

AMENDED IN SENATE AUGUST 19, 2014

AMENDED IN SENATE JUNE 25, 2014

AMENDED IN ASSEMBLY MAY 23, 2014

AMENDED IN ASSEMBLY MARCH 19, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1550

Introduced by Assembly Member Rendon

January 27, 2014

An act to amend Section 3548 of, and to add ~~Sections~~ *Section* 3548.9 and 3548.91 to, the Government Code, relating to school employees.

LEGISLATIVE COUNSEL'S DIGEST

AB 1550, as amended, Rendon. School employees: collective bargaining.

(1) Existing law permits public school employees to form, join, and participate in the activities of employee organizations of their own choosing for the purpose of representation on all matters of employer-employee relations, as specified. Existing law permits an employee organization to become the exclusive representative of an appropriate unit for purposes of meeting and negotiating, as defined, with a public school employer. Existing law authorizes either a public school employer or the exclusive representative to declare that an impasse, as defined, has been reached between the parties in negotiations over matters within the scope of representation and to request the Public Employment Relations Board to appoint a mediator for the purpose of assisting them, as specified. If the board determines that an impasse exists, existing law requires it to appoint a mediator in accordance with

rules it is required to prescribe within 5 working days after the receipt of a request.

This bill would increase the time allowed for the board to appoint a mediator, as described above, to 10 working days after the receipt of a request. The bill would also make technical changes in these provisions.

(2) Existing law *authorizes, if the mediator is unable to effect settlement of the controversy within 15 days after the mediator's appointment and the mediator declares that factfinding is appropriate to the resolution of the impasse, either party to request that their differences be submitted to a factfinding panel, as specified. Existing law requires the panel, if the dispute is not settled within 30 days after its appointment, to make findings of fact and recommend terms of settlement. Existing law requires the public school employer to make these findings and recommendations public within 10 days after their receipt. Existing law prohibits certain laws related to collective bargaining for public school employees from being construed as prohibiting a public school employer from making the final decision with regard to specified matters, including, among other things, matters related to the scope of representation, as defined, and the causes and procedures for disciplinary action other than dismissal.*

This bill would require the public school ~~employer~~ employer, *after impasse procedures have been completed and the public school employer has made the factfinding panel's recommendations and findings public*, to provide written notice to the exclusive representative of the date for the implementation ~~of, and all of each of the terms included in, the last, best, and final offer of the public school employer at least 30 days before that implementation.~~ By requiring the local public school employer to perform these additional duties, this bill would impose a state-mandated local program.

~~The bill would prohibit a public school employer from unilaterally implementing terms and conditions of employment following declaration of an impasse unless those terms and conditions have first been subject to negotiation with an exclusive representative. The bill would also require, if language in a negotiated agreement is illegal, that the public school employer and the exclusive representative meet and negotiate any change to the negotiated agreement to remedy the illegal language. By requiring a public school employer to meet and negotiate on additional subjects with the exclusive representative, the bill would impose a state-mandated local program.~~

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 3548 of the Government Code is amended
2 to read:

3 3548. (a) Either a public school employer or the exclusive
4 representative may declare that an impasse has been reached
5 between the parties in negotiations over matters within the scope
6 of representation and may request the board to appoint a mediator
7 for the purpose of assisting them in reconciling their differences
8 and resolving the controversy on terms that are mutually
9 acceptable. If the board determines that an impasse exists, it shall,
10 in no event later than 10 working days after the receipt of a request,
11 appoint a mediator in accordance with rules as it shall prescribe.
12 The mediator shall meet forthwith with the parties or their
13 representatives, either jointly or separately, and shall take other
14 steps as he or she may deem appropriate in order to persuade the
15 parties to resolve their differences and effect a mutually acceptable
16 agreement. The services of the mediator, including any per diem
17 fees and actual and necessary travel and subsistence expenses,
18 shall be provided by the board without cost to the parties.

19 (b) This section shall not be construed to prevent the parties
20 from mutually agreeing upon their own mediation procedure and
21 in the event of an agreement, the board shall not appoint its own
22 mediator, unless failure to do so would be inconsistent with the
23 policies of this chapter. If the parties agree upon their own
24 mediation procedure, the cost of the services of any appointed
25 mediator, unless appointed by the board, including any per diem
26 fees and actual and necessary travel and subsistence expenses,
27 shall be borne equally by the parties.

SEC. 2. Section 3548.9 is added to the Government Code, to read:

3548.9. ~~At~~*After the impasse procedures have been completed and the public school employer has made the factfinding panel's recommendations and findings public pursuant to subdivision (a) of Section 3548.3, and at least 30 days before implementation, implementation of each term of the public school employer's last, best, and final offer,* the public school employer shall provide the exclusive representative with written notice of the date certain for the implementation of ~~and all~~ *each* of the terms included in the last, best, and final offer of the public school employer.

SEC. 3. ~~Section 3548.91 is added to the Government Code, to read:~~

~~3548.91. (a) Notwithstanding any other law, a public school employer shall not unilaterally implement terms and conditions of employment following declaration of an impasse unless those terms and conditions have first been subject to negotiation with an exclusive representative.~~

~~(b) If language in a negotiated agreement with an exclusive representative is illegal, the public school employer and the exclusive representative shall meet and negotiate any change to the negotiated agreement to remedy the illegal language.~~

~~SEC. 4.~~

SEC. 3. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.