

INITIAL STATEMENT OF REASONS

The changes proposed to the regulations of the Public Employment Relations Board (PERB or Board) are intended, in general, to provide more clarity and more transparency in the Board's processes, and to make PERB's procedures more accessible to affected members of the public.

The area of change concerns the appealability of a Board agent's determination as to the sufficiency of a factfinding request made pursuant to the Meyers-Milias-Brown Act (MMBA). This change deletes the regulation text that prohibits an appeal of a determination on the sufficiency of a factfinding request made pursuant to the MMBA. This appeal right provides a direct and expeditious avenue to efficiently address issues pertinent to these determinations. In the past, PERB has provided similar appeal rights for sufficiency of impasse determinations under other PERB-administered statutes. After developing a body of precedent, PERB then eliminated the appealability of such determinations under those other PERB-administered statutes. Here, PERB believes that developing precedent relating to MMBA factfinding requests would be useful to the parties, providing clarity and guidance for future matters. The intent here is to provide parties with the ability to appeal determinations on the sufficiency of a factfinding request to the Board itself so that the Board can develop useful precedent to guide the parties in the future.

Section by Section

Section 32147 provides that the processing of certain matters may be expedited. The only proposed change here is to add "32802" to subdivision (a), which would allow for expediting an appeal to the Board of a determination as to whether a request for factfinding under the MMBA was sufficient.

Section 32380 provides a list of administrative decisions that shall not be appealable to the Board. The only proposed change here is to delete subdivision (d), which currently prohibits an appeal of a Board agent's determination as to the sufficiency of a request for factfinding under the MMBA.

Section 32802 provides for the process of requesting factfinding under the MMBA. The only proposed change here is to delete subdivision (e), which currently states that a determination as to whether a request for factfinding is sufficient shall not be appealable to the Board itself.

ANTICIPATED BENEFITS OF THE PROPOSED REGULATIONS

These regulations and changes will improve the public sector labor environment and the collective bargaining process by clarifying PERB procedures, and by making the Board's processes more transparent and accessible. These proposed regulations would provide parties with the ability to appeal a Board agent's determination of the sufficiency of MMBA factfinding requests—the benefit being the development of precedent to further guide parties and the quick and efficient resolution of pertinent matters.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS

PERB has not identified any alternatives that would lessen any adverse impact on small business and has not identified any adverse impacts on small businesses as a result of these proposed regulations.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS RELIED UPON, ECONOMIC IMPACT ASSESSMENT

PERB did not rely upon any technical, theoretical, or empirical studies, report or documents in proposing the adoption of these regulations. The adoption of the proposed amendments and sections will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California. The adoption of the proposed amendment will benefit public employers, employees, employees' representatives and the community at-large by further facilitating the resolution of public sector labor disputes by clarifying PERB procedures, making the Board's processes more transparent and accessible. In so doing, California residents' welfare will receive the benefit of stable collective bargaining and dispute resolution, which translates to continuous delivery of the essential services that these employers and employees provide to California communities. PERB will continue to investigate the potential for economic impact through this rulemaking process.

MANDATED USE OF SPECIFIC TECHNOLOGIES OR EQUIPMENT

PERB's proposed regulations do not mandate the use of any specific technologies or equipment.