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**SB-1313 Local public employee organizations: health benefits: discrimination.** (2021-2022)

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CALIFORNIA LEGISLATURE— 2021–2022 REGULAR SESSION

**SENATE BILL**

**NO. 1313**

**Introduced by Senator Hertzberg**

**February 18, 2022**

An act to add Section 3504.6 to the Government Code, relating to public employment.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 1313, Hertzberg. Local public employee organizations: health benefits: discrimination.

Existing law prohibits the governing body of a public agency with a population in excess of 4,000,000, or the boards and commissions designated by the governing body of such a public agency, from discriminating against employees by removing or disqualifying them from a health benefit plan, or otherwise restricting their ability to participate in a health benefit plan, on the basis that the employees have selected or supported a recognized employee organization.

This bill would prohibit the County of Los Angeles from discriminating against an employee who is a member of a recognized employee organization by, among other things, limiting the employee's health benefit plan enrollment options or eligibility to participate in health benefit plans to plans that provide fewer benefits than those offered to employees who are not represented by a recognized employee organization. The bill would state that the addition of this provision does not constitute a change in, but is declaratory of, existing law. Because the bill would require the County of Los Angeles to provide a higher level of service, it would impose a state-mandated local program.

This bill would make legislative findings and declarations as to the necessity of a special statute for the County of Los Angeles.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

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

**SECTION 1.** Section 3504.6 is added to the Government Code, to read:

**3504.6.** The County of Los Angeles shall not discriminate against an employee who is a member of a recognized employee organization by doing any of the following:

- (a) Limiting the employee's health benefit plan enrollment options or eligibility to participate in health benefit plans to plans that provide fewer benefits than those offered to employees who are not represented by a recognized employee organization.
- (b) Disqualifying the employee from participation in health benefit plans that provide better benefits than the plans offered to employees who are not represented by a recognized employee organization.
- (c) Restricting the employee from participation in health benefit plans that are available to managerial employees or other employees who are not members of a recognized employee organization.

**SEC. 2.** The addition of Section 3504.6 to the Government Code by this act does not constitute a change in, but is declaratory of, existing law.

**SEC. 3.** The Legislature finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because, existing law notwithstanding, the County of Los Angeles only provides its MegaFlex Flexible Benefits Plan to management and other nonunion employees.

**SEC. 4.** If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.