

Date of Hearing: July 7, 2015

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Jose Medina, Chair

SB 686 (Pan) – As Amended April 6, 2015

SENATE VOTE: 23-13

SUBJECT: Public postsecondary education: Higher Education Employer-Employee Relations Act

SUMMARY: Provides full collective bargaining rights pursuant to the Higher Education Employer-Employee Relations Act (HEERA) to supervisory employees employed as sworn peace officers by the University of California (UC) or the Hastings College of the Law (Hastings). Specifically, **this bill:**

- 1) Makes HEERA provisions that limit the collective bargaining rights of supervisory employees inapplicable to supervisory sworn peace officers employed by UC and Hastings so that such employees would receive full collective bargaining rights pursuant to HEERA.
- 2) Provides that HEERA provisions to prohibit supervisory employees from participating on behalf of nonsupervisory employees in the handling of grievances, in meet and confer sessions, or in voting on questions of ratification or rejection of memoranda of understanding governing nonsupervisory employees shall still apply.
- 3) Prohibits supervisory sworn peace officers employed by UC and Hastings from being placed in the same collective bargaining unit as nonsupervisory employees.

EXISTING LAW:

- 1) Establishes HEERA which provides a statutory framework to regulate labor relations between the UC, the California State University (CSU), and Hastings and their respective employees (Government Code Section 3560).
- 2) Authorizes recognized employee organizations to represent employees covered under HEERA in collective bargaining with their employers over matters within the scope of representation, as defined, including grievances, labor disputes, wages, hours, and other terms and conditions of employment (GOV Section 3562).
- 3) Defines “supervisory employee” for purposes of HEERA, as any individual having authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them, or to adjust their grievances, or effectively to recommend such action if exercising such authority requires the use of independent judgment rather than is of a routine or clerical nature; and, provides that academic or faculty employees, department chairs or heads of similar academic units or programs, or other employees who perform similar duties primarily in the interest of or on behalf of members of the academic department, unit, or program shall not be deemed a supervisory employee solely because of such duties. To note, HEERA also creates a rebuttable presumption for UC and Hastings employees wherein such employees appointed by the employer to an indefinite term shall be deemed to be supervisory employees; and,

specifies that employees whose duties are substantially similar to those of their subordinates shall not be considered to be supervisory employees (GOV Section 3580.3).

- 4) Prohibits supervisory employees from participating on behalf of nonsupervisory employees in the handling of grievances, in meet and confer sessions, or in voting on questions of ratification or rejection of memoranda of understanding governing nonsupervisory employees (GOV Section 3580.5).

FISCAL EFFECT: According to the Senate Appropriations Committee, approximate costs of \$493,894 from the General Fund (GF) to UC for collective bargaining; and, minor increased administrative costs from the GF to the Public Employment Relations Board (PERB).

COMMENTS: *Public Employment Relations Board (PERB) and HEERA.* California's PERB acts as an appellate body to hear challenges to proposed decisions that are issued by PERB staff. Additionally, PERB has the overall responsibility for administering the Educational Employment Relations Act (EERA), Ralph C. Dills Act, HEERA, Meyers-Milias-Brown Act, Transit Employer-Employee Relations Act, In-Home Supportive Services Employer-Employee Relations Act, Trial Court Act, and Court Interpreter Act. To note, decisions of the Board itself may be appealed under certain circumstances, and then only to the state appellate courts.

Under HEERA, UC and CSU police sergeants currently do not possess the same rights as each other, though they perform identical duties. The CSU sergeants are not designated as supervisors; and, per a former PERB decision, police sergeants who are employed by the UC Police Department are classified as "supervisory employees" and are granted only limited collective bargaining rights.

According to information provided by the author, there are approximately 80 police sergeants who are classified as supervisory employees of the UC.

Need for the measure. Collect bargaining rights allow employers and employees to collectively negotiate the terms and conditions of employment; including, but not limited to benefits, weekly hours, leave benefits, and health and safety policies. According to the author, "UC police officers heavily contribute to the safety of UC campuses. They protect our UC students and deserve the right to have their voices fairly and honestly considered when discussing the terms and conditions of their employment."

The author contends that by allowing UC police sergeants who are supervisory employees, the ability to adequately represent themselves and negotiate the term of their employment, will allow them to have a right that is already afforded to their counterparts within the CSU system.

Supervisory employees are granted collective bargaining rights under both the EERA and Meyers-Milias-Brown Act. This measure provides that the supervisory UC or Hastings police sergeants would be required to be in separate bargaining units in order to ensure that there are no conflicts of interest.

REGISTERED SUPPORT / OPPOSITION:

Support

California Federation of Teachers

California Teamsters Public Affairs Council (sponsor)

Opposition

None on file.

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