# INITIAL STATEMENT OF REASONS

## PROBLEM STATEMENT

These proposed regulations serve two distinct purposes. First, they aim to implement amendments to the Santa Cruz Metropolitan Transit District Act (Santa Cruz Metro Act) and Santa Clara Valley Transportation Authority (VTA) Act, statutory schemes that establish collective bargaining rights for certain employees of the Santa Cruz Metropolitan Transit District and the Santa Clara Valley Transportation Authority. The legislative amendments conferred jurisdiction on PERB to adjudicate unfair practice charges by and against these Public Utilities Code-created transit districts or unions representing employees of those districts. These regulations would supplement existing regulations for those PUC-established transit districts within PERB's unfair practice jurisdiction by establishing new regulations over unfair practice charges in the Santa Cruz Metropolitan Transit District and the Santa Clara Valley Transportation Authority.

Second, the proposed regulations revise existing regulations applicable to all collective bargaining statutes under PERB's jurisdiction concerning deferral to arbitration and repugnancy to make them more readable. These changes would clarify that repugnancy claims may be filed under any applicable Act within PERB's jurisdiction. The proposed amendments would also be beneficial because they would encompass the Santa Cruz Metro Act and VTA Act, as well as any further statutes that come under PERB's jurisdiction without requiring further amendment of the provision's language.

As a result of the enactment of Senate Bill 957 (Stats. 2022, Ch. 240), effective January 1, 2023, PERB acquired responsibility for the administration and enforcement of the labor provisions in the Santa Cruz Metropolitan Transit District Act (Santa Cruz Metro Act), which are codified at Division 10, Part 10, Chapter 4 of the Public Utilities Code, sections 98160 et seq., covering employees of the Santa Cruz Metropolitan Transit District. As a result of the enactment of Assembly Bill 2524 (Stats. 2022, Ch. 789), effective January 1, 2023, PERB acquired responsibility for the administration and enforcement of labor provisions of the Santa Clara Valley Transportation Authority (VTA) Act if elected to do so by a bargaining unit's exclusive representative, which is codified at Division 10, Part 12, Chapter 6 of the Public Utilities Code, sections 100309, 100310, and 100311, covering employees of the Santa Clara Valley Transportation Authority. These new statutory enactments require amendments to PERB's existing regulations and the adoption of new regulations to implement PERB's jurisdiction fully.

The Santa Cruz Metro Act and VTA Act charge PERB with administering and enforcing these statutes, but do not establish procedures for processing alleged violations. Instead, the acts leave it to the Board to determine the procedures that it will implement to administer and enforce the acts. PERB regulations must either be created or modified to include the Santa Cruz Metro Act's and VTA Act's statutory mandates, including the filing and processing unfair practice charges.

Government Code section 3541.3, made applicable to the Santa Cruz Metro Act pursuant to Public Utilities Code section 98160.5, subdivision (b), and applicable to the VTA Act pursuant to Public Utilities Code section 100309, subdivision (b), provides PERB with the power and duty to investigate unfair practice charges and alleged violations of the public sector labor relations statutes it administers, and to adopt rules and regulations to effectuate the policies underlying the acts it administers. The Santa Cruz Metro Act, pursuant to Public Utilities Code section 98171, subdivision (b), provides that the determination of unfair practice charges under the Santa Cruz Act is within the exclusive jurisdiction of the Board. The VTA Act, pursuant to Public Utilities Code section 100310, subdivision (b)(2), also provides that the initial determination of unfair practice charges under the VTA Act is within the exclusive jurisdiction of the Board. To exercise its jurisdiction and perform its duties under the Santa Cruz Metro Act and VTA Act, PERB must implement a procedure for processing alleged violations of the Santa Cruz Metro Act and VTA Act. The proposed regulations apply PERB's existing unfair practice procedures for processing alleged violations of the Santa Cruz Metro Act, and VTA Act. The proposed regulation changes identified as necessary for implementing PERB's responsibilities under the Santa Cruz Metro Act and VTA Act are described below.

This rulemaking package also includes revisions to the regulations concerning deferral to arbitration and repugnancy to make them more readable. The proposed amendments would also encompass the Santa Cruz Metro Act, and VTA Act, and any further Acts that come under PERB's jurisdiction without requiring further amendment of the provision's language.

**ANTICIPATED BENEFITS OF THE PROPOSED REGULATIONS**

The Santa Cruz Metro Act and VTA Act affect hundreds of employees across the Santa Cruz Metropolitan Transit District and the Santa Clara Valley Transportation Authority for the purposes of collective bargaining, the employee organizations that represent these employees, and the employers. One purpose of the Santa Cruz Metro Act and VTA Act is to promote full communication between the transit district employers and its employees by providing a reasonable method of resolving disputes regarding wages, hours, and other terms and conditions of employment between the transit district employers and public employee organizations. The proposed regulatory changes will implement the Board's jurisdiction over matters arising under the Santa Cruz Metro Act and VTA Act, and will extend the application of PERB's existing unfair practice procedures to alleged violations of the Santa Cruz Metro Act and VTA Act. Because PERB's unfair practice charge process is well-established, implementing these procedures for matters arising under the Santa Cruz Metro Act and VTA Act will aid in the expedient resolution of disputes arising under these statutes in furtherance of the policies underlying the acts. The proposed regulations will ensure that the procedural and substantive rights of transit district employees, employee organizations, and transit district employers are protected. California residents will benefit from stable collective bargaining and dispute resolution through continuous delivery of the essential services that the transit district employers and its employees provide to California communities.

The proposed changes to the regulations concerning deferral to arbitration and repugnancy claims will clarify the parties' rights and PERB's procedures under the various statutes administered by PERB, thereby improving public sector labor relations.

