

AMENDED IN ASSEMBLY JULY 5, 2001

AMENDED IN SENATE MARCH 26, 2001

**SENATE BILL**

**No. 383**

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**Introduced by Senators Burton and Romero**  
(Coauthor: Assembly Member Cedillo)

February 21, 2001

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An act to amend ~~Section 1299.2~~ *Sections 1299.2 and 1299.3* of, to amend the heading of Title 9.5 (commencing with Section 1299) of Part 3 of, and to add Section 1299.31 to, the Code of Civil Procedure, relating to arbitration.

LEGISLATIVE COUNSEL'S DIGEST

SB 383, as amended, Burton. Arbitration: local public employees.

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

This bill would extend these provisions to *safety police officers of the County of Los Angeles* and to physicians and dentists, as defined, who are local public employees of the County of Los Angeles.

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. (a) The Legislature finds and declares that the  
2 dispute resolution procedures contained in Title 9 (commencing  
3 with Section 1299) of Part 3 of the Code of Civil Procedure, as  
4 amended by this act, provide the appropriate method for resolving

1 public sector disputes that could otherwise lead to strikes by  
2 physicians or dentists in the County of Los Angeles.

3 (b) It is the intent of the Legislature to protect the health and  
4 welfare of the public by providing impasse remedies necessary to  
5 afford the County of Los Angeles the opportunity to alleviate  
6 safely the effects of labor strife that would otherwise lead to strikes  
7 by physicians and dentists.

8 It is not the intent of the Legislature to alter the scope of issues  
9 subject to collective bargaining between the employer, the County  
10 of Los Angeles, and employee organizations representing  
11 physicians or dentists.

12 (c) The provisions of Title 9.5 (commencing with Section  
13 1299) of Part 3 of the Code of Civil Procedure, as amended by this  
14 act, are intended by the Legislature to govern the resolution of  
15 impasses reached in collective bargaining between the County of  
16 Los Angeles and employee organizations representing physicians  
17 and dentists over economic issues that remain in dispute over their  
18 respective interests. However, these provisions are not intended by  
19 the Legislature to be used as a procedure to determine the rights  
20 of any physician or dentist in any grievance initiated as a result of  
21 a disciplinary action taken by the County of Los Angeles.

22 SEC. 2. The heading of Title 9.5 (commencing with Section  
23 1299) of Part 3 of the Code of Civil Procedure is amended to read:  
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25 TITLE 9.5. ARBITRATION OF FIREFIGHTER, LAW  
26 ENFORCEMENT OFFICER, AND OTHER LOCAL  
27 AGENCY LABOR DISPUTES  
28

29 SEC. 3. Section 1299.2 of the Code of Civil Procedure is  
30 amended to read:

31 1299.2. This title shall apply to all employers of firefighters,  
32 and law enforcement officers. This title shall also apply to  
33 employers of physicians and dentists as defined in Section  
34 1299.31.

35 SEC. 3.5. Section 1299.3 of the Code of Civil Procedure is  
36 amended to read:

37 1299.3. As used in this title:

38 (a) "Employee" means any firefighter or law enforcement  
39 officer represented by an employee organization defined in  
40 subdivision (b).



1 (b) “Employee organization” means any organization  
2 recognized by the employer for the purpose of representing  
3 firefighters or law enforcement officers in matters relating to  
4 wages, hours, and other terms and conditions of employment  
5 within the scope of arbitration.

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

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

15 (e) “Law enforcement officer” means any person who is a  
16 peace officer as defined in Section 830.1 of, subdivisions (a), (b),  
17 and (d) of Section 830.31 of, subdivisions (a), (b), and (c) of  
18 Section 830.32 of, subdivisions (a), (b), and (d) of Section 830.33  
19 of, subdivisions (a) and (b) of Section 830.35 of, subdivision (a)  
20 of Section 830.5 of, and subdivision (a) of Section 830.55 of, the  
21 Penal Code, without respect to the rank, job title, or job assignment  
22 of that person.

23 (f) “Local agency” means any governmental subdivision,  
24 district, public and quasi-public corporation, joint powers agency,  
25 public agency or public service corporation, town, city, county,  
26 city and county, or municipal corporation, whether incorporated  
27 or not or whether chartered or not.

28 (g) “Scope of arbitration” means economic issues, including  
29 salaries, wages and overtime pay, health and pension benefits,  
30 vacation and other leave, reimbursements, incentives,  
31 differentials, and all other forms of remuneration. The scope of  
32 arbitration shall not include any issue that is protected by what is  
33 commonly referred to as the “management rights” clause  
34 contained in Section 3504 of the Government Code.  
35 Notwithstanding the foregoing, any employer subject to this title  
36 that is not exempt under Section 1299.9 may supersede this  
37 subdivision by adoption of an ordinance that establishes a broader  
38 definition of “scope of arbitration.”

39 SEC. 4. Section 1299.31 is added to the Code of Civil  
40 Procedure, to read:



1 1299.31. In addition to the definitions contained in Section  
2 1299.3, as used in this title:

3 (a) “Dentist” means a person licensed as a dentist pursuant to  
4 Chapter 4 (commencing with Section 1600) of Division 2 of the  
5 Business and Professions Code.

6 (b) “Employee” also means any physician or dentist  
7 represented by an employee organization defined in subdivision

8 (c).

9 (c) “Employee organization” also means any organization  
10 recognized by the employer as defined in subdivision (d) for the  
11 purpose of representing physicians or dentists in matters relating  
12 to wages, hours, and other terms and conditions of employment  
13 within the scope of arbitration.

14 (d) “Employer” also means the County of Los Angeles, or any  
15 entity, except the State of California, acting as an agent of the  
16 County of Los Angeles, either directly or indirectly.

17 (e) “Physician” means a person licensed as a physician and  
18 surgeon pursuant to Chapter 5 (commencing with Section 2000)  
19 of Division 2 of the Business and Professions Code.

20 SEC. 5. The Legislature hereby finds and declares that a  
21 special statute is necessary and that a general statute cannot be  
22 made applicable, within the meaning of Section 16 of Article IV  
23 of the California Constitution, because of unique circumstances  
24 applicable to the County of Los Angeles.

