TITLE 8. PUBLIC EMPLOYMENT RELATIONS BOARD

NOTICE OF PROPOSED RULEMAKING

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

PROPOSED REGULATORY ACTION

The Board proposes adopting new sections 32019.7, 32019.71, 32019.8, 32019.81, 32614.4, 32614.5, 32614.6, and 32614.7.

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. Submit a written request for a public hearing to:

Yaron Partovi, Principal Attorney Supervisor
Public Employment Relations Board
Los Angeles Regional Office
425 W. Broadway #400
Glendale, CA 91204

WRITTEN COMMENT PERIOD

Any interested person, or his or her 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 to yaron.partovi@perb.ca.gov . The written comment period closes at 5:00 p.m. on **Wednesday**, **February 26, 2025**, which is 47 days after the publication of this notice. The Board will only consider comments received at the Board offices by that date and time. Submit written comments to:

Yaron Partovi, Principal Attorney Supervisor
Public Employment Relations Board
Los Angeles Regional Office
425 W. Broadway #400
Glendale, CA 91204

AUTHORITY AND REFERENCE

A. Authority

The Board has the authority to resolve matters of employee representation and adopt rules and regulations to carry out the provisions and effectuate the purposes and policies of the labor

relations acts under its jurisdiction pursuant to the following statutory authority: Government Code sections 3509(a), 3513(h), 3524.52(a), 3541.3, 3541.3(g), 3551(a), 3555.5(c), 3563(f), 3603, 71639.1(b), and 71825(b); Public Utilities Code sections 25052, 28849(b), 40122.1(a), 50121, 70122, 90300(f), 95651, 98160.5(b), 98162.5, 99561(f), 100301, 100309(b), 101344, 102399(b), 102403, 103401, 120505, 125521, Appendix 1 section 4.4, and Appendix 2 section 13.91; and Education Code sections 8431(e), 8432(m), and 8439.5(a).

B. Reference

The proposed amended regulations below reference the following:

Government Code sections 3501(f), 3502.5, 3505.4, 3505.8, 3506.5, 3507, 3507.1, 3507.3, 3507.5, 3508, 3509, 3509.3, 3509.5, 3513, 3513(h), 3514.5, 3514.5(a), 3514.5(c), 3515.7, 3519, 3519.5, 3520, 3520.5(b), 3520.8, 3523, 3524, 3540.1(a), 3541, 3541(f), 3541(g), 3541.3, 3541.3(a), 3541.3(b), 3541.3(c), 3541.3(f), 3541.3(g), 3541.3(h), 3541.3(i), 3541.3(j), 3541.3(k), 3541.3(l), 3541.3(m), 3541.3(n), 3541.5, 3541.5(a), 3541.5(c), 3541.35, 3542, 3543.5, 3543.6, 3544.1(a), 3544.3, 3544.7(a), 3544.7(b), 3546, 3546.5, 3547, 3547.5, 3550 et seq., 3551(a), 3555 et seq., 3555.5(c), 3557, 3562(b), 3563, 3563(a), 3563(b), 3563(c), 3563(e), 3563(f), 3563(g), 3563(h), 3563(i), 3563(j), 3563(k), 3563(l), 3563(m), 3563.2, 3563.3, 3563.5, 3564, 3571, 3571.1, 3571.3, 3574(a), 3577, 3577(b), 3579(e), 3583.5, 3584, 3587, 3558.8, 3589, 3595, 3600, 3601, 3602, 3603, 3611 et seq., 3611, 11425.60, 71632.5, 71636, 71636.1, 71636.3, 71637, 71637.1, 71639.1, 71639.1(a), 71639.15, 71639.4, 71807, 71814, 71823, 71825, 71825(a), 71825.05, and 71825.1;

