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September 11, 2014

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

RE: AB 2126 (Bonta) – REQUEST FOR VETO

Dear Governor Brown,

The County of San Bernardino respectfully requests your veto of AB 2126. This legislation would allow either the employer or employee to request mediation after failing to reach agreement during the meet and confer process and provides that fact finding can be requested from 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 toward 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 over 2000 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, creating an inevitable backlog of agencies waiting for a mediator.

AB 2126 additionally broadens the application of factfinding to anything within the scope of representation where there is an obligation to meet and confer. Not only does this proposal take issues that are non-economic in nature and that won't benefit from factfinding out the hands of management, 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 fact-finding chair and issue of a decision. This is due to the formalization of the fact-finding process by unions and the lack of schedule flexibility for the available PERB fact finders.

For the above reasons the County of San Bernardino respectfully requests you veto 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 or jcandelaria@sbcountry.gov.

Sincerely,



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

c: The Honorable Rob Bonta, California State Assembly