

**Senate Bill No. 383**

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Passed the Senate      September 14, 2001

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*Secretary of the Senate*

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Passed the Assembly      September 12, 2001

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*Chief Clerk of the Assembly*

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This bill was received by the Governor this \_\_\_\_\_ day of  
\_\_\_\_\_, 2001, at \_\_\_\_\_ o'clock \_\_M.

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*Private Secretary of the Governor*



## CHAPTER \_\_\_\_\_

An act to amend 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, 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 employees of the County of Los Angeles.

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

SECTION 1. (a) The Legislature finds and declares that the dispute resolution procedures contained in Title 9 (commencing with Section 1299) of Part 3 of the Code of Civil Procedure, as amended by this act, provide the appropriate method for resolving public sector disputes that could otherwise lead to strikes by physicians or dentists in the County of Los Angeles.

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

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

(c) The provisions of Title 9.5 (commencing with Section 1299) of Part 3 of the Code of Civil Procedure, as amended by this act, are intended by the Legislature to govern the resolution of impasses reached in collective bargaining between the County of Los Angeles and employee organizations representing physicians and dentists over economic issues that remain in dispute over their



respective interests. However, these provisions are not intended by the Legislature to be used as a procedure to determine the rights of any physician or dentist in any grievance initiated as a result of a disciplinary action taken by the County of Los Angeles.

SEC. 2. The heading of Title 9.5 (commencing with Section 1299) of Part 3 of the Code of Civil Procedure is amended to read:

TITLE 9.5. ARBITRATION OF FIREFIGHTER, LAW  
ENFORCEMENT OFFICER, AND OTHER LOCAL  
AGENCY LABOR DISPUTES

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

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

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

1299.3. As used in this title:

(a) “Employee” means any firefighter or law enforcement officer represented by an employee organization defined in subdivision (b).

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

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

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

(e) “Law enforcement officer” means any person who is a peace officer as defined in Section 830.1 of, subdivisions (a), (b), and (d) of Section 830.31 of, subdivisions (a), (b), and (c) of



Section 830.32 of, subdivisions (a), (b), and (d) of Section 830.33 of, subdivisions (a) and (b) of Section 830.35 of, subdivision (a) of Section 830.5 of, and subdivision (a) of Section 830.55 of, the Penal Code, without respect to the rank, job title, or job assignment of that person.

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

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

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

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

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

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

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

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



(e) “Physician” means a person licensed as a physician and surgeon pursuant to Chapter 5 (commencing with Section 2000) of Division 2 of the Business and Professions Code who is employed as a salaried postresidency physician.

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



Approved \_\_\_\_\_, 2001

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*Governor*

