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AMENDED IN SENATE AUGUST 15, 2016

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CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2835

Introduced by Assembly Member Cooper

(Principal coauthor: Assembly Member Rendon)

(Principal coauthor: Senator coauthors: Senators De León and 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~~; *exclusive representatives*.

(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 24 months of hiring. ~~The bill would require these orientations to be conducted, in-person, during the regular workday of the employees attending. hiring, to be conducted in-person, during work hours.~~ 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 exclusive representative to be permitted to make a presentation of 30 minutes in the first half of the orientation ~~if employees are represented. The bill would, with certain exceptions, require that the content of these presentations be determined solely by the exclusive representative.~~ *orientation.*

~~This bill would require, prior to the implementation of the provisions described above, that the public employer provide an exclusive representative the same level of access to orientations allowed as of June 1, 2016. The~~ This 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 30 days of the date of 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 agreements between a public employer and an exclusive representative to negotiate an agreement that provides that~~ provide 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 also require affected public employers to provide the exclusive representative with the name, job title, department, work location, telephone number, and home address of all employees in the bargaining unit at least every 90 days, except as specified.~~

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. *The bill would except from its provisions public employers with respect to in-home supportive services providers, as specified.* 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) ~~Except as set forth in subdivision (d), a~~ A public
8 employer specified in Section 3552 shall provide all newly hired
9 public employees ~~a public employee~~ an orientation within two
10 ~~four~~ months of the time of ~~hiring that may include, but is not~~
11 ~~limited to, all of the following: hiring. If the employees are~~
12 ~~represented, the exclusive representative of those employees shall~~
13 ~~be permitted to make a presentation of 30 minutes to begin in the~~
14 ~~first half of the orientation. The exclusive representative shall be~~
15 ~~given not less than 10 days notice in advance of an orientation.~~
16 ~~Orientations shall be conducted in -person during work hours.~~

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

1 ~~(2) Any applicable civil service rules.~~
2 ~~(3) Any ethics or conflict-of-interest rules to which the public~~
3 ~~employee is subject, if applicable.~~
4 ~~(4) Any employer-provided benefit programs for which the~~
5 ~~public employee is eligible.~~
6 ~~(b) An orientation described in subdivision (a) shall meet all of~~
7 ~~the following minimum requirements:~~
8 ~~(1) Orientations shall be conducted in-person, during the regular~~
9 ~~workday of employees attending. If employees are represented,~~
10 ~~the exclusive representative shall be given not less than 10 days’~~
11 ~~notice in advance of an orientation.~~
12 ~~(2) If employees are represented, the exclusive representative~~
13 ~~shall be permitted to make a presentation of 30 minutes, to begin~~
14 ~~in the first half of the orientation that may include, but is not limited~~
15 ~~to, the following:~~
16 ~~(A) Information about the memorandum of understanding,~~
17 ~~including the term of the agreement, eligibility to vote on its~~
18 ~~ratification, and how to access the contract.~~
19 ~~(B) Any union benefit for which members may be eligible.~~
20 ~~(C) Contact information for the exclusive representative.~~
21 ~~(3) If the representative from the exclusive representative is not~~
22 ~~present at the designated start time of the part of the presentation~~
23 ~~described in paragraph (2), there is no requirement that the~~
24 ~~representative be afforded additional time.~~
25 ~~(4) In addition to other representatives, each exclusive~~
26 ~~representative may designate one employee representative who~~
27 ~~may attend the orientation. The content of the exclusive~~
28 ~~representative’s presentation shall be determined solely by the~~
29 ~~exclusive representative and shall not be subject to negotiation.~~
30 ~~The presentation shall not include advocacy for or against a~~
31 ~~candidate for political office or ballot measure. Prior to~~
32 ~~implementing the orientation requirements set forth in this~~
33 ~~subdivision, the public employer shall provide at least the level of~~
34 ~~access to, and the opportunity to make presentations at, orientations~~
35 ~~that the public employer allowed the exclusive representative as~~
36 ~~of June 1, 2016, and nothing herein shall be construed as infringing~~
37 ~~upon or limiting that access.~~
38 ~~(e)~~
39 ~~(b) Notwithstanding Sections 6254 and 6254.3, the public~~
40 ~~employer shall provide the exclusive representative with the name,~~