Public Utilities Code sections 24501 et seq., 25051, 25052, 28500 et seq., 28848 et seq., 28849(a), 28849(b), 28850, 28851, 28856, 28857, 28858, 28859, 28860(b), 30000 et seq., 30750, 30751, 30754, 30756, 37051, 40000 et seq., 40120, 40122, 40122.1, 40122.1(a), 50000 et seq., 50120, 50121, 70000 et seq., 70120, 70122, 90000 et seq., 90300, 95650, 95651, 98000 et seq., 98160.5(b), 98162.5, 98167, 98168(b), 98169, 98171(b), 98173, 99560 et seq., 99560.1(b), 99561, 99561(a), 99561(c), 99561(e), 99561(f), 99561(g), 99561(h), 99561(i), 99561(j), 99561(k), 99561(l), 99561(m), 99561.2, 99561.3, 99561.4, 99562, 99563, 99563.2, 99563.4, 99563.7, 99563.8, 99564, 99564.1, 99564.1(c), 99564.2, 99564.3, 99564.4, 99564.4(b), 99564.4(b)(1), 99566.1, 99566.1(f), 99566.3, 99567, 99569, 100000 et seq., 100301, 100302, 100305, 100309(b), 100310, 100311, 101000 et seq., 101341, 101342, 101344, 102000 et seq., 102399, 102399(b), 102400, 102401, 102403, 102404, 102405, 102406, 102407, 102408(b)(2), 102414, 103000 et seq., 103401, 103404, 103405, 103406, 105000 et seq., 120000 et seq., 120502, 120503, 120505, 125000 et seq., 125521, 125524, 125525, 125526, Appendix 1, Sections 1.1 et seq., 4.2 and 4.4, and Appendix 2, Sections 1.1 et seq., 13.90, 13.91, and 13.96;

Welfare and Institutions Code sections 10427.5, 10427.7, 10428, 10428.3, and 10428.5;

California Rule of Court 2.257;

Business and Professions Code section 19604;

Food and Agricultural Code section 57031;

Labor Code section 2686;

Code of Civil Procedure sections 12, 12(a) and 1013;

Education Code section 8439.5(b)(1)(B);
Firefighters Union, Local 1186 v. City of Vallejo (1974) 12 Cal.3d 608; *Coachella Valley Mosquito and Vector Control District v. Public Employment Relations Board* (2005) 35 Cal.4th 1072; and

Labor Management Relations Act, 1947, Section 9, 29 USC Section 159; 29 CFR Sections 102.60-102.72.

POLICY STATEMENT OVERVIEW

PERB is a quasi-judicial agency that oversees public sector collective bargaining in California. PERB presently administers 14 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, which established 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, which covers 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, which together provide for collective bargaining rights for most trial court employees; the Judicial Council Employer-Employee Relations Act (JCEERA) of 2017, establishing collective bargaining for employees of the Judicial Council; the Public Employee Communication Chapter (PECC) of 2017, which conferred PERB with jurisdiction over violations of the PECC; the Prohibition on Public Employers Deterring or Discouraging Union Membership (PEDD) of 2018, which conferred PERB jurisdiction over violations of the PEDD; the Building a Better Early Care and Education System Act (CCPA) of 2019, which established collective bargaining for family childcare providers; the Orange County Transit District Act (OCTDA) of 2019, which expanded PERB's jurisdiction to administer and enforce labor relations covering employees of the Orange County Transit District; the San Francisco Bay Area Rapid Transit Act (SFBART Act) of 2020, which granted PERB's authority to administer and enforce labor relations covering employees of the San Francisco Bay Area Rapid Transit District; and the Sacramento Regional Transit District Act (Sacramento RTD

Act) of 2021, which gives PERB jurisdiction over disputes relating to employer-employee relations of the Sacramento Regional Transit District for those exclusive representatives that have elected to move one or more of its bargaining units to the PERB's jurisdiction for unfair practice charges.

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 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 fully implement PERB's jurisdiction. As explained in more detail in the Informative Digest, the regulatory changes proposed by this notice address PERB's need to implement a process for resolving disputes arising under the Santa Cruz Metro Act and VTA Act, including the filing and processing of unfair practice charges. These practices and procedures will benefit PERB's constituents who seek to file unfair practice charges with PERB.

Two objectives are covered here:

1. In 2024, new regulations were approved in Regulatory Action No. 2023-1023-03S for all transit districts established under the Public Utilities Code (PUC) within PERB's jurisdiction. Effective October 2024, those regulations updated existing PERB regulations regarding representational matters for PUC transit districts, clarified transit representation practice and procedure, and guided the State Mediation and Conciliation Service (SMCS), PERB itself, and PERB's constituents and practitioners in its application. The Santa Cruz Metro Act and the VTA Act gave PERB jurisdiction over unfair practice charges, but regulatory provisions for processing unfair practices have not been submitted for rulemaking. Submitting a rulemaking file in the present case serves to add regulations regarding PERB's new jurisdiction over unfair practice charges in the Santa Cruz Metropolitan Transit District and the Santa Clara Valley Transportation Authority.

2. This rulemaking file also includes revisions to the existing regulations concerning deferral to arbitration and repugnancy to make them more readable.

INFORMATIVE DIGEST

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.

