Title 8. PUBLIC EMPLOYMENT RELATIONS BOARD

NOTICE OF PROPOSED RULEMAKING

The Public Employment Relations Board (PERB or Board) proposes to adopt the regulation described below after considering all comments, objections, and recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Board proposes to adopt new section 32142.

PUBLIC HEARING

The Board has not scheduled a public hearing on this proposed action. However, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person, or their authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. Comments may also be submitted by facsimile (FAX) at (916) 327-6377 or by e-mail at james.coffey@perb.ca.gov. The written comment period closes on December 30, 2026, which is 47 days after the publication of this notice. The Board will only consider comments received at the Board offices by that time. Submit written comments to:

James E. Coffey, Principal Attorney Supervisor
Public Employment Relations Board
Sacramento Regional Office
1031 18th Street
Sacramento, CA 95811

AUTHORITY AND REFERENCE

A. Authority

Pursuant to Government Code section 3541.3(g), the Board is authorized to adopt, amend, and repeal rules and regulations to carry out the provisions and effectuate the purposes and policies of the Educational Employment Relations Act (EERA; Government Code section 3540 et seq.). Pursuant to Government Code sections 3509(a) and 3541.3(g), the Board is authorized to adopt, amend, and repeal rules and regulations to carry out the provisions and effectuate the purposes and policies of the

Meyers-Milias-Brown Act (MMBA; Government Code section 3500 et seq.). Pursuant to Government Code sections 3513(h) and 3541.3(g), the Board is authorized to adopt, amend, and repeal rules and regulations to carry out the provisions and effectuate the purposes and policies of the Ralph C. Dills Act (Dills Act; Government Code section 3512 et seq.). Pursuant to Government Code section 3563(f), the Board is authorized to adopt, amend, and repeal rules and regulations to carry out the provisions and effectuate the purposes and policies of the Higher Education Employer-Employee Relations Act (HEERA; Government Code section 3560 et seq.). Pursuant to Public Utilities Code section 99561(f), the Board is authorized to adopt, amend, and repeal rules and regulations to carry out the provisions and effectuate the purposes and policies of the Los Angeles County Metropolitan Transportation Authority Transit Employer-Employee Relations Act (TEERA; Public Utilities Code section 99560 et seq.). Pursuant to Government Code sections 3541.3(g) and 71639.1(b), the Board is authorized to adopt, amend, and repeal rules and regulations to carry out the provisions and effectuate the purposes and policies of the Trial Court Employment Protection and Governance Act (Trial Court Act; Government Code section 71600 et seq.). Pursuant to Government Code sections 3541.3(g) and 71825(b), the Board is authorized to adopt, amend, and repeal rules and regulations to carry out the provisions and effectuate the purposes and policies of the Trial Court Interpreter Employment and Labor Relations Act (Court Interpreter Act; Government Code section 71800 et seq.). Pursuant to Government Code sections 3524.52(a) and 3541.3(g), the Board is authorized to adopt, amend, and repeal rules and regulations to carry out the provisions and effectuate the purposes and policies of the Judicial Council Employer-Employee Relations Act (JCEERA; Government Code section 3524.50 et seq.). Pursuant to Government Code sections 3541.3(g) and 3555.5(c), the Board is authorized to adopt, amend, and repeal rules and regulations to carry out the provisions and effectuate the purposes and policies of the Public Employee Communication Chapter (PECC; Government Code section 3555 et seq.). Pursuant to Government Code sections 3541.3(g) and 3551(a), the Board is authorized to adopt, amend, and repeal rules and regulations to carry out the provisions and effectuate the purposes and policies of the Prohibition on Public Employers Deterring or Discouraging Union Membership Chapter (PEDD; Government Code section 3550 et seq.). Pursuant to Welfare and Institutions Code section 10421(e) and Government Code section 3541.3(g), the Board is authorized to adopt, amend, and repeal rules and regulations to carry out the provisions and effectuate the purposes and policies of the Building a Better Early Care and Education System Act (Childcare Provider Act; Welfare and Institutions Code section 10420 et seq.). Pursuant to Public Utilities Code section 40122.1(a) and Government Code section 3541.3(g), the Board is authorized to adopt, amend, and repeal rules and regulations to carry out the provisions and effectuate the purposes and policies of the Orange County Transit District Act (OCTDA; Public Utilities Code section 40120 et seq.). Pursuant to Public

