

AMENDED IN SENATE MARCH 26, 2001

SENATE BILL

No. 383

Introduced by ~~Senator Burton~~ *Senators Burton and Romero*
(Coauthor: Assembly Member Cedillo)

February 21, 2001

An act to amend ~~Sections 1299, 1299.2, and 1299.3~~ of Section 1299.2 of, to amend the heading of Title 9.5 (commencing with Section 1299) of Part 3 of, and to add Section 1299.31 to, the Code of Civil Procedure, relating to arbitration.

LEGISLATIVE COUNSEL'S DIGEST

SB 383, as amended, Burton. Arbitration: *local* public employees.

Existing law provides for the arbitration of disputes between *local* public employers and firefighters and law enforcement officers, as defined.

This bill would extend these provisions to physicians and dentists, as defined, who are local public employees of *the County of Los Angeles*.

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 1299 of the Code of Civil Procedure is
2 amended to read:
3 1299.—(a) The Legislature hereby finds and declares that
4 strikes taken by firefighters, law enforcement officers, physicians,
5 and dentists against public employers are a matter of statewide
6 concern, are a predictable consequence of labor strife and poor
7 morale that is often the outgrowth of substandard wages and

1 ~~benefits, and are not in the public interest. The Legislature further~~
2 ~~finds and declares that the dispute resolution procedures contained~~
3 ~~in this title provide the appropriate method for resolving public~~
4 ~~sector labor disputes that could otherwise lead to strikes by~~
5 ~~firefighters, law enforcement officers, physicians, or dentists.~~

6 ~~(b) It is the intent of the Legislature to protect the health and~~
7 ~~welfare of the public by providing impasse remedies necessary to~~
8 ~~afford public employers the opportunity to safely alleviate the~~
9 ~~effects of labor strife that would otherwise lead to strikes by~~
10 ~~firefighters, law enforcement officers, physicians, and dentists. It~~
11 ~~is further the intent of the Legislature that, in order to effectuate~~
12 ~~its predominant purpose, this title be construed to apply broadly to~~
13 ~~all public employers, including, but not limited to, charter cities,~~
14 ~~counties, and cities and counties in this state.~~

15 ~~It is not the intent of the Legislature to alter the scope of issues~~
16 ~~subject to collective bargaining between public employers and~~
17 ~~employee organizations representing firefighters, law~~
18 ~~enforcement officers, physicians, or dentists.~~

19 ~~(c) The provisions of this title are intended by the Legislature~~
20 ~~to govern the resolution of impasses reached in collective~~
21 ~~bargaining between public employers and employee organizations~~
22 ~~representing firefighters, law enforcement officers, physicians,~~
23 ~~and dentists over economic issues that remain in dispute over their~~
24 ~~respective interests. However, the provisions of this title are not~~
25 ~~intended by the Legislature to be used as a procedure to determine~~
26 ~~the rights of any firefighter, law enforcement officer, physician, or~~
27 ~~dentist in any grievance initiated as a result of a disciplinary action~~
28 ~~taken by any public employer. The Legislature further intends that~~
29 ~~this title shall not apply to any law enforcement policy that pertains~~
30 ~~to how law enforcement officers interact with members of the~~
31 ~~public or pertains to police-community relations, such as policies~~
32 ~~on the use of police powers, enforcement priorities and practices,~~
33 ~~or supervision, oversight, and accountability covering officer~~
34 ~~behavior toward members of the public, to any~~
35 ~~community-oriented policing policy or to any process employed~~
36 ~~by an employer to investigate firefighter, law enforcement officer,~~
37 ~~physician, or dentist behavior that could lead to discipline against~~
38 ~~any firefighter, law enforcement officer, physician, or dentist, nor~~
39 ~~to contravene any provision of a charter that governs an employer~~
40 ~~that is a city, county, or city and county, which provision prescribes~~



~~a procedure for the imposition of any disciplinary action taken against a firefighter, law enforcement officer, physician, or dentist.~~

~~SEC. 2.~~

SECTION 1. (a) The Legislature finds and declares that the dispute resolution procedures contained in Title 9 (commencing with Section 1299) of Part 3 of the Code of Civil Procedure, as amended by this act, provide the appropriate method for resolving public sector disputes that could otherwise lead to strikes by physicians or dentists in the County of Los Angeles.

(b) It is the intent of the Legislature to protect the health and welfare of the public by providing impasse remedies necessary to afford the County of Los Angeles the opportunity to alleviate safely the effects of labor strife that would otherwise lead to strikes by physicians and dentists.

It is not the intent of the Legislature to alter the scope of issues subject to collective bargaining between the employer, the County of Los Angeles, and employee organizations representing physicians or dentists.

(c) The provisions of Title 9.5 (commencing with Section 1299) of Part 3 of the Code of Civil Procedure, as amended by this act, are intended by the Legislature to govern the resolution of impasses reached in collective bargaining between the County of Los Angeles and employee organizations representing physicians and dentists over economic issues that remain in dispute over their respective interests. However, these provisions are not intended by the Legislature to be used as a procedure to determine the rights of any physician or dentist in any grievance initiated as a result of a disciplinary action taken by the County of Los Angeles.