## SECTION BY SECTION EXPLANATION FOR ADOPTION

### A. Adoption of New Sections

**Proposed section 32019.7** adopts a definition of "Santa Cruz Metro Act," to mean the "Santa Cruz Metropolitan Transit District Act" (Public Utilities Code section 98000 et seq.). The Santa Cruz Metropolitan Transit District Act is referred to as the "Santa Cruz Metro Act," and the definition in this proposed section reflects the common usage of this term. This proposed section is necessary to promote clarity throughout the Board's regulations.

**Proposed section 32019.71** defines the terms "Employer," "PUC transit employer," or "District" to mean the Santa Cruz Metropolitan Transit District, as established in Public Utilities Code section 98000 et seq. The proposed subdivision is necessary to promote clarity regarding the different ways to which the Santa Cruz Metropolitan Transit District may be referred to throughout the Board's regulations.

**Proposed section 32019.8** adopts a definition of "VTA Act," to mean the "Santa Clara Valley Transportation Authority Act" (Public Utilities Code section 100000 et seq.). The Santa Clara Valley Transportation Authority Act is referred to as the "VTA Act," and the definition in this proposed section reflects the common usage of this term. This proposed section is necessary to promote clarity throughout the Board's regulations.

**Proposed section 32019.81** defines terms applicable for cases filed under Santa Clara Valley Transportation Authority Act.

Proposed subdivision (a) defines the terms "employer," "PUC transit employer," or "District" to mean the Santa Clara Valley Transportation Authority, as established in Public Utilities Code section 100000 et seq. The proposed subdivision is necessary to promote clarity regarding the different ways in which the Santa Clara Valley Transportation Authority may be referred to throughout the Board's regulations.

Proposed subdivision (b) defines the term "exclusive representative" to mean an accredited employee organization recognized or certified as the exclusive negotiating representative of employees in an appropriate unit within the District. The proposed subdivision is necessary to promote clarity throughout the Board's regulations.

Proposed subdivision (c) defines "opt in unit" as a bargaining unit that the exclusive representative has elected to be subject to PERB's jurisdiction for unfair practice charges. This subdivision also explains that an exclusive representative may elect to move one or more of its bargaining units to PERB's jurisdiction for unfair practice charges. The proposed subdivision further states that notification by the exclusive representative shall be filed through e-PERB with the General Counsel or the General Counsel's designee, and the exclusive representative shall serve the District pursuant to Section 32140 of the Board's Regulations. The proposed

subdivision also reiterates the statutory requirement that such election "shall be irrevocable for that unit." (Pub. Util. Code, § 100310(b)(1).) In OAL Matter Number 2024-0503-01, the Office of Administrative Law (OAL) has approved similar language in 8 CCR 32019.8 for the Sacramento Regional Transit District (commencing at PUC § 102000). Because the VTA Act allows exclusive representatives to elect bargaining units to fall under PERB's jurisdiction, the proposed subdivision is necessary to define a term distinguishing the units that fall under PERB's jurisdiction and promote clarity and consistency within the Board's regulations. The proposed subdivision also protects these rights provided for in the Public Utilities Code. Service of notice is necessary so that the District will know which bargaining units are subject to PERB's jurisdiction.

**Proposed section 32614.4** describes employer unfair practices under the Santa Cruz Metro Act.

Proposed subdivision (a) makes it unlawful for the Santa Cruz Metropolitan Transit District to impose or threaten to impose reprisals on employees, discriminate or threaten to discriminate against employees, or otherwise interfere with, restrain, or coerce employees because of their exercise of protected rights under the Santa Cruz Metro Act.

Proposed subdivision (b) makes it unlawful for the Santa Cruz Metropolitan Transit District to deny employee organizations the rights guaranteed to them by the Santa Cruz Metro Act.

Proposed subdivision (c) makes it unlawful for the Santa Cruz Metropolitan Transit District to knowingly provide an exclusive representative with inaccurate information or refuse or fail to meet and confer with an exclusive representative.

Proposed subdivision (d) makes it unlawful for the Santa Cruz Metropolitan Transit District to dominate or interfere with the formation or administration of employee organizations, to support an organization, or to show preference for one organization over another.

Proposed subdivision (e) makes it unlawful for the Santa Cruz Metropolitan Transit District to fail to exercise good faith when participating in impasse procedures.

Proposed subdivision (f) makes it unlawful for the Santa Cruz Metropolitan Transit District to violate the Public Employees Communication Chapter.

Proposed subdivision (g) makes it unlawful for the Santa Cruz Metropolitan Transit District to violate the Prohibition on Public Employers Deterring or Discouraging Union Membership.

Proposed subdivision (h) makes it unlawful for the Santa Cruz Metropolitan Transit District to violate the Santa Cruz Metro Act in any other way.

Public Utilities Code section 98160.5, subdivision (a), recognizes the right of employees to join employee organizations of their own choice, to be represented, to select one employee organization as the exclusive representative of the employees in an appropriate unit, and to afford employees a voice at work. The proposed subdivisions are necessary to protect these rights by making it an unfair practice for the employer to engage in conduct that might jeopardize those rights. The proposed subdivisions are necessary to provide clarity regarding the legal obligations of the Santa Cruz Metropolitan Transit District and what conduct may be

considered the basis of an unfair practice charge before PERB. In OAL Matter Number 2024-0503-01, OAL approved identical or nearly identical language pertaining to the three transit districts there at issue: see OCTDA (8 CCR 32613); SFBART Act (8 CCR 32614); and Sacramento RTD Act (8 CCR 32614.2). The Santa Cruz Metro Act and the other transit district statutes under PERB's jurisdiction provide employees with the same representational rights.

**Proposed section 32614.5** describes employee organization unfair practices under the Santa Cruz Metro Act.

Proposed subdivision (a) makes it unlawful for an employee organization to cause or attempt to cause the Santa Cruz Metropolitan Transit District to engage in conduct prohibited by the Santa Cruz Metro Act.

Proposed subdivision (b) makes it unlawful for an employee organization to impose or threaten to impose reprisals on employees, discriminate or threaten to discriminate against employees, or otherwise interfere with, restrain, or coerce employees because of the exercise of rights guaranteed to them by the Santa Cruz Metro Act.

