

AMENDED IN SENATE SEPTEMBER 6, 2013  
AMENDED IN SENATE SEPTEMBER 3, 2013  
AMENDED IN SENATE AUGUST 12, 2013  
AMENDED IN SENATE JUNE 17, 2013  
AMENDED IN ASSEMBLY APRIL 17, 2013  
AMENDED IN ASSEMBLY MARCH 19, 2013  
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 537**

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**Introduced by Assembly Member Bonta**

February 20, 2013

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An act to amend ~~Sections 3505 and~~ *Section* 3505.1 of, and to add Section 3505.8 to, the Government Code, relating to public employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 537, as amended, Bonta. Meyers-Milias-Brown Act: impasse procedures.

~~The Meyers-Milias-Brown Act requires the governing body of a local public agency to meet and confer in good faith regarding wages, hours, and other terms and conditions of employment with representatives of recognized employee organization. The act requires that, in order to meet and confer in good faith, a public agency meet personally and confer promptly, and continue for a reasonable period of time, with the employee organization in order to exchange freely prior to the agency adopting a budget for the next fiscal year.~~

~~This bill would prohibit a public agency from conditioning the meeting and conferring on a limitation on the right of employees or an employee organization to communicate with officials of the agency.~~

*The Meyers-Milias-Brown Act requires the governing body of a local public agency to meet and confer in good faith regarding wages, hours, and other terms and conditions of employment with representatives of recognized employee organization. The act requires, if an agreement is reached, that the parties prepare jointly a nonbinding written memorandum of understanding of the agreement that would then be presented to the governing body or its statutory representative for determination.*

~~This bill would require that that, if a tentative agreement is reached by the parties be presented to parties, the governing body for determination and, if not rejected vote to accept or reject that agreement within 30 days, be deemed adopted. This days of the date it is first considered, as specified. The bill would not bar the filing of a charge for failure to meet and confer in good faith if the governing body rejects the tentative agreement. The bill would further require the parties to jointly prepare a written memorandum of understanding upon adoption of the tentative agreement by the governing body.~~

Under existing law, a written agreement to submit to arbitration a specified controversy is valid, enforceable, and irrevocable, except if grounds exist for the revocation of the written agreement.

This bill would additionally provide that an arbitration agreement contained in a memorandum of understanding entered into under the Meyers-Milias-Brown Act is enforceable, as specified.

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

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

- 1 SECTION 1. ~~Section 3505 of the Government Code is amended~~
- 2 ~~to read:~~
- 3 3505. ~~(a) The governing body of a public agency, or the~~
- 4 ~~boards, commissions, administrative officers, or other~~
- 5 ~~representatives as properly designated by law or by a governing~~
- 6 ~~body, shall meet and confer in good faith regarding wages, hours,~~
- 7 ~~and other terms and conditions of employment with representatives~~
- 8 ~~of those recognized employee organizations, as defined in~~
- 9 ~~subdivision (b) of Section 3501, and shall consider fully the~~

1 presentations as are made by the employee organization on behalf  
2 of its members prior to arriving at a determination of policy or  
3 course of action.

4 (b) ~~“Meet and confer in good faith” means that a public agency,~~  
5 ~~or such representatives as it may designate, and representatives of~~  
6 ~~recognized employee organizations, shall have the mutual~~  
7 ~~obligation personally to meet and confer promptly upon request~~  
8 ~~by either party and continue for a reasonable period of time in~~  
9 ~~order to exchange freely information, opinions, and proposals, and~~  
10 ~~to endeavor to reach agreement on matters within the scope of~~  
11 ~~representation prior to the adoption by the public agency of its~~  
12 ~~final budget for the ensuing year. A public agency shall not propose~~  
13 ~~as a condition of meeting and conferring a limitation on the right~~  
14 ~~of an employee organization or employees of the agency to~~  
15 ~~communicate with officials of the agency. The process should~~  
16 ~~include adequate time for the resolution of impasses where specific~~  
17 ~~procedures for the resolution are contained in local rule, regulation,~~  
18 ~~or ordinance, or when these procedures are utilized by mutual~~  
19 ~~consent.~~

20 ~~SEC. 2.~~

21 *SECTION 1.* Section 3505.1 of the Government Code is  
22 amended to read:

23 3505.1. If a tentative agreement is reached by the authorized  
24 representatives of the public agency and a recognized employee  
25 organization or recognized employee organizations, ~~that tentative~~  
26 ~~agreement shall be presented to the governing body for~~  
27 ~~determination. If the governing body does not shall vote to accept~~  
28 ~~or reject the tentative agreement within 30 days from its~~  
29 ~~presentation, it shall be deemed adopted of the date it is first~~  
30 ~~considered at a duly noticed public meeting. A decision by the~~  
31 ~~governing body to reject the tentative agreement shall not bar the~~  
32 ~~filing of a charge of unfair practice for failure to meet and confer~~  
33 ~~in good faith. If the governing body adopts the tentative agreement,~~  
34 ~~the parties shall jointly prepare a written memorandum of~~  
35 ~~understanding.~~

36 ~~SEC. 3.~~

37 *SEC. 2.* Section 3505.8 is added to the Government Code, to  
38 read:

39 3505.8. An arbitration agreement contained in a memorandum  
40 of understanding entered into under this chapter shall be

1 enforceable in an action brought pursuant to Title 9 (commencing  
2 with Section 1280) of Part 3 of the Code of Civil Procedure. An  
3 assertion that the arbitration claim is untimely or ~~that~~ *otherwise*  
4 *barred because* the party seeking arbitration has failed to satisfy  
5 the procedural prerequisites to arbitration shall not be a basis for  
6 refusing to submit the dispute to arbitration. All procedural  
7 defenses shall be presented to the arbitrator for resolution. A court  
8 shall not refuse to order arbitration because a party to the  
9 memorandum of understanding contends that the conduct in  
10 question arguably constitutes an unfair practice subject to the  
11 jurisdiction of the board. *If a party to a memorandum of*  
12 *understanding files an unfair practice charge based on such*  
13 *conduct, the board shall place the charge in abeyance if the dispute*  
14 *is subject to final and binding arbitration pursuant to the*  
15 *memorandum of understanding, and shall dismiss the charge at*  
16 *the conclusion of the arbitration process unless the charging party*  
17 *demonstrates that the settlement or arbitration award is repugnant*  
18 *to the purposes of this chapter.*