recognized employee organization may charge the employee for the reasonable cost of the representation. This section applies only to the above proceedings where the recognized employee organization does not exclusively control the process.

SEC. 2. Section 3505.7 of the Government Code is amended to read:

3505.7. After any applicable mediation and factfinding procedures have been exhausted, but no earlier than 15 days after the factfinders' written findings of fact and recommended terms of settlement have been submitted to the parties pursuant to Section 3505.5, a public agency that is not required to proceed to interest arbitration may, after holding a public hearing regarding the impasse, implement its last, best, and final offer, but shall not implement a memorandum of understanding. The unilateral implementation of a public agency's last, best, and final offer shall not deprive a recognized employee organization of the right each year to meet and confer on matters within the scope of representation, whether or not those matters are included in the unilateral implementation, prior to the adoption by the public agency of its annual budget, or as otherwise required by law.