Proposed subdivision (c) makes it unlawful for an employee organization to refuse or fail to meet and confer in good faith.

Proposed subdivision (d) makes it unlawful for an employee organization to fail to exercise good faith while participating in impasse procedures.

Proposed subdivision (e) makes it unlawful for an employee organization to violate the Public Employees Communication Chapter.

Proposed subdivision (f) makes it unlawful for an employee organization to violate the Prohibition on Public Employers Deterring or Discouraging Union Membership.

Proposed subdivision (g) makes it unlawful for an employee organization to violate the Santa Cruz Metro Act in any other way.

The proposed subdivisions are necessary to protect the rights of employees to be represented by a representative of their choosing, and to protect the bargaining rights of employers, by making it an unfair practice for an employee organization to engage in conduct that might jeopardize those rights. The proposed subdivisions are necessary to provide clarity regarding the legal obligations of employee organizations representing employees of the Santa Cruz Metropolitan Transit District and what conduct may be considered the basis of an unfair practice charge before PERB. In OAL Matter Number 2024-0503-01, OAL approved identical or nearly identical language pertaining to the three transit districts there at issue: see OCTDA (8 CCR 32613.5); SFBART Act (8 CCR 32614.1); and Sacramento RTD Act (8 CCR 32614.3). The Santa Cruz Metro Act and the other transit district statutes under PERB's jurisdiction contain identical or nearly identical language concerning employee organization unfair practices.

**Proposed section 32614.6** describes employer unfair practices under the VTA Act.

Proposed subdivision (a) makes it unlawful for the Santa Clara Valley Transportation Authority to impose or threaten to impose reprisals on employees, discriminate or threaten to discriminate against employees, or otherwise interfere with, restrain, or coerce employees because of their exercise in protected rights under the VTA Act. This subdivision also provides that "employee" under this provision includes an applicant for employment or reemployment with the Santa Clara Valley Transportation Authority.

Proposed subdivision (b) makes it unlawful for the Santa Clara Valley Transportation Authority to deny employee organizations the rights guaranteed to them by the VTA Act.

Proposed subdivision (c) makes it unlawful for the Santa Clara Valley Transportation Authority to fail to meet and confer with an exclusive representative.

Proposed subdivision (d) makes it unlawful for the Santa Clara Valley Transportation Authority to dominate or interfere with the formation or administration of employee organizations, to support an organization, or to show preference for one organization over another.

Proposed subdivision (e) makes it unlawful for the Santa Clara Valley Transportation Authority to fail to exercise good faith when participating in impasse procedures.

Proposed subdivision (f) makes it unlawful for the Santa Clara Valley Transportation Authority to violate the Public Employees Communication Chapter.

Proposed subdivision (g) makes it unlawful for the Santa Clara Valley Transportation Authority to violate the Prohibition on Public Employers Deterring or Discouraging Union Membership.

Proposed subdivision (h) makes it unlawful for the Santa Clara Valley Transportation Authority to violate the VTA Act in any other way.

Public Utilities Code section 100309, subdivision (a), recognizes the right of employees to join employee organizations of their own choice, to be represented, to select one employee organization as the exclusive representative of the employees in an appropriate unit, and to afford employees a voice at work. The proposed subdivisions are necessary to protect these rights by making it an unfair practice for the employer to engage in conduct that might jeopardize those rights. The proposed subdivisions are necessary to provide clarity regarding the legal obligations of the Santa Clara Valley Transportation Authority and what conduct may be considered the basis of an unfair practice charge before PERB. In OAL Matter Number 2024-0503-01, OAL approved identical or nearly identical language pertaining to the three transit districts there at issue: see OCTDA (8 CCR 32613); SFBART Act (8 CCR 32614); and Sacramento RTD Act (8 CCR 32614). The VTA Act and the other transit district statutes under PERB's jurisdiction contain identical or nearly identical language concerning employee organization unfair practices.

**Proposed section 32614.7** describes employee organization unfair practices under the VTA Act.

Proposed subdivision (a) makes it unlawful for an employee organization to cause or attempt to cause the Santa Clara Valley Transportation Authority to engage in conduct prohibited by the VTA Act.

Proposed subdivision (b) makes it unlawful for an employee organization to impose or threaten to impose reprisals on employees, discriminate or threaten to discriminate against employees, or otherwise interfere with, restrain, or coerce employees because of the exercise of rights guaranteed to them by the VTA Act.

Proposed subdivision (c) makes it unlawful for an employee organization to refuse or fail to bargain in good faith.

Proposed subdivision (d) makes it unlawful for an employee organization to fail to exercise good faith while participating in impasse procedures.

Proposed subdivision (e) makes it unlawful for an employee organization to violate the Public Employees Communication Chapter.

Proposed subdivision (f) makes it unlawful for an employee organization to violate the Prohibition on Public Employers Deterring or Discouraging Union Membership.

Proposed subdivision (g) makes it unlawful for an employee organization to violate the VTA Act.

The proposed subdivisions are necessary to protect the rights of employees to be represented by a representative of their choosing, and to protect the bargaining rights of employers, by making it an unfair practice for an employee organization to engage in conduct that might jeopardize those rights. The proposed subdivisions are necessary to clarify the legal obligations of employee organizations representing employees of Santa Clara Valley Transportation Authority and what conduct may be considered the basis of an unfair practice charge before PERB. In OAL Matter Number 2024-0503-01, OAL approved identical or nearly identical language pertaining to the three transit districts there at issue: see OCTDA (8 CCR 32613.5); SFBART Act (8 CCR 32614.1); and Sacramento RTD Act (8 CCR 32614.3). The VTA Act and the other transit district statutes under PERB's jurisdiction contain identical or nearly identical language concerning employee organization unfair practices.

