County of Placer
Board of Supervisors

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May 20, 2014

The Honorable Edmund G. Brown Jr.
Governor of California
State Capitol Building
Sacramento, California 95814

RE: AB 2126 (Bonta) – Meyers-Milias-Brown Act as amended on March 26, 2014 – OPPOSE

Dear Governor Brown:

The Placer County Board of Supervisors wishes to express opposition to AB 2126 which places additional constraints on the collective bargaining process for local governments by changing terms of the Meyers-Milias-Brown Act (MMBA), the collective bargaining law that has governed local public agencies since 1968. The MMBA permits each agency to enact its own reasonable rules and regulations for governing employee relations. AB 2126 runs contrary to the central premise of the MMBA when it replaces mutually agreed upon mediation with required mediation if either negotiating party requests it after failing to reach an agreement during the meet and confer process. Placer County is also opposed to broadening the application of the fact-finding process to any dispute over any matter that has an obligation to meet and confer, in lieu of the current application to successor memorandum of understanding agreements.

The Meyers-Milias-Brown Act requires public agencies and employee organizations to meet and confer in good faith regarding wages, hours, and other terms and conditions of employment. Impasse procedures are provided for in mutually-agreed upon rules that guide collective bargaining between our agency and our employee representatives. These procedures are implemented after the agency has consulted in good faith with employee organizations; a collaboration that is designed to foster a positive and mutually beneficial relationship. AB 2126 undermines the constructive bargaining process between the parties when it eliminates the requirement for the parties to mutually agree to mediation. When both parties agree to mediation it is usually because they believe the process can productively resolve a dispute; requiring an unwilling party to go through mediation would be counterproductive and would un-necessarily delay the conclusion of labor negotiations.

This proposed bill will take issues that are non-economic in nature, and that won't benefit from fact-finding, out of the current labor relations process resulting in significant delays to the conclusion of the bargaining process and will not be conducive to good employee relations.

Placer County staff believes that expansion of fact-finding applications and mandatory mediation requirements could add an additional 100 days or more each to the bargaining timeline, a process that can take six months or longer. Further, it is unlikely that there are enough mediators in the state where they could be appointed within five days of request as suggested by the bill, which would result in a backlog of agencies waiting for a mediator and additional costs to PERB if they have to hire private mediators at higher rates.

Placer County does not believe lengthy, drawn-out negotiation periods, and employees working with an expired contract, would promote communication or good employer and employee relations between the County and our employees as intended by the MMBA. We respectfully request withdrawal of AB 2126 as it would increase the cost and time of conducting labor negotiations while at the same time decreasing the fairness of such negotiations and would lead to deteriorating employee relations.

Sincerely,

COUNTY OF PLACER

Jack Duran, Chairman (District 1)
Placer County Board of Supervisors

cc: Senator Ted Gaines
Senator Jim Nielsen
Assembly Member Brian Dahle
Assembly Member Dan Logue
Assembly Member Frank Bigelow
Assembly Member Beth B. Gaines
Peterson Consulting Inc.
California State Association of Counties (CSAC)
Rural County Representatives of California (RCRC)