

Date of Hearing: April 8, 2026

ASSEMBLY COMMITTEE ON PUBLIC EMPLOYMENT AND RETIREMENT

Tina S. McKinnor, Chair

AB 1630 (Caloza) – As Introduced January 26, 2026

SUBJECT: Meet and confer: observation

SUMMARY: Makes changes to the Higher Education Employer-Employee Relations Act (HEERA) regarding observation of the meet and confer process. Specifically, **this bill:**

- 1) Authorizes, at their discretion, an exclusive representative to invite one or member bargaining unit members to remotely and passively observe a meet and confer session on a memorandum of understanding (MOU).
- 2) Requires remote access to be provided for this purpose at the request of the exclusive representative.
- 3) Provides that, absent agreement by the parties to the MOU, a bargaining unit member observing a session must not receive released or reassigned time or compensation to observe the session.

EXISTING LAW:

- 1) Governs collective bargaining in the private sector under the federal National Labor Relations Act (NLRA), but leaves it to the states to regulate collective bargaining in their respective public sectors. (Sections 151 et seq., Title 29, United States Code.) While the NLRA and the decisions of its National Labor Relations Board (NLRB) often provide persuasive precedent in interpreting state collective bargaining law, public employees have no collective bargaining rights absent specific statutory authority establishing those rights.
- 2) Provides several statutory frameworks under California law to provide public employees collective bargaining rights, govern public employer-employee relations, and limit labor strife and economic disruption in the public sector through a reasonable method of resolving disputes regarding wages, hours and other terms and conditions of employment between public employers and recognized public employee organizations or their exclusive representatives. These include the HEERA governing employment relations for the University of California, CSU, and UC Law San Francisco (formerly, Hastings College of Law). (Sections 3560 et seq., Gov. Code.)
- 3) Explicitly requires higher education employers to meet and confer with the exclusive representative of employees on all matters within the scope of representation. (Section 3570, Gov. Code.) If the employer fails to bargain, the exclusive representative is authorized to file an unfair practice charge with the Public Employment Relations Board (PERB). (Section 3563.2, Gov. Code.)
- 4) Establishes, among other things, that the duty to meet and confer in good faith and requires the parties to begin negotiations prior to the adoption of the final budget for the ensuing year

sufficiently in advance of the adoption date to provide adequate time for an agreement to be reached or for an impasse to be resolved. (Section 3572, Gov. Code.)

- 5) Defines, pursuant to the HEERA, “meet and confer” to mean the performance of the mutual obligation of the higher education employer and the exclusive representative of its employees to meet at reasonable times and to confer in good faith with respect to matters within the scope of representation and to endeavor to reach agreement on matters within the scope of representation. The process also must include adequate time for the resolution of impasses. If agreement is reached between representatives of the higher education employer and the exclusive representative, they must jointly prepare a written MOU that must be presented to the higher education employer for concurrence. However, these obligations must not compel either party to agree to any proposal or require the making of a concession. (Section 3562(m), Gov. Code.)
- 6) Conveys a right to an exclusive representative to have a reasonable number of representatives receive periods of released or reassigned time without loss of compensation when engaged in, among other things, meeting and conferring. However, when a MOU is in effect, released or reassigned time must be in accord with the terms of the MOU. (Section 3569, Gov. Code.)
- 7) Establishes the PERB, a quasi-judicial administrative agency charged with administering certain statutory frameworks governing employer-employee relations, resolving disputes, and enforcing the statutory duties and rights of public agency employers and employee organizations, but provides the City and County of Los Angeles a local alternative to PERB oversight. (Sections 3541 et seq., Gov. Code.)

FISCAL EFFECT: Unknown. This bill is flagged as fiscal by Legislative Counsel.

COMMENTS:

Among other things, information provided by the author states that, “[u]nder HEERA, the UC and CSU can deny a union’s request to invite non-participating observers to a bargaining session. The UC and CSU employ workers statewide with diverse schedules, making time-sensitive communication with rank-and-file members difficult. In high-turnover positions, connecting with new hires is particularly challenging, leading to delays in proposal acceptance and the overall bargaining process. During the pandemic, the transition to remote bargaining and observation proved that transparency works. Member engagement surged as employees joined as their schedules allowed, streamlining feedback and accelerating the bargaining timeline. This increased accountability also shifted the focus from ‘hard bargaining’ to a shared goal of improving student achievement. Under current law, employers must consent to observers. Despite maintaining remote sessions, the UC and CSU now refuse to allow remote observation. [This bill] would restore this transparency by giving unions the discretion to invite remote observers, ensuring efficient communication and preventing the unproductive bargaining tactics that currently stall progress.”

Participating in the Meet and Confer Process Under the HEERA

The HEERA explicitly requires both higher education employers and exclusive representatives to meet and confer in good faith on all matters within the scope of representation. (Sections 3570 and 3571.1(c), *ibid.*, respectively). If either party fails to bargain as required, they may file an unfair practice charge with the PERB. (Sections 3563 *et seq.*, Gov. Code.)

