AMENDMENTS TO ASSEMBLY BILL NO. 1948

Amendment 1
In the title, in line 1, after the first “to” insert:

amend Section 3513 of, and to add Section 3513.5 to, the Government Code, and to

Amendment 2
In the title, in line 1, after “Sections” insert:

235, 236,

Amendment 3
In the title, in line 1, after “501” insert a comma

Amendment 4
On page 1, before line 1, insert:

SECTION 1. Section 3513 of the Government Code, as amended by Section 3 of Chapter 183 of the Statutes of 2007, is amended to read:

3513. As used in this chapter:
(a) “Employee organization” means any organization that includes employees
of the state and that has as one of its primary purposes representing these employees
in their relations with the state.
(b) “Recognized employee organization” means an employee organization that
has been recognized by the state as the exclusive representative of the employees in
an appropriate unit.
(c) “State employee” means any civil service employee of the state, and the
teaching staff of schools under the jurisdiction of the State Department of Education
or the Superintendent of Public Instruction, except managerial employees, confidential
employees, supervisory employees, employees of the Department of Personnel
Administration Human Resources, professional employees of the Department of Finance
engaged in technical or analytical state budget preparation other than the auditing staff,
professional employees in the Personnel/Payroll Services Division of the Controller’s
office engaged in technical or analytical duties in support of the state’s personnel and
payroll systems other than the training staff, employees of the Legislative Counsel
Bureau, employees of the Bureau of State Audits, employees of the office of the
Inspector General, employees of the board, conciliators employed by the State
Conciliation Service within the Department of Industrial Relations, employees of the
Office of the State Chief Information Officer except as otherwise provided in Section
11546.5, and intermittent athletic inspectors who are employees of the State Athletic
“State employee” also means a nonsupervisory employee of the Legislature.

(d) “Mediation” means effort by an impartial third party to assist in reconciling a dispute regarding wages, hours, and other terms and conditions of employment between representatives of the public agency and the recognized employee organization or recognized employee organizations through interpretation, suggestion, and advice.

(e) “Managerial employee” means any employee having significant responsibilities for formulating or administering agency or departmental policies and programs or administering an agency or department.

(f) “Confidential employee” means any employee who is required to develop or present management positions with respect to employer-employee relations or whose duties normally require access to confidential information contributing significantly to the development of management positions.

(g) “Supervisory employee” means any individual, regardless of the job description or title, having authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them, or to adjust their grievances, or effectively to recommend this action, if, in connection with the foregoing, the exercise of this authority is not of a merely routine or clerical nature, but requires the use of independent judgment. Employees whose duties are substantially similar to those of their subordinates shall not be considered to be supervisory employees.

(h) “Board” means the Public Employment Relations Board. The Educational Employment Relations Board established pursuant to Section 3541 shall be renamed the Public Employment Relations Board as provided in Section 3540. The powers and duties of the board described in Section 3541.3 shall also apply, as appropriate, to this chapter.

(i) “Maintenance of membership” means that all employees who voluntarily are, or who voluntarily become, members of a recognized employee organization shall remain members of that employee organization in good standing for a period as agreed to by the parties pursuant to a memorandum of understanding, commencing with the effective date of the memorandum of understanding. A maintenance of membership provision shall not apply to any employee who within 30 days prior to the expiration of the memorandum of understanding withdraws from the employee organization by sending a signed withdrawal letter to the employee organization and a copy to the Controller’s office.

(j) “State employer,” or “employer,” for the purposes of bargaining or meeting and conferring in good faith, means the Governor or his or her designated representatives.

(k) “Fair share fee” means the fee deducted by the state employer from the salary or wages of a state employee in an appropriate unit who does not become a member of and financially support the recognized employee organization. The fair share fee shall be used to defray the costs incurred by the recognized employee organization in fulfilling its duty to represent the employees in their employment relations with the state, and shall not exceed the standard initiation fee, membership dues, and general assessments of the recognized employee organization.

SEC. 2. Section 3513.5 is added to the Government Code, to read:
3513.5. The Legislature shall grant exclusive or majority recognition to an employee organization of nonsupervisory employees of the Legislature based on a signed petition, authorization cards, or union membership cards showing that a majority of the employees in an appropriate bargaining unit desire the representation.

SEC. 3. Section 235 is added to the Labor Code, to read:

235. An employer shall provide to a full-time employee seven hours of paid sick leave per month. An employer shall provide to a part-time employee who works at least 17.5 hours paid sick leave on a pro rata basis. An employer shall permit an employee to accumulate the sick leave required by this section from year to year, and from one position to another, with the same employer.

SEC. 4. Section 236 is added to the Labor Code, to read:

236. (a) An employer shall provide to each employee up to three days of paid bereavement leave following a death in the employee’s family or immediate household, as defined by the Labor Commissioner. An employer shall provide an additional two days of leave, which may be charged to the employee’s sick leave or vacation credits, if any.

(b) The Labor Commissioner shall implement, administer, and enforce this section.

Amendment 5
On page 1, strike out line 1, in line 1, strike out “SECTION 1.” and insert:

SEC. 5.

Amendment 6
On page 2, in line 3, strike out “SEC. 2.” and insert:

SEC. 6.

Amendment 7
On page 2, in line 6, strike out “SEC. 3.” and insert:

SEC. 7.

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