Utilities Code section 28849(b) and Government Code section 3541.3(g), the Board is authorized to adopt, amend, and repeal rules and regulations to carry out the provisions and effectuate the purposes and policies of the San Francisco Bay Area Rapid Transit District Act (BART Act; Public Utilities Code section 28848 et seq.). Pursuant to Public Utilities Code section 102399(b) and Government Code section 3541.3(g), the Board is authorized to adopt, amend, and repeal rules and regulations to carry out the provisions and effectuate the purposes and policies of the Sacramento Regional Transit District Act (SacRTD Act; Public Utilities Code section 102398 et seq.). Pursuant to Public Utilities Code section 98160.5 and Government Code section 3541.3(g), the Board is authorized to adopt, amend, and repeal rules and regulations to carry out the provisions and effectuate the purposes and policies of the Santa Cruz Metropolitan Transit District Act (SC Metro Act; Public Utilities Code section 98160 et seq.). Pursuant to Public Utilities Code section 100309(b) and Government Code section 3541.3(g), the Board is authorized to adopt, amend, and repeal rules and regulations to carry out the provisions and effectuate the purposes and policies of the Santa Clara Valley Transportation Authority Act (VTA; Public Utilities Code section 100300 et seq.). Pursuant to Business and Professions Code section 7470.4(c) and Government Code section 3541.3(g), the Board is authorized to adopt, amend, and repeal rules and regulations to carry out the provisions and effectuate the purposes and policies of the Transportation Network Company Drivers Labor Relations Act (TNC Act; Business and Professions Code section 7470 et seq.). Pursuant to Government Code section 3599.52(a) and Government Code section 3541.3(g), the Board is authorized to adopt, amend, and repeal rules and regulations to carry out the provisions and effectuate the purposes and the policies of the Legislature Employer-Employee Relations Act (LEERA; Government Code section 3599.50 et seq.).

B. References

The proposed new regulation references the following:

General reference: Section 7470.4(c), Business and Professions Code; Section 51, Civil Code; Sections 3509(a), 3513(h), 3514.5, 3524.52(a), 3524.55, 3551(a), 3555.5(c), 3541.3(g), 3541.3(n), 3541.5, 3563(m), 3563.2, 3599.52(a), 71639.1(b), and 71825(b), Government Code; Sections 28849(b), 40122.1(a), 98160.5(b), 99561(m), 99561.2, 100309(b), and 102399(b), Public Utilities Code; and Section 10421(e), Welfare and Institutions Code; title 42 section 12101, United States Code.

POLICY STATEMENT OVERVIEW

PERB is a quasi-judicial agency which oversees public sector collective bargaining in California, and collective bargaining for a limited number of family child care providers and private transportation network companies. PERB presently administers seventeen collective bargaining statutes, ensures their consistent implementation and application, and adjudicates disputes between the parties subject to them. The statutes administered by PERB are: the Meyers-Milias-Brown Act (MMBA) of 1968, establishing collective bargaining for California's city, county, and local special district employers and employees; the Educational Employment Relations Act (EERA) of 1976, establishing collective bargaining in California's public schools (K-12) and community colleges; the State Employer-Employee Relations Act of 1978, known as the Ralph C. Dills Act (Dills Act), establishing collective bargaining for state government employees; the Higher Education Employer-Employee Relations Act (HEERA) of 1979, extending the same coverage to the California State University System, the University of California System, and University of California College of the Law, San Francisco; the Los Angeles County Metropolitan Transportation Authority Transit Employer-Employee Relations Act (TEERA) of 2003, establishing collective bargaining rights for supervisory employees of the Los Angeles County Metropolitan Transportation Authority; the Trial Court Employment Protection and Governance Act (Trial Court Act) of 2000 and the Trial Court Interpreter Employment and Labor Relations Act (Court Interpreter Act) of 2002, together establishing collective bargaining rights for most trial court employees; the Public Employee Communication Chapter (PECC) of 2017, granting PERB jurisdiction over violations of the PECC; the Prohibition on Public Employers Deterring or Discouraging Union Membership (PEDD) of 2018, granting PERB jurisdiction over violations of the PEDD; and the Building a Better Early Care and Education System Act of 2019, known as the Childcare Provider Act (CCPA), establishing collective bargaining for family childcare providers who participate in a state-funded early care and education program.