**Amendments to the Text of Existing Sections**

**Section 32100** identifies the regulations in Chapter 1 that apply to PERB proceedings conducted under the several labor relations statutes administered by PERB. Chapter 1 contains eight subchapters: (1) Internal Procedure; (2) Definitions and General Provisions; (3) Hearings; (4) Decisions of the Board Itself; (5) Unfair Practice Proceedings; (6) Representation Proceedings; (7) Compliance; and (9) State Mediation and Conciliation Service. The vast majority of Chapter 1 contains provisions that apply to all PERB proceedings. For example, requirements for filing documents with PERB or the manner in which final Board orders are enforced. Where Chapter 1 does not apply to a given PERB proceeding, Section 32100 so states.

The amendment adds a reference to subdivision (i), which provides that all Chapter 1 rules and regulations apply to proceedings under the Santa Cruz Metro Act and VTA Act, except for Subchapter 6. Instead, representation proceedings under the Santa Cruz Metro Act and VTA Act are governed by Chapter 6, Subchapter 3, of PERB's regulations, which governs the

representation proceedings under Public Utilities Code Transit Labor Relations Acts other than the Los Angeles County Metropolitan Transportation Authority Transit Employer-Employee Relations Act (TEERA). This proposed subdivision is necessary to provide clarity to PERB constituents regarding which regulations apply to the Santa Cruz Metro Act and VTA Act.

The proposed changes also update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the Santa Cruz Metro Act and VTA Act.

**Section 32120** provides for filing written agreements or memoranda of understanding with the Board. The proposed amendment to Section 32120 extends its application to agreements entered into under the Santa Cruz Metro Act and VTA Act. PERB must sometimes review the terms and conditions of an agreement to carry out its duties. PERB needs the authority to demand that an employer provide a written agreement or memorandum of understanding upon request because there are times when the employer will not provide the information voluntarily. It is incumbent upon the employer to bear the production responsibility because it is in a better position than employee organizations or individual employees to maintain and reproduce records, such as written agreements or memoranda of understanding. This proposed amendment is necessary to facilitate the resolution of unfair practice charges and representation proceedings arising under the Santa Cruz Metro Act and VTA Act, and to provide notice to the parties that agreements made pursuant to these acts may be requested by the Board.

**Section 32140** concerns service requirements. The proposed amendment to subdivision (d)(3)(B) replaces "his" with "the Governor." Additionally, proposed subdivision (d)(3)(H) replaces "his or her" with "the Administrative Director's." The change is necessary to designate a gender-neutral person for service of documents. Under the existing subdivision (d)(3)(I), the proper recipient to accept service for a PUC transit district employer does not include the Santa Cruz Metro Act or VTA Act. The proposed amendment to subdivision (d)(3)(I) adds public transit employers under the Santa Cruz Metro Act (PUC section 98160(a)) and VTA Act (PUC section 100011). This proposed subdivision is necessary to clarify that service may be made on any person authorized by the Santa Cruz Metropolitan Transit District or the Santa Clara Valley Transportation Authority, as applicable.

The proposed changes also update the authority and reference sections to include the Santa Cruz Metro and VTA Acts. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under those PUC transit district acts.

**Section 32602** provides for the processing of unfair practice charges. Subdivision (a) provides that alleged violations of statutes within PERB's jurisdiction will be processed as unfair practice charges. The proposed amendment to subdivision (a) provides that alleged Santa Cruz Metro Act and VTA Act violations will also be processed as unfair practice charges. Public Utilities Code sections 98160.5(b) and 98171(b) provide PERB with jurisdiction over the Santa Cruz Metro Act and the authority to process alleged violations of the Santa Cruz Metro Act as unfair practice charges. Public Utilities Code section 100310(b)(2) similarly provides PERB with

jurisdiction over unfair practice charges under the VTA Act if the exclusive representative elects to have its bargaining unit under PERB's jurisdiction to process unfair practice charges, and PUC section 100309 similarly provides PERB with authority to process alleged violations of the VTA Act as unfair practice charges. In 2017, the Legislature repealed the In-Home Supportive Services Employer-Employee Relations Act (IHSSEERA) found in Government Code section 110000 et seq., and in May 2018, a rulemaking package was approved to repeal PERB's IHSSEERA regulations in OAL Matter Number 2018-0327-04. The proposed amendment to subdivision (a) also removes outdated references to IHSSEERA. This proposed amendment to subdivision (a) is necessary to clarify that PERB will exercise its jurisdiction over alleged violations of the Santa Cruz Metro Act and VTA Act by processing such allegations as unfair practice charges and to apprise parties as to the proper means of seeking redress with PERB for alleged violations of the Santa Cruz Metro Act and VTA Act. This proposed amendment to subdivision (a) is also necessary to clarify that PERB no longer exercises jurisdiction for alleged violations of IHSSEERA.

**Section 32615** concerns the information required to be included in an unfair practice charge. The proposed amendment to subdivision (b)(4) deletes the outdated reference to the "IHSSEERA" because the Legislature repealed that enabling statute, Government Code section 110000 et seq., in 2017. The amendment to (b)(4) also adds the requirement that the charge specify the sections of the Welfare and Instructions Code alleged to have been violated under the Building a Better Early Care and Education System of 2019, known as the Childcare Provider Act (CCPA). The requirement to specify the Welfare and Instruction Code sections alleged to have been violated is necessary for providing the responding party with notice of the claimed violation and for the Board agent to investigate the same.

**Section 32620** concerns the processing of unfair practice charges.

Subdivision (b)(5), in part, prohibits the issuance of a complaint where the conduct alleged to violate the applicable Act is based upon conduct occurring more than six months prior to the filing of the charge or if the alleged dispute is subject to deferral to arbitration under a labor agreement. The proposed amendment to subdivision (b)(5) clarifies that a complaint may not be issued in light of the governing statute of limitations. Unfair practice charges arising under the Dills Act, EERA, JCEERA, or Welfare and Institution Code Section 10420 et seq. (CCPA) that are subject to the deferral doctrine must be dismissed under Government Code section 3514.5(a) (Dills Act), 3524.55(a)(2) (JCEERA), 3541.5(a)(2) (EERA), or Welfare & Institutions Code section 10428.5(b)(1)(B) (CCPA). The proposed amendment to subdivision (b)(5) also clarifies that an unfair practice charge must be dismissed when it involves a dispute subject to deferral to arbitration for cases under the Dills Act, EERA, JCEERA, or Welfare and Institutions Code Section 10420 et seq. (CCPA).

