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AB-1 Collective bargaining: Legislature. (2023-2024)

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Assembly Bill No. 1

CHAPTER 313

An act to add Chapter 12.5 (commencing with Section 3599.50) to Division 4 of Title 1 of the Government Code, relating to the Legislature.

[Approved by Governor October 07, 2023. Filed with Secretary of State October 07, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1, McKinnor. Collective bargaining: Legislature.

Existing law, the Ralph C. Dills Act (Dills Act), governs collective bargaining between the state and recognized state public employee organizations. Existing law excludes certain employees from coverage under the Dills Act, including, among others, managerial employees, supervisory employees, and confidential employees, as defined. Existing law creates the Public Employment Relations Board and authorizes it, among other things, to determine appropriate state employee bargaining units, as specified.

This bill would enact the Legislature Employer-Employee Relations Act, to provide employees of the Legislature, except certain specified categories of excluded employees, the right to form, join, and participate in the activities of employee organizations of their own choosing for the purpose of representation on all matters of employer-employee relations. The bill would prescribe rights, duties, and prohibitions in this context that parallel those in the Dills Act. For the purposes of bargaining or meeting and conferring in good faith, the bill would define "employer" to mean the Assembly Committee on Rules or the Senate Committee on Rules. The bill would require the employer to meet and confer with representatives of recognized employee organizations regarding matters within the scope of representation. The bill would exclude certain matters from the scope of representation, as specified. The bill would grant exclusive jurisdiction to the Public Employment Relations Board to make an initial determination as to whether charges of unfair practices are justified, and, if so, the necessary remedy, as specified. However, the bill would prohibit the board from issuing a decision or order that intrudes upon or interferes with the Legislature's core function of efficient and effective lawmaking or the essential operation of the Legislature. The bill would require the board to determine appropriate bargaining units, and would prohibit the board from including employees in a bargaining unit that includes employees other than those of the employer. The bill would prohibit the board from including within a bargaining unit employees from both the Assembly and Senate.

This bill would make it a misdemeanor for any person to willfully resist, prevent, impede, or interfere with any member of the board, or any of its agents, in the performance of duties pursuant to its provisions. By expanding the definition of a crime, this bill would impose a state-mandated local program. The bill would provide that the provisions of the Legislature Employer-Employee Relations Act are severable. The bill would become operative on July 1, 2026.

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 no reimbursement is required by this act for a specified reason.

This bill would additionally exempt from public inspection records related to activities governed by the Legislature Employer-Employee Relations Act that reveal the employer's deliberative processes, impressions, evaluations, opinions, recommendations, meeting minutes, research, work product, theories, or strategy, or that provide instruction, advice, or training to employees who do not have full collective bargaining and representation rights under the Legislature Employer-Employee Relations Act.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

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

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

SECTION 1. Chapter 12.5 (commencing with Section 3599.50) is added to Division 4 of Title 1 of the Government Code, to read:

CHAPTER 12.5. Legislature Employer-Employee Relations

3599.50. This chapter shall be known, and may be cited, as the Legislature Employer-Employee Relations Act.

3599.51. The Legislature finds and declares that it is the purpose of this chapter to promote full communication between each employer and its employees by providing a reasonable method of resolving disputes regarding wages, hours, and other terms and conditions of employment between the employer and public employee organizations. It is also the purpose of this chapter to promote the improvement of personnel management and employer-employee relations within the employer by providing a uniform basis for recognizing the right of its employees to join organizations of their own choosing and be represented by those organizations in their employment relations with their employer. It is further the purpose of this chapter, in order to foster peaceful employer-employee relations, to allow the employees to select one employee organization as the exclusive representative of the employees in an appropriate unit and to permit the exclusive representative to receive financial support from those employees who receive the benefits of this representation.

3599.52. For purposes of this chapter:

(a) "Board" means the Public Employment Relations Board. The powers and duties of the board described in Section 3541.3 also apply, as appropriate, to this chapter, except as otherwise provided in this chapter. Notwithstanding this chapter or any other law, the board shall not intrude upon or interfere with the Legislature's core function of efficient and effective lawmaking or the essential operation of the Legislature.

(b) (1) "Employee" means any employee respectively of either house of the Legislature, except all of the following:

(A) Members of the Legislature.

