State of California
Office of Administrative Law

In re:
Public Employment Relations Board

Regulatory Action:

Title 08, California Code of Regulations

Adopt sections:
Amend sections: 32781, 93020
Repeal sections:

NOTICE OF APPROVAL OF CHANGES WITHOUT REGULATORY EFFECT

California Code of Regulations, Title 1, Section 100

OAL Matter Number: 2026-0911-01

OAL Matter Type: Nonsubstantive (N)

In this section 100 action pursuant to California Code of Regulations, title 1, section 100, the Public Employment Relations Board amends its regulations to add lettering to identify subsections.

OAL approves this change without regulatory effect as meeting the requirements of California Code of Regulations, title 1, section 100.

Date: October 20, 2026

Thanh Huynh Digitally signed by Thanh Huynh Date: 2026.10.20 09:19:43 -07'00'

Thanh Huynh
Senior Attorney

For: Kenneth J. Pogue
Director

Original: Susan Davey, Executive Director
Copy: James Coffey

STATE OF CALIFORNIA–OFFICE OF ADMINISTRATIVE LAW

NOTICE PUBLICATION/REGULATIONS SUBMISSION

NONSUBSTANTIVE

Clear Form Print

For use by Secretary of State only

STD. 400 (REV. 10/2019)

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER
	Z-	2026-0911-01	N

For use by Office of Administrative Law (OAL) only

OFFICE OF ADMIN. LAW
2026 SEP 11 PM4:21

NOTICE | REGULATIONS

ENDORSED - FILED
in the office of the Secretary of State
of the State of California

OCT 20 2026

2:03 pm

NM

AGENCY WITH RULEMAKING AUTHORITY: Public Employment Relations Board

AGENCY FILE NUMBER (If any):

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE

3. NOTICE TYPE	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
☐ Notice re Proposed Regulatory Action ☐ Other			

OAL USE ONLY	ACTION ON PROPOSED NOTICE	NOTICE REGISTER NUMBER	PUBLICATION DATE
	☐ Approved as Submitted ☐ Approved as Modified ☐ Disapproved/ Withdrawn		

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S): Change Without Regulatory Effect for Sections 32781 and 93020

1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S): ~~2026-0617-01~~ PER AGENCY REQUEST TH

2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) **(Including title 26, if toxics related)**

SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT	AMEND	REPEAL
TITLE(S): 8		32781 and 93020	

3. TYPE OF FILING

- ☐ Regular Rulemaking (Gov. Code §11346)
- ☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.
- ☐ Emergency Readopt (Gov. Code, §11346.1(h))
- ☒ Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
- ☐ Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)
- ☐ File & Print
- ☐ Print Only
- ☐ Emergency (Gov. Code, §11346.1(b))
- ☐ Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)
- ☐ Other (Specify)

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

- ☐ Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))
- ☐ Effective on filing with Secretary of State
- ☒ §100 Changes Without Regulatory Effect
- ☐ Effective other (Specify)

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

- ☐ Department of Finance (Form STD. 399) (SAM §6660)
- ☐ Fair Political Practices Commission
- ☐ State Fire Marshal
- ☐ Other (Specify)

7. CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional)
James E. Coffey	(916) 584-5676		james.coffey@perb.ca.gov

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE	DATE
James Coffey Digitally signed by James Coffey Date: 2026.09.11 15:00:08 -07'00'	9-11-26

TYPED NAME AND TITLE OF SIGNATORY: James E. Coffey, Principal Attorney Supervisor

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ENDORSED APPROVED

OCT 20 2026

Office of Administrative Law

93020. Petition for Certification

(a) An employee organization may file a petition pursuant to Government Code Section 3599.72 to become the exclusive representative of an appropriate unit consisting of a group of employees who are not included in an established unit which is represented by an exclusive representative. The petition shall be filed with PERB; be signed by an authorized agent of the employee organization and include the following information:

(1) The name, address, e-mail address, and telephone number of the employer; and the name, address, e-mail address, and telephone number of the employer's authorized agent;

(2) A description of the unit claimed to be appropriate, including the classifications and positions to be included and those to be excluded;

(3) A statement that the petition for certification is accompanied by proof of at least 30 percent support of the employees in the unit claimed to be appropriate;

(4) The approximate number of employees in the unit claimed to be appropriate;

(5) The name, address, e-mail address, and telephone number of the employee organization; and the name, address, e-mail address, and telephone number of the employee organization's authorized agent; and

(6) The name, address, e-mail address, and telephone number of any other employee organization, if any, known to have an interest in representing the employees covered by the unit.

