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SAN BERNARDINO

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GREGORY C. DEVEREAUX
Chief Executive Officer

April 9, 2014

The Honorable Rob Bonta,
California State Assembly
State Capitol, Room 6025
Sacramento, CA 95814

RE: AB 2126 (Bonta) – as amended March 26, 2014 - OPPOSE

Dear Assemblymember Bonta,

The County of San Bernardino opposes AB 2126, which would ignore decades of local rulemaking on collective bargaining procedures. The bill would allow either the employer or employee to request mediation after failing to reach agreement during the meet and confer process, and it would provide that fact finding can be requested for any dispute over any matter within the scope of representation where there is an obligation to meet and confer. AB 2126 runs contrary to the central premise of the Meyers-Milias-Brown Act (MMBA)—the collective bargaining law that has governed local public agencies since 1968 and permits each to enact its own reasonable rules and regulations for governing employee relations.

Impasse procedures are usually provided for in mutually agreed upon rules and regulations that guide collective bargaining between a local agency and its employee representatives. Those procedures are put in place after consulting in good faith with employee organizations. Such collaboration fosters a positive and mutually beneficial relationship. AB 2126 eradicates the requirement for both parties to agree to mediation, thereby undermining the facilitation of a constructive bargaining process between the parties. We believe the decision whether to enter into mediation should remain a joint decision. 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 a mediation process will likely be unsuccessful as that party knows it has already moved as far as possible towards agreement.

Further, AB 2126 carries significant administrative and cost burdens for local agencies, employee bargaining units and the state. There are 58 counties, 482 cities and more than 2,000 special districts, many with dozens of bargaining units. While some use mediators now, it is unlikely that there are enough mediators in the state to be appointed within five days of request as suggested by the bill. This would inevitably create a backlog of agencies waiting mediators.

AB 2126 additionally broadens the application of factfinding to anything in the scope of representation where there is an obligation to meet and confer. The bill would take issues that are non-economic in nature and that won't benefit from factfinding out of management's hands, and it would drastically increase delays in the bargaining process.

It currently takes an average of 85 days for the Public Employment and Relations Board (PERB) to appoint a factfinding chair and issue a decision. This is due to the formalization of the factfinding process by unions and the lack of schedule flexibility for available PERB factfinders.

For the above reasons, the County of San Bernardino respectfully opposes AB 2126. If you have any questions please do not hesitate to contact Josh Candelaria, Director of Governmental and Legislative Affairs, at (909) 387-4821.

Sincerely,

A handwritten signature in blue ink that reads "Janice Rutherford". The signature is written in a cursive style with a large initial "J".

JANICE RUTHERFORD
Board of Supervisors Chair
Second District Supervisor
County of San Bernardino

c: Members and Consultants, Public Employees, Retirement and Social Security Committee
County of San Bernardino Legislative Delegation