

## ASSEMBLY THIRD READING

AB 1630 (Caloza)

As Introduced May 22, 2026

Majority vote

**SUMMARY**

Makes changes to the Higher Education Employer-Employee Relations Act (HEERA) regarding observation of the meet and confer process.

**Major Provisions**

- 1) Authorize, at their discretion, an exclusive representative to invite one or member bargaining unit members to remotely observe a meet and confer session on a memorandum of understanding (MOU). *However, a remote observer may not delay or disrupt the session.*
- 2) Require remote access to be provided for this purpose at the request of the exclusive representative.
- 3) Provide 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.
- 4) *Provide that nothing must prevent the parties from agreeing to allow, nor require any change in existing practices to, in-person observers or greater participation by those observers in sessions held for the purpose of the meet and confer.*

**COMMENTS***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), Government Code). If either party fails to bargain as required, they may file an unfair practice charge with the Public Employment Relations Board (PERB). (Sections 3563 et seq., Government Code.)

The HEERA also expressly prescribes unlawful acts by the employer as well as those by the employee organization. (Sections 3571 and 3571.1, Government Code, respectively.) Among other things 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, Government Code.)

As the HEERA expressly prescribes the limitations of the scope of representation, i.e., mandatory subjects of collective bargaining, for the University of California (UC) and California State University (CSU), respectively, the Public Employment Relations Board (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.) 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.) 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 a mandatory subject of bargaining.

### *This Bill*

In lieu of the aforementioned PERB decisions, 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.

Please refer to the policy committee analysis for a full discussion of this bill.

### **According to the Author**

"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."

### **Arguments in Support**

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 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.

### **Arguments in Opposition**

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...."

## FISCAL COMMENTS

According to the Assembly Committee on Appropriations, this bill would result in the following:

- 1) Ongoing General Fund costs of approximately \$100,000 to \$300,000 annually for the University of California (UC) to procure the necessary technology platform, create policies and procedures, and hire additional information technology support necessary to facilitate remote and passive observation of bargaining sessions.

According to the UC Office of the President, the UC system employs over 180,000 represented employees across 18 systemwide bargaining units and 22 local units.

- 2) Ongoing General Fund costs of up to \$255,000 annually for the California State University (CSU) to procure the necessary technology platform, create policies and procedures, and hire additional information technology support necessary to facilitate remote and passive observation of bargaining sessions.

The Legislative Analyst's Office recently warned of General Fund structural deficits of around \$35 billion per year in the 2027-28 fiscal year and ongoing.

## VOTES

### ASM PUBLIC EMPLOYMENT AND RETIREMENT: 5-0-2

**YES:** McKinnor, Boerner, Garcia, Nguyen, Michelle Rodriguez

**ABS, ABST OR NV:** Lackey, Alanis

### ASM APPROPRIATIONS: 13-0-2

**YES:** Wicks, Hoover, Aguiar-Curry, Calderon, Caloza, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache, Tangipa

**ABS, ABST OR NV:** Dixon, Ta

## UPDATED

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CONSULTANT: Michael Bolden / P. E. & R. / (916) 319-3957

FN: 0003134