(b) The petition shall be accompanied by proof of at least 30 percent support of the employees in the unit claimed to be appropriate. Proof of support is defined in Section 32700 of these regulations.

(c) Service of the petition and proof of service pursuant to Section 32140 are required; provided, however, that a petitioner shall not serve on any other party copies of proof of support.

Authority cited: Section 3599.52(a), Government Code. Reference: Section 3599.72. Government Code.

32781. Petition.

Absent agreement of the parties to modify a unit, an exclusive representative, an employer, or both must file a petition for unit modification in accordance with this section. Parties who wish to obtain Board approval of a unit modification may file a petition in accordance with the provisions of this section.

(a) A recognized or certified employee organization may file with the regional office a petition for modification of its units:

(1) To add to the unit unrepresented classifications or positions;

(2) To divide an existing unit into two or more appropriate units;

(3) To consolidate two or more established units into one appropriate unit.

(b) A recognized or certified employee organization, an employer, or both jointly may file with the regional office a petition for unit modification:

(1) To delete classifications or positions which by virtue of change in circumstances are no longer appropriate to the established unit because said classification(s) or position(s) are management, supervisory, confidential, not covered by TEERA, EERA, HEERA, JCEERA, LEERA, or Ralph C. Dills Act, or otherwise prohibited by statute from inclusion in the unit;

(2) To make technical changes to clarify or update the unit description.

(3) To resolve a dispute as to unit placement or designation of a new classification or position.

(4) To delete classification(s) or position(s) not subject to (1) above which are not appropriate to the unit because said classification(s) or positions(s) are management, supervisory, confidential, not covered by TEERA, EERA, HEERA, JCEERA, LEERA, or Ralph C. Dills Act, or otherwise prohibited by statute from inclusion in the unit, provided that:

(A) The petition is filed jointly by the employer and the recognized or certified employee organization, or

(B) There is not in effect a lawful written agreement or memorandum of understanding, or

(C) The petition is filed during the "window period" of a lawful written agreement or memorandum of understanding as defined in these regulations in Section 33020 for EERA, Section 40130 for Ralph C. Dills Act, Section 51026 for HEERA, Section 71010(j) for TEERA, or Section 95000 for JCEERA, or Section 93000 for LEERA.

(c) All affected recognized or certified employee organizations may jointly file with the regional office a petition to transfer classifications or positions from one represented established unit to another.

(d) The petition shall be signed by an authorized agent of each petitioning party and shall include the following information:

(1) The name, address, e-mail address, and telephone number of the exclusive representative(s) of the unit(s) affected by the petition;

(2) The name, address, e-mail address, and telephone number of the employer and the name, address and telephone number of the agent to be contacted;

(3) A brief description and the title(s) of the established unit(s);

(4) The approximate number of employees in the established unit;

(5) The approximate number of employees covered by the petition;

(6) The effective and expiration dates of the current written agreement or memorandum of understanding, if any, covering employees in the established unit;

(7) A description of the modification(s) sought by the petition;

(8) The name, address, and e-mail address of any other employee organization known to have an interest in representing employees covered by the petition;

(9) A statement of the reasons for the modification(s).

(e)(1) If the petition requests the addition of classifications or positions to an established unit, and the proposed addition would increase the size of the established unit by ten percent or more, the Board shall require proof of majority support of persons employed in the classifications or positions to be added.

(2) If the petition requests the addition of classifications or positions to an established unit and the classifications or positions are also included in a proposed appropriate unit in a pending request for recognition or petition for certification, the Board shall require proof of at least thirty percent support of persons employed in the classifications or positions to be added.

(3) Proof of support is defined in Section 32700 of these regulations.

(f) A copy of a petition filed solely by an exclusive representative or an employer shall be concurrently served on the other party, and on any additional interested party. Proof of service pursuant to Section 32140 is required. Proof of support, if required, shall be filed only with the regional office.

Authority cited: Sections 3513(h), 3524.52(a), 3541.3(e), 3541.3(g), 3563(e), 3563(f) and 3599.52(a), Government Code; and Section 99561(f), Public Utilities Code. Reference: Sections 3513(h), 3524.52(a), 3524.53, 3524.74, 3541.3(a), 3541.3(e), 3563(a), 3599.52(a), 3599.52(b) and 3599.76, Government Code; and Sections 99561(a) and 99561(e), Public Utilities Code.