

AMENDED IN ASSEMBLY MAY 1, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 707

Introduced by Assembly Member Negrete McLeod

February 22, 2001

An act to amend ~~Sections 3562 and 3579~~ *Section 3501* of the Government Code, relating to higher education labor relations.

LEGISLATIVE COUNSEL'S DIGEST

AB 707, as amended, Negrete McLeod. Higher education labor relations: ~~—mediation~~ *Meyers-Milias-Brown Act: employees of California State University auxiliary organizations.*

Existing law ~~contains provisions relating to employer-employee relations between the State of California and the employees of state institutions of higher education, including the various campuses of the University of California and the California State University, as well as the Hastings College of the Law. These provisions assign major responsibilities for implementation to the Public Employment Relations Board. Under existing law, “employer” is defined as the Regents of the University of California, the Directors of Hastings College of the Law, and the Trustees of the California State University, and “employee” is defined as an employee of any of these entities establishes the California State University under the administration of the Trustees of the California State University. Existing law also authorizes the establishment of auxiliary organizations, as defined to include, among other entities, various organizations providing commercial, fundraising, or other types of services for the university.~~

Existing law, known as the Meyers-Milias-Brown Act, provides a method of resolving disputes regarding wages, hours, and other terms and conditions of employment between public employers and public employee organizations, and authorizes the Public Employment Relations Board to enforce prescribed provisions of the act. Existing provisions of the Meyers-Milias-Brown Act define “public agency” and “public employee” for its purposes.

~~This bill would additionally define “employer” and “employee” under the act to include the governing boards or administrations of all foundations, extension operations, or other organizational entities controlled by the Trustees of the California State University. The bill would require that, for the purpose of determining an appropriate bargaining unit for these employees, they shall be treated as if they were, and shall be placed in bargaining units with, employees of the university “public agency” and “public employee” under the act to respectively include these auxiliary organizations and their employees.~~

The bill would explicitly exclude from its provisions student body organizations and other entities under the control of student body organizations, *employees of units, groups, or departments that are responsible for fundraising, grants and contract administration, or commercial services, employees who are employed on a casual basis due to the funding source of their compensation, and confidential, managerial, and supervisory employees.*

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

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

- 1 ~~SECTION 1. Section 3562 of the Government Code is~~
- 2 ~~SECTION 1. Section 3501 of the Government Code is~~
- 3 ~~amended to read:~~
- 4 3501. As used in this chapter:
- 5 (a) “Employee organization” means any organization which
- 6 includes employees of a public agency and which has as one of its
- 7 primary purposes representing those employees in their relations
- 8 with that public agency.
- 9 (b) “Recognized employee organization” means an employee
- 10 organization which has been formally acknowledged by the public
- 11 agency as an employee organization that represents employees of
- 12 the public agency.



1 (c) (1) Except as otherwise provided in this subdivision,
2 “public agency” means every governmental subdivision, every
3 district, every public and quasi-public corporation, every public
4 agency and public service corporation and every town, city,
5 county, city and county and municipal corporation, whether
6 incorporated or not and whether chartered or not. As used in this
7 chapter, “public agency” does not mean a school district or a
8 county board of education or a county superintendent of schools
9 or a personnel commission in a school district having a merit
10 system as provided in Chapter 5 (commencing with Section
11 45100) of Part 25 and Chapter 4 (commencing with Section
12 88000) of Part 51 of the Education Code or the State of California.

13 (2) *Notwithstanding any other provision of law, and solely for*
14 *the purposes of this chapter, “public agency” includes an*
15 *“auxiliary organization,” as defined in Section 89901 of the*
16 *Education Code.*

17 (d) (1) “Public employee” means any person employed by
18 any public agency, including employees of the fire departments
19 and fire services of counties, cities, cities and counties, districts,
20 and other political subdivisions of the state, excepting those
21 persons elected by popular vote or appointed to office by the
22 Governor of this state.

23 (2) *Notwithstanding any other provision of law, and solely for*
24 *the purposes of this chapter, “public employee” includes an*
25 *employee of an “auxiliary organization,” as defined in Section*
26 *89901 of the Education Code, with the exception of any employee*
27 *who meets any of the following criteria:*

28 (A) *The person is employed by a student body organization,*
29 *student body center, or other entity including, but not necessarily*
30 *limited to, a student union, that is established pursuant to Article*
31 *1 (commencing with Section 89300) of Chapter 3 of Part 55 of the*
32 *Education Code, or that is operated under the management of a*
33 *student body organization.*

34 (B) *The person is employed in a unit, group, or department that*
35 *is responsible for fundraising, grants and contract administration,*
36 *or commercial services.*

37 (C) *The person is employed on a casual basis due to the funding*
38 *source of that person’s compensation, unless that person is*
39 *engaged in providing academic services or academic support*



1 *services, or both, in which case the person is a “public employee”*
2 *under this chapter, irrespective of funding source.*

3 *(D) The person is employed as a confidential employee,*
4 *managerial employee, or supervisory employee.*

5 (e) “Mediation” means effort by an impartial third party to
6 assist in reconciling a dispute regarding wages, hours and other
7 terms and conditions of employment between representatives of
8 the public agency and the recognized employee organization or
9 recognized employee organizations through interpretation,
10 suggestion and advice.

11 (f) “Board” means the Public Employment Relations Board
12 established pursuant to Section 3541.

13
14
15
16
17
18
19

**All matter omitted in this version of the
bill appears in the bill as introduced in the
Assembly, February 22, 2001 (JR 11)**

