



1100 K Street
Suite 101
Sacramento
California
95814
Telephone
916.327-7500
Facsimile
916.441.5507

April 11, 2013

The Honorable Rob Bonta
Chair, Assembly Public Employees, Retirement and Social Security Committee
1020 N Street, Room 153
Sacramento, CA 95814

**RE: AB 616 (Bocanegra) – Local public employee organizations: dispute: fact finding panel.
As Amended March 19, 2013 – OPPOSE
Set for Hearing April 24, 2013 – Assembly Public Employees, Retirement and Social Security
Committee**

Dear Assembly Member Bonta:

On behalf of the California State Association of Counties (CSAC), I write to express our opposition to AB 616, by Assembly Member Bocanegra. AB 616 would shift many elements of labor relations from local rules to the jurisdiction of the Public Employment Relations Board (PERB) and would extend the timeline for an employee representative to submit a dispute to fact finding. CSAC believes these changes are contrary to the central premise of local collective bargaining that gives local governments the right to engage with their employee representatives without interference from a state body. Further, other changes in the bill will delay the conclusion of contract negotiations putting county budgets at risk.

The Meyers-Millias-Brown Act (MMBA), the collective bargaining law that has governed local public agencies since 1968, permits each local agency to enact its own reasonable rules and regulations for governing employee relations after consultation in good faith with employee organizations. County Employer-Employee Ordinances or Labor Relations Ordinances are detailed documents that specify communication between counties and their employees concerning their respective rights and duties under the MMBA. These local rules are not capricious and are not drafted in a vacuum by employers; they are rules that have evolved with local circumstances over decades and in consultation with employees. A shift away from local rulemaking to determinations by PERB fails to respect that local rules reflect local culture, circumstance, and history. If the rules are unreasonable or their implementation unfair, employees have an existing remedy in their ability to file an unfair labor practice charge with PERB.

On the issue of recognition of employee representatives and unit determination and modification, we believe that counties and their employees know best how these matters should be decided. Local rules specify how a unit will be formed or modified and when and how a union will be recognized. We fail to see how PERB, a centralized body, is better positioned to make determinations about which employees belong together in a bargaining unit in counties as different as Alpine and San Diego. Further, we do not see how PERB could handle this increased workload without significant staff increases which seem unlikely to be provided in the current budget climate. Delays in making these decisions will lead to uncertainty and increased labor friction.

Regarding the extension of time from 30 to 60 days for the submission of differences to a fact finding panel, we believe this delay will do nothing more than lengthen the negotiating period to the benefit of the party interested in maintaining the status quo. PERB adopted the 30 day timeline as part of its regulations to implement fact finding for local agencies in 2012. PERB held regional meetings to collect input from interested parties and submitted the proposed regulations to the Office of Administrative Law to proceed through the formal process of adoption. There was no objection to the 30 day timeline then

and we've heard no justification for the change now. Likewise, allowing PERB to determine if the parties are at impasse serves no purpose other than delay. We believe local rules sufficiently define impasse and the procedures that follow.

Finally, the shift in AB 616 that allows PERB to designate management and confidential employees strips counties of their fundamental right to make personnel decisions. Management and confidential employees engage in work which makes them privy to the decision-making process of a county and the information management and confidential employees have access to can affect labor relations. For this reason it is crucial and inherent in the powers and duties of a county to retain the prerogative to designate which employees are management and confidential based on the work they perform locally. Again, we do not believe PERB is in the best position to make those determinations.

For these reasons, we must oppose AB 616. Should you have any questions about our position, please do not hesitate to contact me at 916/650-8180 or eortega@counties.org.

Sincerely,

A handwritten signature in black ink that reads "Eraina Ortega". The signature is written in a cursive, flowing style.

Eraina Ortega
Senior Legislative Representative

cc: Members and Consultant, Assembly Public Employees, Retirement and Social Security Committee
The Honorable Raul Bocanegra, California State Assembly