

ASSEMBLY BILL

No. 1611

Introduced by Assembly Member Bonta

February 6, 2014

An act to amend Section 3543.2 of the Government Code, relating to school employees.

LEGISLATIVE COUNSEL'S DIGEST

AB 1611, as introduced, Bonta. School employees: scope of representation: notice.

Existing law gives public school employee organizations the right to represent their members in their employment relations with public school employers, and limits the scope of representation to matters relating to wages, hours of employment, and other terms and conditions of employment, as defined. Existing law provides that all other matters are reserved to the public school employer and may not be a subject of meeting and negotiating.

This bill would require a public school employer to give written notice of not less than 15 working days to the exclusive representative of classified personnel of the public school employer's intent to make any change to matters within the scope of representation of those employees, including, but not limited to, start time and hours of employment, for purposes of providing the exclusive representative a reasonable amount of time to negotiate proposed changes with the public school employer. The bill would also make nonsubstantive changes to this provision. By imposing new duties on public school employers, the bill would constitute a state-mandated local program.

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 3543.2 of the Government Code is
2 amended to read:

3 3543.2. (a) (1) The scope of representation shall be limited
4 to matters relating to wages, hours of employment, and other terms
5 and conditions of employment. "Terms and conditions of
6 employment" mean health and welfare benefits as defined by
7 Section 53200, leave, transfer and reassignment policies, safety
8 conditions of employment, class size, procedures to be used for
9 the evaluation of employees, organizational security pursuant to
10 Section 3546, procedures for processing grievances pursuant to
11 Sections 3548.5, 3548.6, 3548.7, and 3548.8, the layoff of
12 probationary certificated school district employees, pursuant to
13 Section 44959.5 of the Education Code, and alternative
14 compensation or benefits for employees adversely affected by
15 pension limitations pursuant to former Section 22316 of the
16 Education Code, *as that section read on December 31, 1999*, to
17 the extent deemed reasonable and without violating the intent and
18 purposes of Section 415 of the Internal Revenue Code. ~~In addition,~~
19 ~~the~~

20 (2) *A public school employer shall give written notice of not*
21 *less than 15 working days to the exclusive representative of*
22 *classified personnel of the public school employer's intent to make*
23 *any change to matters within the scope of representation of those*
24 *employees, including, but not limited to, start time and hours of*
25 *employment, for purposes of providing the exclusive representative*
26 *a reasonable amount of time to negotiate with the public school*
27 *employer regarding the proposed changes.*

1 (3) *The* exclusive representative of certificated personnel has
2 the right to consult on the definition of educational objectives, the
3 determination of the content of courses and curriculum, and the
4 selection of textbooks to the extent ~~such~~ *those* matters are within
5 the discretion of the public school employer under the law. ~~All~~

6 (4) *All* matters not specifically enumerated are reserved to the
7 public school employer and may not be a subject of meeting and
8 negotiating, ~~provided except that nothing herein may be construed~~
9 ~~to this section does not~~ limit the right of the public school employer
10 to consult with any employees or employee organization on any
11 matter outside the scope of representation.

12 (b) Notwithstanding Section 44944 of the Education Code, the
13 public school employer and the exclusive representative shall,
14 upon request of either party, meet and negotiate regarding causes
15 and procedures for disciplinary action, other than dismissal,
16 including a suspension of pay for up to 15 days, affecting
17 certificated employees. If the public school employer and the
18 exclusive representative do not reach mutual agreement, ~~then the~~
19 ~~provisions of~~ Section 44944 of the Education Code shall apply.

20 (c) Notwithstanding Section 44955 of the Education Code, the
21 public school employer and the exclusive representative shall,
22 upon request of either party, meet and negotiate regarding
23 procedures and criteria for the layoff of certificated employees for
24 lack of funds. If the public school employer and the exclusive
25 representative do not reach mutual agreement, ~~then the provisions~~
26 ~~of~~ Section 44955 of the Education Code shall apply.

27 (d) Notwithstanding Section 45028 of the Education Code, the
28 public school employer and the exclusive representative shall,
29 upon request of either party, meet and negotiate regarding the
30 payment of additional compensation based upon criteria other than
31 years of training and years of experience. If the public school
32 employer and the exclusive representative do not reach mutual
33 agreement, ~~then the provisions of~~ Section 45028 of the Education
34 Code shall apply.

35 (e) Pursuant to Section 45028 of the Education Code, the public
36 school employer and the exclusive representative shall, upon the
37 request of either party, meet and negotiate a salary schedule based
38 on criteria other than a uniform allowance for years of training
39 and years of experience. If the public school employer and the
40 exclusive representative do not reach mutual agreement, ~~then the~~

1 provisions of Section 45028 of the Education Code requiring a
2 salary schedule based upon a uniform allowance for years of
3 training and years of experience shall apply. A salary schedule
4 established pursuant to this subdivision shall not result in the
5 reduction of the salary of ~~any~~ a teacher.

6 SEC. 2. If the Commission on State Mandates determines that
7 this act contains costs mandated by the state, reimbursement to
8 local agencies and school districts for those costs shall be made
9 pursuant to Part 7 (commencing with Section 17500) of Division
10 4 of Title 2 of the Government Code.