

remote observers, ensuring efficient communication and preventing the unproductive bargaining tactics that currently stall progress.

2) **Background.**

Higher Education Employer-Employee Relations Act (HEERA). The HEERA, established by the Legislature in 1978, governs collective bargaining in higher education. Unlike the treatment for other public employers under existing law, the HEERA provides that a Memorandum of Understanding (MOU) between a higher education employer and its employees is not subject to review or approval by the Legislature. Current law places administration of the HEERA under the jurisdiction of the Public Employment Relations Board (PERB).

The negotiation process that results in ratified MOUs between a higher education employer and bargaining units, ultimately resulting in a collective bargaining agreement (CBA), consists largely of the meet and confer sessions referred to in this bill. HEERA compels the CSU and UC and their labor partners to meet and confer in “good faith” pursuant to a prescribed timeline to facilitate timely arrival at an agreement. Current law is permissive regarding the inclusion of non-participatory observation of the meet and confer process by members of the respective bargaining unit being negotiated with. With the increase in remote meetings during the COVID-19 Pandemic, the UC and CSU allowed remote observation of the meet and confer process by multiple rank-and-file employees from the represented bargaining unit. However, according to the California Faculty Association, speaking in support of this bill, current law ultimately “allows the UC and CSU to block rank-and-file members from observing the negotiations that shape their working conditions and livelihoods” because “employers hold unilateral veto power over transparency.” This bill allows a bargaining unit representative, at their discretion, to invite one or more bargaining unit members to observe, remotely and passively, a meet and confer session.

- 3) **Related Legislation.** AB 1818 (Ortega), of the current legislative session, prohibits the CSU from failing to comply with its obligations under a CBA with a labor organization should the Legislature and Governor fail to fund the amount of state funding for the CSU assumed in the bargaining process. AB 1818 was referred to the committee’s suspense file.

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