

The Board of Supervisors

County Administration Building
651 Pine Street, Room 106
Martinez, California 94553

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Contra Costa County



David Twa
Clerk of the Board
and
County Administrator
(925) 335-1900

August 23, 2017

The Honorable Senator Ricardo Lara
Chair, Senate Appropriations Committee
State Capitol Building, Room 2206
Sacramento, CA 95814

RE: **AB 1603 (Ridley-Thomas): Meyers-Milias-Brown Act: Local Public Agencies– OPPOSE**
Hearing Date 8/28/17

Dear Chair Lara and Committee Members:

As Chair of the Contra Costa County Board of Supervisors, I write to express my opposition to AB 1603, which expands the definition of “public employee” in the Meyers-Milias-Brown Act (MMBA).

Specifically, this bill would expand the definition to include persons jointly employed by a public agency and private employer and allow them to join a collective bargaining unit along with permanent agency workers without the consent of the public agency or temporary staffing agency.

This change could cause significant disruption to county public health and behavioral health systems such as the one operated by Contra Costa County due to the many implementation questions that these changes will have on county operations. Each county will undoubtedly have different employee arrangements which will make this bill difficult to implement. For example, a county like ours may have a need for a highly specialized provider, such as a pediatric neurosurgeon, but lacks the ability to attract such an individual due to the county pay scale limitations and thus contracts out. Additionally, the county might only need to hire that provider on an “on – call” basis and finds that having county employment does not work in this situation.

AB 1603 raises numerous questions and concerns for which resolution is elusive such as:

- How to circumvent the exclusive jurisdictional authority of the National Labor Relations Board (NLRB) in matters governing private sector employment and employee rights
- How to circumvent the situation where the “employer of record” is a private sector agency such as a locum, temporary staffing agency or a registry
- How to adjust for physicians and other medical personnel who contract with county hospitals on a part-time basis and retain a private practice as well
- How to distinguish between a contract executed directly with a physician versus a contract executed with an entire physicians group
- How to deal with contracted providers who are only projected to remain until a permanent county employee is recruited and hired

- How to deal with contracts with independent providers or provider groups who contract with multiple counties

Contracts with medical groups are, per the terms of the agreement, not “joint employment arrangements.” In this situation, the contracting agency or medical group is the “employer of record.” Therefore, negotiating with the medical group, a private entity, is clearly within the purview of the NLRB.

As you can hopefully appreciate, despite the author’s positive intentions, AB 1603, and the premise behind it, is fraught with pitfalls, complications and perhaps provisions inconsistent with federal law.

I understand that there may be amendments to this measure. However, it does not yet appear that any of the possible changes would alleviate the concerns this bill raises. For these reasons, I oppose AB 1603. I thank you for your consideration of these comments and urge you to vote “NO” on AB 1603.

Sincerely,



FEDERAL D. GLOVER
Chair, Board of Supervisors

cc: Senator Sebastian Ridley-Thomas
Contra Costa County Legislative Delegation
Members, Board of Supervisors
David Twa, County Administrator
Dr. William Walker, Director of Contra Costa County Health Services
California Association of Public Hospitals and Health Systems
California State Association of Counties