

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: June 17, 2008
POSITION: Oppose
SPONSOR: California Professional Firefighters

BILL NUMBER: SB 1296
AUTHOR: E. Corbett

BILL SUMMARY: Public Emp. Relations Board: Scope of Jurisdiction

The Meyers-Milias-Brown Act (MMBA) delegates jurisdiction to the Public Employment Relations Board (PERB) to resolve disputes and enforce the statutory duties and rights of local public agency employers and employees. This bill limits the scope of PERB's jurisdiction over interest arbitration when the action involves an employee organization that represents firefighters.

FISCAL SUMMARY

PERB indicates this bill would have a minimum fiscal effect. Over the past seven years, PERB has heard approximately three interest arbitration cases involving an employee organization representing firefighters.

COMMENTS

The Department of Finance is opposed to this bill because it would establish a dispute resolution process for firefighters and it would limit the scope of PERB's jurisdiction.

City and county representatives are in opposition to this bill and argue this bill "is inconsistent with City of San Jose v. Operating Engineers Local Union No. 3 (2008) 160 Cal.App.4th 951, which ruled PERB has the initial exclusive jurisdiction over strikes involving employees covered by the MMBA, and that the employer must exhaust its administrative remedies with PERS before going to Superior Court."

Code/Department Agency or Revenue Type	SO LA CO RV	PROP 98	FC	(Fiscal Impact by Fiscal Year)						Fund Code
				2007-2008		2008-2009		2009-2010		
				FC	FC	FC	FC			
8320/Employ Rel	SO	No		----- No/Minor Fiscal Impact -----						0001

Analyst/Principal (0931) K. Martone	Date	Program Budget Manager Diana Ducay	Date
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Department Deputy Director	Date
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Governor's Office:	By:	Date:	Position Approved _____
			Position Disapproved _____

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