SEC. 2. The heading of Title 9.5 (commencing with Section 1299) of Part 3 of the Code of Civil Procedure is amended to read:

TITLE 9.5. ARBITRATION OF FIREFIGHTER-~~AND~~, LAW ENFORCEMENT OFFICER, AND OTHER LOCAL AGENCY LABOR DISPUTES

SEC. 3. Section 1299.2 of the Code of Civil Procedure is amended to read:

1299.2. This title shall apply to all employers of firefighters, ~~law enforcement officers, physicians, and dentists.~~



1 ~~SEC. 3. Section 1299.3 of the Code of Civil Procedure is~~
2 ~~amended to read:~~

3 ~~1299.3. As used in this title:~~

4 ~~(a) “Employee” means any firefighter, law enforcement~~
5 ~~officer, physician, or dentist represented by an employee~~
6 ~~organization defined in subdivision (b).~~

7 ~~(b) “Employee organization” means any organization~~
8 ~~recognized by the employer for the purpose of representing~~
9 ~~firefighters, law enforcement officers, physicians, or dentists in~~
10 ~~matters relating to wages, hours, and other terms and conditions~~
11 ~~of employment within the scope of arbitration.~~

12 ~~(c) “Employer” means any local agency employing~~
13 ~~employees, as defined in subdivision (a), or any entity, except the~~
14 ~~State of California, acting as an agent of any local agency, either~~
15 ~~directly or indirectly.~~

16 ~~(d) “Firefighter” means any person who is employed to~~
17 ~~perform firefighting, fire prevention, fire training, hazardous~~
18 ~~materials response, emergency medical services, fire or arson~~
19 ~~investigation, or any related duties, without respect to the rank, job~~
20 ~~title, or job assignment of that person.~~

21 ~~(e) “Law enforcement officer” means any person who is a~~
22 ~~peace officer as defined in Section 830.1 of, subdivisions (b) and~~
23 ~~(d) of Section 830.31 of, subdivisions (a), (b), and (c) of Section~~
24 ~~830.32 of, subdivisions (a), (b), and (d) of Section 830.33 of,~~
25 ~~subdivisions (a) and (b) of Section 830.35 of, subdivision (a) of~~
26 ~~Section 830.5 of, and subdivision (a) of Section 830.55 of, the~~
27 ~~Penal Code, without respect to the rank, job title, or job assignment~~
28 ~~of that person.~~

29 ~~(f) “Local agency” means any governmental subdivision,~~
30 ~~district, public and quasi-public corporation, joint powers agency,~~
31 ~~public agency or public service corporation, town, city, county,~~
32 ~~city and county, or municipal corporation, whether incorporated~~
33 ~~or not or whether chartered or not.~~

34 ~~(g) “Physician” means a person licensed as a physician and~~
35 ~~surgeon pursuant to Chapter 5 (commencing with Section 2000)~~
36 ~~of Division 2 of the Business and Professions Code.~~

37 ~~(h) “Dentist” means a person licensed as a dentist pursuant to~~
38 ~~Chapter 4 (commencing with Section 1600) of Division 2 of the~~
39 ~~Business and Professions Code.~~



1 ~~(i) “Scope of arbitration” means economic issues, including~~
2 ~~salaries, wages and overtime pay, health and pension benefits,~~
3 ~~vacation and other leave, reimbursements, incentives,~~
4 ~~differentials, and all other forms of remuneration. The scope of~~
5 ~~arbitration shall not include any issue that is protected by what is~~
6 ~~commonly referred to as the “management rights” clause~~
7 ~~contained in Section 3504 of the Government Code.~~
8 ~~Notwithstanding the foregoing, any employer subject to this title~~
9 ~~that is not exempt under Section 1299.9 may supersede this~~
10 ~~subdivision by adoption of an ordinance that establishes a broader~~
11 ~~definition of “scope of arbitration.” and law enforcement officers.~~
12 ~~This title shall also apply to employers of physicians and dentists~~
13 ~~as defined in Section 1299.31.~~

14 *SEC. 4. Section 1299.31 is added to the Code of Civil*
15 *Procedure, to read:*

16 *1299.31. In addition to the definitions contained in Section*
17 *1299.3, as used in this title:*

18 *(a) “Dentist” means a person licensed as a dentist pursuant to*
19 *Chapter 4 (commencing with Section 1600) of Division 2 of the*
20 *Business and Professions Code.*

21 *(b) “Employee” also means any physician or dentist*
22 *represented by an employee organization defined in subdivision*
23 *(c).*

24 *(c) “Employee organization” also means any organization*
25 *recognized by the employer as defined in subdivision (d) for the*
26 *purpose of representing physicians or dentists in matters relating*
27 *to wages, hours, and other terms and conditions of employment*
28 *within the scope of arbitration.*

29 *(d) “Employer” also means the County of Los Angeles, or any*
30 *entity, except the State of California, acting as an agent of the*
31 *County of Los Angeles, either directly or indirectly.*

32 *(e) “Physician” means a person licensed as a physician and*
33 *surgeon pursuant to Chapter 5 (commencing with Section 2000)*
34 *of Division 2 of the Business and Professions Code.*

35 *SEC. 5. The Legislature hereby finds and declares that a*
36 *special statute is necessary and that a general statute cannot be*
37 *made applicable, within the meaning of Section 16 of Article IV of*



- 1 *the California Constitution, because of unique circumstances*
- 2 *applicable to the County of Los Angeles.*

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