(B) Appointed officers of the Legislature, such as the Secretary of the Senate and the Chief Clerk of the Assembly.

(C) Department or office leaders, such as chiefs-of-staff, staff directors, and chief consultants. "Department or office leader" means any supervisory employee having authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them, or effectively to recommend this action, if, in connection with the foregoing, the exercise of any authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

(D) Confidential employees. "Confidential employee" means any employee who is required to develop or present management positions with respect to employer-employee relations or whose duties normally require access to confidential information contributing significantly to the development of management positions.

(E) Excluded employees.

(2) Notwithstanding any other provision of this chapter, the employer shall have the sole and exclusive authority to designate employees as department or office leaders, confidential employees, or excluded employees, as specified in subparagraphs (C) to (E), inclusive, of paragraph (1), except that department or office leaders, confidential employees, and excluded employees shall not, collectively, exceed one-third of the total employee positions authorized by the employer.

(c) "Employee organization" means any organization that includes employees and that has as one of its primary purposes representing these employees in their relations with the employer.

(d) "Employer" means the Assembly Committee on Rules or the Senate Committee on Rules. For the purposes of bargaining or meeting and conferring in good faith, "employer" means the Assembly Committee on Rules or the Senate Committee on Rules, or their designated representatives, acting with the authorization of their respective houses.

(e) "Maintenance of membership" means that all employees who voluntarily are, or who voluntarily become, members of a recognized employee organization shall remain members of that employee organization in good standing for a period as agreed to by the parties pursuant to a memorandum of understanding, commencing with the effective date of the memorandum of understanding. A maintenance of membership provision does not apply to any employee who within 30 days prior to the expiration of the memorandum of understanding withdraws from the employee organization by sending a signed withdrawal letter to the employee organization and a copy to the Controller's office.

(f) "Mediation" means effort by an impartial third party to assist in reconciling a dispute regarding wages, hours, and other terms and conditions of employment between representatives of the employer and the recognized employee organization or recognized employee organizations through interpretation, suggestion, and advice.

(g) "Recognized employee organization" means an employee organization that has been recognized by the employer as the exclusive representative of the employees in an appropriate unit.

3599.54. Any person who willfully resists, prevents, impedes, or interferes with any member of the board, or any of its agents, in the performance of duties pursuant to this chapter, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine of not more than one thousand dollars (\$1,000).

3599.55. The initial determination as to whether charges of unfair practices are justified, and, if so, what remedy is necessary to effectuate the purposes of this chapter, is a matter within the exclusive jurisdiction of the board, except that, in an action to recover damages due to an unlawful strike, the board shall not award strike-preparation expenses as damages, and shall not award damages for costs, expenses, or revenue losses incurred during, or as a consequence of, an unlawful strike. Procedures for investigating, hearing, and deciding these cases shall be devised and promulgated by the board and shall include all of the following:

(a) Any employee or employee organization, or the employer, has the right to file an unfair practice charge, except that the board shall not do either of the following:

(1) Issue a complaint respecting a charge based upon an alleged unfair practice that occurred more than six months prior to the filing of the charge.

(2) Issue a complaint respecting conduct also prohibited by the provisions of the agreement between the parties until the grievance machinery of the agreement, if it exists and covers the matter at issue, has been exhausted, either by settlement or binding arbitration. However, when the charging party demonstrates that resort to contract grievance procedures would be futile, their exhaustion is not necessary. The board has discretionary jurisdiction to review a settlement or arbitration award reached pursuant to the grievance machinery solely for the purpose of determining whether it is repugnant to the purposes of this chapter. If the board finds that the settlement or arbitration award is repugnant to the purposes of this chapter, it shall issue a complaint on the basis of a timely filed charge, and hear and decide the case on the merits; otherwise, it shall dismiss the charge. The board shall, in determining whether the charge was timely filed, consider the six-month limitation set forth in paragraph (1) to have been tolled during the time it took the charging party to exhaust the grievance machinery.

(b) The board shall not enforce agreements between the parties or issue a complaint on any charge based on an alleged violation of an agreement that would not also constitute an unfair practice under this chapter.

