

Date of Hearing: May 6, 2026

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

AB 1564 (Ahrens) – As Amended February 25, 2026

Policy Committee: Public Employment and Retirement Vote: 6 - 0

Urgency: No State Mandated Local Program: No Reimbursable: No

SUMMARY:

This bill prohibits a public employer from questioning an employee or employee representative regarding representation-related communications made in confidence between the employee and employee representative.

This bill also prohibits a public employer from compelling disclosure of such communications to a third party. These prohibitions do not apply to a criminal investigation or certain public safety officer investigations.

FISCAL EFFECT:

- 1) One-time costs of an unknown, but significant amount, potentially in the millions of dollars, to public agencies, including the state as an employer, to update collective bargaining agreements and related policies and trainings regarding allowable employer-employee communications, including policies surrounding workplace investigations (General Fund and special fund). For example, the California Community College (CCC) Chancellor's Office estimates one-time costs between \$936,000 and \$1.6 million (costs between \$13,000 and \$22,000 per district) to implement this prohibition across the CCC's 72 districts (Proposition 98 General Fund).

By limiting the type of information an employer may obtain, this bill may result in public agencies also incurring additional investigation costs to prepare for an administrative or civil proceeding. To the extent this bill's explicit prohibitions result in an increase or decrease in dispute resolution for grievances and litigation of unfair practice charges, public agencies may incur corresponding costs or savings.

- 2) Likely minor and absorbable costs to the Public Employment Relations Board (PERB), as related grievances and charges are already brought before PERB for evaluation.

COMMENTS:

- 1) **Purpose:** According to the author:

Under existing law, employers may still question employees or union representatives in certain circumstances. This gap creates the potential for coercion, erodes trust in union representation, and weakens

employee protections. This bill addresses this issue by codifying PERB's rulings and expressly prohibiting public employers from compelling disclosure of confidential communications between employees and their union representatives.

- 2) **Employee-Union Communications.** The Public Employee Communication Chapter (PECC) provides the exclusive representative of a public employee specific rights to ensure meaningful access to, and the ability to effectively communicate with, the represented employee. However, as noted in the Assembly Public Employment and Retirement Committee's analysis of this bill:

Although the PECC provides employee organizations with such communications rights, unlike other states that have established an explicit privilege regarding employee-union communications by statute or judicial decision, public employees in California do not have statutory communication protections with their employee organizations, which may foster apprehension or lack of candor with their union representative, and undermines trust in that relationship.

This bill does not establish an explicit evidentiary privilege for employee-union communications. Instead, this bill prohibits a public employer from questioning an employee or employee representative regarding communications made in confidence between the employee and employee representative in connection to any matter within the scope of the representation, and also prohibits a public employer from compelling disclosure of such communications to a third party.

- 3) **Support and Opposition.** This bill is sponsored by the Peace Officers' Research Association of California, which argues this bill is "modest and balanced" because it "prevents public agencies from interfering in union representation matters and communications in a host of circumstances, but it does not create a statutory privilege." This bill is also co-sponsored and supported by other labor organizations.

This bill is opposed by a coalition of local government employer entities, which argues this bill "would create a de facto prohibition on employers requesting a court to compel disclosure of purportedly confidential communications, which is the same outcome as if the communication was privileged in those circumstances." This bill is also opposed by other employer groups.

- 4) **Related Legislation.** AB 340 (Ahrens), of the current legislative session, was substantially similar to this bill. AB 340 was held on the Senate Appropriations Committee's suspense file.

AB 1109 (Kalra), of the current legislative session, establishes an evidentiary privilege for communications between a union agent and a represented employee. AB 1109 was held on the Senate Appropriations Committee's suspense file.

- 5) **Prior Legislation.** AB 2421 (Low), of the 2023-24 Legislative Session, was similar to this bill, but did not prohibit compelled disclosure and also did not apply to an administrative

disciplinary investigation. AB 2421 was held on the Senate Appropriations Committee's suspense file.

AB 418 (Kalra), of the 2019-20 Legislative Session, and AB 3121 (Kalra), of the 2017-18 Legislative Session, were substantially similar to AB 1109. Both AB 418 and AB 3121 were ordered to the Senate Inactive File.

AB 729 (Hernández), of the 2013-14 Legislative Session, was similar to AB 1109, AB 418, and AB 3121. AB 729 was vetoed by Governor Brown, who argued:

I don't believe it is appropriate to put communications with a union agent on equal footing with communications with one's spouse, priest, physician or attorney. Moreover, this bill could compromise the ability of employers to conduct investigations into workplace safety, harassment and other allegations.

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