

ASSEMBLY BILL

No. 339

Introduced by Assembly Member Ortega

January 28, 2025

An act to add Section 3504.1 to the Government Code, relating to public employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 339, as introduced, Ortega. Local public employee organizations: notice requirements.

Existing law, the Meyers-Milias-Brown Act, contains various provisions that govern collective bargaining of local represented employees and delegates jurisdiction to the Public Employment Relations Board to resolve disputes and enforce the statutory duties and rights of local public agency employers and employees. Existing law requires the governing body of a public agency to meet and confer in good faith regarding wages, hours, and other terms and conditions of employment with representatives of recognized employee organizations.

Existing law requires the governing body of a public agency, and boards and commissions designated by law or by the governing body, to give reasonable written notice, except in cases of emergency, as specified, to each recognized employee organization affected of any ordinance, rule, resolution, or regulation directly relating to matters within the scope of representation proposed to be adopted by the governing body or the designated boards and commissions.

This bill would require the governing body of a public agency, and boards and commissions designated by law or by the governing body of a public agency, to give the recognized employee organization no less than 120 days' written notice before issuing a request for proposals,

request for quotes, or renewing or extending an existing contract to perform services that are within the scope of work of the job classifications represented by the recognized employee organization. The bill would require the notice to include specified information, including the anticipated duration of the contract. The bill would also require the public agency, if an emergency or other exigent circumstance prevents the public agency from providing the written notice described above, to provide as much advance notice as is practicable under the circumstances. If the recognized employee organization demands to meet and confer within 30 days of receiving the written notice, the bill would require the public agency and recognized employee organization to promptly meet and confer in good faith, as specified. By imposing new duties on local public agencies, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement shall be made pursuant to these statutory provisions for costs mandated by the state pursuant to this act, but would recognize that a local agency or school district may pursue any available remedies to seek reimbursement for these costs.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 3504.1 is added to the Government Code,
- 2 immediately following Section 3504, to read:
- 3 3504.1. (a) Except as provided in subdivision (c), the
- 4 governing body of a public agency, and boards and commissions
- 5 designated by law or by the governing body of a public agency,
- 6 shall give the recognized employee organization no less than 120
- 7 days' written notice before issuing a request for proposals, request
- 8 for quotes, or renewing or extending an existing contract, to
- 9 perform services that are within the scope of work of the job
- 10 classifications represented by the recognized employee
- 11 organization.
- 12 (b) The written notice specified in subdivision (a) shall include
- 13 all of the following:

1 (1) The anticipated duration of the contract.

2 (2) The scope of work under the contract.

3 (3) The anticipated cost of the contract.

4 (4) The draft solicitation, or if not yet drafted, any information
5 that would normally be included in a solicitation.

6 (5) The reason the public agency believes the contract is
7 necessary.

8 (c) If an emergency or other exigent circumstance prevents the
9 public agency from providing the amount of notice required by
10 subdivision (a), the public agency shall provide as much advance
11 notice as is practicable under the circumstances.

12 (d) If the recognized employee organization demands to meet
13 and confer within 30 days of receiving the written notice, the public
14 agency and recognized employee organization shall promptly meet
15 and confer in good faith relating to the public agency's proposed
16 decision to enter into the contract and any negotiable effects
17 thereof.

18 (e) At the request of the exclusive representative, the parties
19 shall reopen negotiations on all or a part of a memorandum of
20 understanding to reach a mutual agreement concerning the subjects
21 set forth in subdivisions (a) and (b).

22 (f) (1) This section shall not diminish any rights of an employee
23 or recognized employee organization provided by law or a
24 memorandum of understanding.

25 (2) This section shall not invalidate any provision of a
26 memorandum of understanding in effect on the operative date of
27 this section.

28 SEC. 2. No reimbursement shall be made pursuant to Part 7
29 (commencing with Section 17500) of Division 4 of Title 2 of the
30 Government Code for costs mandated by the state pursuant to this
31 act. It is recognized, however, that a local agency or school district
32 may pursue any remedies to obtain reimbursement available to it
33 under Part 7 (commencing with Section 17500) and any other law.