(c) The board may issue a decision and order directing an offending party to cease and desist from the unfair practice and to take such affirmative action, including, but not limited to, the reinstatement of employees with or without backpay, as will effectuate the policies of this chapter, except that the board shall not issue any decision or order that intrudes upon or interferes with the Legislature's core function of efficient and effective lawmaking or the essential operation of the Legislature.

3599.56. Employees have the right to form, join, and participate in the activities of employee organizations of their own choosing for the purpose of representation on all matters of employer-employee relations. Employees also have the right to refuse to join or participate in the activities of employee organizations, except that the parties are not precluded from agreeing to a maintenance of membership provision pursuant to a memorandum of understanding. In any event, employees have the right to represent themselves individually in their employment relations with the employer.

3599.57. Employee organizations have the right to represent their members in their employment relations with the employer, except that once an employee organization is recognized as the exclusive representative of an appropriate unit, the recognized employee organization is the only organization that may represent that unit in employment relations with the employer. Employee organizations may establish reasonable restrictions regarding who may join and may make reasonable provisions for the dismissal of individuals from membership. This section does not prohibit any employee from appearing on the employee's own behalf in the employee's employment relations with the employer.

3599.58. All employee organizations have the right to have membership dues, initiation fees, membership benefit programs, and general assessments deducted pursuant to subdivision (a) of Section 1152 and Section 1153 until an employee organization is recognized as the exclusive representative for employees in an appropriate unit, and then any deductions as to any employee in the negotiating unit are not permissible except to the exclusive representative.

3599.59. (a) Once an employee organization is recognized as the exclusive representative of an appropriate unit, it may enter into an agreement with the employer providing for organizational security in the form of a maintenance of membership deduction.

(b) The employer shall furnish the recognized employee organization with sufficient employment data to allow the organization to calculate membership fees, and shall deduct the amount specified by the recognized employee organization from the salary or wages of every employee for the membership fee. These fees shall be remitted monthly to the recognized employee organization along with an adequate itemized record of the deductions, including, if required by the recognized employee organization, machine readable data.

3599.60. (a) The scope of representation is limited to wages, hours, and other terms and conditions of employment, except that the scope of representation does not include consideration of the merits, necessity, or organization of any service or activity provided by law.

(b) In view of the powers and responsibilities vested in the Legislature pursuant to the California Constitution, decisions regarding the following matters shall not be included within the scope of representation:

(1) Any matter relating to the qualifications and elections of Members of the Legislature, or the holding of office of Members of the Legislature.

(2) Any matter relating to the Legislature or each house thereof choosing its officers, adopting rules for its proceedings, selecting committees necessary for the conduct of its business, considering and enacting legislation, or otherwise exercising the legislative power of this state.

(3) Any matter relating to legislative calendars, schedules, and deadlines of the Legislature.

(4) Laws, rules, policies, or procedures regarding ethics or conflicts of interest.

3599.61. (a) Except in cases of emergency as provided in subdivision (b), the employer shall give reasonable written notice to each recognized employee organization affected by any policy or procedure directly relating to matters within the scope of representation proposed to be adopted by the employer, and shall give such recognized employee organizations the opportunity to meet and confer with the employer.

(b) In cases of emergency when the employer determines that a policy or procedure must be adopted immediately without prior notice or meeting with a recognized employee organization, the employer shall provide notice and opportunity to meet and confer in good faith at the earliest practical time following the adoption of the policy or procedure.

3599.62. (a) The employer shall meet and confer in good faith regarding wages, hours, and other terms and conditions of employment with representatives of recognized employee organizations, and shall consider fully such presentations as are made by the employee organization on behalf of its members prior to arriving at a determination of policy or course of action. For purposes of this section, the term "meet and confer in good faith" means that the employer and representatives of recognized employee organizations have the mutual obligation to personally meet and confer promptly upon request by either party and continue to meet and confer for a reasonable period of time in order to exchange freely information, opinions, and proposals, and to endeavor to reach agreement on matters within the scope of representation prior to the adoption by the state of its final budget for the ensuing year. The process should include adequate time for the resolution of impasses.

