

ASSEMBLY BILL

No. 1808

Introduced by Assembly Member Williams
(Coauthor: Senator Lieu)

February 21, 2012

An act to amend Section 3501 of the Government Code, relating to public employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 1808, as introduced, Williams. Meyers-Milias-Brown Act: public employees.

The Meyers-Milias-Brown Act establishes procedures governing the resolution of disputes regarding wages, hours, and other terms and conditions of employment between public employers and public employee organizations. Under the act, public employees have the right to form, join, and participate in the activities of employee organizations of their own choosing for purposes of representation on all matters of employer-employee relations. For purposes of the act, "public employee" is defined as any person employed by any public agency, including employees of the fire departments and fire services of counties, cities, cities and counties, districts, and other political subdivisions of the state, but does not include persons elected by popular vote or appointed to office by the Governor.

This bill would expand the definition of "public employee" to include any person employed by an employer that is a not a public agency, but with which a public agency shares or codetermines decisions governing essential employment conditions of that person. The bill would also state that its provisions are declaratory of existing law.

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 3501 of the Government Code is amended
2 to read:
3 3501. As used in this chapter:
4 (a) “Employee organization” means either of the following:
5 (1) Any organization that includes employees of a public agency
6 and that has as one of its primary purposes representing those
7 employees in their relations with that public agency.
8 (2) Any organization that seeks to represent employees of a
9 public agency in their relations with that public agency.
10 (b) “Recognized employee organization” means an employee
11 organization which has been formally acknowledged by the public
12 agency as an employee organization that represents employees of
13 the public agency.
14 (c) Except as otherwise provided in this subdivision, “public
15 agency” means every governmental subdivision, ~~every district,~~
16 ~~every public and quasi-public corporation, every public agency~~
17 ~~and public agency, and public service corporation and every town,~~
18 ~~city, county, city and county and municipal corporation, whether~~
19 ~~incorporated or not and whether chartered or not regardless of~~
20 ~~whether incorporated or chartered.~~ As used in this chapter, “public
21 agency” does not mean a school district or a county board of
22 education or a county superintendent of schools or a personnel
23 commission in a school district having a merit system as provided
24 in Chapter 5 (commencing with Section 45100) of Part 25 and
25 Chapter 4 (commencing with Section 88000) of Part 51 of the
26 Education Code or the State of California.
27 (d) “Public employee” means any person employed by any
28 public agency, including employees of the fire departments and
29 fire services of counties, cities, cities and counties, districts, and
30 other political subdivisions of the state, excepting those persons
31 elected by popular vote or appointed to office by the Governor of
32 this state; *and any person employed by an employer that is not a*
33 *public agency, but with which a public agency shares in or*
34 *codetermines decisions governing essential terms and conditions*
35 *of employment of that person.*

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

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

9 SEC. 2. The Legislature finds and declares that the amendments
10 to Section 3501 of the Government Code made by this act do not
11 constitute a change in, but are declaratory of, existing law.