

AB 537 – AMENDMENT TO THE MYERS-MILLIAS-BROWN ACT (MMBA)

SUMMARY OF THE ISSUE

The proposed amendment to MMBA would result in a number of changes to collective bargaining and impasse procedures:

1. Makes mediation a mandatory procedure whenever either party requests it;
2. Prohibits employers from restricting communication between local agency representatives and employee representatives as part of labor negotiation ground rules;
3. Binds the governing body to any tentative agreement reached by the bargaining representatives;
4. Makes three changes related to arbitration: a) applies the provisions of the California Arbitration Act to the enforcement of arbitration agreements under the MMBA; b) prohibits a rejection of a request for arbitration due to procedural challenges (timelines, failure to exhaust pre-arbitration remedies); and c) makes an agreement to arbitrate a dispute enforceable, even if the conduct in question may also constitute an unfair labor practice.
5. Requires “meet and confer” over local rules rather than “consultation” and subjects an impasse over local rules to fact finding procedures.

PUBLIC BENEFIT/IMPACT

The Bill ignores decades of local rulemaking on collective bargaining impasse procedures by requiring mediation when either party requests it. This would result in lengthy, drawn out negotiations and employees working with expired contracts (#1 above). Contrary to understood rules on direct dealing, prohibiting employers from restricting communication (#2 above) is a one-sided change in that the Bill does not prohibit the union from seeking a ground rule that the employer cannot communicate directly with employees. Binding a governing body to the negotiated tentative agreement is a one-sided change that does not bind the unions to the agreement until employees ratify (#3 above). Changes related to arbitration further erode local rulemaking and previously negotiated understandings regarding how and when arbitration is used and the extent to which it is binding or non-binding (#4 above). Requiring formal “meet and confer” over the County’s local rules and making it subject to impasse and fact finding procedures will make changes to local rules more difficult and potentially, a long and drawn out process to achieve.

COST TO GOVERNMENT

Costs cannot be estimated at this time; however, the changes to MMBA and the built-in procedures will require additional staff time to bring matters to resolution.

REQUESTED ACTION AND STRATEGY

Oppose; recommend correspondence from the County of Santa Barbara opposing.

CONTACT

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