

## FREQUENTLY ASKED QUESTIONS – ASSEMBLY BILL 119

**Q:** What does this bill require public agencies to do?

**A:** Assembly Bill (AB) 119 requires public agencies to provide unions with access to new employee orientation sessions. It also requires public agencies to provide unions with names and contact information of new employees in bargaining unit positions.

**Q:** What was the reason for this bill?

**A:** Unions representing public employees sought this legislation because there is at least one case pending before the United States Supreme Court that could result in the Court ruling that union dues are voluntary, which could greatly reduce revenues for public employee unions. Currently, public employees who opt out of union membership are often required to pay service fees to cover the cost of negotiations and other union-provided services.

**Q:** When does the bill go into effect?

**A:** The bill went into effect immediately after the Governor signed it on June 26, 2017.

**Q:** Does the bill require public agencies to conduct face-to-face orientations?

**A:** No. Orientations may be conducted in person, online or by other means.

**Q:** Does the bill spell out when and how access must be provided?

**A:** No. The structure, time and manner of access are all subject to negotiations. However, the bill does, in the absence of an alternate agreement, require public agency employers to give unions at least 10 days' notice before holding an employee orientation, except in specific instances where there is "an urgent

need critical to the employer’s operations that was not reasonably foreseeable.”

**Q:** When should negotiations over access take place?

**A:** Negotiations must take place between the effective date of the bill and the expiration of a union’s contract.

**Q:** What happens if we can’t reach an agreement with the union on the structure, time and manner of access?

**A:** If any dispute that occurs during negotiations over access is not resolved within 45 days after the first meeting of the parties or 60 days after the initial request to negotiate, either side may make a demand for compulsory “interest arbitration.”

**Q:** What is “interest arbitration”?

**A:** “Interest arbitration” is one in which the arbitrator has the authority to determine the terms that will resolve the dispute, i.e. dictate the terms of the resolution to the parties.

**Q:** Couldn’t unions demand to bargain their role in employee orientations prior to AB 119?

**A:** Yes, unions could bargain their role in employee orientations prior to AB 119 taking the position that such participation was necessary in order to fulfill their representational rights under the EERA and because it impacted terms and conditions of employment.

**Q:** My agency hires new employees continuously, which will make it difficult to provide the notice and access the bill requires. How can I comply?

A: The bill permits public agencies and unions to reach an agreement that differs from the requirements of the new law. For example, public agencies could seek to negotiate an arrangement with their labor unions to provide access via a video aired at all in-person orientations or provided along with other orientation materials if orientations are conducted online.

Q: What information does the bill require public agencies to provide to unions?

A: Public agencies must provide the union a new employee's name; job title; department; work location; work, home and personal cell phone numbers; personal email addresses on file with the agency; and home address, within 30 days of hire or by the first pay period of the month following the hire, even if the employee previously worked for the district. The bill also requires public agencies to provide the same information about all bargaining unit members every 120 days, though public agency employers can negotiate agreements with their unions to provide more detailed lists of information or different intervals for providing information about new employees and bargaining unit members. Public agency administrators may wish to work with their human resources departments to find out whether the generation of these lists can be automated to save time and ensure consistent compliance.

Q: What if an employee doesn't want to stay to hear from the union?

A: The law only requires public agency employers to provide unions with access to new employees and to information on new employees and bargaining unit members. It does not require that an employee stay to hear from the union. This would be the employee's choice.

Q: What happens if the union believes the public agency is violating the law?

A: Disputes may be submitted to the Public Employment Relations Board (PERB).