The HEERA also expressly prescribes unlawful acts by the employer as well as those by the employee organization. (Sections 3571 and 3571.1, Gov. Code, respectively.) As applied to the employer, among other things, it is: (i) prohibited from imposing or threatening to impose reprisals on employees, and (ii) discriminating or threatening to discriminate against employees, or interfering with, restraining, or coercing employees because of their exercise of rights guaranteed by the act. This specific provision applies to both employees and applicants for employment or reemployment. (Section 3571(a), *ibid.*) Similar provisions also exist regarding unlawful conduct by an employee organization (Section 3571.1(b), *ibid.*)

Among other rights prescribed by the HEERA, the act requires reasonable periods of released or reassigned time without loss of compensation for a reasonable number of representatives of an exclusive representative when engaged in, among other things, meeting and conferring, and the processing of grievances prior to the adoption of a MOU. When the MOU is in effect, released or reassigned time must be in accordance with the MOU. (Section 3569, Gov. Code.)

As the HEERA expressly prescribes the limitations of the scope of representation, i.e., mandatory subjects of collective bargaining, for the UC and CSU, respectively,¹ the PERB has issued decisions relating to the observation of the meet and confer process where “ground rules must be bargained over just as any other mandatory subject of bargaining. (*Orange County Employees Assoc., et al. v. County of Orange* (2018) PERB No. 2594-M.)² And, “absent agreement, the default rule of negotiations is that observers are excluded from negotiations.” (*Petaluma Fed. of Teachers v. Petaluma City Elementary Sch. Dist.* (2016) PERB No. 2485.)³ Thus, in addition to the statutory subjects of bargaining that are mandatory, among establishing the ground rules for the meet and confer process, observers are excluded, and their participation as an observer also is mandatory subject of bargaining.

This Bill

In lieu of the PERB’s decisions previously discussed, this bill proposes to statutorily address the observation of collective bargaining negotiations between the HEERA-covered employer and HEERA-covered employee organization for bargaining unit members who are not directly involved in the negotiations. In so doing, at the discretion of the exclusive representative, it would allow bargaining unit members to remotely and passively observe such sessions, and remote access must be provided for this purpose at the request of the exclusive representative. However, unless there are agreed upon terms of a MOU, these bargaining unit members must not receive released or reassigned time or compensation to observe the session.

¹ Sections 3562(q), Gov. Code re: the UC, and 3562(r), Gov. Code re: the CSU.

² Relating to this matter under the Meyers-Milias-Brown Act governing local public employment relations.

³ Relating to this matter under the Educational Employment Relations Act governing employment relations for K-12 public school districts and community college districts.

Appreciating that one premise of this bill is to encourage bargaining unit member engagement relating to meet and confer sessions on matters involving their employment, however, this bill does not prescribe a limitation on the number of bargaining unit members who may be invited to such sessions. Because there is no prescribed limitation, this may present concerns regarding the manageability or practicability of using and maintaining live technology for a potentially substantial number of remote observers without technological issue or interruption during session, and/or concerns relating to the potential intrusive nature or effect that an unlimited number of remote and passive bargaining unit member observers may have on the meet and confer session. In addition, there exists the potential that remote passive observation could become active. For example, signage or other similar object that may be displayed or seen by others on a screen, or physical movement(s), that could be considered as more than passive observation such that it is disruptive during a session.⁴ Notwithstanding the aforementioned matters, admittedly, similar circumstances may exist currently with respect to the passive observation by bargaining unit members who attend meet and confer sessions in person.

Author’s Statement

“CSU and UC workers are the backbone of our higher education system. When we protect their rights, we strengthen the future of education across our State. [This bill] guarantees unions a real, meaningful seat at the table and ensures every worker is heard. Under existing law, the UC and CSU can block rank-and-file union members from observing remote bargaining sessions. This slows communication, weakens transparency, and drags out negotiations. [This bill] delivers the accountability workers deserve. It protects the right of our unions to have a seat at the table in decisions that affect them. Because when our workers are represented, our universities and classrooms flourish.”

Comments by Supporters

Among other things, the California State Council of the Service Employees International Union states that, “[t]he UC and CSU systems manage statewide workforces characterized by diverse schedules and high turnover – factors that historically complicate communication during negotiations. The pandemic, however, proved that remote transparency is a powerful solution. When rank-and-file members were permitted to observe sessions virtually, engagement surged, streamlining communication and accelerating the path to agreement. The added layer of accountability discouraged unproductive “hard bargaining” tactics, compelling both parties to focus on their shared mission of improving university operations. Despite this proven success, the UC and CSU have since retreated to closed-door sessions, rejecting all subsequent requests for remote observation. [This bill] would require the UC and CSU to allow remote, passive observation when requested by the union. This bill restores the transparency necessary to ensure efficient communication and prevents the tactics that currently obstruct progress at the bargaining table.”

