

AMENDED IN SENATE JUNE 13, 2016

AMENDED IN ASSEMBLY MARCH 18, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2843**

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**Introduced by Assembly Member Chau**

February 19, 2016

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An act to amend ~~Section~~ *Sections 6253.2 and 6254.3* of the Government Code, relating to public records.

LEGISLATIVE COUNSEL'S DIGEST

AB 2843, as amended, Chau. Public records: employee contact information.

Existing law, California Public Records Act, requires that public records are open to inspection, subject to various exceptions. The act excepts from public inspection the home addresses and home telephone numbers of state employees and employees of a school district or county office of education, provided that disclosure can be made in specified instances, including to an employee organization.

This bill would extend the limitation on the disclosure of the personal information ~~of state employees and described above to all employees of a school district or county office of education, described above, public agency and would extend the limitation to include~~ personal cellular telephone ~~numbers and numbers, personal electronic mail addresses, addresses, and birth dates.~~ By increasing the duties of local officials, this bill would impose a state-mandated local program.

*Existing law additionally excepts from public inspection specified information regarding persons paid by the state to provide in-home supportive services. Existing law requires copies of names, addresses,*

*and telephone numbers of those persons to be made available, upon request, to an exclusive bargaining agent and to any labor organization seeking representation rights, as specified.*

*This bill would additionally require personal cellular telephone numbers, personal electronic mail addresses, and birth dates of those persons to be made available to an exclusive bargaining agent and to any labor organization seeking representation rights.*

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

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 no reimbursement is required by this act for a specified reason.

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. Section 6253.2 of the Government Code, as  
2     amended by Section 1 of Chapter 37 of the Statutes of 2013, is  
3     amended to read:  
4     6253.2. (a) Notwithstanding any other provision of this chapter  
5     to the contrary, information regarding persons paid by the state to  
6     provide in-home supportive services pursuant to Article 7  
7     (commencing with Section 12300) of Chapter 3 of Part 3 of  
8     Division 9 of the Welfare and Institutions Code, or services  
9     provided pursuant to Section 14132.95, 14132.952, or 14132.956  
10    of the Welfare and Institutions Code, is not subject to public

1 disclosure pursuant to this chapter, except as provided in  
2 subdivision (b).

3 (b) Copies of names, addresses, ~~and home telephone numbers~~  
4 *numbers, personal cellular telephone numbers, personal electronic*  
5 *mail addresses, and birth dates* of persons described in subdivision  
6 (a) shall be made available, upon request, to an exclusive  
7 bargaining agent and to any labor organization seeking  
8 representation rights pursuant to Section 12301.6 or 12302.25 of  
9 the Welfare and Institutions Code or the In-Home Supportive  
10 Services Employer-Employee Relations Act (Title 23 (commencing  
11 with Section 110000)). This information shall not be used by the  
12 receiving entity for any purpose other than the employee  
13 organizing, representation, and assistance activities of the labor  
14 organization.

15 (c) This section applies solely to individuals who provide  
16 services under the In-Home Supportive Services Program (Article  
17 7 (commencing with Section 12300) of Chapter 3 of Part 3 of  
18 Division 9 of the Welfare and Institutions Code), the Personal Care  
19 Services Program pursuant to Section 14132.95 of the Welfare  
20 and Institutions Code, the In-Home Supportive Services Plus  
21 Option pursuant to Section 14132.952 of the Welfare and  
22 Institutions Code, or the Community First Choice Option pursuant  
23 to Section 14132.956 of the Welfare and Institutions Code.

24 (d) Nothing in this section is intended to alter or shall be  
25 interpreted to alter the rights of parties under the In-Home  
26 Supportive Services Employer-Employee Relations Act (Title 23  
27 (commencing with Section 110000)) or any other labor relations  
28 law.

29 (e) This section shall be inoperative if the Coordinated Care  
30 Initiative becomes inoperative pursuant to Section 34 of the act  
31 that added this subdivision.

32 *SEC. 2. Section 6253.2 of the Government Code, as amended*  
33 *by Section 2 of Chapter 37 of the Statutes of 2013, is amended to*  
34 *read:*

35 6253.2. (a) Notwithstanding any other provision of this chapter  
36 to the contrary, information regarding persons paid by the state to  
37 provide in-home supportive services pursuant to Article 7  
38 (commencing with Section 12300) of Chapter 3 of Part 3 of  
39 Division 9 of the Welfare and Institutions Code or personal care  
40 services pursuant to Section 14132.95 of the Welfare and

1 Institutions Code, is not subject to public disclosure pursuant to  
 2 this chapter, except as provided in subdivision (b).

3 (b) Copies of names, addresses, ~~and home telephone numbers~~  
 4 ~~numbers, personal cellular telephone numbers, personal electronic~~  
 5 ~~mail addresses, and birth dates~~ of persons described in subdivision  
 6 (a) shall be made available, upon request, to an exclusive  
 7 bargaining agent and to any labor organization seeking  
 8 representation rights pursuant to subdivision (c) of Section 12301.6  
 9 or Section 12302.25 of the Welfare and Institutions Code or  
 10 Chapter 10 (commencing with Section 3500) of Division 4 of Title  
 11 1. This information shall not be used by the receiving entity for  
 12 any purpose other than the employee organizing, representation,  
 13 and assistance activities of the labor organization.

