

AMENDED IN ASSEMBLY JUNE 19, 2013

AMENDED IN SENATE MAY 13, 2013

AMENDED IN SENATE APRIL 1, 2013

**SENATE BILL**

**No. 765**

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**Introduced by Senator Block**

February 22, 2013

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An act to amend Section 3545 of the Government Code, relating to public employees.

LEGISLATIVE COUNSEL'S DIGEST

SB 765, as amended, Block. Public employees: collective bargaining. 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 specified. In each case ~~where~~ *that* the appropriateness of the unit is an issue, existing law requires the Public Employment Relations Board to decide the question on the basis of the community of interest between and among the employees and their established practices including, among other things, the extent to which those employees belong to the same employee organization and the effect of the size of the unit on the efficient operation of the school district. Existing law provides that in the case of a district that employs 20 or more supervisory peace officer employees, a negotiating unit of supervisory employees is appropriate if it includes any of specified supervisory employees. Existing law

prohibits these supervisory employees from being in a negotiation unit with employees whom they supervise.

This bill would permit a supervisory peace officer employee to join or participate in an employee organization and negotiating unit that is composed of nonsupervisory peace officers if the representation has been agreed to by the supervisory employee representative, the nonsupervisory peace officer representative, and the employer and the Public Employment Relations Board is so notified.

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 3545 of the Government Code is amended
- 2 to read:
- 3 3545. (a) In each case where the appropriateness of the unit
- 4 is an issue, the board shall decide the question on the basis of the
- 5 community of interest between and among the employees and their
- 6 established practices including, among other things, the extent to
- 7 which those employees belong to the same employee organization,
- 8 and the effect of the size of the unit on the efficient operation of
- 9 the school district.
- 10 (b) In all cases:
- 11 (1) A negotiating unit that includes classroom teachers shall not
- 12 be appropriate unless it at least includes all of the classroom
- 13 teachers employed by the public school employer, except
- 14 management employees, supervisory employees, and confidential
- 15 employees.
- 16 (2) Except as provided in subdivision (c) or (d), a negotiating
- 17 unit of supervisory employees shall not be appropriate unless it
- 18 includes all supervisory employees employed by the district and
- 19 shall not be represented by the same employee organization as
- 20 employees whom the supervisory employees supervise.
- 21 (3) Classified employees and certificated employees shall not
- 22 be included in the same negotiating unit.
- 23 (c) (1) In the case of a district that employs 20 or more
- 24 supervisory peace officer employees, a negotiating unit of
- 25 supervisory employees shall be appropriate if it includes any of
- 26 the following:

1 (A) All supervisory non-peace-officer employees employed by  
2 the district and all supervisory peace officer employees employed  
3 by the district.

4 (B) All supervisory non-peace-officer employees employed by  
5 the district, exclusively.

6 (C) All supervisory peace officer employees employed by the  
7 district, exclusively.

8 (2) A negotiating unit of supervisory peace officer employees  
9 shall not be represented by the same employee organization as  
10 employees whom the supervisory employees supervise.

11 (d) Notwithstanding subdivision (b) or (c), a supervisory peace  
12 officer employee may elect to join or participate in an employee  
13 organization and negotiating unit that is composed of  
14 nonsupervisory peace officers if the representation has been agreed  
15 to by the supervisory employee representative, the nonsupervisory  
16 peace officer representative, and the employer and those entities  
17 have informed the board of their agreement. *The employer may*  
18 *cause a supervisory peace officer employee to join a bargaining*  
19 *unit separate from the employees the supervisory peace officer*  
20 *employee supervises.*

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