

ASSEMBLY BILL

No. 616

Introduced by Assembly Member Bocanegra

February 20, 2013

An act to amend Section 3505.4 of the Government Code, relating to local public employee organizations.

LEGISLATIVE COUNSEL'S DIGEST

AB 616, as introduced, Bocanegra. Local public employee organizations: dispute: factfinding panel.

Existing law requires the governing body of a public agency, or such boards, commissions, administrative officers, or other representatives as may be properly designated by law or by such governing body, to meet and confer in good faith regarding wages, hours, and other terms and conditions of employment with representatives of recognized employee organizations. Existing law provides that an employee organization may request that the parties' differences be submitted to a factfinding panel, as specified.

This bill would make nonsubstantive changes to that provision.

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 3505.4 of the Government Code is
2 amended to read:
3 3505.4. (a) The employee organization may request that the
4 parties' differences be submitted to a factfinding panel not sooner
5 than 30 days, but not more than 45 days, following the appointment

1 or selection of a mediator pursuant to the parties' agreement to
2 mediate or a mediation process required by a public agency's local
3 rules. If the dispute was not submitted to mediation, an employee
4 organization may request that the parties' differences be submitted
5 to a factfinding panel not later than 30 days following the date that
6 either party provided the other with a written notice of a declaration
7 of impasse. Within five days after receipt of the written request,
8 each party shall select a person to serve as its member of the
9 factfinding panel. The Public Employment Relations Board shall,
10 within five days after the selection of panel members by the parties,
11 select a chairperson of the factfinding panel.

12 (b) Within five days after the board selects a chairperson of the
13 factfinding panel, the parties may mutually agree upon a person
14 to serve as chairperson in lieu of the person selected by the board.

15 (c) The panel shall, within 10 days after its appointment, meet
16 with the parties or their representatives, either jointly or separately,
17 and may make inquiries and investigations, hold hearings, and
18 take any other steps it deems appropriate. For the purpose of the
19 hearings, investigations, and inquiries, the panel shall have the
20 power to issue subpoenas requiring the attendance and testimony
21 of witnesses and the production of evidence. Any state agency, as
22 defined in Section 11000, the California State University, or any
23 political subdivision of the state, including any board of education,
24 shall furnish the panel, upon its request, with all records, papers,
25 and information in ~~their~~ *its* possession relating to any matter under
26 investigation by or in issue before the panel.

27 (d) In arriving at their findings and recommendations, the
28 factfinders shall consider, weigh, and be guided by all the following
29 criteria:

- 30 (1) State and federal laws that are applicable to the employer.
- 31 (2) Local rules, regulations, or ordinances.
- 32 (3) Stipulations of the parties.
- 33 (4) The interests and welfare of the public and the financial
34 ability of the public agency.
- 35 (5) Comparison of the wages, hours, and conditions of
36 employment of the employees involved in the factfinding
37 proceeding with the wages, hours, and conditions of employment
38 of other employees performing similar services in comparable
39 public agencies.

1 (6) The consumer price index for goods and services, commonly
2 known as the cost of living.

3 (7) The overall compensation presently received by the
4 employees, including direct wage compensation, vacations,
5 holidays, and other excused time, insurance and pensions, medical
6 and hospitalization benefits, the continuity and stability of
7 employment, and all other benefits received.

8 (8) Any other facts, not confined to those specified in paragraphs
9 (1) to (7), inclusive, ~~which~~ *that* are normally or traditionally taken
10 into consideration in making the findings and recommendations.

11 (e) The procedural right of an employee organization to request
12 a factfinding panel cannot be expressly or voluntarily waived.

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