

AMENDED IN SENATE MARCH 17, 2014

SENATE BILL

No. 979

Introduced by Senator Beall
(Coauthor: Senator Torres)

February 11, 2014

~~An act to amend Section 256 of the Welfare and Institutions Code, relating to juveniles. An act to amend Section 3505.4 of the Government Code, relating to local public employee organizations.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 979, as amended, Beall. ~~Juveniles: juvenile hearing officers. Local public employee organizations: differences: factfinding panel.~~

Existing law, the Myers-Milias-Brown Act, contains provisions that govern collective bargaining of local public employee organizations, and requires the Public Employment Relations Board to, among other things, determine in disputed cases whether a particular item is within or without the scope of representation. Existing law requires the governing body of a local public agency, or those boards, commissions, administrative officers, or other representatives as may be properly designated by law or by a governing body, 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 authorizes an employee organization to request that the parties' differences be submitted to a factfinding panel not sooner than 30 days or more than 45 days following the appointment or selection of a mediator pursuant to the parties' agreement to mediate or a mediation process required by a public agency's local rules. Existing law authorizes an employee organization, if the dispute was not submitted to a mediation, to request that the parties' differences be

submitted to a factfinding panel not later than 30 days following the date that either party provided the other with a written notice of a declaration of impasse. Existing law requires the Public Employment Relations Board to select a chairperson of the factfinding panel within a specified period of time.

This bill would provide that differences under these provisions include those differences that arise from any dispute over any matter within the scope of representation as to which an obligation to meet and confer exists and are not limited to negotiations after impasse after collective bargaining for a new or successor memorandum of understanding.

~~Existing law allows a juvenile hearing officer to hear and dispose of any case in which a minor is alleged to have committed any one of specified misdemeanors or infractions.~~

~~This bill would make a technical, nonsubstantive change to these provisions.~~

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

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

1 *SECTION 1. Section 3505.4 of the Government Code is*
2 *amended to read:*

3 3505.4. (a) (1) The employee organization may request that
4 the parties' differences be submitted to a factfinding panel not
5 sooner than 30 days, but not more than 45 days, following the
6 appointment or selection of a mediator pursuant to the parties'
7 agreement to mediate or a mediation process required by a public
8 agency's local rules. If the dispute was not submitted to mediation,
9 an employee organization may request that the parties' differences
10 be submitted to a factfinding panel not later than 30 days following
11 the date that either party provided the other with a written notice
12 of a declaration of impasse. Within five days after receipt of the
13 written request, each party shall select a person to serve as its
14 member of the factfinding panel. The Public Employment Relations
15 Board shall, within five days after the selection of panel members
16 by the parties, select a chairperson of the factfinding panel.

17 (2) *For the purposes of paragraph (1), differences between the*
18 *parties that are subject to a request by the employee organization*
19 *for submission to a factfinding panel may include differences that*
20 *arise from any dispute over any matter within the scope of*

1 *representation as to which an obligation to meet and confer exists*
2 *under Section 3505 and are not limited to negotiations after*
3 *impasse after collective bargaining for a new or successor*
4 *memorandum of understanding.*

5 (b) Within five days after the board selects a chairperson of the
6 factfinding panel, the parties may mutually agree upon a person
7 to serve as chairperson in lieu of the person selected by the board.

8 (c) The panel shall, within 10 days after its appointment, meet
9 with the parties or their representatives, either jointly or separately,
10 and may make inquiries and investigations, hold hearings, and
11 take any other steps it deems appropriate. For the purpose of the
12 hearings, investigations, and inquiries, the panel shall have the
13 power to issue subpoenas requiring the attendance and testimony
14 of witnesses and the production of evidence. Any state agency, as
15 defined in Section 11000, the California State University, or any
16 political subdivision of the state, including any board of education,
17 shall furnish the panel, upon its request, with all records, papers,
18 and information in their possession relating to any matter under
19 investigation by or in issue before the panel.

20 (d) In arriving at their findings and recommendations, the
21 factfinders shall consider, weigh, and be guided by all the following
22 criteria:

23 (1) State and federal laws that are applicable to the employer.

24 (2) Local rules, regulations, or ordinances.

25 (3) Stipulations of the parties.

26 (4) The interests and welfare of the public and the financial
27 ability of the public agency.

28 (5) Comparison of the wages, hours, and conditions of
29 employment of the employees involved in the factfinding
30 proceeding with the wages, hours, and conditions of employment
31 of other employees performing similar services in comparable
32 public agencies.

33 (6) The consumer price index for goods and services, commonly
34 known as the cost of living.

35 (7) The overall compensation presently received by the
36 employees, including direct wage compensation, vacations,
37 holidays, and other excused time, insurance and pensions, medical
38 and hospitalization benefits, the continuity and stability of
39 employment, and all other benefits received.

(8) Any other facts, not confined to those specified in paragraphs (1) to (7), inclusive, which are normally or traditionally taken into consideration in making the findings and recommendations.

(e) The procedural right of an employee organization to request a factfinding panel cannot be expressly or voluntarily waived.

~~SECTION 1. Section 256 of the Welfare and Institutions Code is amended to read:~~

~~256. Subject to the orders of the juvenile court, a juvenile hearing officer may hear and dispose of any case in which a minor under 18 years of age as of the date of the alleged offense is charged with (1) any violation of the Vehicle Code, except Section 23136, 23140, 23152, or 23153 of that code, not declared to be a felony, (2) a violation of subdivision (m) of Section 602 of the Penal Code, (3) a violation of the Fish and Game Code not declared to be a felony, (4) a violation of any of the equipment provisions of the Harbors and Navigation Code or the vessel registration provisions of the Vehicle Code, (5) a violation of any state or local law relating to traffic offenses, loitering or curfew, or evasion of fares on a public transportation system, as defined by Section 99211 of the Public Utilities Code, (6) a violation of Section 27176 of the Streets and Highways Code, (7) a violation of Section 640 or 640a of the Penal Code, (8) a violation of the rules and regulations established pursuant to Sections 5003 and 5008 of the Public Resources Code, (9) a violation of Section 33211.6 of the Public Resources Code, (10) a violation of Section 25658, 25658.5, 25661, or 25662 of the Business and Professions Code, (11) a violation of subdivision (f) of Section 647 of the Penal Code, (12) a misdemeanor violation of Section 594 of the Penal Code, involving defacing property with paint or any other liquid, (13) a violation of subdivision (b), (d), or (e) of Section 594.1 of the Penal Code, (14) a violation of subdivision (b) of Section 11357 of the Health and Safety Code, (15) any infraction, or (16) any misdemeanor for which the minor is cited to appear by a probation officer pursuant to subdivision (f) of Section 660.5.~~