

Introduced by Senator Vargas
(Principal coauthor: Assembly Member Lara)

February 18, 2011

An act to amend Sections 3506, 3519, 3543.5, and 3571 of the Government Code, relating to public employee organizations.

LEGISLATIVE COUNSEL'S DIGEST

SB 931, as introduced, Vargas. Public employee organizations.

The Meyers-Milias-Brown Act, the Ralph C. Dills Act, the Educational Employment Relations Act, and the Higher Education Employer-Employee Relations Act each provide for negotiations concerning wages, hours, and other terms and conditions of employment between a state or local public employer and representatives of recognized employee organizations. Those acts prohibit public employers from, among other things, intimidating, coercing, or discriminating against employees because of their exercise of rights guaranteed under the acts, as specified.

This bill would additionally prohibit public agencies from using public funds to pay outside consultants or legal advisors for the purpose of counseling the public employer about ways to minimize or deter the exercise of rights guaranteed under this chapter.

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 3506 of the Government Code is amended
- 2 to read:

1 3506. (a) Public agencies and employee organizations shall
2 not interfere with, intimidate, restrain, coerce or discriminate
3 against public employees because of their exercise of their rights
4 under Section 3502.

5 (b) *Public agencies shall not use public funds to pay outside*
6 *consultants or legal advisors for the purpose of counseling the*
7 *public employer about ways to minimize or deter the exercise of*
8 *rights guaranteed under this chapter.*

9 SEC. 2. Section 3519 of the Government Code is amended to
10 read:

11 3519. It shall be unlawful for the state to do any of the
12 following:

13 (a) Impose or threaten to impose reprisals on employees, to
14 discriminate or threaten to discriminate against employees, or
15 otherwise to interfere with, restrain, or coerce employees because
16 of their exercise of rights guaranteed by this chapter. For purposes
17 of this subdivision, “employee” includes an applicant for
18 employment or reemployment.

19 (b) Deny to employee organizations rights guaranteed to them
20 by this chapter.

21 (c) Refuse or fail to meet and confer in good faith with a
22 recognized employee organization.

23 (d) Dominate or interfere with the formation or administration
24 of any employee organization, or contribute financial or other
25 support to it, or in any way encourage employees to join any
26 organization in preference to another.

27 (e) Refuse to participate in good faith in the mediation procedure
28 set forth in Section 3518.

29 (f) *Use public funds to pay outside consultants or legal advisors*
30 *for the purpose of counseling the public employer about ways to*
31 *minimize or deter the exercise of rights guaranteed under this*
32 *chapter.*

33 SEC. 3. Section 3543.5 of the Government Code is amended
34 to read:

35 3543.5. It is unlawful for a public school employer to do any
36 of the following:

37 (a) Impose or threaten to impose reprisals on employees, to
38 discriminate or threaten to discriminate against employees, or
39 otherwise to interfere with, restrain, or coerce employees because
40 of their exercise of rights guaranteed by this chapter. For purposes

1 of this subdivision, “employee” includes an applicant for
2 employment or reemployment.

3 (b) Deny to employee organizations rights guaranteed to them
4 by this chapter.

5 (c) Refuse or fail to meet and negotiate in good faith with an
6 exclusive representative. Knowingly providing an exclusive
7 representative with inaccurate information, whether or not in
8 response to a request for information, regarding the financial
9 resources of the public school employer constitutes a refusal or
10 failure to meet and negotiate in good faith.

11 (d) Dominate or interfere with the formation or administration
12 of any employee organization, or contribute financial or other
13 support to it, or in any way encourage employees to join any
14 organization in preference to another.

15 (e) Refuse to participate in good faith in the impasse procedure
16 set forth in Article 9 (commencing with Section 3548).

17 *(f) Use public funds to pay outside consultants or legal advisors*
18 *for the purpose of counseling the public employer about ways to*
19 *minimize or deter the exercise of rights guaranteed under this*
20 *chapter.*

21 SEC. 4. Section 3571 of the Government Code is amended to
22 read:

23 3571. It shall be unlawful for the higher education employer
24 to do any of the following:

25 (a) Impose or threaten to impose reprisals on employees, to
26 discriminate or threaten to discriminate against employees, or
27 otherwise to interfere with, restrain, or coerce employees because
28 of their exercise of rights guaranteed by this chapter. For purposes
29 of this subdivision, “employee” includes an applicant for
30 employment or reemployment.

31 (b) Deny to employee organizations rights guaranteed to them
32 by this chapter.

33 (c) Refuse or fail to engage in meeting and conferring with an
34 exclusive representative.

35 (d) Dominate or interfere with the formation or administration
36 of any employee organization, or contribute financial or other
37 support to it, or in any way encourage employees to join any
38 organization in preference to another. However, subject to rules
39 and regulations adopted by the board pursuant to Section 3563, an
40 employer shall not be prohibited from permitting employees to

1 engage in meeting and conferring or consulting during working
2 hours without loss of pay or benefits.

3 (e) Refuse to participate in good faith in the impasse procedure
4 set forth in Article 9 (commencing with Section 3590).

5 (f) Consult with any academic, professional, or staff advisory
6 group on any matter within the scope of representation for
7 employees who are represented by an exclusive representative, or
8 for whom an employee organization has filed a request for
9 recognition or certification as an exclusive representative until
10 such time as the request is withdrawn or an election has been held
11 in which “no representative” received a majority of the votes cast.
12 This subdivision is not intended to diminish the prohibition of
13 unfair practices contained in subdivision (d). For the purposes of
14 this subdivision, the term “academic” shall not be deemed to
15 include the academic senates.

16 (g) *Use public funds to pay outside consultants or legal advisors*
17 *for the purpose of counseling the public employer about ways to*
18 *minimize or deter the exercise of rights guaranteed under this*
19 *chapter.*