
SENATE COMMITTEE ON APPROPRIATIONS

Senator Sabrina Cervantes, Chair
2025 - 2026 Regular Session

AB 1564 (Ahrens) - Employer-employee relations: confidential communications

Version: May 18, 2026

Policy Vote: L., P.E. & R. 5 - 0, JUD. 12 -
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Urgency: No

Mandate: No

Hearing Date: August 3, 2026

Consultant: Robert Ingenito

Bill Summary: AB 1564 would prohibit a public employer from questioning employees and employee representatives about, or compelling them to disclose to a third party, communications between employees and employee representatives in connection with the representation relating to any matter with the scope of representation, as specified.

Fiscal Impact:

- This bill would result in one-time costs to the State as a direct employer, to update collective bargaining agreements and related policies and trainings, including policies regarding workplace investigations and allowable communications between represented employees and their employer. The magnitude is unknown, but minimally in the low millions of dollars (General Fund and special funds). As an 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 its CCC's 72 districts (Proposition 98 General Fund).
- By limiting the type of information an employer may obtain, this bill additionally could result in investigation costs to the State related to preparation for an administrative or civil proceeding. The magnitude is unknown (General Fund and special funds).
- The bill would not have a fiscal impact to the Public Employment Relations Board (PERB).

Background: With respect to public employees, PERB has found that communications between an employee and their employee representative are protected from disclosure to an employer in some circumstances. However, case law and statute currently has not provided an employee and employee representative with an evidentiary privilege, in which the communication cannot be compelled to be disclosed or used as evidence in a court proceeding, for their communications.

Proposed Law: This bill, among other things, would do the following:

- Prohibit a public employer from questioning a public employee, a representative of a recognized employee organization, or an exclusive representative regarding communications made in confidence between a public employee and the

representative in connection with representation relating to any matter within the scope of the recognized employee organization's representation.

- Prohibit a public employer from compelling a public employee, a representative of a recognized employee organization, or an exclusive representative to disclose to a third party, communications made in confidence between a public employee and the representative in connection with representation relating to any matter within the scope of the recognized employee organization's representation..

Related Legislation:

- AB 340 (Ahrens, 2025) was identical to this bill, and was held under submission on the Suspense File of this Committee.
- AB 2421 (Low, 2024) would have prohibited specified public employers from questioning employees and employee representatives about communications between employees and employee representatives related to the representative's representation, with a specified exception. The bill was as held under submission on the Suspense File of this Committee.
- AB 418 (Kalra, 2019) would have established an evidentiary privilege from disclosure for communications between a union agent and a represented employee or represented former employee. This bill died on the Senate inactive file.
- AB 3121 (Kalra, 2018) would have established an evidentiary privilege from disclosure for communications between a union agent and a represented employee or represented former employee. This bill died on the Senate inactive file.
- AB 729 (Roger Hernández, 2013) would have provided a union agent, as defined, and a represented employee or represented former employee a privilege of refusing to disclose any confidential communication between the employee or former employee and the union agent while the union agent is acting in their representative capacity, except as specified. The Governor vetoed this bill.

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