An act to amend Section 3558 of the Government 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, and the Los Angeles County Metropolitan Transportation Authority Transit Employer-Employee Relations Act, provisions commonly referred to as the Educational Employment Relations Act, and the Higher Education Employer-Employee Relations Act, among others, regulates the labor relations of the state, the courts, and specified local public agencies and their employees. Existing law requires these public employers to provide certain labor representatives with the names and home addresses of newly hired employees, as well as their job titles, departments, work locations, telephone numbers, and personal email addresses, within 30 days of hire or by the first pay period of the month following hire. Existing law also requires the public employers to provide this
information for all employees in a bargaining unit at least every 120 days, except as specified.

This bill, beginning on July 1, 2021, would generally authorize an exclusive representative to file a charge of an unfair labor practice with the Public Employment Relations Board, as specified, alleging a violation of the above-described requirements. The bill would condition this authorization on the exclusive representative giving written notice, as specified, to the public employer, or the public employer’s designated representative, of the alleged violation and would provide a public employer a limited opportunity to cure certain violations. The bill would require the board to process a charge as an expedited case if the charge contains a single allegation of violation. The bill would subject a violator to a penalty, not to exceed $50,000, $10,000, to be determined by the board based on specified criteria, and would require the penalty to be paid to the board upon appropriation by the Legislature. The bill would require the board to award a charging party who prevails in these circumstances specified attorney’s fees and costs.


_The people of the State of California do enact as follows:_

1. **SECTION 1.** Section 3558 of the Government Code is amended to read:
   3558. (a) Subject to the exceptions provided here, the public employer shall provide the exclusive representative with the name, job title, department, work location, work, home, and personal cellular telephone numbers, personal email addresses on file with the employer, and home address of any newly hired employee within 30 days of the date of hire or by the first pay period of the month following hire, and the public employer shall also provide the exclusive representative with a list of that information for all employees in the bargaining unit at least every 120 days unless more frequent or more detailed lists are required by an agreement with the exclusive representative. The information identified in this section shall be provided to the exclusive representative regardless of whether the newly hired public employee was previously employed by the public employer. The information under this section shall be provided in a manner consistent with
Section 6254.3 and in a manner consistent with Section 6207 for a participant in the address confidentiality program established pursuant to Chapter 3.1 (commencing with Section 6205) of Division 7. The provision of information under this section shall be consistent with the employee privacy requirements described in County of Los Angeles v. Los Angeles County Employee Relations Com. (2013) 56 Cal.4th 905. This section does not preclude a public employer and exclusive representative from agreeing to a different interval within which the public employer provides the exclusive representative with the name, job title, department, work location, work, home, and personal cellular telephone numbers, personal email addresses, and home address of any newly hired employee or member of the bargaining unit.

(b) An exclusive representative may file a charge of an unfair labor practice, pursuant to subdivision (d), alleging a violation of subdivision (a) only after the following requirements have been met:

(1) The aggrieved exclusive representative gives written notice to the public employer or a designated representative of the public employer of an alleged violation of subdivision (a), including the facts and theories to support the alleged violation. The designated representative to receive written notice of an alleged violation of subdivision (a) shall be the proper recipient under Public Employment Relations Board regulations for filing or service of Public Employment Relations Board matters.

(2) The public employer fails to satisfy comply with the requirements prescribed in subdivision (c), if applicable.

(c) (1) If the alleged violation is that a public employer has provided an inaccurate or incomplete list of employees to the exclusive representative, the public employer has 10 calendar days to cure the alleged violation by satisfying complying with the requirements of this subdivision. For purposes of this subdivision, a cure is the provision of an accurate and complete list to the exclusive representative. The opportunity to cure does not apply to any other violation of subdivision (a), including, but not limited to, the failure to submit a list of newly hired employees or a list of bargaining unit members within the time periods prescribed by subdivision (a). The public employer shall give written notice by either certified mail or electronically within the 10-calendar day period to the applicable exclusive representative and, if appropriate,
to the Public Employment Relations Board, of the actions taken. The aggrieved exclusive representative may file an unfair practice charge with the board if the alleged violation is not cured.

(2) A public employer may avail itself of the opportunity to cure pursuant to this subdivision not more than three times in any 12-month period.

(d) (1) Subject to the limit described in paragraph (2) of subdivision (c) of Section 3555.5, the exclusive representative may file an unfair practice charge with the Public Employment Relations Board for violations of subdivision (a), as described in subdivisions (b) and (c), which the board shall process as an expedited case if the unfair practice charge contains a single allegation that the public employer violated subdivision (a). (c).

(2) In addition to any other remedy provided by law, a public employer found to have violated subdivision (a) shall be subject to a civil penalty not to exceed fifty thousand dollars ($50,000), ten thousand dollars ($10,000), which shall be determined by the Public Employment Relations Board with reference to through application of the following criteria:

(A) The public employer’s annual budget.
(B) The severity of the violation.
(C) Any prior history of violations by the public employer.

(3) This penalty shall be paid to the Public Employment Relations Board upon appropriation by the Legislature. General Fund.

(4) The Public Employment Relations Board shall award to a prevailing charging party attorney’s fees and costs that accrue from the initiation of proceedings before a decision of the board’s Division of Administrative Law until the case is final, including judicial review and compliance and enforcement proceedings initiated by the board. the board initiates compliance or enforcement proceedings. If the board initiates enforcement proceedings with a superior court to achieve compliance with a board order involving this section, the charging party may separately seek attorney’s fees and costs for the enforcement action, which the board shall award.

(e) The amendments made to this section by the act adding this subdivision shall be operative on July 1, 2021.