

ASSEMBLY BILL

No. 240

Introduced by Assembly Member Honda

January 28, 1999

An act to amend Section 3502.5 of the Government Code, relating to public employees.

LEGISLATIVE COUNSEL'S DIGEST

AB 240, as introduced, Honda. Public employees: agency shop.

Under the Meyers-Milias-Brown Act, an agency shop agreement may be negotiated between local public agencies and a recognized public employee organization that requires affected employees to either join the recognized employee organization or pay the organization a service fee. Under the act, an agency shop agreement may not apply to management, confidential, or supervisory employees.

This bill would delete the provision that makes an agency shop agreement inapplicable to management, confidential, or supervisory employees.

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

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

- 1 SECTION 1. Section 3502.5 of the Government Code
2 is amended to read:
3 3502.5. (a) Notwithstanding Section 3502, or any
4 other provision of this chapter, or any other law, rule, or

1 regulation, an agency shop agreement may be negotiated
2 between a public agency and a recognized public
3 employee organization—~~which~~ *that* has been recognized
4 as the exclusive or majority bargaining agent pursuant to
5 reasonable rules and regulations, ordinances, and
6 enactments, in accordance with this chapter. As used in
7 this chapter, “agency shop” means an arrangement that
8 requires an employee, as a condition of continued
9 employment, either to join the recognized employee
10 organization, or to pay the organization a service fee in
11 an amount not to exceed the standard initiation fee,
12 periodic dues, and general assessments of—~~such~~ *the*
13 organization for the duration of the agreement, or a
14 period of three years from the effective date of—~~such~~ *the*
15 agreement, whichever comes first. However, any
16 employee who is a member of a bona fide religion, body,
17 or sect—~~which~~ *that* has historically held conscientious
18 objections to joining or financially supporting public
19 employee organizations shall not be required to join or
20 financially support any public employee organization as
21 a condition of employment. —~~Such~~ *The* employee may be
22 required, in lieu of periodic dues, initiation fees, or
23 agency shop fees, to pay sums equal to—~~such~~ *the* dues,
24 initiation fees, or agency shop fees to a nonreligious,
25 nonlabor charitable fund exempt from taxation under
26 Section 501(c)(3) of the Internal Revenue Code, chosen
27 by—~~such~~ *the* employee from a list of at least three such
28 funds, designated in a memorandum of understanding
29 between the public agency and the public employee
30 organization, or if the memorandum of understanding
31 fails to designate—~~such~~ *the* funds, then to any such fund
32 chosen by the employee. Proof of—~~such~~ *the* payments shall
33 be made on a monthly basis to the public agency as a
34 condition of continued exemption from the requirement
35 of financial support to the public employee organization.

36 (b) An agency shop provision in a memorandum of
37 understanding—~~which~~ *that* is in effect may be rescinded by
38 a majority vote of all the employees in the unit covered
39 by—~~such~~ *the* memorandum of understanding, provided
40 that: (1) a request for such a vote is supported by a



1 petition containing the signatures of at least 30 percent of
2 the employees in the unit; *and* (2)—~~such~~ *the* vote is by
3 secret ballot; (3)—~~such~~. *This* vote may be taken at any time
4 during the term of—~~such~~ *the* memorandum of
5 understanding, but in no event shall there be more than
6 one vote taken during ~~such~~ *the* term. Notwithstanding
7 the above, the public agency and the recognized
8 employee organization may negotiate, and by mutual
9 agreement provide for, an alternative procedure or
10 procedures regarding a vote on an agency shop
11 agreement.

12 (c) ~~An agency shop agreement shall not apply to~~
13 ~~management, confidential, or supervisory employees.~~

14 (d) ~~Every recognized employee organization—~~~~which~~
15 *that* has agreed to an agency shop provision shall keep an
16 adequate itemized record of its financial transactions and
17 shall make available annually, to the public agency with
18 which the agency shop provision was negotiated, and to
19 the employees who are members of the organization,
20 within 60 days after the end of its fiscal year, a detailed
21 written financial report thereof in the form of a balance
22 sheet and an operating statement, certified as to accuracy
23 by its president and treasurer or corresponding principal
24 officer, or by a certified public accountant. An employee
25 organization required to file financial reports under the
26 Labor-Management Disclosure Act of 1959 covering
27 employees governed by this chapter, or required to file
28 financial reports under Section 3546.5, may satisfy the
29 financial reporting requirement of this section by
30 providing the public agency with a copy of—~~such~~ *these*
31 financial reports.

