

AMENDED IN SENATE JUNE 19, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 2839

Introduced by Assembly Member Kehoe

February 25, 2002

An act to amend ~~Section 3533~~ Sections 3526, 3528, 3530, 3531, 3532, 3533, 3534, and 3538 of the Government Code, relating to state employees.

LEGISLATIVE COUNSEL'S DIGEST

AB 2839, as amended, Kehoe. State employees.

Existing law, known as the Bill of Rights for State Excluded Employees, *among other things*, requires the state to meet and confer, as defined, with verified supervisory employee organizations representing supervisory employees. *Existing law defines "excluded employee" for these purposes to mean all managerial employees, confidential employees, supervisory employees, and specified employees of the Department of Personnel Administration, the Department of Finance, the Controller's office, the Legislative Counsel Bureau, the Bureau of State Audits, the Public Employment Relations Board, the Department of Industrial Relations, and the State Athletic Commission.*

This bill would revise the definition of "meet and confer" for the purpose of that law, *and would require the state to meet and confer with employee organizations representing excluded employees. The bill would also make other conforming changes.*

Existing law authorizes excluded employee organizations to represent their excluded members in their employment relations including grievances with the State of California.

This bill would also authorize representation in arbitrations.

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

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

1 SECTION 1. *Section 3526 of the Government Code is*
2 *amended to read:*

3 3526. The purpose of this chapter is to inform state
4 supervisory, managerial, confidential, and employees otherwise
5 excepted from coverage under the Ralph C. Dills Act by
6 subdivision (c) of Section 3513 of their rights and terms and
7 conditions of employment, ~~and~~ to inspire dedicated service ~~and~~,
8 *to recognize their important and fundamental roles in the*
9 *management of state government, and to promote harmonious*
10 *personnel relations among those representing state management in*
11 *the conduct of state affairs.*

12 SEC. 2. *Section 3528 of the Government Code is amended to*
13 *read:*

14 3528. The Legislature hereby finds and declares that the
15 rights and protections provided to excluded employees under this
16 chapter constitute a matter of important concern. The Legislature
17 further finds and declares that the efficient and effective
18 administration of state programs depends upon the maintenance of
19 high morale and the objective consideration *and resolution of*
20 *issues raised between excluded employees and their employer.*

21 SEC. 3. *Section 3530 of the Government Code is amended to*
22 *read:*

23 3530. Excluded employee organizations shall have the right
24 to represent their excluded members in their employment
25 relations, including grievances *and arbitrations*, with the State of
26 California. Excluded employee organizations may establish
27 reasonable restrictions regarding who may join and may make
28 reasonable provisions for the dismissal of excluded employees
29 from membership. This section shall not prohibit any excluded
30 employee from appearing on his or her own behalf or through his



1 or her chosen representative in his or her employment relations and
2 grievances with the State of California.

3 *SEC. 4. Section 3531 of the Government Code is amended to*
4 *read:*

5 3531. ~~Supervisory~~ *Excluded* employees shall have the right to
6 form, join, and participate in the activities of ~~supervisory~~
7 ~~employee-excluded employee~~ organizations of their own choosing
8 for the purpose of representation on all matters of ~~supervisory~~
9 *excluded* employer-employee relations, as set forth in Section

10 3532. ~~Supervisory~~ *Excluded* employees also shall have the right to
11 refuse to join or participate in the activities of ~~supervisory~~
12 ~~employee-excluded employee~~ organizations and shall have the
13 right to represent themselves individually in their employment
14 relations with the public employer.

15 *SEC. 5. Section 3532 of the Government Code is amended to*
16 *read:*

17 3532. The scope of representation for ~~supervisory-excluded~~
18 employees shall include all matters relating to employment
19 conditions and ~~supervisory-employer-employee-excluded~~
20 *employer-employee* relations including wages, hours, and other
21 terms and conditions of employment.

22 *SEC. 6. Section 3533 of the Government Code is amended to*
23 *read:*

24 3533. Upon request, the state shall meet and confer with
25 verified—~~supervisory~~ *excluded* employee organizations
26 representing ~~supervisory-excluded~~ employees. “Meet and
27 confer” means that they shall consider fully the presentations that
28 are made by the verified ~~supervisory-excluded~~ employee
29 organization on behalf of ~~its supervisory members~~ *their members*
30 prior to arriving at a determination of policy or course of action.

31 *SEC. 7. Section 3534 of the Government Code is amended to*
32 *read:*

33 3534. The state employer shall allow a reasonable number of
34 ~~supervisory~~ *excluded* public employee representatives of verified
35 ~~supervisory~~ *excluded* employee organizations reasonable time off
36 without loss of compensation or other benefits when meeting and
37 conferring with representatives of the state employer on matters
38 within the scope of representation for ~~supervisory~~ *excluded*
39 employees.



1 *SEC. 8. Section 3538 of the Government Code is amended to*
2 *read:*
3 3538. The state employer and excluded employee
4 organizations shall not interfere with, intimidate, restrain, coerce,
5 or discriminate against ~~supervisory~~ *excluded* employees because
6 of their exercise of their rights under this article.

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