

AMENDED IN SENATE AUGUST 15, 2016

AMENDED IN SENATE JUNE 21, 2016

AMENDED IN ASSEMBLY MARCH 15, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2835

Introduced by Assembly Member Cooper
(Principal coauthor: Senator Pan)

February 19, 2016

An act to add Chapter 11 (commencing with Section 3550) to Division 4 of Title 1 of the Government Code, relating to public employees.

LEGISLATIVE COUNSEL'S DIGEST

AB 2835, as amended, Cooper. Public employees: orientation and informational programs: recognized employee organizations.

(1) Existing law, including the Meyers-Milias-Brown Act, the Ralph C. Dills Act, the Trial Court Employment Protection and Governance Act, the Trial Court Interpreter Employment and Labor Relations Act, and the Los Angeles County Metropolitan Transportation Authority Transit Employer-Employee Relations Act, as well as provisions commonly referred to as the Educational Employment Relations Act and the Higher Education Employer-Employee Relations Act, regulates the labor relations of the state, the courts, and specified local public agencies and their employees. Existing law establishes the Public Employment Relations Board and prescribes its powers and duties, in relation to these acts. These acts grant specified public employees of these entities the right to form, join, and participate in the activities of employee organizations of their choosing and requires public agency

employers, among other things, to meet and confer with representatives of recognized employee organizations and exclusive representatives on terms and conditions of employment.

This bill would require the public employers regulated by the acts described above to provide newly hired employees, as defined, a specified public employee orientation within 2 months of hiring. The bill would require these orientations to be ~~conducted~~ *conducted, in-person*, during the regular workday ~~at the worksite, except as specified, and that all newly hired employees attend the orientation in person.~~ *of the employees attending. The bill would require, if employees are represented, that the exclusive representative be given notice not less than 10 days in advance of an orientation.* The bill would require the pertinent ~~recognized employee organization or exclusive representative to be permitted to make a presentation of 30 minutes to begin within one hour of the start in the first half of the orientation if employees are represented by a recognized employee organization or exclusive representative, as specified.~~ *represented.* The bill ~~would, with certain exceptions, require that the content of these presentations be determined exclusively solely by the recognized employee organization or exclusive representative.~~

This bill would require, prior to the implementation of the provisions described above, that the public employer provide ~~a recognized employee organization or~~ *an* exclusive representative the same level of access to orientations allowed as of June 1, 2016. The bill would require an affected public employer to provide the recognized employee organization or exclusive representative with the name, job title, department, work location, phone number, and home address of newly hired employees ~~within 7 30 days of the date of hire and notice of a scheduled orientation not less than 10 days prior to the orientation, as specified.~~ *hire.* The bill would permit a public employer and a recognized employee organization or exclusive representative to negotiate an agreement regarding these employee orientation sessions. *The bill would permit a public employer and exclusive representative to negotiate an agreement that provides for orientations that vary from the bill's requirements, but in absence of an agreement on orientations, the bill's requirements would apply.*

~~The bill would provide that the obligation of affected public employers to meet and confer with regard to matters within the scope of~~

~~representation includes an obligation to meet and confer regarding informational programs for current employees that are similar to the orientations provided to new employees. The bill would require the content of any employee organization presentation included as a part of these informational programs to be determined solely by the recognized employee organization or exclusive representative and that the content is not subject to negotiation.~~

The bill would provide that affected public employers do not unlawfully support or favor an employee organization or encourage employees to join any organization in preference to another, as specified, by permitting presentations at employee orientations or informational programs, as described above, or consistent with a negotiated agreement. The bill would grant the Public Employment Relations Board jurisdiction over a violation of these provisions. By creating new duties for various local agencies, this bill would impose a state-mandated local program.

(2) 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, with regard to certain mandates, no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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. Chapter 11 (commencing with Section 3550) is
2 added to Division 4 of Title 1 of the Government Code, to read:

3

4 CHAPTER 11. PUBLIC EMPLOYEE ORIENTATION AND
5 INFORMATIONAL PROGRAMS

6

7 3550. (a) ~~A~~Except as set forth in subdivision (d), a public
8 employer specified in Section 3552 shall provide all newly hired
9 public employees a public employee orientation within two months

1 of the time of hiring that ~~shall~~ *may* include, but is not limited to,
2 all of the following:

3 (1) The personnel policies of the public employer, including
4 sexual harassment, violence prevention, and safety plans.

5 (2) Any applicable civil service rules.

6 (3) Any ethics or conflict-of-interest rules to which the public
7 employee is subject, if applicable.

