

AMENDED IN ASSEMBLY MARCH 12, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2419

Introduced by Assembly Member Garcia

February 21, 2014

An act to amend Section 3502.5 of the ~~Government~~ *Government* Code, relating to public employee relations.

LEGISLATIVE COUNSEL'S DIGEST

AB 2419, as amended, Garcia. Public employee relations: agency shop arrangements.

Existing law, the Meyers-Milias-Brown Act, regulates labor relations between employees and management of local public agencies. Existing law permits an agency shop agreement to be negotiated between a public agency and a recognized public employee organization that has been recognized as the exclusive or majority bargaining agent and defines an agency shop as an arrangement that requires an employee, as a condition of continued employment, to join the recognized employee organization or to pay the organization a service fee, as specified. Existing law permits an agency shop arrangement to be implemented without negotiation upon submission of a prescribed petition and a specified vote of the employees. Existing law prohibits an agency shop arrangement from applying to management employees. *Existing law grants the employee relations commissions in the County of Los Angeles and the City of Los Angeles the authority to take certain actions that would otherwise be the responsibility of the Public Employment Relations Board.*

This bill would ~~delete the prohibition in the Meyers-Milias-Brown Act on~~ authorize the inclusion of management employees in an agency

shop arrangement in the County of Los Angeles and the City of Los Angeles.

This bill would make legislative findings and declarations as to the necessity of a special statute for the County of Los Angeles and the City of Los Angeles.

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 3502.5 of the Government Code is
2 amended to read:

3 3502.5. (a) Notwithstanding Section 3502, any other provision
4 of this chapter, or any other law, rule, or regulation, an agency
5 shop agreement may be negotiated between a public agency and
6 a recognized public employee organization that has been
7 recognized as the exclusive or majority bargaining agent pursuant
8 to reasonable rules and regulations, ordinances, and enactments,
9 in accordance with this chapter. As used in this chapter, “agency
10 shop” means an arrangement that requires an employee, as a
11 condition of continued employment, either to join the recognized
12 employee organization or to pay the organization a service fee in
13 an amount not to exceed the standard initiation fee, periodic dues,
14 and general assessments of the organization.

15 (b) In addition to the procedure prescribed in subdivision (a),
16 an agency shop arrangement between the public agency and a
17 recognized employee organization that has been recognized as the
18 exclusive or majority bargaining agent shall be placed in effect,
19 without a negotiated agreement, upon (1) a signed petition of 30
20 percent of the employees in the applicable bargaining unit
21 requesting an agency shop agreement and an election to implement
22 an agency fee arrangement, and (2) the approval of a majority of
23 employees who cast ballots and vote in a secret ballot election in
24 favor of the agency shop agreement. The petition may be filed
25 only after the recognized employee organization has requested the
26 public agency to negotiate on an agency shop arrangement and,
27 beginning seven working days after the public agency received
28 this request, the two parties have had 30 calendar days to attempt
29 good faith negotiations in an effort to reach agreement. An election
30 that may not be held more frequently than once a year shall be

1 conducted by the California State Mediation and Conciliation
2 Service in the event that the public agency and the recognized
3 employee organization cannot agree within 10 days from the filing
4 of the petition to select jointly a neutral person or entity to conduct
5 the election. In the event of an agency fee arrangement outside of
6 an agreement that is in effect, the recognized employee
7 organization shall indemnify and hold the public agency harmless
8 against any liability arising from a claim, demand, or other action
9 relating to the public agency's compliance with the agency fee
10 obligation.

11 (c) An employee who is a member of a bona fide religion, body,
12 or sect that has historically held conscientious objections to joining
13 or financially supporting public employee organizations shall not
14 be required to join or financially support a public employee
15 organization as a condition of employment. The employee may
16 be required, in lieu of periodic dues, initiation fees, or agency shop
17 fees, to pay sums equal to the dues, initiation fees, or agency shop
18 fees to a nonreligious, nonlabor charitable fund exempt from
19 taxation under Section 501(c)(3) of the Internal Revenue Code,
20 chosen by the employee from a list of at least three of these funds,
21 designated in a memorandum of understanding between the public
22 agency and the public employee organization, or if the
23 memorandum of understanding fails to designate the funds, then
24 to a fund of that type chosen by the employee. Proof of the
25 payments shall be made on a monthly basis to the public agency
26 as a condition of continued exemption from the requirement of
27 financial support to the public employee organization.

28 (d) An agency shop provision in a memorandum of
29 understanding that is in effect may be rescinded by a majority vote
30 of all the employees in the unit covered by the memorandum of
31 understanding, provided that: (1) a request for that type of vote is
32 supported by a petition containing the signatures of at least 30
33 percent of the employees in the unit, (2) the vote is by secret ballot,
34 and (3) the vote may be taken at any time during the term of the
35 memorandum of understanding, but in no event shall there be more
36 than one vote taken during that term. Notwithstanding the above,
37 the public agency and the recognized employee organization may
38 negotiate, and by mutual agreement provide for, an alternative
39 procedure or procedures regarding a vote on an agency shop
40 agreement. The procedures in this subdivision are also applicable

1 to an agency shop agreement placed in effect pursuant to
2 subdivision (b).

3 (e) (1) *Except as provided in paragraph (2), an agency shop*
4 *arrangement shall not apply to management employees.*

5 (2) *In the County of Los Angeles and the City of Los Angeles,*
6 *an agency shop arrangement may apply to management employees.*

7 ~~(e)~~

8 (f) A recognized employee organization that has agreed to an
9 agency shop provision or is a party to an agency shop arrangement
10 shall keep an adequate itemized record of its financial transactions
11 and shall make available annually, to the public agency with which
12 the agency shop provision was negotiated, and to the employees
13 who are members of the organization, within 60 days after the end
14 of its fiscal year, a detailed written financial report thereof in the
15 form of a balance sheet and an operating statement, certified as to
16 accuracy by its president and treasurer or corresponding principal
17 officer, or by a certified public accountant. An employee
18 organization required to file financial reports under the federal
19 Labor-Management Reporting and Disclosure Act of 1959 (29
20 U.S.C. Sec. 401 et seq.) covering employees governed by this
21 chapter, or required to file financial reports under Section 3546.5,
22 may satisfy the financial reporting requirement of this section by
23 providing the public agency with a copy of the financial reports.

24 *SEC. 2. The Legislature finds and declares that a special law*
25 *is necessary and that a general law cannot be made applicable*
26 *within the meaning of Section 16 of Article IV of the California*
27 *Constitution because of the complexity of economic issues facing*
28 *large public entities in the County of Los Angeles and the City of*
29 *Los Angeles and the effect of the authority provided to the County*
30 *of Los Angeles and the City of Los Angeles in Section 3509 of the*
31 *Government Code.*