Proposed section 32019.71 defines terms applicable for cases filed under the Santa Cruz Metropolitan Transit District Act.

Proposed section 32019.8 adopts a definition of "VTA Act," to mean the Santa Clara Valley Transportation Authority Act.

Proposed section 32019.81 defines terms applicable for cases filed under the Santa Clara Valley Transportation Authority Act. The proposed section also explains the process for an exclusive representative to elect to move one or more of its bargaining units to PERB's jurisdiction for unfair practice charges, and defines "opt in unit" as one where the bargaining unit's exclusive representative has elected to move the unit to PERB's jurisdiction for unfair practice charges.

Proposed section 32614.4 describes employer unfair practices under the Santa Cruz Metro Act. In OAL Matter Number 2024-0503-01, the Office of Administrative Law (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. 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. 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. 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.

B. Amendment to the Text of Existing Sections

Section 32100 subdivision (i) currently provides that Chapter 6, Subchapter 3 of PERB's regulations govern representation cases under the OCTDA, SFBART Act and Sacramento RTD Act, and that unfair practice charges under those Acts are governed by Chapter 1, Subchapter 6. The proposed amendment to subdivision (i) simply adds the Santa Cruz Metro Act and VTA Act to the list of districts under this section. The amendment adds authority and reference citations pertaining to the Santa Cruz Metro Act and VTA Act.

Section 32120 provides for the filing of written agreements or memorandums 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.

Section 32140 concerns service requirements. The proposed amendment to subdivision (d)(3)(B), replaces "his" with "the Governor." The proposed amended to subdivision (d)(3)(H) replaces "his or her" with "the Administrative Director's." The existing regulation at subdivision (d)(3)(I) specifies the recipient authorized to receive service on behalf of a transit district. The proposed amendment to subdivision (d)(3)(I) simply adds the Santa Cruz Metro Act and VTA Act to the list of transit district employers under this section.

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 violations of the Santa Cruz Metro Act and VTA Act will also be processed as unfair practice charges. The proposed changes also update the authority and reference to include the Santa Cruz Metro Act and VTA Act. 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 references to IHSSEERA.

Section 32615 concerns the information required to be included in an unfair practice charge. The proposed amendment to subdivision (b)(4) deletes the reference to the "IHSSEERA" because that enabling statute under Government Code section 110000 et seq. was repealed by the Legislature in 2017. The amendment to (b)(4) also adds the requirement that the charge specify the Welfare and Instructions Code sections alleged to be violated for charges filed under the Building a Better Early Care and Education System of 2019, known as the Childcare Provider Act (CCPA).

Section 32620 concerns the processing of unfair practice charges. The existing subdivision (b)(5), in part, contains multiple references to Government Code and Public Utilities Code sections that prohibit the issuance of a complaint where the conduct alleged to violate the applicable Act is based upon conduct occurring more than six months before the filing of the charge or if the alleged dispute is subject to deferral to the arbitration under a labor agreement. The proposed amendment to subdivision (b)(5) provides plain language text that a complaint may not be issued in light of the governing statute of limitations. Additionally, the existing

subdivision (b)(5) provides that 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) removes the multiple cross-references to the Government Code and Public Utilities Code sections and provides plain text that 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 after the arbitration process concludes unless the resolution of the underlying dispute 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 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.

Section 32661 concerns filing repugnancy claims for unfair practice charge cases deferred to arbitration because the parties' written agreement covered the conduct in 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 Court Act, Court Interpreter Act, OCTDA, SFBART Act, and Sacramento RTD Act. These changes clarify that repugnancy claims may be filed under any applicable Act within PERB's jurisdiction. Indeed, the proposed amendment would encompass the Santa Cruz Metro Act and VTA Act, as well as any further acts that come under PERB's jurisdiction without requiring further amendment of the provision's language.

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

The following proposed changes do not make any changes to the text of the section, but only update the authority and reference citations.

Section 31001 provides for meetings of the Public Employment Relations Board.

Section 32020 provides a definition for the term "Board."

Section 32030 provides a definition for the term "Board itself."

Section 32040 provides a definition for the term "Executive Director."

Section 32050 provides a definition for the term "General Counsel."

Section 32055 provides a definition for the term "Chief Administrative Law Judge."

Section 32060 provides a definition for the term "headquarters office."

Section 32075 provides a definition for the term "regional office."

Section 32080 provides a definition for the term "day."

Section 32090 provides a definition for the term "e-PERB."

Section 32091 provides a definition for the term "electronic filing."