8 (4) Any employer-provided benefit programs for which the
9 public employee is eligible.

10 (b) An orientation described in subdivision (a) shall meet all of
11 the following minimum requirements:

12 (1) Orientations shall be conducted *in-person*, during the regular
13 workday ~~and shall take place at the worksite, unless the public~~
14 ~~employer and recognized employee organization or exclusive~~
15 ~~representative have agreed otherwise. The scheduling of~~
16 ~~orientations shall be agreed upon with the recognized employee~~
17 ~~organization or exclusive representative. All newly hired public~~
18 ~~employees shall attend in person.~~ *of employees attending. If*
19 *employees are represented, the exclusive representative shall be*
20 *given not less than 10 days' notice in advance of an orientation.*

21 (2) If employees are ~~represented by a recognized employee~~
22 ~~organization or exclusive representative, representatives of the~~
23 ~~recognized employee organization or~~ *represented, the exclusive*
24 *representative shall be permitted to make a presentation of 30*
25 *minutes* ~~minutes, to begin within one hour of the start in the first~~
26 *half of the orientation that shall may include, but is not limited to,*
27 *all of the following:*

28 (A) Information about the memorandum of understanding,
29 including the term of the agreement, eligibility to vote on its
30 ratification, and how to access the contract.

31 (B) Any union benefit for which members may be eligible.

32 (C) Contact information for the exclusive representative.

33 (3) If ~~no~~ *the* representative from the ~~recognized employee~~
34 ~~organization is exclusive representative is not present during at~~
35 ~~the designated start time of that the part of the presentation,~~
36 *presentation described in paragraph (2), there is no requirement*
37 *that they the representative be afforded additional time.*

38 (4) If employees in different bargaining units are provided a
39 combined orientation, employees in each bargaining unit shall be
40 provided a separate space in which the employee organization

1 ~~representing each bargaining unit shall be permitted to address its~~
2 ~~bargaining unit members during the time allotted for the recognized~~
3 ~~employee organization's or exclusive representative's presentation.~~
4 In addition to other representatives, each ~~recognized employee~~
5 ~~organization or~~ exclusive representative may designate one
6 employee representative who may attend the ~~orientation on paid~~
7 ~~time.~~ *orientation*. The content of the ~~recognized employee~~
8 ~~organization's or~~ exclusive representative's presentation shall be
9 determined solely by the ~~employee organization~~ *exclusive*
10 *representative* and shall not be subject to negotiation. The
11 presentation shall not include advocacy for or against a candidate
12 for political office or ballot measure. Prior to implementing the
13 orientation requirements set forth in this subdivision, the public
14 employer shall provide at least the level of access to, and the
15 opportunity to make presentations at, orientations that the public
16 employer allowed the ~~recognized employee organization or~~
17 ~~exclusive representative as of June 1, 2016, and nothing herein~~
18 shall be construed as infringing upon or limiting that access.

19 (c) Notwithstanding Sections 6254 and 6254.3, the public
20 employer shall provide the ~~recognized employee organization or~~
21 ~~exclusive representative with the name, job title, department, work~~
22 ~~location, telephone number, and home address of any newly hired~~
23 ~~employee who may be represented by the exclusive representative~~
24 ~~within seven 30 days of the date of hire and notice of a scheduled~~
25 ~~orientation not less than 10 days prior to the orientation unless~~
26 ~~earlier notice is required by an agreement with the recognized~~
27 ~~employee organization or exclusive representative.~~ *hire*. The
28 information identified in this subdivision shall be provided to the
29 ~~recognized employee organization or~~ exclusive representative
30 regardless of whether the newly hired public employee was
31 previously employed by the public employer. The information
32 under this section shall be provided in a manner consistent with
33 paragraph (3) of subdivision (a) of Section 6254.3. The information
34 under this section shall be provided in a manner consistent with
35 Section 6207 for any employee who is a participant in the address
36 confidentiality program established pursuant to Chapter 3.1
37 (commencing with Section 6205) of Division 7 of Title 1.

38 (d) ~~This section does not prohibit a~~ A public employer and a
39 ~~recognized employee organization or~~ *an* exclusive representative
40 ~~from negotiating~~ *may negotiate* an agreement providing for

1 orientation sessions that vary from ~~the requirements~~ *any*
 2 *requirement for orientations* of this section. ~~However, if the public~~
 3 ~~employer and the recognized employee organization or exclusive~~
 4 ~~representative do not reach~~ *In the absence of* a mutual agreement
 5 regarding the orientation sessions, all of the requirements of this
 6 section shall apply.