(b) The employer shall freely provide to representatives of recognized employee organizations nonconfidential information that is necessary and relevant to their scope of representation. However, this chapter does not require the employer to provide confidential information to representatives of recognized employee organizations. For purposes of this subdivision, "confidential information" means any information contained in records that are exempt from public disclosure under federal or state law. "Confidential information" does not include the name, job title, office, workplace location, work telephone number and email

address, and home or personal telephone number and email address, if on file with the employer, for employees in the bargaining unit of the recognized employee organization.

3599.63. If an agreement is reached between the employer and the recognized employee organization, the parties shall jointly prepare a written memorandum of understanding reflecting the terms of the agreement, which shall be presented, when appropriate, to the employer for adoption as a resolution.

3599.64. A side letter, appendix, or other addendum to a properly ratified memorandum of understanding shall be expressly identified by the parties if that side letter, appendix, or other addendum is to be incorporated in a subsequent memorandum of understanding submitted to the employer for adoption as a resolution.

3599.65. If the employer does not fully fund any provision of the memorandum of understanding that requires the expenditure of funds, either party may reopen negotiations on all or part of the memorandum of understanding. The parties are not precluded from agreeing to and effecting those provisions of the memorandum of understanding that do not require legislative adoption of a resolution.

3599.66. (a) If a memorandum of understanding has expired, and the employer and the recognized employee organization have not agreed to a new memorandum of understanding and have not reached an impasse in negotiations, subject to subdivision (b), the parties to the agreement shall continue to give effect to the provisions of the expired memorandum of understanding, including provisions that supersede existing law, arbitration provisions, no-strike provisions, and agreements regarding matters covered in the federal Fair Labor Standards Act of 1938 (29 U.S.C. Sec. 201 et seq.).

(b) If the employer and the recognized employee organization reach an impasse in negotiations for a new memorandum of understanding, the employer may implement any or all of its last, best, and final offer through adoption of a resolution. Implementation of the last, best, and final offer does not relieve the parties of the obligation to bargain in good faith and reach an agreement on a memorandum of understanding if circumstances change, and does not result in a waiver of rights that the recognized employee organization has under this chapter.

3599.67. If, after a reasonable period of time, the employer and the recognized employee organization fail to reach an agreement, the employer and the recognized employee organization may agree upon the appointment of a mediator mutually agreeable to the parties, or either party may request the board to appoint a mediator. When both parties mutually agree upon a mediator, the costs of mediation shall be divided one-half to the employer and one-half to the recognized employee organization. If the board appoints the mediator, the costs of mediation shall be paid by the board.

3599.68. A reasonable number of employee representatives of recognized employee organizations shall be granted reasonable time off without loss of compensation or other benefits when formally meeting and conferring with the employer on matters within the scope of representation. This section applies only to employees, as defined by Section 3599.52, and only for periods when a memorandum of understanding is not in effect.

3599.69. It is unlawful for the employer to do any of the following:

(a) Impose or threaten to impose reprisals on employees, discriminate or threaten to discriminate against employees, or otherwise interfere with, restrain, or coerce employees because of their exercise of rights guaranteed by this chapter. For purposes of this subdivision, "employee" includes an applicant for employment or reemployment.

(b) Deny to employee organizations rights guaranteed to them by this chapter.

(c) Refuse or fail to meet and confer in good faith with a recognized employee organization.

(d) Dominate or interfere with the formation or administration of any employee organization, or contribute financial or other support to it, or in any way encourage employees to join any organization in preference to another.

(e) Refuse to participate in good faith in the mediation procedure set forth in Section 3599.67.

3599.70. It is unlawful for an employee organization to do any of the following:

(a) Cause or attempt to cause the employer to violate Section 3599.69.

(b) Impose or threaten to impose reprisals on employees, discriminate or threaten to discriminate against employees, or otherwise interfere with, restrain, or coerce employees because of their exercise of rights guaranteed by this chapter.

(c) Refuse or fail to meet and confer in good faith with the Legislature in relation to the employees for whom it is the recognized employee organization.

(d) Refuse to participate in good faith in the mediation procedure set forth in Section 3599.67.

3599.71. (a) Judicial review of a unit determination is allowed only under either of the following circumstances:

(1) When the board, in response to a petition from the employer or an employee organization, agrees that the case is one of special importance and joins in the request for review.

(2) When the issue is raised as a defense to an unfair practice complaint. A board order directing an election shall not be stayed pending judicial review.

