

ASSEMBLY BILL

No. 1665

Introduced by Assembly Member Swanson

January 20, 2010

An act to amend Section 3543.2 of the Government Code, relating to school employees.

LEGISLATIVE COUNSEL'S DIGEST

AB 1665, as introduced, Swanson. School employees: scope of representation.

(1) Existing law gives public school employee organizations the right to represent their members in their employment relations with public school employers, and limits the scope of representation to matters relating to wages, hours of employment, and other terms and conditions of employment, as defined. Existing law provides that subjects other than those specified may not be included as part of collective bargaining.

This bill would require public school employers to give reasonable written notice of not less than 15 days to the exclusive representative of classified personnel of a public school employer's intent to make any change to matters within the scope of representation, including, but not necessarily limited to, start time. The bill would also require public school employers to provide a recognized employee organization with the opportunity to meet and confer with the public school employer.

This bill would also make various nonsubstantive technical and conforming changes.

Because the bill would impose new duties on public school employers, it would constitute a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

1 SECTION 1. Section 3543.2 of the Government Code is
2 amended to read:

3 3543.2. (a) (1) The scope of representation shall be limited
4 to matters relating to wages, hours of employment, and other terms
5 and conditions of employment. "Terms and conditions of
6 employment" mean health and welfare benefits as defined by
7 Section 53200, leave, transfer and reassignment policies, safety
8 conditions of employment, class size, procedures to be used for
9 the evaluation of employees, organizational security pursuant to
10 Section 3546, procedures for processing grievances pursuant to
11 Sections 3548.5, 3548.6, 3548.7, and 3548.8, and the layoff of
12 probationary certificated school district employees, pursuant to
13 Section 44959.5 of the Education Code, and alternative
14 compensation or benefits for employees adversely affected by
15 pension limitations pursuant to former Section 22316 of the
16 Education Code, as that section read on December 31, 1999, to
17 the extent deemed reasonable and without violating the intent and
18 purposes of Section 415 of the Internal Revenue Code. ~~In addition,~~
19 ~~the~~

20 (2) The exclusive representative of certificated personnel has
21 the right to consult on the definition of educational objectives, the
22 determination of the content of courses and curriculum, and the
23 selection of textbooks to the extent ~~such~~ those matters are within
24 the discretion of the public school employer under the law. ~~At~~

25 (3) The public school employer shall give reasonable written
26 notice of not less than 15 days to the exclusive representative of
27 classified personnel of a public school employer's intent to make
28 any change to matters within the scope of representation, including,

1 *but not necessarily limited to, start time, and shall provide a*
 2 *recognized employee organization with the opportunity to meet*
 3 *and confer with the public school employer.*

4 (4) All matters not specifically enumerated are reserved to the
 5 public school employer, and may not be a subject of meeting and
 6 negotiating, ~~provided except that nothing herein may be construed~~
 7 ~~to this section does not limit the right of the public school employer~~
 8 to consult with any employees or employee organization on any
 9 matter outside the scope of representation.

10 (b) Notwithstanding Section 44944 of the Education Code, the
 11 public school employer and the exclusive representative shall,
 12 upon request of either party, meet and negotiate regarding causes
 13 and procedures for disciplinary action, other than dismissal,
 14 including a suspension of pay for up to 15 days, affecting
 15 certificated employees. If the public school employer and the
 16 exclusive representative do not reach mutual agreement, ~~then~~ the
 17 provisions of Section 44944 of the Education Code shall apply.

18 (c) Notwithstanding Section 44955 of the Education Code, the
 19 public school employer and the exclusive representative shall,
 20 upon request of either party, meet and negotiate regarding
 21 procedures and criteria for the layoff of certificated employees for
 22 lack of funds. If the public school employer and the exclusive
 23 representative do not reach mutual agreement, ~~then~~ the provisions
 24 of Section 44955 of the Education Code shall apply.

25 (d) Notwithstanding Section 45028 of the Education Code, the
 26 public school employer and the exclusive representative shall,
 27 upon request of either party, meet and negotiate regarding the
 28 payment of additional compensation based upon criteria other than
 29 years of training and years of experience. If the public school
 30 employer and the exclusive representative do not reach mutual
 31 agreement, ~~then~~ the provisions of Section 45028 of the Education
 32 Code shall apply.

33 (e) Pursuant to Section 45028 of the Education Code, the public
 34 school employer and the exclusive representative shall, upon the
 35 request of either party, meet and negotiate a salary schedule based
 36 on criteria other than a uniform allowance for years of training
 37 and years of experience. If the public school employer and the
 38 exclusive representative do not reach mutual agreement, ~~then~~ the
 39 provisions of Section 45028 of the Education Code requiring a
 40 salary schedule based upon a uniform allowance for years of

1 training and years of experience shall apply. A salary schedule
2 established pursuant to this subdivision shall not result in the
3 reduction of the salary of any teacher.

4 SEC. 2. If the Commission on State Mandates determines that
5 this act contains costs mandated by the state, reimbursement to
6 local agencies and school districts for those costs shall be made
7 pursuant to Part 7 (commencing with Section 17500) of Division
8 4 of Title 2 of the Government Code.