
THIRD READING

Bill No: AB 672
Author: Caloza (D)
Amended: 6/18/25 in Senate
Vote: 21

SENATE LABOR, PUB. EMP. & RET. COMMITTEE: 4-1, 6/25/25
AYES: Smallwood-Cuevas, Cortese, Durazo, Laird
NOES: Strickland

SENATE JUDICIARY COMMITTEE: 11-2, 7/15/25
AYES: Umberg, Allen, Arreguín, Ashby, Caballero, Durazo, Laird, Stern, Wahab,
Weber Pierson, Wiener
NOES: Niello, Valladares

ASSEMBLY FLOOR: 62-4, 5/15/25 - See last page for vote

SUBJECT: Public employment: notifications and right of intervention

SOURCE: American Federation of State, County and Municipal Employees
Service Employees International Union, California

DIGEST: This bill requires plaintiffs who seek to prevent a public employee strike by petitioning a superior court for an injunction against the strike to notify the Public Employment Relations Board (PERB) of their petition to superior court; authorizes PERB to intervene in the plaintiffs' civil action in superior court; grants PERB the right to also intervene in injunctive relief petitions involving trial court employees; and requires the Judicial Council to adopt rules to prevent appellate judges from adjudicating petitions for injunctive relief from their own district's employees' labor actions and instead attempts to require the Judicial Council to provide judges from other districts to adjudicate those petitions.

ANALYSIS:

Existing law:

- 1) Governs collective bargaining in the private sector under the federal National Labor Relations Act (NLRA) but leaves to the states the regulation of collective bargaining in their respective public sectors. While the NLRA and the decisions of its National Labor Relations Board often provide persuasive precedent in interpreting state collective bargaining law, public employees generally have no collective bargaining rights absent specific statutory authority establishing those rights (29 United State Code §151 et seq.).
- 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 Meyers-Milias-Brown Act (MMBA) which provides for public employer-employee relations between *local* government employers and their employees, including some, but not all public transit districts. (Government Code §3500 et seq.)
- 3) Establishes 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. (Government Code §3541)
- 4) Establishes, under the Trial Court Employment Protection and Governance Act (TCEPGA), procedures regulating court employee classification and compensation, labor relations, and employment protection. (Government Code §71600 et seq.)
- 5) Provides that any written agreements reached through negotiations held pursuant to TCEPGA are binding upon the parties, as specified, and the parties may enforce them by petitioning the superior court for relief pursuant to Section 1085 or 1103 of the Code of Civil Procedure. (Government Code §71639.5)
- 6) Requires the Judicial Council to adopt rules of court that provide a mechanism for the establishment of a panel of court of appeal justices who are qualified to hear petitions relating to arbitration and writ applications and from which a

single justice is required to be assigned to hear the matter in the superior court. (Government Code §71639.5 and §71825.2)

- 7) Requires that parties regulated by the MMBA¹ must exhaust their administrative remedies and first petition PERB for determination and resolution of unfair labor practices unless exhausting administrative remedies are inadequate, would cause irreparable harm or are futile.² (*City of San Jose v. Operating Engineers, Local 3* (2010) 49 Cal. 4th 597)
- 8) Provides under regulations promulgated by PERB under authority of the MMBA, that a party requesting PERB to enjoin a labor action first ask PERB's general counsel to have the board apply to the court for injunctive relief. The regulations require the general counsel to initiate an investigation and make a recommendation to the board within specified timeframes and requires the board, upon advice of the general counsel, to decide whether to seek injunctive relief in court. If the board is unable to apply for the injunction within twenty-four hours of receiving the general counsel's recommendation, the general counsel may apply to the court for an injunction if the general counsel has reasonable cause to believe that such action is in accordance with board policy and that legal grounds for injunctive relief are present. (8 CCR §§32450 to 32470)³

This bill:

- 1) Requires a party filing a civil action seeking injunctive relief against a strike, work stoppage, or other labor action regulated by PERB to serve a copy of the action to PERB, as specified.
- 2) Requires a party that intends to apply to a superior court for a temporary restraining order to enjoin a strike, work stoppage, or other labor action regulated by PERB to give notice to PERB, as specified.

¹ The MMBA does not regulate Trial Court employees and it remains unclear to what extent, if any, the PERB regulations cited here or the Supreme Court case holding in *Operating Engineers* applies to petitions to enjoin strikes and labor actions at the trial courts.

² According to the court, "Whenever possible, labor disputes asserting unfair labor practices under the MMBA should be submitted first to PERB rather than a court. If an exception to the doctrine of exhaustion of administrative remedies is claimed, the trial court should afford due deference to PERB and issue injunctive relief only when it is clearly shown that PERB's remedy would be inadequate."

³ See FN 1.