Subdivision (b)(6) allows a Board agent to place an unfair practice charge in abeyance if the dispute arises under the MMBA, HEERA, TEERA, Trial Court Act, Court Interpreter Act, OCTDA, SFBART Act or Sacramento RTD Act and is subject to deferral to final and binding arbitration, and allows the Board agent to dismiss the charge at the conclusion of the arbitration process unless the resolution is repugnant to the purposes of those Acts. The proposed

amendment to subdivision (b)(6) is more streamlined to specify that all disputes subject to the deferral doctrine within the PERB-administered statutes—except those arising under the Dills Act, EERA, JCEERA, or Welfare and Institution Code Section 10420 et seq. (CCPA)—must remain in abeyance pending the conclusion of the arbitration process and be dismissed by the Board agent at the conclusion of the arbitration process unless it is shown that settlement or arbitration award is repugnant to the applicable statute.

The proposed amendments are necessary to delineate when a Board agent must either (1) dismiss or (2) place a charge in abeyance when the dispute is subject to the deferral doctrine under the PERB-administered statutes. Under the proposed amendments to section (b)(6), unfair practice cases arising under the Santa Cruz Metro Act and VTA Act would be placed in abeyance when the dispute is subject to deferral. These amendments are necessary to maintain consistency in processing unfair practice charges across all statutory schemes over which the Board retains jurisdiction.

**Section 32661** concerns the filing of repugnancy claims for unfair practice charge cases that were deferred to arbitration because the parties' written agreement covered the dispute.

Subdivision (a) provides that an unfair practice charge may be filed based on a claim that a settlement or arbitration award resulting from a deferred unfair practice charge is repugnant to the applicable Act. The proposed amendment to subdivision (a) removes the redundant references to Government Code section 3505.8 of the MMBA, Government Code section 3514.5(a)(2) of the Dills Act, Government Code section 3524.55(a)(2) of the JCEERA, Government Code section 3541.5(a)(2) of the EERA, all of which specifically allow repugnancy claims to be filed as unfair practice charges after the conclusion of the arbitration process. The amendment also removes redundant references to the remaining governing statutes TEERA, HEERA, Trial Cout Act, County Interpreter Act, OCTDA, SFBART Act, and Sacramento RTD Act. The amendment is necessary to clarify that repugnancy claims may be filed under any applicable Act within PERB's jurisdiction and to maintain consistency in processing unfair practice charges across all statutory schemes over which the Board maintains jurisdiction. The proposed amendment would also be beneficial because it would encompass the Santa Cruz Metro Act, VTA Act, and any further Acts under PERB's jurisdiction without requiring further amendment of the provision's language.

### B. Amendments Only to the Authority and Reference Citations of Existing Regulations

**Section 31001** provides for meetings of the Public Employment Relations Board. The proposed changes do not change the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the Santa Cruz Metro Act and VTA Act.

**Section 32020** provides a definition for the term "Board." The proposed changes do not change the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the Santa Cruz Metro Act and VTA Act.

**Section 32030** provides a definition for the term "Board itself." The proposed changes do not change the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the Santa Cruz Metro Act and VTA Act.

**Section 32040** provides a definition for the term "Executive Director." The proposed changes do not change the text of this section, but only update the authority citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the Santa Cruz Metro Act and VTA Act.

**Section 32050** provides a definition for the term "General Counsel." The proposed changes do not change the text of this section, but only update the authority citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the Santa Cruz Metro Act and VTA Act.

**Section 32055** provides a definition for the term "Chief Administrative Law Judge." The proposed changes do not change the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the Santa Cruz Metro Act and VTA Act.

**Section 32060** provides a definition for the term "headquarters office." The proposed changes do not change the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the Santa Cruz Metro Act and VTA Act.

**Section 32075** provides a definition for the term "regional office." The proposed changes do not change the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under Santa Cruz Metro Act and VTA Act.

**Section 32080** provides a definition for the term "day." The proposed changes do not change the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the Santa Cruz Metro Act and VTA Act.

**Section 32090** provides a definition for the term "e-PERB." The proposed changes do not change the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the Santa Cruz Metro Act and VTA Act.

**Section 32091** provides a definition for the term "electronic filing." The proposed changes do not change the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the Santa Cruz Metro Act and VTA Act.

**Section 32092** provides a definition for the term "electronic signature" and when documents are determined to be electronically signed. The proposed changes do not change the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the Santa Cruz Metro Act and VTA Act.

**Section 32093** defines the term "electronic service" where authorized or required by statute or within PERB's regulations. The proposed changes do not change the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the Santa Cruz Metro Act and VTA Act.

**Section 32094** defines "filed" as the term used for the formal submission of documents with PERB. The proposed changes do not change the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the Santa Cruz Metro Act and VTA Act.

**Section 32095** defines the term "bargain." The proposed changes do not change the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the Santa Cruz Metro Act and VTA Act.

**Section 32105** provides for the severability of PERB's regulations. The proposed changes do not change the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the Santa Cruz Metro Act and VTA Act.

**Section 32110** sets forth the requirements that govern the way parties electronically file documents with PERB through e-PERB, as that term is defined by section 32090. The proposed changes do not change the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the Santa Cruz Metro Act and VTA Act.

**Section 32111** authorizes the Board to direct parties to use electronic means to post and thereby notify remote workers that a representation petition has been filed. The proposed changes do not change the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the Santa Cruz Metro Act and VTA Act.

**Section 32115** describes the locations for filing documents with PERB in representation matters that are not filed electronically. The proposed changes do not change the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising

under the Santa Cruz Metro Act and VTA Act. The update is also necessary to correct the previous omission of an authority citation to the SFBART Act.

