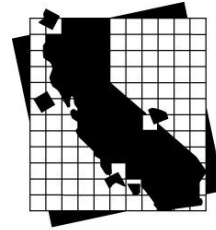




LEAGUE OF
**CALIFORNIA
CITIES**



CSDA



CAJPA
California Association of
Joint Powers Authorities



ACHD
ASSOCIATION OF CALIFORNIA
HEALTHCARE DISTRICTS



URBAN COUNTIES
OF CALIFORNIA



PRISM
Public Risk Innovation,
Solutions, and Management



RCRC
RURAL COUNTY REPRESENTATIVES
OF CALIFORNIA

September 20, 2023

The Honorable Governor Gavin Newsom
1021 O Street, Suite 9000
Sacramento, CA 95814

RE: AB 504 (Reyes) State and Local Public Employees: Labor Relations: Disputes.
REQUEST FOR VETO

Dear Governor Newsom,

The League of California Cities (Cal Cities), Rural County Representatives of California (RCRC), California Association of Joint Powers Authorities (CAJPA), Association of California Healthcare Districts (ACHD), California State Association of Counties (CSAC), Public Risk Innovation Solutions, and Management (PRISM), Urban Counties of California (UCC), and California Special Districts Association (CSDA) respectfully requests your **VETO** on AB 504 (Reyes). This measure would declare the acts of sympathy striking and honoring a strike line a human right and thereby disallow provisions in public employer policies or collective bargaining agreements going forward that would limit or prevent an employee's right to sympathy strike.

State laws governing collective bargaining are in place to ensure a fair process for both unions and public entities. AB 504 would upend the current bargaining processes which allows striking only in specified limited circumstances. Specifically, this bill states it shall not be unlawful or a cause for discipline or other adverse action against a public employee for that public employee to refuse to do any of the following:

- Enter property that is the site of a primary strike.
- Perform work for an employer involved in a primary strike.
- Go through or work behind any primary strike line.

This poses a serious problem for public agencies that are providing public services on a limited budget and in a time of a workforce shortage. Allowing any public employee, with limited exception, to join a striking bargaining unit in which that employee is not a member could lead to a severe workforce stoppage. When a labor group is preparing to engage in protected union activities, local agencies have the ability to plan for coverage and can take steps to limit the impact on the community. This bill would remove an agency's ability to plan and provide services to the community in the event any bargaining unit decides to strike. A local agency cannot make contingency plans for an unknown number of public employees refusing to work.

In addition, when government services are co-located, employees from a non-struck agency could refuse to work at the shared campus if employees from a different agency are on strike, as it would be considered crossing the picket line. We offered the author amendments, similar to the private sector, that allows a separate entrance to ensure the picket line would not be crossed while allowing vital services from a non-struck agency to continue. For example, there are co-located county and court services at almost every court. A county strike could potentially shut down court activities because court employees could refuse to enter the premises as it would be considered crossing the picket line. Unfortunately, those amendments were not accepted.

In rural communities, it is common to see co-location of government services to ensure remote areas are served. Disrupting the services of an innocent employer as part of a strike against another employer – known in labor law as – “secondary pressure” – has long been held to be an unfair labor practice that this bill should not facilitate or legalize. Public employers that bargained in good faith and have approved MOU agreements should not be penalized for sharing a business space with another government employer.

Our organizations are not disputing the right of the employee organization to engage in the protected activity of striking. State law has created a framework for when unions can engage in protected strike activity that has been honored by local government and unions alike. **Unfortunately, this bill would allow those who have not gone through the negotiation process to now refuse to work simply because another bargaining unit is engaging in striking.**

Local agencies provide critical health and safety functions, including disaster response, emergency services, dispatch, utilities, mobile crisis response, health care, law enforcement, corrections, elections, and road maintenance. Local memorandums of understanding (MOUs) provisions around striking and sympathy striking ensure local governments can continue to provide critical services. In many circumstances, counties must meet minimum staff requirements, e.g., in jails and juvenile facilities, to ensure adequate safety requirements. No-strike provisions in local contracts have been agreed to by

both parties in good faith often due to the critical nature of the employees' job duties. Under current law, both primary and sympathy strikes may be precluded by an appropriate no-strike clause in the MOU, which this bill proposes to disallow following the expiration of a collective bargaining agreement that was entered into before January 1, 2024.

While we appreciate the recent amendments that seek to address issues regarding, existing MOUs, peace officers, and certain [essential employees](#) of a local public agency, without the amendments to address co-located agencies our communities may be left without needed services. Shutting down government operations for sympathy strikes is an extreme approach that goes well beyond what is allowed for primary strikes and risks the public's health and safety.

As local agencies, we have a statutory responsibility to provide services to our communities throughout the state. This bill jeopardizes the delivery of those services and undermines the collective bargaining process. For those reasons, Cal Cities, RCRC, CAJPA, ACHD, CSAC, PRISM, UCC, and CSDA must request that you veto AB 504 (Reyes). Please do not hesitate to reach out to us with your questions.

Sincerely,



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