- 3) Clarifies that this bill does not authorize a party to seek relief in court without first exhausting administrative remedies before PERB when a statute, regulation, or case law requires exhaustion of administrative remedies.
- 4) Grants PERB the right, upon timely application, to intervene in any civil action arising from a labor dispute that involves public employees whose labor relations PERB regulate and that PERB claims implicates the constitutionality, interpretation, or enforcement of a statute it administers.
- 5) Requires the Judicial Council to adopt rules of court to provide a mechanism for the establishment of a panel of court of appeal justices qualified to hear actions that seek to enjoin strikes, work stoppages, or other labor activity by trial court employees, from which the panel will assign a single justice to hear the matter in the superior court.
- 6) Requires the Judicial Council to adopt rules to provide a mechanism for the establishment of a panel of court of appeal justices qualified to hear actions that seek to enjoin strikes, work stoppages, or other labor activity by trial court employees, under which the court would assign a single justice to hear the matter in superior court following certain procedures. The assigned justice must not be from the court of appeal district in which the parties file the action.

Background

This bill would essentially hold the judicial branch accountable to the same process that applies to most other public employers by ensuring that trial court judges must first petition PERB for injunctive relief against strikes and other labor actions initiated by their employees, rather than filing and adjudicating those petitions themselves to enjoin actions by their own employees.

Need for this bill? According to the author: “As California’s expert labor relations agency, PERB has developed its own body of case law. The courts, however, deal with a wide range of matters, and few judges, if any, can match PERB’s expertise in public sector labor law. Occasionally, public employers circumvent PERB’s jurisdiction by filing requests for injunctive relief directly in a Superior Court. This practice, known as forum shopping, undermines the law and the rights of public employees.

Additionally, in October 2024, the San Francisco Superior Court threatened to skip PERB when requesting injunctive relief from a strike of its own employees. In February 2025, the Alameda County Superior Court entirely skipped PERB and obtained a temporary restraining order to prevent certain of its employees from

striking, and then obtained injunctive relief to do the same even though there was no pending strike threat.”

Related/Prior Legislation

AB 283 (Haney, 2025) would establish the In-Home Supportive Services (IHSS) Employer-Employee Relations Act to shift collective bargaining with IHSS providers from the county or public authority to the state and provide PERB jurisdiction of labor relations between the state and IHSS workers. This bill is currently pending before the Senate Appropriations Committee.

AB 288 (McKinnor, 2025) would attempt to create state jurisdiction for the Public Employment Relations Board over unfair labor practice charges by private sector employees regulated by the National Relations Labor Act. This bill is currently pending before the Senate Appropriations Committee.

AB 1340 (Wicks, 2025) would establish the Transportation Network Company (TNC) Drivers Labor Relations Act and require the Public Employment Relations Board (PERB) to protect TNC drivers’ collective bargaining rights under the Act. This bill is currently pending before the Senate Appropriations Committee.

AB 1510 (Assembly Committee on Public Employment and Retirement, 2025) would provide Santa Clara Valley Transportation Authority (VTA), its unions, and intervenors the right to appeal decisions of the Public Employment Relations Board (PERB), as specified. This bill is pending consideration on the Senate Floor.

AB 2524 (Kalra, Chapter 789, Statutes of 2022) authorized PERB jurisdiction over disputes relating to employer-employee relations of the VTA for those exclusive representatives that have elected to move one or more of its bargaining units to the jurisdiction of the PERB for unfair practice charges.

SB 957 (Laird, Chapter 240, Statutes of 2022) transferred jurisdiction over unfair labor practice charges involving the Santa Cruz Metropolitan Transit District from the judicial system to PERB.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

SUPPORT: (Verified 8/18/25)

American Federation of State, County and Municipal Employees (Co-source)
Service Employees International Union, California (Co-source)

California Federation of Labor Unions
 California Professional Firefighters
 California School Employees Association
 California Teachers Association
 Council of UC Faculty Associations
 Orange County Employees Association

OPPOSITION: (Verified 8/18/25)

None received

ARGUMENTS IN SUPPORT:

According to Service Employees International Union, California:

“This bill does not prohibit employers from pursuing civil actions in court, nor does it expand PERB’s jurisdictional authority. It merely requires public employers to provide PERB with notice and grants the agency the right to inform the court on the interpretation and application of California’s labor laws.”

According to the American Federation of State, County and Municipal Employees:

“AB 672 would provide PERB with the necessary notification of injunctive relief requests and prevents a conflict of interest by requiring the assignment of outside judges to hear trial court employer requests for injunctive relief. It would also give PERB the right to intervene as a party in those instances to help maintain the consistent application and enforcement of public employee protections and protecting the rights of trial court employees.”

ASSEMBLY FLOOR: 62-4, 5/15/25

AYES: Addis, Aguiar-Curry, Ahrens, Alvarez, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Chen, Connolly, Davies, Dixon, Elhawary, Flora, Fong, Gabriel, Garcia, Gipson, Mark González, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Kalra, Krell, Lee, Lowenthal, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Pellerin, Petrie-Norris, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Schiavo, Schultz, Sharp-Collins, Solache, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

NOES: DeMaio, Ellis, Gallagher, Patterson

NO VOTE RECORDED: Alanis, Arambula, Castillo, Jeff Gonzalez, Hadwick,
Lackey, Macedo, Quirk-Silva, Sanchez, Soria, Stefani, Ta, Tangipa

Prepared by: Glenn Miles / L., P.E. & R. / (916) 651-1556
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