**Section 32125** describes the filing requirements for documents with confidential information. The proposed changes do not change the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the Santa Cruz Metro Act and VTA Act.

**Section 32130** addresses the computation of time for filings with PERB. The proposed changes do not change the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the Santa Cruz Metro Act and VTA Act.

**Section 32132** concerns the requirements for an extension of time to file documents with the Board. The proposed changes do not change the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the Santa Cruz Metro Act and VTA Act.

**Section 32135** concerns filing requirements for non-electronic filings. The proposed changes do not change the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the Santa Cruz Metro Act and VTA Act.

**Section 32136** concerns late filing requirements. The proposed changes do not change the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the Santa Cruz Metro Act and VTA Act.

**Section 32143** concerns the placement of PERB cases in abeyance. The proposed changes do not change the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the Santa Cruz Metro Act and VTA Act.

**Section 32145** concerns the waiver of time period requirements to expedite a matter. The proposed changes do not change the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the Santa Cruz Metro Act and VTA Act.

**Section 32147** provides for expediting matters before the Board. The proposed changes do not change the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over unfair practice charges arising under Santa Cruz Metro Act and VTA Act.

**Section 32149** concerns the issuance of investigative subpoenas. The proposed changes do not change the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over unfair practice charges arising under the Santa Cruz Metro Act and VTA Act.

**Section 32150** concerns the issuance of subpoenas. The proposed changes do not change the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over unfair practice charges arising under the Santa Cruz Metro Act and VTA Act.

**Section 32155** concerns the circumstances under which a Board agent or Board member will be recused from a case. The proposed changes do not change the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over matters arising under the Santa Cruz Metro Act and VTA Act.

**Section 32162** concerns the confidentiality of Board investigations. The proposed changes do not change the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over unfair practice charges arising under the Santa Cruz Metro Act and VTA Act.

**Section 32164** concerns an application for joinder of parties. The proposed changes do not change the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over unfair practice charges arising under the Santa Cruz Metro Act and VTA Act.

**Section 32165** concerns an application to join a representation hearing as a limited party. The proposed changes do not change the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over representation matters arising under the Santa Cruz Metro Act and VTA Act. The update is also necessary to correct the previous omission of an authority citation to the SFBART Act.

**Section 32166** concerns an application to join a representation hearing as a full party. The proposed changes do not change the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over representation matters arising under the Santa Cruz Metro Act and VTA Act.

**Section 32168** concerns the conduct of hearings. The proposed changes do not change the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over unfair practice charges arising under the Santa Cruz Metro Act and VTA Act.

**Section 32169** concerns the taking of depositions. The proposed changes do not change the text of this section, but only update the authority and reference citations. This update is necessary to

reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over unfair practice charges arising under the Santa Cruz Metro Act and VTA Act.

**Section 32170** concerns the authority of a Board agent conducting a hearing. The proposed changes do not change the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over unfair practice charges arising under the Santa Cruz Metro Act and VTA Act.

**Section 32175** regards the rules of evidence in representation cases. The proposed changes do not change the text of this section, but only update the authority and reference citations. This update is necessary to reflect that the Board's responsibilities include jurisdiction over representation matters arising under the Santa Cruz Metro Act and VTA Act.

**Section 32176** concerns the rules of evidence in unfair practice cases. The proposed changes do not change the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over unfair practice charges arising under the Santa Cruz Metro Act and VTA Act.

**Section 32178** concerns the burden of proof in unfair practice cases. The proposed changes do not change the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over unfair practice charges arising under the Santa Cruz Metro Act and VTA Act.

**Section 32180** concerns the rights of parties in PERB hearings. The proposed changes do not change the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over unfair practice charges arising under the Santa Cruz Metro Act and VTA Act.

**Section 32185** concerns ex parte communications with Board agents. The proposed changes do not change the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over unfair practice charges arising under the Santa Cruz Metro Act and VTA Act.

**Section 32190** concerns filing and rulings on motions. The proposed changes do not change the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over unfair practice charges arising under the Santa Cruz Metro Act and VTA Act.

**Section 32200** concerns the appeal of rulings on motions and other interlocutory matters. The proposed changes do not change the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over unfair practice charges arising under the Santa Cruz Metro Act and VTA Act.

**Section 32205** concerns requests to continue a formal hearing. The proposed changes do not change the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over unfair practice charges arising under the Santa Cruz Metro Act and VTA Act.

**Section 32206** concerns the production of statements of witnesses after testimony. The proposed changes do not change the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over unfair practice charges arising under the Santa Cruz Metro Act and VTA Act.

**Section 32207** concerns stipulation of facts for purposes of hearing. The proposed changes do not change the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over unfair practice charges arising under the Santa Cruz Metro Act and VTA Act.

**Section 32209** addresses the procedure for correction of hearing transcripts. The proposed changes do not change the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over unfair practice charges arising under the Santa Cruz Metro Act and VTA Act.

**Section 32210** concerns the filing of informational briefs and oral arguments. The proposed changes do not change the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over unfair practice charges arising under the Santa Cruz Metro Act and VTA Act.

**Section 32212** concerns briefs and oral argument. The proposed changes do not change the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over unfair practice charges arising under the Santa Cruz Metro Act and VTA Act.

**Section 32215** concerns the issuance of proposed decisions. The proposed changes do not change the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over unfair practice charges arising under the Santa Cruz Metro Act and VTA Act.

**Section 32220** concerns contemptuous conduct by a party or a party's agent. The proposed changes do not change the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over unfair practice charges arising under the Santa Cruz Metro Act and VTA Act.

**Section 32230** concerns the refusal of a witness to testify. The proposed changes do not change the text of this section, but only update the authority and reference citations. This update is

necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over unfair practice charges arising under the Santa Cruz Metro Act and VTA Act.

