An act to amend Section 3543.1 of, to add Section 3558.7 to, and to repeal Sections 3505.3, 3518.5, 3524.69, 3569, 71635, and 71821 of, the Government Code, and to repeal Section 99563.3 of the Public Utilities Code, relating to public employment.

LEGISLATIVE COUNSEL'S DIGEST


Existing law, including the Meyers-Milias-Brown Act, the Ralph C. Dills Act, the Trial Court Employment Protection and Governance Act, the Trial Court Interpreter Employment and Labor Relations Act, Judicial Council Employer-Employee Relations Act, and the Los Angeles County Metropolitan Transportation Authority Transit Employer-Employee Relations Act, as well as provisions commonly referred to as the Educational Employment Relations Act and the Higher Education Employer-Employee Relations Act, regulates the labor relations of the state, the courts, and specified local public agencies and their employees. Existing law establishes other requirements relating to labor relations that are applicable to specified transit agencies. These acts grant specified public employees the right to form, join, and participate in the activities of employee organizations of their choosing and require public agency employers, among other things, to meet and confer with representatives of recognized employee organizations and exclusive representatives on terms and conditions of employment. These
acts generally require the public entities in this context to grant employee representatives of recognized employee organizations reasonable time off without loss of compensation or benefits for certain purposes in connection with labor relations, commonly referred to as release time.

This bill would prescribe requirements relating to release time that would apply to all of the public employers and employees subject to the acts described above and would generally repeal the provisions relating to release time in those acts. The bill would require these public employers to grant a reasonable number of employee representatives of the exclusive representative reasonable time off without loss of compensation or other benefits for specified activities. This requirement would apply to activities to investigate and process grievances or otherwise enforce a collective bargaining agreement or memorandum of understanding; to meet and confer or meet and negotiate with the public employer on matters within the scope of representation, including preparation for the activities specified in these provisions; to testify or appear as the designated representative of the exclusive representative in conferences, hearings, or other proceedings before the Public Employment Relations Board or similar bodies, as specified; to testify or appear as the designated representative of the exclusive representative before the governing body of the public employer, or a personnel, civil service, or merit commission, among others, and to serve as a representative of the exclusive representative for new employee orientations. The bill would require the exclusive representative to provide reasonable notice requesting an absence in this connection. The bill would specify that its provisions prescribe minimum release time rights and would prescribe requirements regarding the relation of its provisions to other labor agreements that address release time. The bill would prohibit the Public Employment Relations Board from enforcing these provisions with regard to public transit workers that are not otherwise subject to the board’s jurisdiction.


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

1. SECTION 1. Section 3505.3 of the Government Code is repealed.
2. SEC. 2. Section 3518.5 of the Government Code is repealed.
SEC. 4. Section 3543.1 of the Government Code is amended to read:

3543.1. (a) Employee organizations shall have the right to represent their members in their employment relations with public school employers, except that once an employee organization is recognized or certified as the exclusive representative of an appropriate unit pursuant to Section 3544.1 or 3544.7, respectively, only that employee organization may represent that unit in their employment relations with the public school employer. Employee organizations may establish reasonable restrictions regarding who may join and may make reasonable provisions for the dismissal of individuals from membership.

(b) Employee organizations shall have the right of access at reasonable times to areas in which employees work, the right to use institutional bulletin boards, mailboxes, and other means of communication, subject to reasonable regulation, and the right to use institutional facilities at reasonable times for the purpose of meetings concerned with the exercise of the rights guaranteed by this chapter.

(c) All employee organizations shall have the right to have membership dues deducted pursuant to Sections 45060 and 45168 of the Education Code, until an employee organization is recognized as the exclusive representative for any of the employees in an appropriate unit, and then the deduction as to any employee in the negotiating unit shall not be permissible except to the exclusive representative.

SEC. 5. Section 3558.7 is added to the Government Code, to read:

3558.7. (a) For purposes of this section:

(1) “Designated representative” means an officer of the exclusive representative or a member serving as a proxy of the exclusive representative.

(2) “Public employer” means the following:

(A) An entity described in subdivision (a) of Section 3555.5.

(B) A public employer subject to Chapter 10.4 (commencing with Section 3524.50).

(C) A public employer that employs public transit workers, the labor relations of which are regulated by provisions in the Public Utilities Code, and that is not subject to the jurisdiction of the Public Employment Relations Board.
(3) “Release time” means the time required for purposes described in subdivision (b).

(b) A public employer shall allow a reasonable number of employee representatives of the exclusive representative reasonable time off without loss of compensation or other benefits for the following activities:

(1) Investigating potential or existing grievances, processing grievances, or otherwise enforcing a collective bargaining agreement or memorandum of understanding.

(2) Meeting and—conferring, or meeting and negotiating, or both, with representatives of the public employer on matters within the scope of representation, including preparation for activities described in this subdivision.

(3) Testifying or appearing as the designated representative of the exclusive representative at conferences, hearings, or other proceedings before the Public Employment Relations Board, or an agent of it, or the employee relations commission or board established by the County of Los Angeles or the City of Los Angeles, or its agent, in matters relating to a charge filed by the exclusive representative against the public employer or by the public employer against the exclusive representative.

(4) Testifying or appearing as the designated representative of the exclusive representative in matters before the governing body of the public employer, a personnel, civil service, or merit commission, board of adjustment, or an arbitrator.

(5) Serving as a representative of the exclusive representative for new employee orientation.

(c) The exclusive representative shall provide reasonable notification to the public employer requesting a leave of absence for an employee representative for the purpose of exercising the rights established by subdivision (b).

(d) This section establishes minimum release time rights. This section does not prevent the public employer and the exclusive representative from agreeing upon alternative release time provisions, provided that the agreement provides release time for all of the activities described in subdivision (b). This section does not excuse a public employer from complying with a provision in a collective bargaining agreement or memorandum of understanding that provides for release time for activities in addition to those described in subdivision (b).
(e) This section does not, and shall not be interpreted to, reduce or limit the amount of release time or leave-of-absence time that public employees may be entitled to under other laws.

(f) Notwithstanding subdivision (c) of Section 3555.5, the Public Employment Relations Board shall not have jurisdiction to enforce this section with respect to public transit workers that are not otherwise subject to the board’s jurisdiction.


SEC. 7. Section 71635 of the Government Code is repealed.

SEC. 8. Section 71821 of the Government Code is repealed.

SEC. 9. Section 99563.3 of the Public Utilities Code is repealed.