

AMENDED IN ASSEMBLY MARCH 15, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2835

Introduced by Assembly Member Cooper

February 19, 2016

An act to amend Section 3543.5 of the Government Code, relating to public school employment: *employees*.

LEGISLATIVE COUNSEL'S DIGEST

AB 2835, as amended, Cooper. ~~Public school employment: collective bargaining: unlawful activities. State employees: memorandum of understanding.~~

Existing law provides that a provision of a memorandum of understanding reached between the state employer and a recognized employee organization representing state civil service employees that requires the expenditure of funds does not become effective unless approved by the Legislature in the annual Budget Act.

This bill would approve provisions of a memorandum of understanding entered into between the state employer and an unspecified bargaining unit that require the expenditure of funds, and would provide that these provisions will become effective even if these provisions are approved by the Legislature in legislation other than the annual Budget Act.

The bill would provide that provisions of the memorandum of understanding approved by this bill that require the expenditure of funds will not take effect unless funds for those provisions are specifically appropriated by the Legislature, and would require the state employer and the affected employee organization to meet and

confer to renegotiate the affected provisions if funds for those provisions are not specifically appropriated by the Legislature.

~~Under existing law, public school employees have the right 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. Existing law makes certain acts of public school employers, such as school districts, unlawful, including, among others, the refusal or failure to meet and negotiate in good faith with an exclusive representative.~~

~~This bill would make nonsubstantive changes to that later provision.~~

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

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

1 *SECTION 1. The Legislature finds and declares that the*
2 *purpose of this act is to approve an agreement entered into by the*
3 *state employer and State Bargaining Unit _____ pursuant to Section*
4 *3517.5 of the Government Code.*

5 *SEC. 2. The provisions of the memorandum of understanding*
6 *prepared pursuant to Section 3517.5 of the Government Code and*
7 *entered into by the state employer and State Bargaining Unit _____,*
8 *dated _____, and that require the expenditure of funds, are hereby*
9 *approved for the purposes of subdivision (b) of Section 3517.6 of*
10 *the Government Code.*

11 *SEC. 3. The provisions of the memorandum of understanding*
12 *approved by Section 2 of this act that require the expenditure of*
13 *funds shall not take effect unless funds for these provisions are*
14 *specifically appropriated by the Legislature. If funds for these*
15 *provisions are not specifically appropriated by the Legislature,*
16 *the state employer and the affected employee organization shall*
17 *meet and confer to renegotiate the affected provisions.*

18 *SEC. 4. Notwithstanding Section 3517.6 of the Government*
19 *Code, the provisions of the memorandum of understanding included*
20 *in Section 2 of this act that require the expenditure of funds shall*
21 *become effective even if the provisions of the memorandum of*
22 *understanding are approved by the Legislature in legislation other*
23 *than the annual Budget Act.*

24 ~~SECTION 1. Section 3543.5 of the Government Code is~~
25 ~~amended to read:~~

1 ~~3543.5. It is unlawful for a public school employer to do any~~
2 ~~of the following:~~

3 ~~(a) Impose or threaten to impose reprisals on employees, to~~
4 ~~discriminate or threaten to discriminate against employees, or~~
5 ~~otherwise to interfere with, restrain, or coerce employees because~~
6 ~~of their exercise of rights guaranteed by this chapter. For purposes~~
7 ~~of this subdivision, “employee” includes an applicant for~~
8 ~~employment or reemployment.~~

9 ~~(b) Deny to employee organizations rights guaranteed to them~~
10 ~~by this chapter.~~

11 ~~(c) Refuse or fail to meet and negotiate in good faith with an~~
12 ~~exclusive representative. For purposes of this subdivision,~~
13 ~~knowingly providing an exclusive representative with inaccurate~~
14 ~~information, whether or not in response to a request for~~
15 ~~information, regarding the financial resources of the public school~~
16 ~~employer constitutes a refusal or failure to meet and negotiate in~~
17 ~~good faith.~~

18 ~~(d) Dominate or interfere with the formation or administration~~
19 ~~of any employee organization, or contribute financial or other~~
20 ~~support to it, or in any way encourage employees to join any~~
21 ~~organization in preference to another.~~

22 ~~(e) Refuse to participate in good faith in the impasse procedures~~
23 ~~set forth in Article 9 (commencing with Section 3548).~~