



# State Legislative Committee Meeting Agenda

April 18, 2024  
2:00 p.m. – 3:00 p.m.

## Agenda Items

## Recommended Action

1. Chair's Report	Information
2. Other Legislation	
• <a href="#"><u>SB 1116 (Portantino) Unemployment Benefits.</u></a>	Oppose
• <a href="#"><u>AB 2503 (Lee) CEQA Exemption for Railroad Electrification.</u></a>	Support
• <a href="#"><u>AB 2751 (Haney) Employer Communications.</u></a>	Information
3. Discuss Sponsored Legislation	Discuss
4. Discuss TIRCP Comment Letter	Support
5. Update on Early Action Budget	Information
6. Reminders	
7. Other Business	
8. <a href="#"><u>Association's Bill Matrix</u></a>	
9. Adjourn	



## **SB 1116 (Portantino) Unemployment Insurance.**

**Purpose:** This bill would provide unemployment benefits for an employee who has been on strike for more than two weeks. This bill would also clarify that employees who have experienced a lockout, as defined, would receive unemployment benefits.

**Background:** This bill is an exact reintroduction of SB 799 (Portantino) from the first year of the 2023-24 legislative session, which the Association opposed. Current law specifies that unemployment insurance benefits are intended to support employees who have been forced to leave their place of employment, and were not made available to employees who have willfully entered into a trade dispute. Current law also specifies that employees who have left work due to a lockout are eligible for unemployment benefits.

In addition to the Association's opposition, SB 799 garnered opposition from several local government organizations including the California State Association of Counties (CSAC), Rural County Representatives of California (RCRC), and League of California Cities, among several others. The bill progressed through the Legislature before being vetoed by Governor Newsom.

**Impact:** SB 1116 would require employers to provide striking employees with unemployment benefits beginning two weeks after the start of a strike. Because unemployment benefits are not meant to be collected by employees that are still employed, allowing striking employees to benefit from unemployment payments would undoubtedly increase Unemployment Insurance (UI) Fund debt. This would ultimately raise costs for public employers who pay into their respective Unemployment Insurance Reserve Accounts, by which the UI Fund is subsidized.

**Recommendation:** The Committee voted to oppose SB 799 in 2023 due to the cost implications the bill would have on employers. As this bill is an exact reintroduction of SB 799, Association staff once again recommends the Committee **OPPOSE** this bill.

**Status:** This bill is set to be heard in the Senate Labor, Public Employment, and Retirement Committee on April 24.



**AB 2503 (Lee)  
CEQA Exemption for Railroad Electrification.**

**Purpose:** This bill would expand existing CEQA exemptions to include public projects for the institution or increase of other passenger rail service, which will be exclusively used by zero emission trains on existing public rights-of-way or existing highway rights-of-way. This bill is targeted at providing a CEQA exemption for catenary power systems.

**Background:** This bill is an extension of a prior Association co-sponsored measure, SB 922 (Wiener), which was signed by Governor Newsom in 2022. SB 922 made clarifying changes to, and slightly modified, the existing statutory CEQA exemptions for clean transportation projects. The bill also extended the sunset date of existing exemptions from 2023 to 2030. Projects encompassed within this bill include development of new bus rapid transit project, expansions of bus or light-rail services, projects for pedestrian and bicycle facilities, and charging and refueling infrastructure necessary to support the deployment of zero-emission buses, locomotives, and ferries, among other things. Although many rail electrification projects may utilize a CEQA exemption under SB 922, the legislation did not explicitly extend a CEQA exemption to catenary power systems.

**Impact:** AB 2503 would expand statutory CEQA exemptions, allowing more rail electrification projects to be streamlined. Rail agencies would be granted the same exemption benefits that many other transit agencies currently receive, aiding in faster electrified rail project delivery.

**Recommendation:** Association staff brought this bill before the Committee recently to discuss the bill's purpose and recent amendments. As agreed upon by Committee members, AB 2503 would have an overall positive impact on transit agencies. Noting the January 1, 2024 start date of In-Use Locomotive Regulation, which requires passenger locomotives built in 2030 or later to operate in zero-emissions configurations, rail agencies would benefit greatly from the parity this bill provides. For these reasons, Association staff recommends the Committee **SUPPORT** this bill.

