PERB is holding public meetings on November 8 and November 10, 2011, to consider issues raised by the enactment of AB 646. Specifically, PERB would like to hear comments about issues that might require regulatory action by PERB prior to January 1, 2012, when the legislation takes effect. CALPELRA will attend and participate in those November PERB meetings. When PERB begins the rule making process, CALPELRA will participate by offering suggestions and comments on specific proposed rules and regulations.

Although CALPELRA has not formulated precise positions on potential regulations, CALPELRA provided PERB with a list of questions and a description of areas of the amended MMBA that lack sufficient clarity, in advance of the November 8 and 10, 2011, meetings.

In a letter to PERB Chair Anita Martinez, CALPELRA President Altarine Vernon expressed support for PERB’s interest in identifying issues that require regulatory action prior to the January 1, 2012, effective date of AB 646, and stated, “well designed PERB regulations could provide the necessary clarity and help MMBA jurisdictions and their employee representatives avoid disputes.”

1 California’s Public Employment Relations Board.
President Vernon explained CALPELRA members’ concern about AB 646’s amendments to the MMBA. Her letter stated, “The lack of clarity in some aspects of AB 646’s amendments to the MMBA has created substantial uncertainty among MMBA jurisdictions. CALPELRA members and its Board of Directors would like to avoid unnecessary and costly unfair practices and related litigation caused by the imprecision of the statute.”

President Vernon continued, “In their role as professional management representatives, hundreds of CALPELRA members negotiate under the Meyers-Milias-Brown Act (“MMBA”), and will be the agency negotiators implementing AB 646’s amendments to the MMBA. To make the implementation of AB 646 more successful, CALPELRA would like to help PERB identify issues that require regulatory action, and share its members’ expertise and experiences with PERB to help formulate PERB’s regulations.”

CALPELRA understands that some of its questions could be addressed through legislative action and clarifying amendments to the MMBA. Legislation may require a period of time, however, and may not be completed prior to January 1, 2012, when AB 646 becomes effective. For that reason, CALPELRA supports and encourages PERB’s interest in considering regulatory action prior to the implementation of AB 646.

PERB is also holding a public meeting on November 29, 2011, in Sacramento. On November 29, 2011, in Monterey, California, CALPELRA is offering its Labor Relations Academy on AB 646, entitled, “Academy 9: The Road Ahead: New Impasse Issues – Impasse Declaration, Mediation, Factfinding, Post-Factfinding, Revival Of Negotiations, Unilateral Adoption.” We hope to see you at this Academy and at our Annual Conference on November 30, December 1, and December 2, 2011.

2 Governor Brown signed AB 646 amending the MMBA. The MMBA now establishes mandatory factfinding for local agencies that have reached negotiations impasse if the union requests factfinding. AB 646 requires factfinding very similar to the procedures required for education employers under the EERA and for higher education employers under HEERA.