

ASSEMBLY BILL

No. 528

**Introduced by Assembly Member Baker
(Coauthors: Assembly Members Bigelow, Grove, Harper, Lackey,
Olsen, and Wilk)**

February 23, 2015

An act to amend Section 3616 of, and to add Section 3616.1 to, the Government Code, relating to the San Francisco Bay Area Rapid Transit District.

LEGISLATIVE COUNSEL'S DIGEST

AB 528, as introduced, Baker. San Francisco Bay Area Rapid Transit District: strikes: prohibition.

Existing law creates the San Francisco Bay Area Rapid Transit District and establishes provisions regulating the collective bargaining of the employees and the board of directors of that district. Existing law prescribes procedures specifically relating to the collective bargaining of transit districts, and authorizes the Governor, when it appears a strike will significantly disrupt transportation services and endanger public health, safety, and welfare, to appoint a board to investigate issues in connection with these labor negotiations and make a report. Existing law prohibits a strike during the period of investigation and permits the Governor, upon receiving a report from a board of investigation, to request the Attorney General to petition a court to enjoin the strike, as specified.

This bill would prohibit employees of the San Francisco Bay Area Rapid Transit District from engaging in a strike or work stoppage if the transit district board maintains the compensation and benefit provisions of an expired contract and an employee or employee organization has

agreed to a provision prohibiting strikes in the expired or previous written labor contract. The bill would provide that an employee whom the transit district employer finds willfully engaged in a strike or work stoppage in violation of these provisions is subject to dismissal if that finding is sustained upon conclusion of the appropriate proceedings necessary for the imposition of a disciplinary action.

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 3616 of the Government Code is amended
2 to read:

3 3616. Except as expressly provided by subdivision (b) of
4 ~~Section 3612 and Section 3614~~, 3612, and Sections 3614 and
5 3616.1, nothing in this chapter shall be construed to grant or
6 deprive employees of a right to strike.

7 SEC. 2. Section 3616.1 is added to the Government Code, to
8 read:

9 3616.1. (a) This section shall apply to employees of the San
10 Francisco Bay Area Rapid Transit District as created in Section
11 28600 of the Public Utilities Code.

12 (b) Notwithstanding any other law, if the Board of Directors of
13 the San Francisco Bay Area Rapid Transit District maintains the
14 compensation and benefit provisions of an expired contract, and
15 an employee or employee organization has agreed to a provision
16 prohibiting strikes in the expired or previous written labor contract,
17 then a strike or work stoppage by employees of the district is
18 hereby deemed contrary to the public interest and is prohibited.

19 (c) An employee whom the transit district employer finds
20 willfully engaged in a strike or work stoppage in violation of
21 subdivision (b) by failing to report for work shall be subject to
22 dismissal from his or her employment if that finding is sustained
23 upon conclusion of the appropriate proceedings necessary for the
24 imposition of disciplinary action upon the employee.

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