

AMENDED IN SENATE APRIL 25, 2011

SENATE BILL

No. 931

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 amended, Vargas. Public employee organizations.

The Meyers-Milias-Brown Act, the Ralph C. Dills Act, the *provisions commonly referred to as 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. *Under this bill, these provisions would not apply to payments for representation of a public sector employer before any court, administrative agency, or tribunal of arbitration, or for payments for engaging in collective bargaining on behalf of the employer with respect to wages, hours, or other terms and conditions of employment.*

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:
3 3506. (a) Public agencies and employee organizations shall
4 not interfere with, intimidate, restrain, coerce or discriminate
5 against public employees because of their exercise of their rights
6 under Section 3502.
7 (b) Public agencies shall not use public funds to pay outside
8 consultants or legal advisors for the purpose of counseling the
9 public employer about ways to minimize or deter the exercise of
10 rights guaranteed under this chapter.
11 (c) *Nothing in this section shall be construed to apply to*
12 *payments for representation of a public sector employer before*
13 *any court, administrative agency, or tribunal of arbitration, or for*
14 *payments for engaging in collective bargaining on behalf of the*
15 *employer with respect to wages, hours, or other terms and*
16 *conditions of employment.*
17 SEC. 2. Section 3519 of the Government Code is amended to
18 read:
19 3519. (a) It shall be unlawful for the state to do any of the
20 following:
21 ~~(a)~~
22 (1) Impose or threaten to impose reprisals on employees, to
23 discriminate or threaten to discriminate against employees, or
24 otherwise to interfere with, restrain, or coerce employees because
25 of their exercise of rights guaranteed by this chapter. For purposes
26 of this subdivision, “employee” includes an applicant for
27 employment or reemployment.
28 ~~(b)~~
29 (2) Deny to employee organizations rights guaranteed to them
30 by this chapter.
31 ~~(c)~~
32 (3) Refuse or fail to meet and confer in good faith with a
33 recognized employee organization.
34 ~~(d)~~

1 (4) Dominate or interfere with the formation or administration
2 of any employee organization, or contribute financial or other
3 support to it, or in any way encourage employees to join any
4 organization in preference to another.

5 ~~(e)~~

6 (5) Refuse to participate in good faith in the mediation procedure
7 set forth in Section 3518.

8 ~~(f)~~

9 (6) Use public funds to pay outside consultants or legal advisors
10 for the purpose of counseling the public employer about ways to
11 minimize or deter the exercise of rights guaranteed under this
12 chapter.

13 *(b) Nothing in this section shall be construed to apply to*
14 *payments for representation of a public sector employer before*
15 *any court, administrative agency, or tribunal of arbitration, or for*
16 *payments for engaging in collective bargaining on behalf of the*
17 *employer with respect to wages, hours, or other terms and*
18 *conditions of employment.*

19 SEC. 3. Section 3543.5 of the Government Code is amended
20 to read:

21 3543.5. (a) It is unlawful for a public school employer to do
22 any of the following:

23 ~~(a)~~

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

30 ~~(b)~~

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

33 ~~(c)~~

34 (3) Refuse or fail to meet and negotiate in good faith with an
35 exclusive representative. Knowingly providing an exclusive
36 representative with inaccurate information, whether or not in
37 response to a request for information, regarding the financial
38 resources of the public school employer constitutes a refusal or
39 failure to meet and negotiate in good faith.

40 ~~(d)~~

1 (4) Dominate or interfere with the formation or administration
2 of any employee organization, or contribute financial or other
3 support to it, or in any way encourage employees to join any
4 organization in preference to another.

5 ~~(e)~~

6 (5) Refuse to participate in good faith in the impasse procedure
7 set forth in Article 9 (commencing with Section 3548).

8 ~~(f)~~

9 (6) Use public funds to pay outside consultants or legal advisors
10 for the purpose of counseling the public employer about ways to
11 minimize or deter the exercise of rights guaranteed under this
12 chapter.

13 *(b) Nothing in this section shall be construed to apply to*
14 *payments for representation of a public sector employer before*
15 *any court, administrative agency, or tribunal of arbitration, or for*
16 *payments for engaging in collective bargaining on behalf of the*
17 *employer with respect to wages, hours, or other terms and*
18 *conditions of employment.*

19 SEC. 4. Section 3571 of the Government Code is amended to
20 read:

21 3571. (a) It shall be unlawful for the higher education employer
22 to do any of the following:

23 ~~(a)~~

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

30 ~~(b)~~

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

33 ~~(c)~~

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

36 ~~(d)~~

37 (4) Dominate or interfere with the formation or administration
38 of any employee organization, or contribute financial or other
39 support to it, or in any way encourage employees to join any
40 organization in preference to another. However, subject to rules

1 and regulations adopted by the board pursuant to Section 3563, an
2 employer shall not be prohibited from permitting employees to
3 engage in meeting and conferring or consulting during working
4 hours without loss of pay or benefits.

5 ~~(e)~~

6 (5) Refuse to participate in good faith in the impasse procedure
7 set forth in Article 9 (commencing with Section 3590).

8 ~~(f)~~

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

20 ~~(g)~~

21 (7) Use public funds to pay outside consultants or legal advisors
22 for the purpose of counseling the public employer about ways to
23 minimize or deter the exercise of rights guaranteed under this
24 chapter.

25 *(b) Nothing in this section shall be construed to apply to*
26 *payments for representation of a public sector employer before*
27 *any court, administrative agency, or tribunal of arbitration, or for*
28 *payments for engaging in collective bargaining on behalf of the*
29 *employer with respect to wages, hours, or other terms and*
30 *conditions of employment.*