

**PUBLIC NOTICE**  
**Regular Business Meeting Agenda**  
**Public Employment Relations**  
**Board October 11, 2018 - 10:00 a.m.**

**LOCATION:** Public Employment Relations Board \*  
1031 18th Street, First Floor, Room 103, Sacramento, CA

1. Roll Call.
2. Adoption of Minutes. August 9, 2018 Meeting
3. Public Comment. This is an opportunity for the public to address the Board on issues not scheduled on today's agenda. The Board cannot act on those items but may refer matters to staff for review and possible Board action at a future, publicly noticed meeting.
4. Staff Reports. The following Reports will be received. Any matter requiring Board action, and not included on this agenda, will be calendared for a subsequent public Board meeting.
  - A. Division of Administration
  - B. Office of General Counsel
  - C. Legislative/Rulemaking
  - D. Division of Administrative Law
  - E. State Mediation and Conciliation Service
5. Old Business:
  - A. PERB Case Processing Efficiency Initiative (Update)
6. New Business:
  - A. Budget Update: Review, consideration, and possible action regarding PERB's Budget:
    - a. Fiscal Year 2018-2019 Budget Projection
    - b. Fiscal Year 2018-2019 Budget Projection Update
  - B. Regulations. Consideration of approval for submitting a proposed rulemaking package to the Office of Administrative Law in order to initiate the formal rulemaking process regarding (i) implementation of the Public Employee Communication Chapter (PECC) as amended, (ii) implementation of the Prohibition on Deterring and Discouraging Union Membership Chapter, and (iii) permitting the Board to designate as non-precedential any decision(s), or any part(s) thereof. If authorized by the Board, the rulemaking package, including Notice of Proposed Rulemaking, Proposed Text, and Initial Statement of Reasons, will be

*\*This meeting is accessible to the physically disabled. A person who needs disability-related accommodations or modifications in order to participate in the meeting shall make a request no later than five working days before the meeting to the Board by contacting Cheryl Shelly at (916) 322-8231 or sending a written request to Ms. Shelly at PERB, 1031 18th Street, Sacramento, California 95811. Requests for further information should also be directed via telephone or writing to Ms. Shelly. Additional information is also available on the internet at [www.perb.ca.gov](http://www.perb.ca.gov).*

forwarded to the Office of Administrative Law for review and publication pursuant to the Administrative Procedures Act. In addition, the Notice of Proposed Rulemaking would be distributed by PERB to interested parties and posted on the PERB website.

- C. Consideration by the Board of the Office of the General Counsel's recommendation to delegate its authority and power under Government Code, section 3541.3, subdivisions (h) and (i), to investigate and conduct hearings on alleged violations of the Public Employee Communications Chapter (PECC) (Gov. Code, § 3555 et seq.), and the Prohibition on Deterring and Discouraging Union Membership Chapter (Gov. Code, § 3550 et seq.).
- D. Follow-up to *Janus v. AFSCME Council 31*. The General Counsel will ask the Board to take formal action approving the General Counsel's decision that, in the wake of *Janus v. AFSCME Council 31*, PERB no longer enforces, on a prospective basis, any existing statutory or regulatory provision requiring non-members to pay an agency fee without having consented to such a fee. Regulatory and Statutory provisions impacted by this decision include the following:

**PERB Regulations**

32990-32997  
34020-34065  
40400-40430  
51700-51740  
61600-61630  
71700-71740  
81600-81630  
91600-91630

**Educational Employment Relations Act (EERA)**

3540.1 (Partial)<sup>1</sup>  
3543 (Partial)  
3546  
3546.3

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<sup>1</sup> All references herein are to the California Government Code.

**Higher Education Employer-Employee Relations Act (HEERA)**

3583(b)  
3583.5  
3584  
3585 (Partial)

**State Employer-Employee Relation Act (Dills)**

3513(k)  
3515 (Partial)  
3515.7 (Partial)  
3515.8  
3517.8 (Partial)

**Meyers-Millias-Brown Act (MMBA)**

3502.5  
3508.5 (Partial)

**Trial Court Employment Protection and Governance Act (Trial Court Act)**

71632  
71632.5

**Trial Court Interpreter Employment and Labor Relations Act (Court Interpreter Act)**

71814

**The Los Angeles County Metropolitan Transportation Authority  
Transit Employer-Employee Relations Act (TEERA)**

99563.1 (Partial)  
99566.1  
99566.2

**Judicial Council Employer-Employee Relations Act (JCEERA)**

3524.52 (Partial)  
3524.56 (Partial)  
3524.59 (Partial)  
3524.60

3524.67 (Partial)

7. Recess to Closed Session. The Board will meet in a continuous closed session each business day beginning immediately upon recess of the open portion of this meeting through October 11, 2018.

The purpose of these closed sessions will be to deliberate on cases listed on the Board's Docket (Gov. Code sec. 11126(c)(3)), personnel (Gov. Code sec. 11126(a)), pending litigation (Gov. Code sec. 11126(e)(1)), and any pending requests for injunctive relief (Gov. Code sec. 11126(e)(2)(c)).