In 2019, the Legislature amended the Orange County Transit District Act (OCTDA), granting PERB jurisdiction over unfair practice charges at the Orange County Transportation Authority. In 2020, the Legislature amended the San Francisco Bay Area Rapid Transit District Act (BART Act), granting PERB jurisdiction over disputes relating to employer-employee relations at the Bay Area Rapid Transit District. In 2021, the Legislature granted PERB jurisdiction over disputes relating to employer-employee relations at the Sacramento Regional Transit District (SacRTD) for those exclusive representatives that have elected to move one or more of its bargaining units to PERB's jurisdiction for unfair practice charges. In 2022, the Legislature amended the Santa Cruz Metropolitan Transit District Act (SC Metro Act), granting PERB jurisdiction over

unfair practice charges at the Santa Cruz Metropolitan Transit District. In 2022, the Legislature granted PERB jurisdiction over disputes relating to employer-employee relations at the Santa Clara Valley Transportation Authority (VTA) for those exclusive representatives that have elected to move one or more of its bargaining units to PERB's jurisdiction for unfair practice charges. Starting January 1, 2026, PERB acquired jurisdiction over a limited number of transportation network companies under the Transportation Network Company Drivers Labor Relations Act (TNC Act; Business and Professions Code section 7470 et seq.). On July 1, 2026, the Legislature tasked PERB with jurisdiction over certain employees of the California Legislature—the state's bicameral lawmaking body consisting of the Assembly and the Senate.

PERB currently does not have regulations related to reasonable accommodations for persons with disabilities. Disability accommodation requests made by individuals appearing before PERB are decided by the Board agent processing the case. This proposed regulation aims to standardize the reasonable accommodation process and establish procedures for accommodations requests made in proceedings at any level of PERB.

INFORMATIVE DIGEST

Adoption of New Section

Proposed section 32142, subdivision (a), establishes the definitions of terms used within the regulation. These include terms such as "[p]ersons with disabilities" and "[a]ccommodation" as well as defining the role of the Disability Coordinator.

Proposed subdivision (b) details the process for requesting accommodations. Individual Board agents or the Chair of the Board will resolve requests for accommodations in proceedings before them. If a request falls outside of the scope of that agent's authority, the request shall be submitted to the Disability Coordinator. These requests may be made orally or in writing, and applicants may be required to provide additional information or verification regarding the requested accommodations. This subsection also covers the timeframe that requests should be submitted within and requires confidentiality for the request.

Proposed subdivision (c) requires that the Board respond to a request for accommodation within 20 days. This response must include the reasons for the granting or denial of the request and the nature and duration of the accommodation to be provided, if any.

Proposed subdivision (d) details the duration of any granted accommodation. This includes the situations in which the accommodation may be ended, such as requests for termination of the accommodation or modification of the accommodation.

Proposed subdivision (e) dictates the situations in which the Board may deny a request for accommodation. This includes accommodations that would create an undue financial or administrative burden, or those that would fundamentally alter the nature of the service, program or activity provided by the Board.

Proposed subdivision (f) details the review procedures for whole or partial denials of an accommodation request. The written request for review must state the reasons that the denial of the accommodations request necessitates review. The written request for review must be submitted within 20 days of the denial to the head of the division where the determination was made, or to the Board itself if denied by a division head, the Chair of the Board or the Disability Coordinator. The request for review must state the reasons that the denial of accommodations requires review. A final response to this request must occur within 20 days.

CONSISTENT AND COMPATIBLE WITH EXISTING STATE REGULATIONS

The Board has determined that the proposed new regulation is not inconsistent or incompatible with existing regulations. After conducting a review of all regulations that would relate to or affect this area of California law, the Board has determined that, due to PERB's exclusive jurisdiction to implement and enforce the labor relations acts within its jurisdiction, the proposed regulation is the only regulation concerning the implementation and enforcement of these laws. Therefore, the Board has concluded that this regulation is neither inconsistent nor incompatible with existing state regulations.

ANTICIPATED BENEFITS OF THE PROPOSED REGULATION

PERB currently does not have regulations related to reasonable accommodations for persons with disabilities. Disability accommodation requests made by individuals appearing before PERB are decided by the Board Agent processing the case, a division head, the Chair of the Board, the Disability Coordinator, or the Board itself. This proposed regulation aims to standardize the reasonable accommodation process and establish procedures for accommodations requests made in proceedings at any level of PERB.

NO EXISTING AND COMPARABLE FEDERAL REGULATION OR STATUTE

During the process of developing the proposed regulation, the Board has conducted a search for any similar federal regulations and statutes on this topic and has determined that there are no existing, comparable federal regulations or statutes, as these proposed regulatory changes apply solely to proceedings before the Board. Therefore, the Board has concluded that this regulation is neither inconsistent nor incompatible with existing Federal regulations or statutes. Note, however, that the proposed regulation was drafted to be consistent with the Americans with Disabilities Act, which is codified at 42 U.S.C. § 12101 et seq. and the Unruh Civil Rights Act, which is codified at Cal. Civ. Code Sec. 51 et seq.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Board has made the following initial determinations:

Mandate on local agencies and school districts: The proposed action would not impose any new mandate.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code section 17500 et seq.: The proposed action would not impose any new costs which must be reimbursed.

