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**SENATE COMMITTEE ON LABOR, PUBLIC EMPLOYMENT AND RETIREMENT**  
**Senator Lola Smallwood-Cuevas, Chair**  
**2025 - 2026 Regular**

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**Bill No:** AB 1630 **Hearing Date:** June 17, 2026  
**Author:** Caloza  
**Version:** May 22, 2026  
**Urgency:** No **Fiscal:** Yes  
**Consultant:** Alma Perez-Schwab

**SUBJECT:** Meet and confer: observation

**KEY ISSUE**

This bill makes changes to the Higher Education Employer-Employee Relations Act (HEERA) to authorize an exclusive representative to invite one or more members of a bargaining unit to remotely observe a session held for the purpose of a meet and confer on a memorandum of understanding (MOU).

**ANALYSIS**

**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. (United States Code, Title 29, §151 et seq.)
- 2) Provides several statutory frameworks in state law granting public employees collective bargaining rights, governing public employer-employee relations, and limiting 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. The Higher Education Employer-Employee Relations Act (HEERA) governs these employment relations for the University of California, the California State University, and UC College of the Law San Francisco (formerly, Hastings College of Law). (Government Code §3560 et seq.)
- 3) Pursuant to the HEERA, requires higher education employers to meet and confer with the exclusive representative of employees on all matters within the scope of representation. Failure by the employer to bargain, authorizes the exclusive representative to file an unfair practice charge with the Public Employment Relations Board (PERB). (Government Code §3570 & §3563.2)
- 4) Establishes for the CSU, among other things, that the duty to meet and confer in good faith 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. (Government Code §3572)
- 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, including wages, hours of employment, and other terms and conditions of employment, 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 memorandum of understanding (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. (Government Code §3562(m))

- 6) Grants a reasonable number of representatives of an exclusive representative the right to 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. (Government Code §3569)
- 7) Establishes the Public Employment Relations Board (PERB), a quasi-judicial administrative agency charged with administering certain statutory frameworks governing California state and local public employer-employee relations, resolving disputes, and enforcing the statutory duties and rights of public agency employers, employees, and employee organizations. (Government Code §3541 et seq.)

**This bill:**

- 1) Authorizes an exclusive representative to, at their discretion, invite one or more members of a bargaining unit to remotely observe a session held for the purpose of a meet and confer on a memorandum of understanding. However, it clarifies that a remote observer may not delay or disrupt a meet and confer session.
- 2) Requires that remote access be provided for this purpose at the request of the exclusive representative.
- 3) Provides that, absent an agreement of the parties, a member of a bargaining unit observing a session shall not receive released or reassigned time or compensation to observe a session.
- 4) Provides that nothing shall prevent the parties from agreeing to allow, nor require any change in existing practices to, in-person observers or greater participation by observers in sessions held for the purpose of a meet and confer.

**COMMENTS**

**1. Background:**

HEERA:

The Higher Education Employer-Employee Relations Act (HEERA) governs the employment relations for the University of California, the California State University, and UC College of the Law San Francisco (formerly, Hastings College of Law). The HEERA explicitly requires higher education employers to meet and confer with the exclusive representative of employees on all matters within the scope of representation. If either party

fails to bargain as required, they may file an unfair practice charge against the other party with the Public Employment Relations Board (PERB).

The HEERA expressly prescribes unlawful acts by the employer as well as those by the employee organization. (Government Code §3571 and §3571.1) 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. Similar provisions also exist regarding unlawful conduct by an employee organization.

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.

*PERB Decision Regarding Ground Rules:*

As noted above, the HEERA expressly prescribes the limitations of the scope of representation and subjects of collective bargaining. For both the UC and CSU, pursuant to Government Code Section 3562, the scope of representation is limited to wages, hours of employment, and other terms and conditions of employment. The issue of having observers of the meet and confer process has been discussed as part of cases brought before the Public Employment Relations Board.

Not specific to HEERA, but in a 2018 Meyers-Milias-Brown Act case before the PERB, governing local public employment, the board issued a decision relating to the observation of the meet and confer process stating in part that “ground rules must be bargained over just as any other mandatory subject of bargaining.”<sup>1</sup> Furthermore, in a 2016 decision related to the Education Employment Relations Act, PERB stated that “absent agreement, the default rule of negotiations is that observers are excluded from negotiations.”<sup>2</sup>

Government Code Section 3562, combined with the PERB decisions, means that the decision of whether members of a bargaining unit will be allowed to observe a meet and confer session will have to be negotiated and agreed to by both parties as part of the ground rules of bargaining.

