

ASSEMBLY BILL

No. 553

Introduced by Assembly Member Hernandez

February 21, 2007

An act to amend Section 3509 of the Government Code, relating to the Public Employment Relations Board.

LEGISLATIVE COUNSEL'S DIGEST

AB 553, as introduced, Hernandez. Public Employment Relations Board.

The Meyers-Milias-Brown Act delegates jurisdiction to the Public Employment Relations Board to resolve disputes and enforce the statutory duties and rights of local public agency employers and employees. The act prescribes the powers and duties of the board with regard to, among other things, elections, the processing of unfair practice charges, and, in connection to an enumerated section of the Government Code, the authority of the board to petition the court for appropriate temporary relief or restraining orders.

This bill would provide that, under the Meyers-Milias-Brown Act, the Public Employment Relations Board is authorized exclusively to make a determination whether to seek from a court of competent jurisdiction injunctive relief involving or growing out of relations between an employee organization and a public agency. The bill would provide that those changes are declaratory of existing law, as specified.

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 by
2 enacting this act it does not intend to restrict or expand the Public
3 Employment Relations Board’s jurisdiction or authority beyond
4 that previously authorized by the Legislature.

5 (b) It is the intent of the Legislature that the amendments made
6 to Section 3509 of the Government Code by this act are intended
7 to be technical and clarifying of existing law.

8 SEC. 2. Section 3509 of the Government Code is amended to
9 read:

10 3509. (a) The powers and duties of the board described in
11 Section 3541.3 shall also apply, as appropriate, to this chapter and
12 shall include the authority as set forth in subdivisions (b) and (c).
13 Included among the appropriate powers of the board are the power
14 to order elections, to conduct any election the board orders, and
15 to adopt rules to apply in areas where a public agency has no rule.

16 (b) A complaint alleging any violation of this chapter or of any
17 rules and regulations adopted by a public agency pursuant to
18 Section 3507 or 3507.5 shall be processed as an unfair practice
19 charge by the board. The initial determination as to whether the
20 charge of unfair practice is justified and, if so, the appropriate
21 remedy necessary to effectuate the purposes of this chapter, shall
22 be a matter within the exclusive jurisdiction of the board. The
23 board shall apply and interpret unfair labor practices consistent
24 with existing judicial interpretations of this chapter.

25 (c) The board shall enforce and apply rules adopted by a public
26 agency concerning unit determinations, representation, recognition,
27 and elections.

28 (d) *The determination whether to seek from a court of competent*
29 *jurisdiction injunctive relief involving or growing out of relations*
30 *between an employee organization and a public agency is within*
31 *the exclusive jurisdiction of the board.*

32 ~~(d)~~

33 (e) Notwithstanding subdivisions (a) to (c), inclusive, the
34 employee relations commissions established by, and in effect for,
35 the County of Los Angeles and the City of Los Angeles pursuant
36 to Section 3507 shall have the power and responsibility to take
37 actions on recognition, unit determinations, elections, and all unfair
38 practices, and to issue determinations and orders as the employee

1 relations commissions deem necessary, consistent with and
2 pursuant to the policies of this chapter.

3 ~~(e)~~

4 (f) This section shall not apply to employees designated as
5 management employees under Section 3507.5.

6 ~~(f)~~

7 (g) The board shall not find it an unfair practice for an employee
8 organization to violate a rule or regulation adopted by a public
9 agency if that rule or regulation is itself in violation of this chapter.

10 This subdivision shall not be construed to restrict or expand the
11 board's jurisdiction or authority as set forth in subdivisions (a) to
12 (c), inclusive.