



August 7, 2023

The Honorable Anthony Portantino
Chair, Senate Appropriations Committee
State Capitol, Room 412
Sacramento, CA 95814

**RE: AB 1484 (Zbur): Temporary public employees – OPPOSE
As Amended May 18, 2023**

Dear Senator Portantino:

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 Park Districts (CARPD), the California Association of Joint Powers Authorities (CAJPA), the California Association of Code Enforcement Officers (CACEO), Public Risk Innovation, Solutions, and Management (PRISM) and the California Municipal Utilities Association (CMUA) we are strongly opposed to Assembly Bill 1484 (Zbur) related to temporary employment. As written, AB 1484 includes requirements that will be difficult, if not impossible, for public employers to fulfill, including provisions that conflict with existing law for permanent employees.

Overly Broad Definition of a Temporary Employee

AB 1484 includes an overly broad definition of a temporary employee, which reaches far beyond the stated purpose of the bill. "Extra help" employees are often retained for seasonal or "surge" needs, such as nurses, election workers, paid interns, mosquito and vector control technicians, and parks and recreation staff, like lifeguards and summer camp counselors. The definition also includes "casual employees" who, under PERB's own definition, lack a sufficient community of interest with regular or temporary employees due to their sporadic or intermittent relation with the employer. 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.

- 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 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).

Creates Inconsistency in Bargaining Unit Determination Process

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. The bill thus precludes local jurisdictions from creating a specific bargaining unit shared by all temporary employees with similar interests. 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 incompatible and producing yet further friction and anomalous results. The MMBA currently provides a robust mechanism for determining employees' bargaining units to ensure that each unit shares a "community of interest" and can therefore bargain effectively. As written, this bill upsets that mechanism significantly for one class of employees.

Creates Inconsistency Between Rights of Temporary Employees and Permanent Employees

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.

AB 1484 provides temporary employees with rights in excess of those provided to permanent employees. Discipline and discharge of all employees should be a matter within the scope of representation and established through local collective bargaining. The bill proposes a grievance procedure that will practically conflict with provisions for permanent employees. 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 within five business days rather than the standard 30 days for regular employees. Because of similarities in the requirements for public employers to provide the prescribed information in existing law, this may result in confusion and mistakes by employers as to compliance with the PECC and the provisions of this bill.

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. For the above reasons, RCRC, CSAC, UCC, Cal Cities, CSDA, CARPD, CAJPA, CACEO, PRISM, and CMUA respectfully oppose AB 1484.

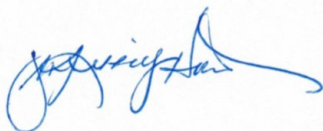
Sincerely,



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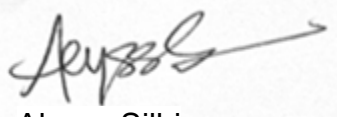
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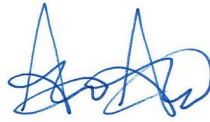
The Honorable Anthony Portantino
Assembly Bill 1484 (Zbur)
August 7, 2023
Page 4

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