



RURAL COUNTY REPRESENTATIVES
OF CALIFORNIA



LEAGUE OF
CALIFORNIA
CITIES



CAJPA
California Association of
Joint Powers Authorities



April 24, 2023

The Honorable Chris Holden
Chair, Assembly Appropriations Committee
1021 O Street, Room 8220
Sacramento, CA 95814

**RE: AB 1484 (Zbur): Temporary public employees – OPPOSE
As Amended March 28, 2023**

Dear Assembly Member Holden:

On behalf of the Rural County Representatives of California (RCRC), the California State Association of Counties (CSAC), the Urban Counties of California (UCC), the League of California Cities (Cal Cities), the California Special Districts Association (CSDA), the California Association of Recreation and Parks Districts (CARPD), California Association of Joint Powers Authorities (CAJPA), the California Association of Code Enforcement Officers (CACEO), and the California Municipal Utilities Association (CMUA) we are strongly opposed to Assembly Bill 1484 (Zbur). This measure relates to temporary employment.

While AB 1484 is ostensibly intended to benefit temporary employees of local public agencies, in reality, it will directly harm these employees by severely limiting their future opportunities for temporary employment. This bill would: inflexibly mandate that temporary employees must be included within the same bargaining unit as permanent employees; and that the wages, hours, plus terms and conditions of employment for both temporary and permanent employees must be bargained together in a single memorandum of understanding. This result is already possible under current law, but only if the temporary and permanent employees have a "community of interest" making such

combined treatment appropriate – an important component of fair representation and bargaining that this bill eschews.

More importantly, the provisions of this bill, including the restrictions on discharging temporary employees and the inevitable increases in cost to public employers, will seriously discourage public agencies from hiring temporary employees. This will reduce temporary employment opportunities statewide, with devastating effects. Temporary positions provide income, stability, and flexibility to working parents, students, and those just entering or re-entering the workforce, among others, and are often an important stepping-stone to long-term public employment. Disincentivizing public agencies from offering these positions will further cement the barriers to upward mobility and income equality for the very persons whom this bill aims to help.

In addition to harming temporary employees, AB 1484 would also negatively impact public services. "Extra help" employees are often retained for seasonal or "surge" needs, such as nurses, health care workers, election workers, mosquito and vector control technicians, agricultural field inspectors, and parks and recreation staff, like lifeguards and summer camp counselors. This bill would significantly increase the costs for local governments to hire such employees, thereby reducing levels of service to the detriment of public health and well-being. Similarly, temporary employees are frequently brought in to backfill permanent employees who are on leave or temporarily reassigned. This bill would discourage such hiring, leaving positions unfilled and the public unserved.

AB 1484 would further have unintended and unpredictable consequences when applied to the myriad existing local programs and the laws governing them. For example:

- Many temporary employees are retired annuitants, whose terms and conditions of employment are strictly controlled by state law in ways that would severely impair any meaningful bargaining. Including these annuitants within a bargaining unit comprised of regular employees – who have flexibility and benefits legally prohibited to annuitants is virtually guaranteed to produce friction and anomalous results.
- Many public agencies obtain temporary help through staffing agencies, nurse registries, and similar services. Under current law, it is not always clear whether these workers are employees of the public agency. This bill will compound that uncertainty regarding their status and eligibility for inclusion in a bargaining unit. This will almost certainly lead to disputes and litigation – all of which will further speed the reduction or elimination of these work opportunities.
- The terms and conditions for permanent employees are typically negotiated based upon assumptions regarding benefits (such as CalPERS) and protections (such as the Family and Medical Leave Act), that apply only to employees who work for a certain period of time. Temporary employees will often be ineligible for these

benefits and protections, making parity or “community of interest” with regular employees in the bargaining unit impossible, and producing yet further friction and anomalous results.

Public agencies often offer paid student internship programs, which provide valuable work experience for the next generation of public employees. Requiring agencies to include such temporary positions within the bargaining unit (and afford them discharge protections) will strongly discourage local governments from offering such programs (or will encourage them to offer only unpaid internships, to the detriment of financially vulnerable students).

Temporary employees are typically at-will, and consequently do not have a constitutionally protected property interest in their position. AB 1484 mandates that temporary employees be granted access to the grievance process if discharged. This may be argued to grant such employees a property interest in their temporary positions, leading to disputes and litigation that will further discourage public agencies from utilizing temporary employees, and increase costs when they do so.

Perhaps most critically, AB 1484 provides temporary employees with rights in excess of those provided to permanent employees. Proposed Section 3507.7(b)(5) provides that “temporary employees...who have been employed for more than 30 calendar days shall be entitled to use any grievance procedure in the memorandum of understanding to challenge any discipline without cause.” By contrast, nearly every public agency has a probationary period for permanent employees (often 6-12 months), during which the employee may be released without cause and without triggering a grievance. This probationary period is a critical part of the hiring process – and if public employers cannot use this process for temporary employees, they will be vastly less likely to hire temporary employees. Moreover, the bill provides that these provisions for temporary employees apply unless affirmatively waived by the employee organization – i.e., public employers cannot impose more flexible discharge provisions after bargaining to impasse – a restriction unique to temporary employees, further disincentivizing their hiring.

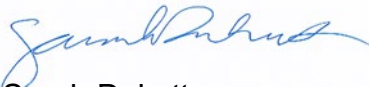
In addition, AB 1484 includes a procedural requirement that will be difficult, if not impossible, for public employers to fulfill including provisions that conflict with existing law for permanent employees. The bill would require public agencies to inform both temporary employees and the employee organization of the anticipated length of employment and end date. However, temporary employees are often retained in exigent circumstances, to fulfill an immediate need of uncertain duration, as was the case during the recent COVID emergency. In these cases, the agency will not be able to identify an end date that is anything more than speculation, which will serve no useful purpose and may lead to unnecessary disputes.

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Finally, AB 1484 imposes administrative burdens on local agencies. Notwithstanding the disclaimer in the bill, there are new substantial state-mandated procedures, that will be costly to implement and that warrant reimbursement.

In conclusion, temporary employees are brought in for a temporary and urgent need and the provisions of this bill severely limit local agencies' ability to utilize this workforce, ultimately impacting our ability to provide services. We are unaware of a specific, current problem that AB 1484 would resolve or prevent. We are very much aware, however, of the very real harm AB 1484 would cause the residents of California. For the aforementioned reasons, our organizations must, therefore, respectfully but firmly, OPPOSE AB 1484. Please do not hesitate to reach out to us with your questions.

Sincerely,



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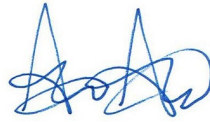


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cc: The Honorable Rick Chavez Zbur, Member of the California State Assembly
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