**Section 32295** concerns ex parte communications with members of the Board itself or legal advisers to Board members. The proposed changes do not change the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over unfair practice charges arising under the Santa Cruz Metro Act and VTA Act.

**Section 32300** concerns the filing of exceptions to Board agent decisions. The proposed changes do not change the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over unfair practice charges arising under the Santa Cruz Metro Act and VTA Act.

**Section 32305** provides that proposed decisions become final if no timely exceptions are filed. The proposed changes do not change the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over unfair practice charges arising under the Santa Cruz Metro Act and VTA Act.

**Section 32310** provides for the filing of responses to exceptions. The proposed changes do not change the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over unfair practice charges arising under the Santa Cruz Metro Act and VTA Act.

**Section 32312** provides the requirements for reply briefs to exceptions. The proposed changes do not change the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over unfair practice charges arising under the Santa Cruz Metro Act and VTA Act.

**Section 32315** provides for oral argument on exceptions. The proposed changes do not change the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over unfair practice charges arising under the Santa Cruz Metro Act and VTA Act.

**Section 32320** concerns issuance of decisions by the Board itself. The proposed changes do not change the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over unfair practice charges arising under the Santa Cruz Metro Act and VTA Act.

**Section 32325** concerns the remedial powers of the Board. The proposed changes do not change the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over unfair practice charges arising under the Santa Cruz Metro Act and VTA Act.

**Section 32350** provides a definition of administrative decisions. The proposed changes do not change the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over unfair practice charges arising under the Santa Cruz Metro Act and VTA Act.

**Section 32360** concerns requirements for appeals of administrative decisions. The proposed changes do not change the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over unfair practice charges arising under the Santa Cruz Metro Act and VTA Act.

**Section 32370** concerns requests for a stay following an appeal. The proposed changes do not change the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over unfair practice charges arising under the Santa Cruz Metro Act and VTA Act.

**Section 32375** provides for responses to administrative appeals. The proposed changes do not change the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over unfair practice charges arising under the Santa Cruz Metro Act and VTA Act.

**Section 32380** provides for administrative decisions that are not appealable. The proposed changes do not change the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over unfair practice charges arising under the Santa Cruz Metro Act and VTA Act.

**Section 32400** provides that a motion for reconsideration is not required to exhaust administrative remedies. The proposed changes do not change the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over unfair practice charges arising under the Santa Cruz Metro Act and VTA Act.

**Section 32410** provides for the filing of requests for reconsideration. The proposed changes do not change the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over unfair practice charges arising under the Santa Cruz Metro Act and VTA Act.

**Section 32450** concerns the filing of requests for injunctive relief. The proposed changes do not change the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over unfair practice charges arising under the Santa Cruz Metro Act and VTA Act.

**Section 32455** concerns the investigation of requests for injunctive relief. The proposed changes do not change the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to

include jurisdiction over unfair practice charges arising under the Santa Cruz Metro Act and VTA Act.

**Section 32460** provides for recommendations by the General Counsel concerning requests for injunctive relief. The proposed changes do not change the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over unfair practice charges arising under the Santa Cruz Metro Act and VTA Act.

**Section 32465** provides for decisions by the Board itself concerning requests for injunctive relief. The proposed changes do not change the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over unfair practice charges arising under the Santa Cruz Metro Act and VTA Act.

**Section 32470** concerns the authority of the General Counsel regarding requests for injunctive relief where a quorum of the Board itself is unavailable. The proposed changes do not change the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over unfair practice charges arising under the Santa Cruz Metro Act and VTA Act.

**Section 32500** concerns the procedure for requesting and responding to a request that the Board seek judicial review of a decision made in a representation case. The proposed changes do not change the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Board's responsibilities include jurisdiction over representation matters arising under the Santa Cruz Metro Act and VTA Act.

**Section 32616** specifies the regional office for filing unfair practice charges. The proposed changes do not change the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over unfair practice charges arising under the Santa Cruz Metro Act and VTA Act.

**Section 32621** concerns the amending of unfair practice charges. The proposed changes do not change the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over unfair practice charges arising under the Santa Cruz Metro Act and VTA Act.

**Section 32625** concerns the withdrawal of unfair practice charges. The proposed changes do not change the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over unfair practice charges arising under the Santa Cruz Metro Act and VTA Act.

**Section 32630** concerns the dismissal of unfair practice charges. The proposed changes do not change the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over unfair practice charges arising under the Santa Cruz Metro Act and VTA Act.

**Section 32635** provides for the appeal of dismissals of unfair practice charges. The proposed changes do not change the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over unfair practice charges arising under the Santa Cruz Metro Act and VTA Act.

**Section 32640** concerns the issuance of complaints in unfair practice charge cases. The proposed changes do not change the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over unfair practice charges arising under the Santa Cruz Metro Act and VTA Act.

**Section 32644** provides for filing an answer in unfair practice charges where a complaint is issued. The proposed changes do not change the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over unfair practice charges arising under the Santa Cruz Metro Act and VTA Act.

**Section 32645** concerns non-prejudicial errors in unfair practice charges and related documents. The proposed changes do not change the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over unfair practice charges arising under the Santa Cruz Metro Act and VTA Act.

**Section 32647** concerns amendments to complaints in unfair practice charge cases before hearing. The proposed changes do not change the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over unfair practice charges arising under the Santa Cruz Metro Act and VTA Act.

**Section 32648** concerns amendments to complaints in unfair practice charge cases during a hearing. The proposed changes do not change the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over unfair practice charges arising under the Santa Cruz Metro Act and VTA Act.

**Section 32649** concerns the filing of answers to amendments to complaints in unfair practice charge cases. The proposed changes do not change the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over unfair practice charges arising under the Santa Cruz Metro Act and VTA Act.

**Section 32650** concerns the conduct of settlement conferences in unfair practice charge cases. The proposed changes do not change the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's

responsibilities to include jurisdiction over unfair practice charges arising under the Santa Cruz Metro Act and VTA Act.

