

Introduced by Senator Burton

February 21, 2001

An act to amend Sections 1299, 1299.2, and 1299.3 of the Code of Civil Procedure, relating to arbitration.

LEGISLATIVE COUNSEL'S DIGEST

SB 383, as introduced, Burton. Arbitration: public employees.

Existing law provides for the arbitration of disputes between public employers and firefighters and law enforcement officers, as defined.

This bill would extend these provisions to physicians and dentists, as defined, who are local public 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 1299 of the Code of Civil Procedure is
 2 amended to read:
 3 1299. (a) The Legislature hereby finds and declares that
 4 strikes taken by firefighters~~and~~, law enforcement officers,
 5 *physicians, and dentists* against public employers are a matter of
 6 statewide concern, are a predictable consequence of labor strife
 7 and poor morale that is often the outgrowth of substandard wages
 8 and benefits, and are not in the public interest. The Legislature
 9 further finds and declares that the dispute resolution procedures
 10 contained in this title provide the appropriate method for resolving
 11 public sector labor disputes that could otherwise lead to strikes by
 12 firefighters ~~or~~, law enforcement officers, *physicians, or dentists*.



1 (b) It is the intent of the Legislature to protect the health and
2 welfare of the public by providing impasse remedies necessary to
3 afford public employers the opportunity to safely alleviate the
4 effects of labor strife that would otherwise lead to strikes by
5 firefighters ~~and~~, law enforcement officers, *physicians, and*
6 *dentists*. It is further the intent of the Legislature that, in order to
7 effectuate its predominant purpose, this title be construed to apply
8 broadly to all public employers, including, but not limited to,
9 charter cities, counties, and cities and counties in this state.

10 It is not the intent of the Legislature to alter the scope of issues
11 subject to collective bargaining between public employers and
12 employee organizations representing firefighters ~~or~~, law
13 enforcement officers, *physicians, or dentists*.

14 (c) The provisions of this title are intended by the Legislature
15 to govern the resolution of impasses reached in collective
16 bargaining between public employers and employee organizations
17 representing firefighters ~~and~~, law enforcement officers,
18 *physicians, and dentists* over economic issues that remain in
19 dispute over their respective interests. However, the provisions of
20 this title are not intended by the Legislature to be used as a
21 procedure to determine the rights of any firefighter ~~or~~, law
22 enforcement officer, *physician, or dentist* in any grievance
23 initiated as a result of a disciplinary action taken by any public
24 employer. The Legislature further intends that this title shall not
25 apply to any law enforcement policy that pertains to how law
26 enforcement officers interact with members of the public or
27 pertains to police-community relations, such as policies on the use
28 of police powers, enforcement priorities and practices, or
29 supervision, oversight, and accountability covering officer
30 behavior toward members of the public, to any
31 community-oriented policing policy or to any process employed
32 by an employer to investigate firefighter ~~or~~, law enforcement
33 officer, *physician, or dentist* behavior that could lead to discipline
34 against any firefighter ~~or~~, law enforcement officer, *physician, or*
35 *dentist*, nor to contravene any provision of a charter that governs
36 an employer that is a city, county, or city and county, which
37 provision prescribes a procedure for the imposition of any
38 disciplinary action taken against a firefighter ~~or~~, law enforcement
39 officer, *physician, or dentist*.



1 SEC. 2. Section 1299.2 of the Code of Civil Procedure is
2 amended to read:

3 1299.2. This title shall apply to all employers of firefighters
4 ~~and~~, law enforcement officers, *physicians, and dentists*.

5 SEC. 3. Section 1299.3 of the Code of Civil Procedure is
6 amended to read:

7 1299.3. As used in this title:

8 (a) “Employee” means any firefighter~~or~~, law enforcement
9 officer, *physician, or dentist* represented by an employee
10 organization defined in subdivision (b).

11 (b) “Employee organization” means any organization
12 recognized by the employer for the purpose of representing
13 firefighters~~or~~, law enforcement officers, *physicians, or dentists*
14 in matters relating to wages, hours, and other terms and conditions
15 of employment within the scope of arbitration.

16 (c) “Employer” means any local agency employing
17 employees, as defined in subdivision (a), or any entity, except the
18 State of California, acting as an agent of any local agency, either
19 directly or indirectly.

20 (d) “Firefighter” means any person who is employed to
21 perform firefighting, fire prevention, fire training, hazardous
22 materials response, emergency medical services, fire or arson
23 investigation, or any related duties, without respect to the rank, job
24 title, or job assignment of that person.

25 (e) “Law enforcement officer” means any person who is a
26 peace officer as defined in Section 830.1 of, subdivisions (b) and
27 (d) of Section 830.31 of, subdivisions (a), (b), and (c) of Section
28 830.32 of, subdivisions (a), (b), and (d) of Section 830.33 of,
29 subdivisions (a) and (b) of Section 830.35 of, subdivision (a) of
30 Section 830.5 of, and subdivision (a) of Section 830.55 of, the
31 Penal Code, without respect to the rank, job title, or job assignment
32 of that person.

33 (f) “Local agency” means any governmental subdivision,
34 district, public and quasi-public corporation, joint powers agency,
35 public agency or public service corporation, town, city, county,
36 city and county, or municipal corporation, whether incorporated
37 or not or whether chartered or not.

38 (g) “Physician” means a person licensed as a physician and
39 surgeon pursuant to Chapter 5 (commencing with Section 2000)
40 of Division 2 of the Business and Professions Code.



1 (h) “Dentist” means a person licensed as a dentist pursuant to
2 Chapter 4 (commencing with Section 1600) of Division 2 of the
3 Business and Professions Code.
4 (i) “Scope of arbitration” means economic issues, including
5 salaries, wages and overtime pay, health and pension benefits,
6 vacation and other leave, reimbursements, incentives,
7 differentials, and all other forms of remuneration. The scope of
8 arbitration shall not include any issue that is protected by what is
9 commonly referred to as the “management rights” clause
10 contained in Section 3504 of the Government Code.
11 Notwithstanding the foregoing, any employer subject to this title
12 that is not exempt under Section 1299.9 may supersede this
13 subdivision by adoption of an ordinance that establishes a broader
14 definition of “scope of arbitration.”

