



May 9, 2018

The Honorable Nancy Skinner
Member, California State Senate
State Capitol Building, Room 2059
Sacramento, CA 95814

**RE: Senate Bill 1085 (Skinner). Public employees: leaves of absence: exclusive bargaining representative service.
Oppose – As amended April 10, 2018
Senate Third Reading**

Dear Senator Skinner:

On behalf of the California State Association of Counties (CSAC), Urban Counties of California (UCC) and the California Special Districts Association (CSDA), we write in respectful opposition to your Senate Bill 1085, related to “loss time” or authorized leave from employment for union-related activities. This measure takes matters off the bargaining table and replaces them with required employer activity to the detriment of public agencies and the communities they serve. We have appreciated the opportunity to discuss these concerns with your office and understand additional amendments are forthcoming. However, the extensive new costs and central premise of the bill are cause for serious alarm despite the proposed amendments.

Our organizations support an employment system that provides employee protections and that balances the legitimate needs of the employees with the public’s right to efficient, effective and stable government. We acknowledge that employee needs may include the ability to participate in activities related to employee representation. However, SB 1085 undermines the balance of collective bargaining where both parties forgo rights so that organizations can be successful. Our specific concerns with SB 1085 are as follows:

Reasonable as a Mandate: SB 1085 sets forth that employers must provide a “reasonable” amount of loss time, which may be reimbursed based on collective bargaining agreements. State and local agencies are not afforded the same consideration as educational institutions, which must be reimbursed for full costs pursuant to Education Code Section 44981. It seems that if any new requirement is placed on the employer agency to provide loss time then they should also be given equal treatment that ensures employee absences are fully paid for by the union.

Agency Losses from Loss Time: State and local agency employers will continue to incur costs even if employee wages, health benefits, and workers’ compensation claims are covered. Employees continue to accrue sick leave, vacation time, and pension service credits even though they are not carrying out the mission of the department or agency where they are employed. These costs all add up to greater liability for the employer agencies during the duration of employment and at the end of the employees’ public service.

State and Federal Subvention Impact: The potential for new costs is especially important for positions that are funded through state and federal dollars – either as established programs or through grants. Human services and children services department positions in particular would represent a double loss for employer agencies if they do not receive full and complete reimbursement from the unions. Counties and other local agencies are restricted from using program dollars for any other purpose and therefore would have to contribute general fund dollars to backfill union activity for a position that is otherwise completely covered through intergovernmental subventions.

Temporary Workforce Needs: Finally, we appreciate the consideration to clarify how an employee may return to work to a similarly situated position, without loss of rank or classification. We must note, though, that this is not without additional burdens to the employer agency and fellow employees. Depending on the duration of the absence, employers may find it more feasible to distribute the existing work load amongst current staff. Bringing in new staff – even if just temporarily – can create delays and cost pressures if background checks and licensing verification are required. Extended loss time also creates cost pressures should an extended absence create a gap in job proficiency. We are left wondering too, how local agencies are to reassign the collateral worker who assumed the absent employees duties.

In closing, we are deeply concerned that SB 1085 moves loss time agreements away from the collective bargaining table and towards a new type of protected leave that is more comprehensive than other leaves provided for employee safety and well-being. SB 1085 has been offered based on concerns that already have remedies under the MMBA. We believe the bill skews the balance of interests that are currently achieved through the collective bargaining process. For these reasons, our organizations respectfully oppose SB 1085. If you have any questions regarding our position, please do not hesitate to contact Dorothy Johnson (CSAC) at 916-650-8133, Dillon Gibbons (CSDA) at 916-442-7887; or Jolena Voorhis at 916-327-7531.

Sincerely,



Dorothy Johnson
Legislative Representative



Jolena L. Voorhis
Executive Director



Dillon Gibbons
Senior Legislative Representative

cc: Honorable Members, California State Senate