Section 32092 provides a definition for the term "electronic signatures" and when documents are determined to be electronically signed.

Section 32093 provides a definition for the term "electronic service" where authorized or required by statute or within PERB's regulations.

Section 32094 provides a definition for the term "filed" as the term is used for the formal submission of documents with PERB.

Section 32095 provides a definition for the term "bargain."

Section 32105 provides for the severability of PERB's regulations.

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.

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.

Section 32115 describes the locations for filing documents with PERB in representation matters that are not filed electronically.

Section 32125 describes the filing requirements for documents with confidential information.

Section 32130 addresses the computation of time for filings with PERB.

Section 32132 concerns the requirements for an extension of time to file documents with the Board.

Section 32135 concerns filing requirements for non-electronic filings.

Section 32136 concerns late filing requirements.

Section 32143 concerns the placement of PERB cases in abeyance.

Section 32145 concerns the waiver of time period requirements to expedite a matter.

Section 32147 provides for expediting matters before the Board.

Section 32149 concerns the issuance of investigative subpoenas.

Section 32150 concerns the issuance of subpoenas.

Section 32155 concerns the circumstances under which a Board agent or Board member will be recused from a case.

Section 32162 concerns the confidentiality of Board investigations.

Section 32164 concerns an application for joinder of parties.

Section 32165 concerns an application to join a representation hearing as a limited party.

Section 32166 concerns an application to join a representation hearing as a full party.

Section 32168 concerns the conduct of hearings.

Section 32169 concerns the taking of depositions.

Section 32170 concerns the powers and authority of a Board agent conducting a hearing.
Section 32175 regards the rules of evidence in representation cases.

Section 32176 concerns the rules of evidence in unfair practice cases.

Section 32178 concerns the burden of proof in unfair practice cases.

Section 32180 concerns the rights of parties in PERB hearings.

Section 32185 concerns ex parte communications with Board agents.

Section 32190 concerns filing and rulings on motions.

Section 32200 concerns the appeal of rulings on motions and other interlocutory matters.

Section 32205 concerns requests to continue a formal hearing.

Section 32206 concerns the production of statements of witnesses after testimony.

Section 32207 concerns stipulation of facts for purposes of hearing.

Section 32209 addresses the procedure for correction of hearing transcripts.

Section 32210 concerns the filing of informational briefs and oral arguments.

Section 32212 concerns briefs and oral arguments.

Section 32215 concerns the issuance of proposed decisions.

Section 32220 concerns contemptuous conduct by a party or a party's agent.

Section 32230 concerns the refusal of a witness to testify.

Section 32295 concerns ex parte communications with members of the Board itself or legal advisers to Board members.

Section 32300 concerns the filing of exceptions to Board agent decisions.

Section 32305 provides that proposed decisions become final if no timely exceptions are filed.

Section 32310 provides for the filing of responses to exceptions.

Section 32312 provides the requirements for reply briefs to exceptions.

Section 32315 provides for oral argument on exceptions.

Section 32320 concerns the issuance of decisions by the Board itself.
Section 32325 concerns the remedial powers of the Board.

Section 32350 defines administrative decisions.

Section 32360 concerns requirements for appeals of administrative decisions.

Section 32370 concerns requests for a stay following an appeal.

Section 32375 provides for responses to administrative appeals.

Section 32380 provides for administrative decisions that are not appealable.

Section 32400 provides that a motion for reconsideration is not required to exhaust administrative remedies.

Section 32410 provides for the filing of requests for reconsideration.

Section 32450 concerns the filing of requests for injunctive relief.

Section 32455 concerns the investigation of requests for injunctive relief.

Section 32460 provides recommendations by the General Counsel concerning requests for injunctive relief.

Section 32465 provides for decisions by the Board itself concerning requests for injunctive relief.

Section 32470 concerns the authority of the General Counsel regarding requests for injunctive relief where a quorum of the Board itself is unavailable.

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.

Section 32616 specifies the regional office for filing unfair practice charges.

Section 32621 concerns the amending of unfair practice charges.

Section 32625 concerns the withdrawal of unfair practice charges.

Section 32630 concerns the dismissal of unfair practice charges.

Section 32635 provides for the appeal of dismissals of unfair practice charges.

Section 32640 concerns the issuance of complaints in unfair practice charge cases.

Section 32644 provides for filing an answer in unfair practice charges where a complaint is issued.

Section 32645 concerns non-prejudicial errors in unfair practice charges and related documents.

Section 32647 concerns amendments to complaints in unfair practice charge cases before hearing.

