

AMENDED IN SENATE JUNE 28, 2016

AMENDED IN SENATE JUNE 13, 2016

AMENDED IN ASSEMBLY MARCH 18, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2843

Introduced by Assembly Member Chau

February 19, 2016

An act to amend 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 described above to all employees of a public agency and would extend the limitation to include personal cellular telephone numbers, ~~personal electronic mail addresses~~, *numbers* 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~~ *numbers* 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, home telephone numbers, *and*
4 personal cellular telephone ~~numbers~~, ~~personal electronic mail~~
5 ~~addresses~~, and ~~birth dates~~ *numbers* of persons described in
6 subdivision (a) shall be made available, upon request, to an
7 exclusive 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, home telephone numbers, *and*
4 personal cellular telephone ~~numbers, personal electronic mail~~
5 ~~addresses, and birth dates~~ *numbers* of persons described in
6 subdivision (a) shall be made available, upon request, to an
7 exclusive 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 SEC. 3. Section 6254.3 of the Government Code is amended
28 to read:

29 6254.3. (a) The home addresses, home telephone numbers,
30 personal cellular telephone numbers, ~~personal electronic mail~~
31 ~~addresses,~~ and birth dates of all employees of a public agency shall
32 not be deemed to be public records and shall not be open to public
33 inspection, except that disclosure of that information may be made
34 as follows:

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

37 (2) To an officer or employee of another public agency when
38 necessary for the performance of its official duties.

39 (3) To an employee organization pursuant to regulations and
40 decisions of the Public Employment Relations Board, except that

1 the home addresses, home telephone numbers, personal cellular
2 telephone numbers, ~~personal electronic mail addresses~~, and birth
3 dates of employees performing law enforcement-related functions
4 shall not be disclosed.

5 (4) To an agent or employee of a health benefit plan providing
6 health services or administering claims for health services to public
7 agencies and their enrolled dependents, for the purpose of providing
8 the health services or administering claims for employees and their
9 enrolled dependents.

10 (b) Upon written request of any employee, a public agency shall
11 not disclose the employee's home address, home telephone number,
12 personal cellular telephone number, ~~personal electronic mail~~
13 ~~address~~, or birth date pursuant to paragraph (3) of subdivision (a)
14 and an agency shall remove the employee's home address, home
15 telephone number, *and personal cellular telephone number, and*
16 ~~personal electronic mail address number~~ from any mailing list
17 maintained by the agency, except if the list is used exclusively by
18 the agency to contact the employee.

19 SEC. 4. The Legislature finds and declares that Sections 1, 2,
20 and 3 of this act, which amend Sections 6253.2 and 6254.3 of the
21 Government Code, impose a limitation on the public's right of
22 access to the meetings of public bodies or the writings of public
23 officials and agencies within the meaning of Section 3 of Article
24 I of the California Constitution. Pursuant to that constitutional
25 provision, the Legislature makes the following findings to
26 demonstrate the interest protected by this limitation and the need
27 for protecting that interest:

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

31 SEC. 5. The Legislature finds and declares that Sections 1, 2,
32 and 3 of this act, which amend Sections 6253.2 and 6254.3 of the
33 Government Code, further, within the meaning of paragraph (7)
34 of subdivision (b) of Section 3 of Article I of the California
35 Constitution, the purposes of that constitutional section as it relates
36 to the right of public access to the meetings of local public bodies
37 or the writings of local public officials and local agencies. Pursuant
38 to paragraph (7) of subdivision (b) of Section 3 of Article I of the
39 California Constitution, the Legislature makes the following
40 findings:

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

6 SEC. 6. No reimbursement is required by this act pursuant to
7 Section 6 of Article XIII B of the California Constitution because
8 the only costs that may be incurred by a local agency or school
9 district under this act would result from a legislative mandate that
10 is within the scope of paragraph (7) of subdivision (b) of Section
11 3 of Article I of the California Constitution.

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