**Section 32680** concerns the conduct of hearings on unfair practice charges. The proposed changes do not change the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over unfair practice charges arising under the Santa Cruz Metro Act and VTA Act.

**Section 32690** concerns notice of hearing in unfair practice charge cases. The proposed changes do not change the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over unfair practice charges arising under the Santa Cruz Metro Act and VTA Act.

**Section 32980** concerns enforcement of compliance with final decisions of the Board. The proposed changes do not change the text of this section, but only update the authority and reference citations. This update is necessary to reflect the Legislature's extension of the Board's responsibilities to include jurisdiction over unfair practice charges arising under the Santa Cruz Metro Act and VTA Act.

**TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS RELIED UPON**

PERB did not rely upon any other technical, theoretical, or empirical studies, reports, or documents in proposing the adoption of these regulations.

**ECONOMIC IMPACT ASSESSMENT** (Government Code section 11346.3(b))

As a result of the enactment of Senate Bill 957 (Stats. 2022, Ch. 240), effective January 1, 2023, PERB acquired responsibility for the administration and enforcement of the labor provisions in the Santa Cruz Metropolitan Transit District Act (Santa Cruz Metro Act), which are codified at Division 10, Part 10, Chapter 4 of the Public Utilities Code, sections 98160 et seq., covering employees of the Santa Cruz Metropolitan Transit District. As a result of the enactment of Assembly Bill 2524 (Stats. 2022, Ch. 789), effective January 1, 2023, PERB acquired responsibility for the administration and enforcement of labor relations in the Santa Clara Valley Transportation Authority (VTA) Act, which are codified at Division 10, Part 12, Chapter 6 of the Public Utilities Code, sections 100309, 100310, and 100311, covering employees of the Santa Clara Valley Transportation Authority. The proposed regulations and amendments implement procedures for PERB's administration and enforcement of the Santa Cruz Metro Act and VTA Act, thereby protecting the procedural and substantive rights of certain employees of these transit districts, employee organizations, and the transit district employers, as set forth by these acts.

In accordance with Government Code section 11346.3, subdivision (b), PERB has made the following assessments regarding the proposed regulations:

Creation or Elimination of Jobs Within the State of California

The Santa Cruz Metro Act and VTA Act confer collective bargaining rights for certain public sector employees of the Santa Cruz Metropolitan Transit District and the Santa Clara Valley Transportation Authority, respectively, which are public sector employers. The proposed and amended regulations are designed to provide procedures for the filing, processing, and determination of unfair practice charges alleging violations of the Santa Cruz Metro Act and VTA Act, that are necessary for PERB's administration and enforcement of these acts. The proposed and amended regulations pertinent to transit district representation matters are designed to clarify parties' rights and PERB's procedures regarding employee representation matters. PERB has determined that the proposed regulations will have no impact on the creation or elimination of jobs in the State of California.

Creation of New Business or Elimination of Existing Businesses Within the State of California

The Santa Cruz Metro Act and VTA Act confer collective bargaining rights for certain public sector employees of the Santa Cruz Metropolitan Transit District and the Santa Clara Valley Transportation Authority, respectively, which are public sector employers. The proposed and amended regulations are designed to provide procedures for the filing, processing, and determination of unfair practice charges alleging violations of the Santa Cruz Metro Act and VTA Act, that are necessary for PERB's administration and enforcement of these acts. The proposed and amended regulations pertinent to transit district representation matters are designed to clarify parties' rights and PERB's procedures regarding employee representation matters. PERB has determined that the proposed regulations will not create new businesses or eliminate existing businesses within the State of California.

Expansion of Businesses Within the State of California

The Santa Cruz Metro Act and VTA Act confer collective bargaining rights for certain public sector employees of the Santa Cruz Metropolitan Transit District and the Santa Clara Valley Transportation Authority, respectively, which are public sector employers. The proposed and amended regulations are designed to provide procedures for the filing, processing, and determination of unfair practice charges alleging violations of the Santa Cruz Metro Act and VTA Act, that are necessary for PERB's administration and enforcement of these acts. PERB has determined that the proposed regulations will not lead to the expansion or elimination of existing businesses within the State of California.

Benefits of the Regulations to Health and Welfare of California Residents, Worker Safety, and the State's Environment

The Santa Cruz Metro Act and VTA Act confer collective bargaining rights for certain public sector employees of the Santa Cruz Metropolitan Transit District and the Santa Clara Valley Transportation Authority, respectively, which are public sector employers. The proposed and amended regulations are designed to provide procedures for the filing, processing, and determination of unfair practice charges alleging violations of the Santa Cruz Metro Act and VTA Act, that are necessary for PERB's administration and enforcement of these acts. The

proposed regulatory action will not adversely affect the health and welfare of California residents, worker safety, or the State's environment. The proposed regulatory action will further the policies underlying the Santa Cruz Metro Act and VTA Act, by providing processes to expediently resolve alleged violations of the acts and representation matters under the acts. California residents' general welfare will be benefitted by stable collective bargaining and dispute resolution, which translates to continuous delivery of the essential services that the transit district employers and its employees provide to California's communities.

**INFORMATION RELIED UPON TO SUPPORT PERB'S INITIAL DETERMINATION THAT THE PROPOSED REGULATORY ACTION WILL NOT HAVE A SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS**

The Santa Cruz Metro Act and VTA Act, along with other public sector labor relations statutes that PERB is charged with administering and enforcing, set forth the rights and obligations of entities and individuals operating in the public sector. Because the scope of the Santa Cruz Metro Act and VTA Act, and other public sector labor relations statutes that PERB is charged with administering and enforcing is limited to the public sector, PERB has initially determined that the proposed regulatory actions will not have a significant adverse economic impact on business.

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

PERB has not identified any adverse impact on small businesses as a result of these proposed regulations, and has not identified any alternatives that would lessen any adverse impact on small businesses. Thus, no such alternative has been proposed.

**MANDATED USE OF SPECIFIC TECHNOLOGIES OR EQUIPMENT**

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