Opponents of this bill argue that this longstanding principle reflects the understanding that the collective bargaining table is reserved for designated representatives unless both parties mutually agree to a different approach. Proponents of the measure argue that remote access during the pandemic showed that this practice not only increased participation by rank-and-file members but also helped accelerate the path to an agreement by discouraging unproductive tactics, compelling both parties to focus.

*This bill* proposes, for HEERA employment relations only, to statutorily authorize an exclusive representative, at their discretion, to invite one or more members of a bargaining

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<sup>1</sup> *Orange County Employees Assoc., et al. v. County of Orange* (2018) PERB No. 2594-M.

<sup>2</sup> *Petaluma Fed. of Teachers v. Petaluma City Elementary Sch. Dist.* (2016) PERB No. 2485.

unit to remotely observe a meet and confer session on an MOU. Remote access would be required to be provided at the request of the exclusive representative. Observers may not delay or disrupt a meet and confer session and, absent an agreement of the parties, are not required to receive released or reassigned time or compensation to observe a session.

## 2. Need for this bill?

According to the author:

“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. AB 1630 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.”

## 3. Proponent Arguments:

According to the sponsors, SEIU California, “because "ground rules" are currently a mandatory subject of bargaining, employers hold unilateral veto power over transparency. This allows the UC and CSU to block rank-and-file members from observing the negotiations that shape their working conditions and livelihoods.

The 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. AB 1630 would require the UC and CSU to allow remote 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.”

## 4. Opponent Arguments:

The California State University (CSU) is opposed arguing:

“The CSU 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, the CSU is opposed to AB 1630 as it 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...

By substituting statutory language for negotiated ground rules, and by permitting potentially unlimited observers without mutual agreement, AB 1630 removes from the bargaining table a subject that PERB has expressly determined must be negotiated. California's labor relations system functions effectively because procedural matters, including bargaining ground rules, are determined by the parties through negotiation, not imposed by statute. AB 1630 could also set a broader precedent for unlimited observer access in meet-and-confer bargaining sessions across all of California's public sector employers, further disrupting established collective bargaining practices."

The University of California is also opposed and write:

"The recent amendments only intensify the University's operational and structural concerns with this bill. By striking the requirement that remote attendance must be strictly "passive," the bill opens the door to active disruption. While the amended text notes that an observer may not "delay or disrupt" sessions, stripping the passivity guardrail leaves higher education employers vulnerable to widespread, uncoordinated interference during critical negotiations....

Implementing this mandate would create a logistical and technical burden on the University. Standardizing secure, authenticated platforms capable of hosting thousands of potential observers across ten campuses and five medical centers requires substantial resources. Furthermore, the bill threatens to destabilize current bargaining practices, under which exclusive representatives and university teams have already successfully negotiated balanced, mutually agreeable ground rules on team sizes and observer access.

The University believes that maintaining the flexibility to determine observation protocols through the collective bargaining process best serves the interests of all parties. This allows employers and exclusive representatives to tailor environments to the unique needs of each bargaining unit, keeping negotiations efficient, focused, and collaborative."

## 5. Prior Legislation:

AB 1818 (Ortega, 2026) amends the HEERA relating to the CSU, a written MOU, and funding on the MOU via the annual state Budget Act. Specifically, requires, with regards to whether a MOU requires legislative action or if the Legislature or Governor fail to fully fund the MOU or take requisite curative action, the determination to be made by the Director of Finance by written notification to the parties. *AB 1818 is pending in this Committee.*

AB 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). Specifically, the bill makes HEERA employers who disregard arbitration decisions related to CBA violation disputes over outsourcing “the same or similar services” of bargaining unit work, subject to PERB unfair labor practice charges and penalties for repeat offenders, as specified. *AB 1582 is pending in this Committee.*

**SUPPORT**

California Faculty Association  
California Federation of Teachers  
California State University Employees Union  
SEIU California  
Teamsters California

**OPPOSITION**

Bay Area Council  
California State University  
University of California

**-- END --**