

SCHOOL AND COLLEGE LEGAL SERVICES *of California*

*A Joint Powers Authority serving school and
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LEGAL UPDATE

General Counsel
Carl D. Corbin

Attorneys
Monica D. Batanero
Nancy L. Klein
Margaret M. Merchat
Mia N. Robertshaw
Loren W. Soukup
Patrick C. Wilson
Frank Zotter, Jr.

For For For For For
Susanne K. Reed
(1947 – 2010)

Reply to:
Santa Rosa Office
5350 Skylane Blvd.
Santa Rosa, CA 95403
(707) 524-2690
Fax: (707) 578-0517
santarosa@sclscal.org

Of Counsel

Robert J. Henry
Janna L. Lambert
Virginia A. Riegel

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To: Superintendents, Member School Districts (K-12)

From: Mia N. Robertshaw, Schools Legal Counsel *MNR*

**Subject: Collective Bargaining – Notice to Representative
Memo No. 31-2014**

Pursuant to Assembly Bill (“AB”) 1611, effective January 1, 2015, public school employers must provide reasonable written notice to the employees’ exclusive representative when the employers intend to change any matter within the scope of representation. The purpose of the notice is to provide the exclusive representative with a reasonable amount of time to negotiate the proposed changes.

AB 1611, which Governor Brown signed on September 29, 2014, amends Government Code section 3543.2. Government Code section 3543.2 establishes the scope of the exclusive representation of public school employees to include:

[W]ages, hours of employment, and other terms and conditions of employment. “Terms and conditions of employment” mean health and welfare benefits as defined by Section 53200, leave, transfer and reassignment policies, safety conditions of employment, class size, procedures to be used for the evaluation of employees, organizational security..., procedures for processing grievances..., the layoff of probationary certificated school district employees, ... and alternative compensation or benefits for employees adversely affected by [specific] pension limitations.

The legislation requires that public school employers provide reasonable written notice of their intent to make any changes to any matters within this scope of bargaining, which has been interpreted broadly. Public school employers intending to implement changes to the terms and conditions of employment should provide written notice to the employees' exclusive representative, leaving sufficient time to negotiate the proposed change if necessary. Districts should consult with legal counsel regarding any questions as to the scope of representation or reasonable notice.

Please contact our office with questions regarding this Legal Update or any other legal matter.

The information in this Legal Update is provided as a summary of law and is not intended as legal advice. Application of the law may vary depending on the particular facts and circumstances at issue. We, therefore, recommend that you consult legal counsel to advise you on how the law applies to your specific situation.

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