



1400 K Street, Suite 400 • Sacramento, California 95814  
Phone: 916.658.8200 Fax: 916.658.8240  
[www.cacities.org](http://www.cacities.org)

June 15, 2018

Honorable Holly Mitchell  
Chair, Senate Budget and Fiscal Review Committee  
State Capitol Building, Room 5080  
Sacramento, CA 95814

**RE: Assembly Bill 1832/Senate Bill 866 (Committee on Budget). Employment.  
Oppose – As Amended June 13, 2018  
Hearing Date: June 18, 2016 – Senate Committee on Budget**

Dear Senator Mitchell:

The League of California Cities respectfully opposes provisions in Assembly Bill 1832 (Committee on Budget) and Senate Bill 866 (Committee on Budget and Fiscal Review) related to employee representation. Specifically, we oppose the effort to undermine negotiated terms on similar stand-alone legislative proposals now pending before the legislature. In addition, this bill includes provisions that run counter to long-standing decisions by the Public Employer Relations Board (PERB) and the long-established California Public Records Act.

**Negotiated Amendments Excluded for Administration Services**

Assembly Bill 1937 (Santiago) 2018, which included negotiated cost-sharing agreement language, was not included in mirror language contained in AB 1832/SB 866. AB 1937 allows locally agreed upon cost sharing agreements for administration of union dues in place by January 1, 2019 to stand. In addition, AB 1937 authorized cost reimbursement for one-time administrative expenses for union dues system processing set up. AB 1832/SB 688 provides neither. AB 1832/SB 866 unwinds locally bargained terms between an employer and the employee representatives.

**Confidentiality Requirement Creates Public Records Conflict**

These bills also include language that mirrors current legislation, Assembly Bill 2970 (Cooper), which seeks to create levels of confidentiality about employee orientations, specifically the time and place where they will be held. The League opposes this measure and language provided for in AB 1832/SB 866 because it blocks opportunities for employees to learn about additional employee benefits from third parties, such as life insurance or retirement savings accounts.

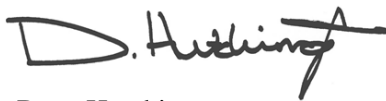
We also oppose the measure because of the direct conflict under the California Public Records Act (CPRA). Unless employee-employer communications is deemed confidential, the public has the right to request copies of documents that contain information about the employee orientations before or after the orientations are conducted. AB 119 (Committee on Budget; 2017) was signed less than one year ago and requires a notification be sent from the employer to the employee representatives 10 days prior to an orientation. Cities would be stuck between violating state statute under the provisions of this Government Code Section 3557, as proposed by AB 1832/SB 866, or Government Code Section 6253, the CPRA.

**New Language Runs Counter to Long-Standing PERB Decisions**

These measures also include new language that requires the content of mass communications, defined as written or verbal and intended for multiple recipients, between employers and employees regarding terms of representation by an employee organization to be bargained. PERB decisions dating back decades clearly states that while employers may not solicit employees to withdraw from union membership they may bring to employees' attention their right to resign from the union and revoke dues-checkoff authorizations so long as the communication is free of threat and coercion or promise of benefit. We believe this additional requirement for collective bargaining interferes with employers' ability to communicate with their employees and ignores the PERB decision.

In closing, we support an employment system that provides employee protections and that balance 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 and receive information about these opportunities. However, the aforementioned provisions run counter to this balance and therefore we oppose AB 1832/SB 688. For these reasons, the League of California Cities is opposed to Assembly Bill 1832/Senate Bill 866. If you have any questions regarding the League's position on this bill, please do not hesitate to contact me at (916) 658-8210.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Hutchings", with a stylized flourish at the end.

Dane Hutchings  
Legislative Representative

cc: Honorable Members, Senate Budget Committee  
Honorable Chair and Members, Assembly Budget Committee  
Honorable Miguel Santiago, California State Assembly  
Honorable Jim Cooper, California State Assembly  
Camille Wagner, Legislative Affairs Secretary, Office of Governor Brown  
Tom Dyer, Deputy Legislative Secretary, Office of Governor Brown