Section 32648 concerns amendments to complaints in unfair practice charge cases during a hearing.

Section 32649 concerns filing answers to amendments to complaints in unfair practice charge cases.

Section 32650 concerns the conduct of settlement conferences in unfair practice charge cases.

Section 32680 concerns the conduct of hearings on unfair practice charges.

Section 32690 concerns notice of hearing in unfair practice charge cases.

Section 32980 concerns the enforcement of compliance with the final decisions of the Board.

CONSISTENT AND COMPATIBLE WITH EXISTING STATE REGULATIONS

The Board has determined that the proposed regulatory adoptions and amendments are 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 regulations are the only regulations concerning the implementation and enforcement of these laws. Therefore, the Board has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

NO EXISTING AND COMPARABLE FEDERAL REGULATION OR STATUTE

During the process of developing these proposed regulatory adoptions and amendments, the Board has searched for any similar federal regulations and statutes on this topic. Analogous provisions for processing unfair labor practices and representation proceedings are found in the National Labor Relations Act (29 U.S.C. § 157, 158) and its corresponding rules and regulations (29 CFR 101, 102). However, the National Labor Relations Act (NLRA) covers private-sector employment, whereas the proposed regulatory changes here apply solely to public employers and employee organizations within PERB's jurisdiction in California. While similar, the federal precedent under the NLRA is considered persuasive authority by PERB when administering the labor relations statutes set forth above. Therefore, the Board has concluded that these regulations are neither inconsistent nor incompatible with existing Federal regulations or statutes.

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 that must be reimbursed.

Other non-discretionary costs or savings imposed upon local agencies: The proposed action would not result in any non-discretionary costs or savings imposed upon local agencies.

Costs or savings to state agencies: The proposed action would not result in new costs or savings.

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

Cost impacts 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 proposed regulations will not affect small businesses because the proposed regulations will only affect public employers and public employees.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The Board concludes that adopting the proposed regulations and amendments will neither create nor eliminate jobs in the State of California, nor result in the elimination of existing businesses, or create or expand businesses in the State of California.

BENEFIT ANALYSIS

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 Santa Cruz Metro Act and VTA Act. Because PERB's unfair practice charge process is well-established, applying these existing procedures will aid in the expedient resolution of disputes arising under Santa Cruz Metro Act and VTA Act, in furtherance of the policies underlying the corresponding acts. If adopted, the proposed regulations will also clarify procedures for filing and processing unfair practice charges arising under other labor relations acts within PERB's jurisdiction. The proposed regulations will ensure that the procedural and substantive rights of the applicable labor relations acts will be protected. In so doing, California residents' welfare will benefit from stable collective bargaining and dispute resolution, which translates to continuous delivery of the essential services that employers and their employees provide to California communities.

The proposed regulations are not expected to affect worker safety or the state's environment.

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 regarding alternatives to the proposed regulations at the scheduled hearing, if one is requested, or during the written comment period.

CONTACT PERSONS

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

Yaron Partovi, Principal Attorney Supervisor
Public Employment Relations Board
Los Angeles Regional Office
425 W. Broadway #400
Glendale, CA 91204
(818) 696-6345
E-mail: yaron.partovi@perb.ca.gov

The backup person for these inquiries is:

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

Please direct requests for copies of the proposed text (the "express terms") of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to Yaron Partovi at the above Glendale address.

PRELIMINARY ACTIVITIES

PERB held a public meeting on December 14, 2023, wherein the public was given the opportunity to provide comments regarding implementation of these transit district regulations. On December 14, 2023, the Board itself approved the publication of the proposed regulatory

text and the commencement of the formal rulemaking process. PERB has also relied upon the Economic Impact Assessment identified in this notice in proposing regulatory action.

AVAILABILITY OF STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, 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 regulations, and the initial statement of reasons. Copies of these documents may be obtained by contacting Yaron Partovi at the above Glendale address and are also available on the Board's website at https://perb.ca.gov/laws-and-regulations/rulemaking/rulemaking-transit-2/.

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 regulations 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 regulations as revised. Requests for copies of any modified regulations and/or the final statement of reasons should be sent to the attention of Yaron Partovi at the above Glendale address. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the final statement of reasons may be obtained by contacting Yaron Partovi at the above Glendale 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 regulations in underline and strikeout, can be accessed through PERB's website at www.perb.ca.gov 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. These documents may be viewed on PERB's website at the following address: https://perb.ca.gov/laws-and-regulations/rulemaking/rulemaking-transit-2/