**Status:** This bill was referred to the Assembly Appropriations Committee on April 15.



April 10, 2024

The Honorable Matt Haney  
California State Assembly  
1021 O Street, Suite 5740  
Sacramento, CA 95814

Re: **AB 2751 (Haney): Employer communications during nonworking hours  
As amended 3/21/24 – OPPOSE  
Set for hearing 4/17/24 – Assembly Labor and Employment Committee**

Dear Assembly Member Haney:

On behalf of the Urban Counties of California (UCC), the Rural County Representatives of California (RCRC), the California State Association of Counties (CSAC), the League of California Cities (CalCities), the California Special Districts Association (CSDA), and the Association of California School Administrators (ACSA), we write to express our opposition to your Assembly Bill 2751, a measure that would prohibit communication between employers and employees outside of an ambiguous definition of “emergency”. Even though the bill is clearly intended to apply to public agency employers, AB 2751 raises considerable concerns, questions, and potential unintended consequences for counties, cities, and special districts and our employees. As a result, the measure has the potential to create significant uncertainty regarding the delivery of important local programs and services.

As you know, the provision of government services is a 24-hour, 7-day per week obligation. Local agencies construct their employee work periods in a collaborative manner through the collective bargaining process with duly recognized employee organizations. Those negotiations result in collective bargaining agreements that outline the terms of employment, including pay, benefits, hours, leave, job health and safety policies, as well as ways to balance work and home obligations. Even though it exempts employees subject to a collective bargaining agreement, AB 2571 would likely require reopening such agreements to negotiate new provisions associated with establishing contact outside of work hours. Further, local agencies also have employees that are not subject to a collective bargaining agreement; often these individuals have management or director responsibilities that facilitate and direct departmental activities which are inherently different from the activities of other types of employees. Other agencies, particularly smaller agencies, may not have collective bargaining agreements, or have collective bargaining agreements covering a portion of employees, while still providing important services in their communities. Agreements with these non-represented employees would also have to be amended to accommodate the provisions of the measure. AB 2751’s blanket prohibition puts a “one size fits all” approach that may not be appropriate for the government sector as it creates burdensome challenges for ensuring suitable service levels around the clock, and has implications for represented and non-represented employees.

There are also a number of new definitions and references in AB 2751 that are vague and confusing. For example, we are unclear as to who is considered an “employer” and “employee” under the measure. Managers, directors, and other appointed and/or elected officials may run individual

agency departments, while the local governing body – who are clearly not employees – sets policy and direction for the local agency. Who is to assume responsibility for contacting which employees if contact is necessary after hours? The bill also does not appear to address “on-call” employees, who do not necessarily have assigned hours of work. The lack of clarity in the measure will undoubtedly create considerable challenges for public agency employers and, in doing so, potentially undermine the provision of public services.

In addition, pursuant to the California Emergency Services Act, any person employed by a county, city, state agency, or school district or special district in California is a public employee and considered a disaster service worker. This means that all public employees may be required to serve as disaster service workers in support of government efforts for disaster response and recovery efforts. AB 2751 is sufficiently vague regarding such obligations as to raise questions about how disaster service workers would be contacted outside of their normal work period for this purpose. If employees must “disconnect,” how may they be reached in an emergency? How would local agencies ensure that they have access to sufficient personnel to respond to an emergency? Also, the definition of “emergency” is likely to result in a difference of opinion as to what constitutes an emergency, creating additional confusion at what will likely be the most inopportune time.

While we appreciate the goal of ensuring that employees are able to have time for themselves and their families, we respectfully suggest that the provisions of AB 2751 are problematic for local public agencies, their employees, and the communities we serve. As a result, we are opposed to AB 2751. If you have questions about our position, please do not hesitate to reach out.

Sincerely,



Jean Kinney Hurst  
Legislative Advocate  
Urban Counties of California



Aaron Avery  
Director of State Legislative Affairs  
California Special Districts Association



Dorothy Johnson  
Legislative Advocate  
Association of California School Administrators



Johnnie Pina  
Legislative Affairs, Lobbyist  
League of California Cities



Kalyn Dean  
Legislative Advocate  
California State Association of Counties



Sarah Dukett  
Policy Advocate  
Rural County Representatives of California

cc: The Honorable Liz Ortega, Chair, Assembly Labor and Employment Committee  
Members and Consultants, Assembly Labor and Employment Committee