

AMENDED IN SENATE SEPTEMBER 7, 2001  
AMENDED IN SENATE SEPTEMBER 4, 2001  
AMENDED IN SENATE AUGUST 27, 2001  
AMENDED IN SENATE AUGUST 20, 2001  
AMENDED IN SENATE JULY 2, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

**ASSEMBLY BILL**

**No. 105**

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**Introduced by Assembly Members R. Pacheco and Bogh**

January 12, 2001

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An act to amend Section 3508 of the Government Code, relating to public employees.

LEGISLATIVE COUNSEL'S DIGEST

AB 105, as amended, R. Pacheco. Public employees: peace officers: employee organizations.

Existing law grants certain peace officers a right to be represented by an employee organization composed entirely of other peace officers. This provision has been interpreted to apply only to those persons designated as peace officers under specified sections of the Penal Code at the time this provision was amended in 1971. Existing law also provides that, for San Bernardino County only, no distinction shall be made between a position designated as a peace officer position at the time of the enactment of the 1971 amendments to this provision, and a welfare fraud investigator or inspector designated as a peace officer

position at any time after the enactment of the 1971 amendments to this provision.

This bill would prohibit this distinction with respect to probation corrections officers in San Bernardino County, upon approval by the county board of supervisors by ordinance or resolution.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 3508 of the Government Code is  
2 amended to read:

3 3508. (a) The governing body of a public agency may, in  
4 accordance with reasonable standards, designate positions or  
5 classes of positions which have duties consisting primarily of the  
6 enforcement of state laws or local ordinances, and may by  
7 resolution or ordinance adopted after a public hearing, limit or  
8 prohibit the right of employees in these positions or classes of  
9 positions to form, join, or participate in employee organizations  
10 where it is in the public interest to do so. However, the governing  
11 body may not prohibit the right of its employees who are full-time  
12 “peace officers” as that term is defined in Chapter 4.5  
13 (commencing with Section 830) of Title 3 of Part 2 of the Penal  
14 Code, to join or participate in employee organizations which are  
15 composed solely of those peace officers, which concern  
16 themselves solely and exclusively with the wages, hours, working  
17 conditions, welfare programs, and advancement of the academic  
18 and vocational training in furtherance of the police profession, and  
19 which are not subordinate to any other organization.

20 (b) (1) This subdivision shall apply only to a county of the  
21 seventh class.

22 (2) For the purposes of this section, no distinction shall be made  
23 between a position designated as a peace officer position by  
24 Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of  
25 the Penal Code at the time of the enactment of the 1971  
26 amendments to this section, and a welfare fraud investigator or  
27 inspector position designated as a peace officer position by any  
28 amendment to that Chapter 4.5 at any time after the enactment of  
29 the 1971 amendments to this section.



1 (3) It is the intent of this subdivision to overrule San  
2 Bernardino County Sheriff's Etc. Assn. v. Board of Supervisors  
3 (1992) 7 Cal.App.4th 602, 611, with respect to San Bernardino  
4 County designating a welfare fraud investigator or inspector as a  
5 peace officer under this section.

6 (c) (1) This subdivision shall apply only to a county of the  
7 seventh class and shall not become operative until it is approved  
8 by the county board of supervisors by ordinance or resolution.

9 (2) For the purposes of this section, no distinction shall be made  
10 between a position designated as a peace officer position by  
11 Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of  
12 the Penal Code at the time of the enactment of the 1971  
13 amendments to this section, and a probation corrections officer  
14 position designated as a peace officer position by any amendment  
15 to that Chapter 4.5 at any time after the enactment of the 1971  
16 amendments to this section.

17 ~~(3) Local control over the designation of employees and the~~  
18 ~~placement of employees in appropriate bargaining units is a~~  
19 ~~longstanding tradition in this state, which the Legislature intends~~  
20 ~~to retain. Recognizing that local governments have diverse needs~~  
21 ~~and resources, it is the intent of the Legislature in enacting this part~~  
22 ~~to provide a broad statutory authority for local officials.~~

23 ~~(4)~~  
24 (3) It is the intent of this subdivision to overrule San  
25 Bernardino County Sheriff's Etc. Assn. v. Board of Supervisors  
26 (1992) 7 Cal.App.4th 602, 611, to the extent that it holds that this  
27 section prohibits the County of San Bernardino from designating  
28 the classifications of Probation Corrections Officers and  
29 Supervising Probation Corrections Officers as peace officers.  
30 Those officers shall not be designated as peace officers for  
31 purposes of this section unless that action is approved by the  
32 county board of supervisors by ordinance or resolution.

33 ~~(5) Upon approval by the county board of supervisors, this~~  
34 *(4) Upon approval by the Board of Supervisors of San*  
35 *Bernardino County, this* subdivision shall apply to petitions filed  
36 in May 2001 by Probation Corrections Officers and Supervising  
37 Probation Corrections Officers.

38 (d) The right of employees to form, join and participate in the  
39 activities of employee organizations shall not be restricted by a



1 public agency on any grounds other than those set forth in this  
2 section.

3 SEC. 2. Due to the unique circumstances of the County of San  
4 Bernardino because of the court's decision in San Bernardino  
5 County Sheriff's Etc. Assn. v. Board of Supervisors (1992) 7  
6 Cal.App.4th 602, 611, the Legislature hereby finds and declares  
7 that a general statute cannot be made applicable within the  
8 meaning of Section 16 of Article IV of the California Constitution.  
9 Therefore, this legislation is necessarily applicable only to the  
10 County of San Bernardino.

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