

ASSEMBLY BILL

No. 295

Introduced by Assembly Member Gipson

February 12, 2015

An act to add Section 3507.15 to the Government Code, relating to public employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 295, as introduced, Gipson. Public employment: employee organizations.

The Meyers-Milias-Brown Act regulates the labor relations of local public agencies and their employees. The act grants employees the right to form, join, and participate in the activities of employee organizations for the purposes of representation on all matters of employer-employee relations, and grants recognized employee organizations the right to represent their members in their employment relations with public agencies. The act requires a public agency to grant exclusive or majority recognition to an employee organization if specified requirements are met.

This bill would require a public agency, if the public agency becomes the successor employer to a private employer that offers emergency medical transportation services, to immediately recognize a new bargaining unit consisting of the emergency medical transportation employees of the predecessor private employer and recognize an employee organization as the exclusive representative of the new bargaining unit if the employee organization meets specified certification or recognition requirements.

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

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

1 SECTION 1. Section 3507.15 is added to the Government
2 Code, to read:

3 3507.15. (a) Notwithstanding Section 3507.1 or rules adopted
4 by a public agency pursuant to Section 3507, if a public agency
5 becomes the successor employer to a private employer that offers
6 emergency medical transportation services, the public agency shall
7 immediately do both of the following:

8 (1) Consider the employees who were previously employed by
9 the private employer to be part of a new bargaining unit, and
10 recognize that new bargaining unit as appropriate.

11 (2) Recognize an employee organization as the exclusive
12 representative of the new bargaining unit if the employee
13 organization has either of the following:

14 (A) Certification by the National Labor Relations Board as the
15 representative of the employees when the employees were
16 employed by the private employer.

17 (B) Recognition by the private employer as the representative
18 of the employees.

19 (b) For the purposes of this section, the following terms have
20 the following meanings:

21 (1) "Employee" means an employee who is employed to provide
22 emergency medical transportation services.

23 (2) "Emergency medical transportation services" includes the
24 emergency transportation services set forth in Sections 14105.94
25 and 14105.95 of the Welfare and Institutions Code.

26 (3) "Private employer" means an employer that is not a public
27 agency.

28 (4) "Successor employer" means any public agency that is the
29 purchaser, assignee, or transferee of a business or service whose
30 employees are subject to a collective bargaining agreement, if the
31 purchaser, assignee, or transferee uses substantially the same
32 facilities or workforce to offer substantially the same services as
33 the predecessor employer.

34 (c) This section does not affect an employee organization's right
35 to disclaim representation of a bargaining unit.

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