1 job title, department, work location, telephone number, and home
2 address of any newly hired employee who may be represented by
3 the exclusive representative within 30 days of the date of ~~hire.~~ *hire*
4 *or by the first pay period of the month following hire.* The
5 information identified in this subdivision shall be provided to the
6 exclusive representative regardless of whether the newly hired
7 public employee was previously employed by the public employer.
8 The information under this section shall be provided in a manner
9 consistent with paragraph (3) of subdivision (a) of Section 6254.3.
10 The information under this section shall be provided in a manner
11 consistent with Section 6207 for any employee who is a participant
12 in the address confidentiality program established pursuant to
13 Chapter 3.1 (commencing with Section 6205) of Division 7 of
14 Title 1.

15 ~~(d) A~~

16 *(c) This section does not prohibit agreements between a public*
17 *employer and an exclusive representative—may negotiate an*
18 *agreement providing that provide for orientation sessions that vary*
19 *from any requirement for orientations the requirements of this*
20 *section. If such an agreement is negotiated, the requirements of*
21 *subdivisions (a) and (b) shall not apply to the extent that they are*
22 *inconsistent with the agreement. In the absence of a mutual*
23 *agreement regarding the orientation sessions, all of the*
24 *requirements of this section subdivisions (a) and (b) shall apply.*

25 ~~(e)~~

26 *(d) A public employer identified in Section 3552 does not*
27 *unlawfully support or favor an employee organization or encourage*
28 *employees to join any organization in preference to another as*
29 *prohibited by subdivision (d) of Section 3506.5, subdivision (d)*
30 *of Section 3519, subdivision (d) of Section 3543.5, or subdivision*
31 *(d) of Section 3571 of this code, or subdivision (d) of Section*
32 *99563.7 of the Public Utilities Code, or any other state law, by*
33 *permitting an exclusive representative the opportunity to present*
34 *at employee orientations and informational programs as required*
35 *by this section or consistent with a negotiated agreement pursuant*
36 *to Section 3551.*

37 ~~(f)~~

38 *(e) This section does not modify the scope of bargaining.*

39 3551. Notwithstanding Sections 6254 and 6254.3, the public
40 employer shall provide an exclusive representative with a list

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

12 3552. (a) ~~This~~ (1) *Except as specified in paragraph (2), this*
 13 *chapter shall only apply to public employers subject to Chapter*
 14 *10 (commencing with Section 3500), Chapter 10.3 (commencing*
 15 *with Section 3512), Chapter 10.7 (commencing with Section 3540),*
 16 *or Chapter 12 (commencing with Section 3560) of Division 4 of*
 17 *Title 1, Chapter 7 (commencing with Section 71600) or Chapter*
 18 *7.5 (commencing with Section 71800) of Title 8 of this code, or*
 19 *Chapter 7 (commencing with Section 99560) of Part 11 of Division*
 20 *10 of the Public Utilities Code.*

21 (2) *This chapter does not apply to public employers with respect*
 22 *to in-home supportive services providers who are covered by*
 23 *Section 12301.25 of the Welfare and Institutions Code.*

24 (b) For purposes of this chapter:

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

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

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

36 SEC. 2. No reimbursement is required by this act pursuant to
 37 Section 6 of Article XIII B of the California Constitution because
 38 the only costs that may be incurred by a local agency or school
 39 district under this act would result from a legislative mandate that

1 is within the scope of paragraph (7) of subdivision (b) of Section
2 3 of Article I of the California Constitution.

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

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