



LEAGUE OF
**CALIFORNIA
CITIES**



April 14, 2023

The Honorable Brian Maienschein
Chair, Assembly Judiciary Committee
1020 N Street, Room 104
Sacramento, CA 95814

RE: AB 504 (Reyes) State and Local Public Employees: Labor Relations: Disputes.
Notice of OPPOSITION
(As Amended 4/13/23)

Dear Assemblymember Reyes,

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, and Urban Counties of California (UCC) regretfully must **oppose** your AB 504. This measure would declare the acts of sympathy striking and honoring a picket line a human right. AB 504 would also void provisions in public employer policies or collective bargaining agreements limiting or preventing 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 upends the current bargaining processes which allows striking only in specified limited circumstances. Specifically, this bill states, notwithstanding any other law, policy, or collective bargaining agreement, 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 labor dispute.
- Perform work for an employer involved in a primary labor dispute.
- Go through or work behind any primary picket 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 for 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.

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.

AB 504 would void locally bargained memorandums of understanding (MOUs) regardless of what they say about the employee's ability to sympathy strike and insert the ability for employees to engage in sympathy striking. 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 duty. By overriding local MOUs, AB 504 would grant sympathy strikers greater rights than the employees engaged in a primary strike. 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 override only for sympathy strikes. Additionally, under current law, [essential employees](#) of a local public agency as defined by the California Public Employment Relations Board (PERB) law and further described in more detail by the collective bargaining agreement, cannot engage in a primary or sympathy strike. This bill would override these safeguards for sympathy strikers.

This bill declares sympathy striking a human right but exempts any public employee who is subject to Section 1962 of the Labor Code from having that right. Given that this bill would void local MOU no sympathy strike agreements while specially exempting a specific job type, while at the same time also declaring a new human right only creates confusion regarding which public employees cannot engage in sympathy striking.

Local agencies provide critical health and safety functions, including disaster response, emergency services, dispatch, mobile crisis response, health care, law enforcement, corrections, elections, and road maintenance. Local MOU 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. AB 504 overrides the essential employee process at PERB, thereby creating a system where any employee can sympathy strike, which could result in workforce shortages that jeopardize our ability to operate. In addition, it's unclear if this bill would apply to public employees with job duties that require work in a multi-jurisdiction function, like a law enforcement task force, where one entity is on strike. Shutting down government operations for sympathy strikes is an extreme approach that goes well beyond what is allowed for primary strikes and ultimately risks the public's health and safety.

As local agencies, we have 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, and UCC must oppose AB 504. Please do not hesitate to reach out to us with your questions.

Sincerely,



Johnnie Pina
Legislative Affairs, Lobbyist
League of California Cities
jpina@calcities.org



Sarah Bridge
Senior Legislative Advocate
Association of California Healthcare
Districts
Sarah.bridge@achd.org



Faith Borges
Legislative Advocate
California Association of Joint Power
Authorities
fborges@caladvocates.com



Sarah Dukett
Policy Advocate
Rural County Representatives of
California
sdukett@rcrcnet.org



Jean Kinney Hurst
Legislative Advocate
Urban Counties of California
jkh@hbeadvocacy.com



Kalyn Dean
Legislative Advocate
California State Association of Counties
kdean@counties.org

CC: Assemblymember Eloise Gómez Reyes, Assembly District 50
Members and Staff, Assembly Judiciary Committee
Lauren Prichard, Consultant, Republican Caucus