7 (e) A public employer identified in Section 3552 does not
 8 unlawfully support or favor an employee organization or encourage
 9 employees to join any organization in preference to another as
 10 prohibited by subdivision (d) of Section 3506.5, subdivision (d)
 11 of Section 3519, subdivision (d) of Section 3543.5, or subdivision
 12 (d) of Section 3571 of this code, or subdivision (d) of Section
 13 99563.7 of the Public Utilities Code, or any other state law, by
 14 permitting a ~~recognized employee organization or~~ *an* exclusive
 15 representative the opportunity to present at employee orientations
 16 and informational programs as required by this section or consistent
 17 with a negotiated agreement pursuant to Section 3551.

18 (f) *This section does not modify the scope of bargaining.*

19 ~~3551. (a) The obligation established by Sections 3505, 3517,~~
 20 ~~3543.3, 3570, 71634.2, and 71818 of this code and Section 99563.4~~
 21 ~~of the Public Utilities Code to meet and confer in good faith~~
 22 ~~regarding terms and conditions of employment includes an~~
 23 ~~obligation to meet and confer regarding informational programs~~
 24 ~~for current state employees that are similar to the state employee~~
 25 ~~orientations required by Section 3550. The establishment,~~
 26 ~~scheduling, and administration of these programs shall be~~
 27 ~~negotiated by the public employer and the recognized employee~~
 28 ~~organization or exclusive representative pursuant to the applicable~~
 29 ~~law governing the public employment relationship at issue in the~~
 30 ~~same manner as other matters within the scope of representation.~~
 31 ~~The content of any recognized employee organization presentation~~
 32 ~~included as part of the informational program shall be determined~~
 33 ~~solely by the recognized employee organization or exclusive~~
 34 ~~representative and shall not be subject to negotiation. The failure~~
 35 ~~to reach agreement on an employee informational program shall~~
 36 ~~be subject to the mediation provisions of law governing the public~~
 37 ~~employment relationship at issue in the same manner as other~~
 38 ~~matters within the scope of representation.~~

39 (b) ~~—~~

1 3551. Notwithstanding Sections 6254 and 6254.3, the public
2 employer shall provide ~~the recognized employee organization or~~
3 *an* exclusive representative with a list containing the name, job
4 title, department, work location, telephone number, and home
5 address of all employees in the bargaining unit at least every 90
6 days, unless more frequent or more detailed lists are required by
7 an agreement with the ~~recognized employee organization or~~
8 exclusive representative. The information under this section shall
9 be provided in a manner consistent with paragraph (3) of
10 subdivision (a) of Section 6254.3. The information under this
11 section shall be provided in a manner consistent with Section 6207
12 for any employee who is a participant in the address confidentiality
13 program established pursuant to Chapter 3.1 (commencing with
14 Section 6205) of Division 7 of Title 1.

15 3552. (a) This chapter shall only apply to public employers
16 subject to Chapter 10 (commencing with Section 3500), Chapter
17 10.3 (commencing with Section 3512), Chapter 10.7 (commencing
18 with Section 3540), or Chapter 12 (commencing with Section
19 3560) of Division 4 of Title 1, Chapter 7 (commencing with Section
20 71600) or Chapter 7.5 (commencing with Section 71800) of Title
21 8 of this code, or Chapter 7 (commencing with Section 99560) of
22 Part 11 of Division 10 of the Public Utilities Code.

23 (b) For purposes of this ~~chapter~~, *“newly chapter:*

24 (1) *“Newly hired public employee”* ~~shall mean~~ *means* any
25 employee, whether permanent, temporary, full time, or part time,
26 hired by a public employer, to which this chapter applies, and who
27 is still employed as of the date of the new hire orientation.

28 (2) *“Exclusive representative”* *means the exclusive*
29 *representative or recognized employee organization for the*
30 *bargaining unit.*

31 (c) The Public Employment Relations Board shall have
32 jurisdiction over violations of this chapter. The powers and duties
33 of the board described in Section 3541.3 shall apply, as appropriate,
34 to this chapter.

35 SEC. 2. No reimbursement is required by this act pursuant to
36 Section 6 of Article XIII B of the California Constitution because
37 the only costs that may be incurred by a local agency or school
38 district under this act would result from a legislative mandate that
39 is within the scope of paragraph (7) of subdivision (b) of Section
40 3 of Article I of the California Constitution.

1 However, if the Commission on State Mandates determines that
2 this act contains other costs mandated by the state, reimbursement
3 to local agencies and school districts for those costs shall be made
4 pursuant to Part 7 (commencing with Section 17500) of Division
5 4 of Title 2 of the Government Code.

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