The California Faculty Association states, “[t]he UC and CSU systems manage statewide workforces characterized by diverse schedules and high turnover – factors that historically complicate communication during negotiations. The pandemic, however, proved that remote transparency is a powerful solution. When rank-and-file members were permitted to observe

⁴ It is noted that matters relating to signage, for example, may involve balancing the exercise of First Amendment rights (e.g., free speech).

sessions virtually, engagement surged, streamlining communication and accelerating the path to agreement. The added layer of accountability discouraged unproductive “hard bargaining” tactics, compelling both parties to focus on their shared mission of improving university operations. Despite this proven success, the UC and CSU have since retreated to closed-door sessions, rejecting all subsequent requests for remote observation. [This bill] would require the UC and CSU to allow remote, passive observation when requested by the union, [and] restores the transparency necessary to ensure efficient communication and prevents the tactics that currently obstruct progress at the bargaining table.”

The California Federation of Teachers – a Union of Education and Classified Professionals, AFT, AFL-CIO states, “[this bill] fosters an environment of transparency, allowing for broader passive participation without impacting compensation mechanisms. We believe that such involvement is essential in ensuring more informed and democratic decision-making processes, laying a foundation for more robust and representative agreements between higher education employers and employee organizations.

Teamsters California expresses that, “[the] right for an exclusive representative to invite a bargaining unit member to observe meeting and conferring on a [MOU] is critical to protect the transparency and efficacy of bargaining. This is already common practice for many employee organizations and employers in California and across the globe. [This bill] is an important next step for California to continue its long leadership protecting workers’ rights.”

Others in support offer similar statements regarding this bill.

Comments by Opponents

The UC states, in part, “[c]urrent California labor law and [PERB] precedent, specifically *PERB Decision 2485: Petaluma City Elementary School District (2016)*, emphasize that the effectiveness of negotiations relies on an environment that allows for informal and frank discussion. [The] PERB has historically maintained that if a union wishes to permit employee observers to attend negotiations, that should be settled through the bargaining of contractual rights and ground rules. Switching to a model of broad remote observation might unintentionally shift the focus from constructive compromise to more rigid, performative posturing. Current bargaining unit practices already provide meaningful access and representation for bargaining unit members, including broad systemwide bargaining teams, release time, and opportunities for in-person observation. Implementing this new mandate would create significant logistical and technical burdens for the University. Standardizing secure platforms for thousands of observers across ten campuses and five medical centers would be a massive undertaking that would require substantial resources. The bill also lacks clear rules for verifying identities or ensuring that “passive” observation remains truly passive. Even a simple technical glitch or dropped connection could lead to formal disputes, prolonging negotiations, or even the increased likelihood of an impasse.

Among other things, the CSU states that, “[it] shares the author’s desire for transparency in collective bargaining and has demonstrated this commitment through regular bargaining updates and communications, full public disclosure of agreements, and a public vote at a Board of Trustee Meeting. The CSU’s labor partners likewise provide regular updates, hold town halls, and share proposals with their members. Transparency is already embedded in the collective bargaining process, and both employees and members of the public may access information through the CSU’s Labor and Employee Relations website. However, [...] this bill would

significantly alter the dynamics of collective bargaining in a manner that could delay agreements and complicate bargaining sessions. The bill provides ‘one or more’ bargaining unit members may attend collective bargaining meetings at the exclusive representative’s discretion but does not define the parameters around that attendance. Without clear limits, this language could be interpreted to permit an unlimited number of observers, creating logistical challenges, and potentially undermining candid dialogue at the bargaining table that is often necessary to reach agreements.” Similarly citing the PERB’s decision in *Petaluma, id.*, the CSU further states that, [this bill] would override this established framework by mandating observer access without requiring mutual agreement. By substituting statutory language for negotiated ground rules, and by permitting potentially unlimited observers without mutual agreement, [this bill] removes from the bargaining table a subject that PERB has expressly determined must be negotiated....”

Prior or Related Legislation

Assembly Bill 1818 (Ortega, 2026) amends the HEERA relating to the California State University (CSU), a written memorandum of understanding (MOU), and the state Budget Act, among other provisions. This bill is currently pending in the Assembly Committee on Appropriations.

Assembly Bill 1582 (Ortega, 2026) amends the HEERA by adding other prohibited acts of a higher education employer relating to arbitration and violation of a collective bargaining agreement (CBA), among other provisions. This bill is currently pending in the Assembly Committee on Appropriations.

REGISTERED SUPPORT / OPPOSITION:

Support

California State Council of Service Employees International Union (Sponsor)
California Faculty Association
California Federation of Teachers – a Union of Educators & Classified Professionals, AFT,
AFL-CIO
California State University Employees Union
Teamsters California

Opposition

California State University, Office of the Chancellor
University of California Office of the President

Analysis Prepared by: Michael Bolden / P. E. & R. / (916) 319-3957