

**ASSEMBLY BILL**

**No. 288**

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**Introduced by Assembly Member McKinnor**

January 22, 2025

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An act to amend Section 3558 of the Government Code, relating to public employment.

LEGISLATIVE COUNSEL’S DIGEST

AB 288, as introduced, McKinnor. Public employment: labor relations: employee information.

Existing law requires certain public employers to provide labor representatives with the names and addresses of newly hired employees, as well as related information, within 30 days of hire or by the first pay period of the month following hire. Existing law also requires the public employers to provide this information for all employees in a bargaining unit at least every 120 days, as specified.

Existing law, operative July 1, 2022, authorizes an exclusive representative to file a charge of an unfair labor practice with the Public Employment Relations Board alleging a violation of the above provisions only after certain requirements have been met.

This bill would delete the above reference to the July 1, 2022, operative date in those provisions.

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

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

1     SECTION 1. Section 3558 of the Government Code is amended  
2     to read:

1     3558. (a) Subject to the exceptions provided here, the public  
2 employer shall provide the exclusive representative with the name,  
3 job title, department, work location, work, home, and personal  
4 cellular telephone numbers, personal email addresses on file with  
5 the employer, and home address of any newly hired employee  
6 within 30 days of the date of hire or by the first pay period of the  
7 month following hire, and the public employer shall also provide  
8 the exclusive representative with a list of that information for all  
9 employees in the bargaining unit at least every 120 days unless  
10 more frequent or more detailed lists are required by an agreement  
11 with the exclusive representative. The information identified in  
12 this section shall be provided to the exclusive representative  
13 regardless of whether the newly hired public employee was  
14 previously employed by the public employer. The information  
15 under this section shall be provided in a manner consistent with  
16 Section 7928.300 and in a manner consistent with Section 6207  
17 for a participant in the address confidentiality program established  
18 pursuant to Chapter 3.1 (commencing with Section 6205) of  
19 Division 7. The provision of information under this section shall  
20 be consistent with the employee privacy requirements described  
21 in *County of Los Angeles v. Los Angeles County Employee*  
22 *Relations Com.* (2013) 56 Cal.4th 905. This section does not  
23 preclude a public employer and exclusive representative from  
24 agreeing to a different interval within which the public employer  
25 provides the exclusive representative with the name, job title,  
26 department, work location, work, home, and personal cellular  
27 telephone numbers, personal email addresses, and home address  
28 of any newly hired employee or member of the bargaining unit.

29     (b) An exclusive representative may file a charge of an unfair  
30 labor practice, pursuant to subdivision (d), alleging a violation of  
31 subdivision (a) only after the following requirements have been  
32 met:

33     (1) The aggrieved exclusive representative gives written notice  
34 to the public employer, or a designated representative of the public  
35 employer, of an alleged violation of subdivision (a), including the  
36 facts and theories to support the alleged violation. The designated  
37 representative to receive written notice of an alleged violation of  
38 subdivision (a) shall be the proper recipient under Public  
39 Employment Relations Board regulations for filing or service of  
40 Public Employment Relations Board matters.

1 (2) The public employer fails to comply with the requirements  
2 prescribed in subdivision (c), if applicable.

3 (c) (1) If the alleged violation is that a public employer has  
4 provided an inaccurate or incomplete list of employees to the  
5 exclusive representative, the public employer has 20 calendar days  
6 to cure the alleged violation by complying with the requirements  
7 of this subdivision. For purposes of this subdivision, a cure is the  
8 provision of an accurate and complete list to the exclusive  
9 representative. The opportunity to cure does not apply to any other  
10 violation of subdivision (a), including, but not limited to, the failure  
11 to submit a list of newly hired employees or a list of bargaining  
12 unit members within the time periods prescribed by subdivision  
13 (a). The public employer shall give written notice by either certified  
14 mail or electronically within the 20-calendar day period to the  
15 applicable exclusive representative of the actions taken. The  
16 aggrieved exclusive representative may file an unfair practice  
17 charge with the board if the alleged violation is not cured.

18 (2) A public employer may avail itself of the opportunity to  
19 cure pursuant to this subdivision not more than three times in any  
20 12-month period.

21 (d) (1) Subject to the limit described in paragraph (2) of  
22 subdivision (c) of Section 3555.5, the exclusive representative  
23 may file an unfair practice charge with the Public Employment  
24 Relations Board for violations of subdivision (a), as described in  
25 subdivisions (b) and (c).

26 (2) In addition to any other remedy provided by law, a public  
27 employer found to have violated subdivision (a) shall be subject  
28 to a civil penalty not to exceed ten thousand dollars (\$10,000),  
29 which shall be determined by the Public Employment Relations  
30 Board through application of the following criteria:

31 (A) The public employer's annual budget.

32 (B) The severity of the violation.

33 (C) Any prior history of violations by the public employer.

34 (3) This penalty shall be paid to the General Fund.

35 (4) The Public Employment Relations Board shall award to a  
36 prevailing party attorney's fees and costs that accrue from the  
37 inception of proceedings before the board's Division of  
38 Administrative Law until final disposition of the charge by the  
39 board. The board, however, shall not award attorney's fees and  
40 costs under this section for any proceedings before the board itself

1 that challenge the dismissal of an unfair practice charge by the  
2 board's Office of the General Counsel. If the board initiates  
3 proceedings with a superior court to enforce or achieve compliance  
4 with a board order, or is required to defend a decision of the board  
5 involving this section after a party seeks judicial review, the court  
6 shall award the board attorney's fees and costs if the board is the  
7 prevailing party.

8 ~~(e) The amendments made to this section by the act adding this~~  
9 ~~subdivision shall be operative on July 1, 2022.~~