

AMENDED IN ASSEMBLY MARCH 22, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1875

Introduced by Assembly Member Maldonado

February 3, 2004

An act to amend Sections 3526, ~~3529~~, 3531, 3533, 3534, and 3538 of the Government Code, relating to state employees.

LEGISLATIVE COUNSEL'S DIGEST

AB 1875, as amended, Maldonado. State employees.

The existing Bill of Rights for State Excluded Employees prescribes various rights and terms and conditions of employment for excluded employees, defined as certain supervisory, managerial, and confidential employees. That law contains provisions relating to participation by supervisory employees in employee organizations for purposes of representation when meeting and conferring with respect to employment conditions.

This bill would specify that all excluded employees are included within those provisions relating to participation in employee organizations for purposes of representation when meeting and conferring with respect to employment conditions. The bill would ~~except confidential employees from a prohibition against holding office in an employee organization that represents nonexcluded employees~~ *revise the definition of "meet and confer," as specified*. The bill would also revise a statement of the purpose of the Bill of Rights for State Excluded 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 3526 of the Government Code is
2 amended to read:

3 3526. The purpose of this chapter is to inform state
4 supervisory, managerial, confidential, and employees otherwise
5 excepted from coverage under the Ralph C. Dills Act by
6 subdivision (c) of Section 3513 of their rights and terms and
7 conditions of employment, and to inspire dedicated service, to
8 recognize their important and fundamental roles in the
9 management of state government, and to promote harmonious
10 personnel relations among those representing state management in
11 the conduct of state affairs.

12 ~~SEC. 2.— Section 3529 of the Government Code is amended to~~
13 ~~read:~~

14 ~~3529.— (a) Except for supervisory employees as defined in~~
15 ~~subdivision (g) of Section 3513, and confidential employees as~~
16 ~~defined in subdivision (f) of Section 3513, excluded employees~~
17 ~~shall not hold any office in an employee organization that also~~
18 ~~represents nonexcluded employees.~~

19 ~~(b) Excluded employees shall not participate in the handling of~~
20 ~~grievances on behalf of nonexcluded employees. Nonexcluded~~
21 ~~employees shall not participate in the handling of grievances on~~
22 ~~behalf of excluded employees.~~

23 ~~(c) Excluded employees shall not participate in meet and~~
24 ~~confer sessions on behalf of nonexcluded employees.~~
25 ~~Nonexcluded employees shall not participate in meet and confer~~
26 ~~sessions on behalf of supervisory employees.~~

27 ~~(d) The prohibition in subdivisions (b) and (c) shall not apply~~
28 ~~to the paid staff of an excluded or supervisory employee~~
29 ~~organization.~~

30 ~~(e) Excluded employees shall not vote on questions of~~
31 ~~ratification or rejection of memoranda of understanding reached~~
32 ~~on behalf of nonexcluded employees.~~

33 ~~SEC. 3.—~~

34 ~~SEC. 2.~~ Section 3531 of the Government Code is amended to
35 read:

36 3531. Supervisory and excluded employees shall have the
37 right to form, join, and participate in the activities of supervisory
38 employee organizations of their own choosing for the purpose of



1 representation on all matters of supervisory and excluded
2 employer-employee relations, as set forth in Section 3532.
3 Supervisory and excluded employees also shall have the right to
4 refuse to join or participate in the activities of supervisory
5 employee organizations and shall have the right to represent
6 themselves individually in their employment relations with the
7 public employer.

8 ~~SEC. 4.—~~

9 *SEC. 3.* Section 3533 of the Government Code is amended to
10 read:

11 3533. Upon request, the state shall meet and confer with
12 ~~verified supervisory and excluded employee organizations~~
13 ~~representing supervisory or excluded employees.~~ “Meet and
14 confer” means that they shall consider fully the presentations that
15 are made by the ~~verified excluded employee organizations on~~
16 ~~behalf of their members prior to arriving at a determination of~~
17 ~~policy or course of action.~~

18 ~~SEC.—5.—~~ *verified supervisor or excluded employee*
19 *organizations representing supervisory or excluded employees.*
20 “Meet and confer” means that the employer shall give supervisory
21 and excluded employee organizations reasonable notice and
22 opportunity to raise all issues prior to the state arriving at a
23 determination and implementation of policy or course of action.

24 *SEC. 4.* Section 3534 of the Government Code is amended to
25 read:

26 3534. The state employer shall allow a reasonable number of
27 supervisory or excluded public employee representatives of
28 verified supervisory or excluded employee organizations
29 reasonable time off without loss of compensation or other benefits
30 when meeting and conferring with representatives of the state
31 employer on matters within the scope of representation for
32 supervisory or excluded employees.

33 ~~SEC. 6.—~~

34 *SEC. 5.* Section 3538 of the Government Code is amended to
35 read:

36 3538. The state employer and excluded employee
37 organizations shall not interfere with, intimidate, restrain, coerce,



- 1 or discriminate against supervisory or excluded employees
- 2 because of their exercise of their rights under this article.

O