14 (c) This section applies solely to individuals who provide  
 15 services under the In-Home Supportive Services Program (Article  
 16 7 (commencing with Section 12300) of Chapter 3 of Part 3 of  
 17 Division 9 of the Welfare and Institutions Code) or the Personal  
 18 Care Services Program pursuant to Section 14132.95 of the Welfare  
 19 and Institutions Code.

20 (d) Nothing in this section is intended to alter or shall be  
 21 interpreted to alter the rights of parties under the  
 22 Meyers-Milias-Brown Act (Chapter 10 (commencing with Section  
 23 3500) of Division 4) or any other labor relations law.

24 (e) This section shall be operative only if Section 1 of the act  
 25 that added this subdivision becomes inoperative pursuant to  
 26 subdivision (e) of that Section 1.

27 **SECTION 1.**

28 *SEC. 3.* Section 6254.3 of the Government Code is amended  
 29 to read:

30 6254.3. (a) The home addresses, home telephone numbers,  
 31 *personal* cellular telephone numbers, ~~and~~ personal electronic mail  
 32 ~~addresses~~ *addresses, and birth dates* of ~~state employees and all~~  
 33 ~~employees of a school district or county office of education~~ *public*  
 34 *agency* shall not be deemed to be public records and shall not be  
 35 open to public inspection, except that disclosure of that information  
 36 may be made as follows:

37 (1) To an agent, or a family member of the individual to whom  
 38 the information pertains.

1 (2) To an officer or employee of another ~~state agency, school~~  
2 ~~district, or county office of education~~ *public agency* when necessary  
3 for the performance of its official duties.

4 (3) To an employee organization pursuant to regulations and  
5 decisions of the Public Employment Relations Board, except that  
6 the home addresses, home telephone numbers, *personal* cellular  
7 telephone numbers, ~~and personal electronic mail addresses~~  
8 *addresses, and birth dates* of employees performing law  
9 enforcement-related functions shall not be disclosed.

10 (4) To an agent or employee of a health benefit plan providing  
11 health services or administering claims for health services to ~~state,~~  
12 ~~school districts, and county office of education employees~~ *public*  
13 *agencies* and their enrolled dependents, for the purpose of  
14 providing the health services or administering claims for employees  
15 and their enrolled dependents.

16 (b) Upon written request of any employee, a ~~state agency, school~~  
17 ~~district, or county office of education~~ *a public agency* shall not  
18 disclose the employee's home address, home telephone number,  
19 *personal* cellular telephone number, ~~or personal electronic mail~~  
20 ~~address~~ *address, or birth date* pursuant to paragraph (3) of  
21 subdivision (a) and an agency shall remove the employee's home  
22 address, home telephone number, cellular telephone number, and  
23 personal electronic mail address from any mailing list maintained  
24 by the agency, except if the list is used exclusively by the agency  
25 to contact the employee.

26 ~~SEC. 2:~~

27 ~~SEC. 4.~~ The Legislature finds and declares that ~~Section 4~~  
28 ~~Sections 1, 2, and 3~~ of this act, which ~~amends Section~~ *amend*  
29 ~~Sections 6253.2 and 6254.3~~ of the Government Code, ~~imposes~~  
30 *impose* a limitation on the public's right of access to the meetings  
31 of public bodies or the writings of public officials and agencies  
32 within the meaning of Section 3 of Article I of the California  
33 Constitution. Pursuant to that constitutional provision, the  
34 Legislature makes the following findings to demonstrate the interest  
35 protected by this limitation and the need for protecting that interest:

36 In order to protect the privacy and well-being of state and local  
37 employees, it is necessary to limit access to their personal and  
38 emergency contact information.

1     ~~SEC. 3.~~

2     ~~SEC. 5.~~ The Legislature finds and declares that ~~Section 4~~  
3     ~~Sections 1, 2, and 3~~ of this act, which ~~amends Section~~ *amend*  
4     ~~Sections 6253.2 and 6254.3~~ of the Government Code, ~~further,~~  
5     ~~further,~~ within the meaning of paragraph (7) of subdivision (b) of  
6     Section 3 of Article I of the California Constitution, the purposes  
7     of that constitutional section as it relates to the right of public  
8     access to the meetings of local public bodies or the writings of  
9     local public officials and local agencies. Pursuant to paragraph (7)  
10    of subdivision (b) of Section 3 of Article I of the California  
11    Constitution, the Legislature makes the following findings:

12    In protecting the privacy and well-being of state and local  
13    employees, by appropriately limiting general access to their  
14    personal and emergency contact information, this bill furthers the  
15    purpose of paragraph (7) of subdivision (b) of Section 3 of Article  
16    I of the California Constitution.

17    ~~SEC. 4.~~

18    ~~SEC. 6.~~ No reimbursement is required by this act pursuant to  
19    Section 6 of Article XIII B of the California Constitution because  
20    the only costs that may be incurred by a local agency or school  
21    district under this act would result from a legislative mandate that  
22    is within the scope of paragraph (7) of subdivision (b) of Section  
23    3 of Article I of the California Constitution.