(b) Upon receipt of a board order joining in a request for judicial review, a party to the case may petition for a writ of extraordinary relief from the unit determination decision or order.

(c) Any charging party, respondent, or intervenor aggrieved by a final decision or order of the board in an unfair practice case, except a decision of the board not to issue a complaint in such a case, may petition for a writ of extraordinary relief from the decision or order.

(d) The petition shall be filed in the district court of appeal in the appellate district where the unit determination or unfair practice dispute occurred. The petition shall be filed within 30 days after issuance of the board's final order, order denying reconsideration, or order joining in the request for judicial review, as applicable. Upon the filing of the petition, the court shall cause notice to be served upon the board and thereupon shall have jurisdiction of the proceeding. The board shall file in the court the record of the proceeding, certified by the board, within 10 days after the clerk's notice unless the time is extended by the court for good cause shown. The court has jurisdiction to grant to the board any temporary relief or restraining order it deems just and proper and in like manner to make and enter a decree enforcing, modifying, or setting aside the order of the board. The findings of the board with respect to questions of fact, including ultimate facts, if supported by substantial evidence on the record considered as a whole, are conclusive. The provisions of Title 1 (commencing with Section 1067) of Part 3 of the Code of Civil Procedure relating to writs, except where specifically superseded herein, apply to proceedings pursuant to this section.

(e) If the time to petition for extraordinary relief from a board decision has expired, the board may seek enforcement of any final decision or order in a district court of appeal or a superior court in the district where the unit determination or unfair practice case occurred. If, after a hearing, the court determines that the order was issued pursuant to procedures established by the board and that the person or entity refuses to comply with the order, the court shall enforce the order by writ of mandamus. The court shall not review the merits of the order.

3599.72. (a) The employer shall grant exclusive recognition to employee organizations designated or selected pursuant to rules established by the board for employees or an appropriate unit thereof, subject to the right of an employee to self-represent.

(b) The board shall establish reasonable procedures for petitions and for holding elections and determining appropriate units pursuant to subdivision (a).

(c) The board, as it determines appropriate bargaining units, shall not include employees in a bargaining unit that includes employees other than those of the employer. The board shall not include within a bargaining unit employees from both the Assembly and Senate. The board shall not separate employees into bargaining units solely based on political affiliation.

(d) The board shall establish procedures whereby recognition of employee organizations formally recognized as exclusive representatives pursuant to a vote of the employees may be revoked by a majority vote of the employees only after a period of not less than 12 months following the date of such recognition.

3599.73. The employer shall adopt reasonable rules for all of the following:

(a) Registering employee organizations, as defined by subdivision (c) of Section 3599.52.

(b) Determining the status of organizations as employee organizations.

(c) Identifying the officers and representatives who officially represent employee organizations.

3599.74. Notwithstanding any other law, if a decision by an administrative law judge regarding the recognition or certification of an employee organization is appealed, the decision is the final order of the board if the board does not issue a ruling that supersedes the decision on or before 180 days after the appeal is filed.

3599.75. (a) In determining an appropriate unit, the board is governed by the criteria in subdivision (b). However, the board shall not direct an election in a unit unless one or more of the employee organizations involved in the proceeding seeks or agrees to an election in the unit.

(b) 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, all of the following:

(A) The extent to which they perform functionally related services or work toward established common goals.

(B) The history of employee representation in state government and in similar employment.

(C) The extent to which the employees have common skills, working conditions, job duties, or similar educational or training requirements.

(2) The effect that the projected unit will have on the meet and confer relationships, emphasizing the availability and authority of the employer's representatives to deal effectively with employee organizations representing the unit, and taking into account such factors as work location, the numerical size of the unit, the relationship of the unit to organizational patterns of the 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 employer and its employees to serve 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 employees or any proliferation of units among employees.

(c) Political affiliation shall not constitute a community of interest for purposes of determining an appropriate unit.

3599.76. (a) (1) All initial meet and confer proposals of recognized employee organizations shall be presented to the employer at a public meeting, and those proposals thereafter are a public record.

(2) All initial meet and confer proposals or counterproposals of the employer shall be presented to the recognized employee organization at a public meeting, and those proposals or counterproposals thereafter are a public record.