Other non-discretionary cost or savings imposed upon local agencies: The proposed action would not result in any new costs which must be reimbursed, or savings imposed upon local agencies.

Cost or savings to state agency: The proposed action would not result in any new costs or savings, as the regulation does not change the costs of any particular accommodation granted by PERB.

Cost or savings in federal funding to the state: The proposed action would not result in any new costs or savings.

Cost impact on private persons or directly affected businesses: The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states: The proposed action will have no impact.

Significant effect on housing costs: There will be no effect on housing costs.

Business Reporting Requirement: The proposed action will not require a report to be made.

The Board has determined that the proposed regulation will not affect small business because the proposed regulation will only affect public employers, public employees, and public employee organizations.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The Board concludes that the adoption of the proposed regulation will neither create nor eliminate jobs in the State of California, nor result in the creation of new businesses or elimination of existing businesses, or result in the expansion of businesses in the State of California.

Benefits to health and welfare of California residents, worker safety, and the state's environment: The regulation will make the Board's processes clearer and more efficient when assessing requests for accommodation, providing essential guidance to all parties. Ultimately, this enhanced clarity and efficiency in processing accommodation requests will promote a fair and accessible administrative process, thereby benefiting the welfare of all California residents.

There are no anticipated benefits or effects on the health of California residents, worker safety, or the state's environment.

BENEFIT ANALYSIS

The proposed regulation aims to establish a process for requesting accommodations for persons with disabilities in matters before PERB. The regulation provides guidance to Board agents who receive reasonable accommodation requests and ensure that all parties appearing before PERB go through a uniform process. This will benefit Board agents as well as persons with disabilities who may need accommodations while participating in PERB's processes.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative considered by the agency or that has

otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Any questions or suggestions regarding the proposed action should be directed to:

James E. Coffey, Principal Attorney Supervisor
Public Employment Relations Board
Sacramento Regional Office
1031 18th Street
Sacramento, CA 95811
E-mail: james.coffey@perb.ca.gov

The backup person for these inquiries is:

Leo Melton, Regional Attorney
Public Employment Relations Board
Sacramento Regional Office
1031 18th Street
Sacramento, CA 95811
(916) 844-6148
E-mail: leo.melton@perb.ca.gov

Please direct requests for copies of the proposed text (the “express terms”) of the regulation, the initial statement of reasons, the modified text of the regulation, if any, or other information upon which the rulemaking is based, to James Coffey at the above address.

PRELIMINARY ACTIVITIES

PERB held a public meeting on February 12, 2026, wherein the public was given the opportunity to provide comments regarding the implementation of the reasonable accommodation regulation. On February 12, 2026, the Board itself reviewed and

discussed proposed regulatory text. The Board proposed edits to the regulation, and sent them back to the committee for revisions.

PERB held a public meeting on April 9, 2026, wherein the public was given the opportunity to provide comments regarding implementation of this reasonable accommodation regulation. On April 9, 2026, the Board itself approved the proposed regulatory text and the commencement of the formal rulemaking process.

AVAILABILITY OF INITIAL STATEMENT OF REASONS, TEXT OF PROPOSED REGULATION, AND RULEMAKING FILE

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the California Regulatory Notice Register, the rulemaking file consists of this notice, the express terms of the proposed regulation, the initial statement of reasons, and documents relied on promulgating the rulemaking package. The regulation, as well as all the information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative listed above. Copies of these documents may be obtained by contacting James Coffey at the above address, and this notice, the proposed regulatory text, and the initial statement of reasons are also available on the Board's website at www.perb.ca.gov/laws-and-regulations/rulemaking.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding a hearing, if one is requested, and considering all timely and relevant comments, the Board may adopt the proposed regulation substantially as described in this notice. If the Board makes modifications that are sufficiently related to the originally proposed text, the modified text with changes clearly indicated shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulation as revised. Requests for copies of any modified regulation and/or the final statement of reasons should be sent to the attention of James Coffey at the above address. The Board will accept written comments on the modified regulation for 15 days after the date on which they are made available.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Upon its completion, copies of the final statement of reasons may be obtained by contacting James Coffey at the above address.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of this notice of proposed action, the initial statement of reasons, and the text of the proposed regulation in underline and strikeout can be accessed through PERB's website located at www.perb.ca.gov/laws-and-regulations/rulemaking throughout the rulemaking process. Written comments received during the written comment period will also be posted on PERB's website. The final statement of reasons or, if applicable, notice of a decision not to proceed will be posted on PERB's website following the Board's action.