[Date]

The Honorable Thomas Umberg

Chair, Senate Judiciary Committee

1021 O Street, Room 3240
Sacramento, CA 95814

**Re:**  **AB 1331 (Elhawary): Workplace surveillance**

**As amended May 23, 2025 – OPPOSE**

**To be heard in the Senate Judiciary Committee – Hearing date TBD**

Dear Chair Umberg,

On behalf of [County], we write in respectful opposition to AB 1331 (Elhawary), which would vastly complicate the routine work of local governments, endanger our ability to perform essential public services, impede our ability to manage and respond to workplace violence threats, and make local governments vulnerable to waste, fraud, and abuse of public resources. It is unclear how local agencies could continue to provide behavioral health services, protect foster children, manage jails and juvenile halls, administer elections, or keep kids safe in schools if this bill was enacted as currently drafted.

[Insert direct impact to your county].

We understand the reasonable concerns one could have about the slow creep of surveillance tools into every aspect of daily life and appreciate that one could imagine the appropriate limits are needed to prevent employers from snooping into the private lives of their employees. However, the scope of this bill is vast and would deem everyday tools used for everyday work, including badge access, collaboration tools like Teams or Slack, or GPS tools used to track fleets, to be “surveillance tools” whose use could be constricted by this bill. Under AB 1331, any device that collects or facilitates collection of data of an employee’s movements, actions, communications, or behaviors, is deemed a surveillance tool that cannot be used in “off-duty areas,” or can be turned off during “off-duty” hours.

AB 1331 will needlessly endanger public workforces and severely impair our ability to prevent and investigate instances of workplace violence. The bill prohibits local agencies from using a surveillance tool in any “off-duty area,” defined to include breakrooms, cafeterias, and lounges. How could public agencies mitigate or investigate workplace violence dangers if they cannot even monitor common areas like cafeterias?

Under AB 1331, employees must be allowed to leave behind surveillance tools during off-duty hours or when they are entering off-duty areas. It’s unclear how these rules would apply to a variety of tools that public employees may be required to use, including emergency alarms for teachers and body cameras for law enforcement. Similarly, it’s not clear how public agencies can adhere to the rules regarding off-duty hours for positions that are on call or on standby, including law enforcement, emergency personnel, laboratory safety officers, among other public servants.

Unfortunately, we have seen rising hostility and threats against government entities and their workforces. That includes violence and threats of violence against government employees whose job requires them to serve the public, like library staff, teachers, firefighters, benefits officers, among myriad other examples. It also includes public officials who are frequently targeted with threats or actual violence, including election workers, health officers, and public officials. AB 1331 would heighten vulnerability for public servants at a time of strong anti-government sentiment.

We understand the sponsors are advancing this bill to address activities by *private* employers that undermine efforts to organize a union, influence union elections, or retaliate against union leaders. Existing law already provides significant protections for *public* employee union activities. For example, Government Code § 3550 provides that a public employer shall not deter or discourage public employees, or applicants to be public employees, from becoming or remaining members of an employee organization. Section 3551.5 imposes significant penalties for violations of § 3550 and grants employee organizations standing to bring the claims.

Put simply, public agencies use surveillance tools to protect public resources, not to influence employee organization activities. We urge the author to amend the bill to remove public agencies entirely from its provisions.

For these reasons, we are firmly opposed to AB 1331 and urge your “NO” vote.

Sincerely,

[Name & Signature]

CC: The Honorable Sade Elhawary, California State Assembly

Members and Consultants, Senate Judiciary Committee

Margie Estrada, Chief Counsel, Senate Judiciary Committee

Morgan Branch, Policy Consultant, Senate Republican Caucus