(b) Except in cases of emergency as provided in subdivision (d), meeting and conferring shall not take place on any proposal subject to subdivision (a) until not less than seven consecutive days have elapsed to enable the public to become informed, and to publicly express itself regarding the proposals, as well as regarding other possible subjects of meeting and conferring, and thereafter, the employer shall, in an open meeting, hear public comment on all matters related to the meet and confer proposals.

(c) Forty-eight hours after any proposal that includes any substantive subject that has not first been presented in proposals for public reaction pursuant to this section is offered during any meeting and conferring session, the proposal and the position, if any, taken by the representatives of the employer are a public record.

(d) Subdivision (b) does not apply when the employer determines that, due to an act of God, natural disaster, or other emergency or calamity affecting the state, and that is beyond the control of the employer or recognized employee organization, it must meet and confer and take action upon a proposal immediately and without sufficient time for the public to become informed and to publicly express itself. In those cases, the results of the meeting and conferring shall be made public as soon as reasonably possible.

(e) This section does not affect the authority of each house of the Legislature and the committees thereof to hold closed meetings pursuant to paragraphs (3) and (4) of subdivision (c) of Section 7 of Article IV of the California Constitution and Article 2.2 (commencing with Section 9027) of Chapter 1.5 of Part 1 of Division 2 of Title 2.

3599.77. This chapter does not apply Section 923 of the Labor Code to employees.

3599.78. This chapter does not modify or eliminate any existing wages, hours, or terms and conditions of employment for employees. All existing wages, hours, and terms and conditions of employment for employees shall remain in effect unless and until changed in accordance with the employer's procedures or pursuant to a memorandum of understanding or agreement between the employer and a recognized employee organization.

3599.79. If any provision of this chapter, or the application thereof to any person or circumstances, is held invalid, the invalidity shall not affect any other provision or application of this chapter that can be given effect without the invalid provision or application and, to this end, the provisions of this chapter are severable.

3599.80. Expenses incurred by the employer in relation to a properly ratified memorandum of understanding pursuant to this chapter are subject to Section 7.5 of Article IV of the California Constitution.

3599.81. Notwithstanding any other law, the expression of any views, arguments, or opinions, or the dissemination thereof in any form, by a Member of the Legislature or an employee, including any employee specified in subparagraphs (B) to (E), inclusive, of paragraph (1) of subdivision (b) of Section 3599.52, related to this chapter or to matters within the scope of representation, shall not constitute, or be evidence of, an unfair labor practice, unless the employer authorized the individual to express that view, argument, or opinion on behalf of, or authorized the individual to represent, the employer as an employer.

3599.82. Notwithstanding Article 3.5 (commencing with Section 9070) of Chapter 1.5 of Part 1 of Division 2 of Title 2, or any other law, the employer is not required to disclose legislative records related to activities governed by this chapter, that reveal the employer's deliberative processes, impressions, evaluations, opinions, recommendations, meeting minutes, research, work product, theories, or strategy, or that provide instruction, advice, or training to employees who do not have full collective bargaining and representation rights under this chapter.

3599.83. Employees of the Legislature are exempt from civil service under the California Constitution. A memorandum of understanding entered into between an employer and a recognized employee organization shall not prohibit the employer from separating an employee if the Member of the Legislature to whom the employee is assigned is not reelected, resigns, or otherwise departs from the employer. The employer shall provide a transition period for an employee if the Member of the Legislature to whom the employee is assigned is not reelected, resigns, or otherwise departs from the employer. The terms of the transition period, which may include, but are not limited to, length of time or opportunities to apply for vacancies with the employer, are within the scope of representation and are subject to collective bargaining.

3599.84. This chapter shall become operative on July 1, 2026.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

SEC. 3. The Legislature finds and declares that Section 1 of this act, which adds Section 3599.82 to the Government Code, imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

In order to fulfill the purpose of this act to promote full communication between the Legislature and its employees by providing a reasonable method of resolving disputes regarding wages, hours, and other terms and conditions and to allow the Legislature, in its role as employer, the opportunity to develop responsible and meaningful bargaining positions to present to employee representatives pursuant to this act and respond to the positions put forth by the same, it is necessary that this act limit the public's access to that information.