

SENATE THIRD READING
SB 1166 (Arreguín)
As Amended August 13, 2026
Majority vote

SUMMARY

Vests the Public Employment Relations Board (PERB) with jurisdiction to enforce certain provisions related to the Alameda-Contra Costa Transit District's (AC Transit) employees over unfair practice charges (UPC) for represented employees, subject to a selection by an exclusive representative, among other provisions.

Major Provisions

- 1) Establish the primary purpose is to promote improvement of personnel management and employer-employee relations within the district by providing a uniform basis for recognizing the right of employees to join employee organizations of their own choice, be represented, and select one organization as the exclusive organization as the exclusive representative in an appropriate unit, and to afford employees a voice at work.
- 2) Establish that the PERB's powers, duties, and existing or new regulations, including emergency regulations as necessary, to enforce the provisions of this proposed statute must apply, and that its actions regarding such regulations is conclusively presumed to be necessary for the immediate preservation of public peace, health, safety, or general welfare, as provided.
- 3) Establish that the provisions of this proposed statute must not displace or supplant the requirements of existing law, as specified, and impasse resolution and injunctive relief procedures provided under existing law must remain exclusive.
- 4) Authorize an exclusive representative of AC Transit employees to irrevocably select one or more of its represented bargaining units (BU) to the PERB's jurisdiction for UPCs, but must file notice of the selection with the PERB's general counsel, or designees, and either: i) AC Transit's general manager, chief executive officer, or equivalent; ii) general counsel or equivalent, or iii) AC Transit, pursuant to applicable regulations.
- 5) Provide that if the above-described selection is made, the PERB has exclusive jurisdiction as to the initial determination on whether a UPC is justified and, if so, the appropriate remedy to effectuate the purposes of this statute. However, in actions to recover damages due to an unlawful strike, the PERB must not award strike-preparation expenses as damages or damages for costs, expenses, or revenue losses incurred during, or as a consequence of, an unlawful strike.
- 6) Require the AC Transit to give reasonable written notice to an exclusive representative of its intent to make any change to matters within the scope of representation to provide the exclusive representative a reasonable amount of time to negotiate regarding the proposed changes.
- 7) Expressly make it unlawful for the AC Transit or an employee organization to engage in certain acts, including imposing or threatening to impose reprisals on employees, or refusing to meet and negotiate in good faith in mutually agreed upon impasse procedures.

- 8) Prescribe the process and procedures to petition a court for a writ of extraordinary relief by a charging party, respondent, or intervenor aggrieved by a final decision or order of the PERB in a UPC case.

COMMENTS

Public Transit Districts and Continued Migration from Courts to the PERB to Adjudicate Workplace Violation Allegations. The history of public transit districts migrating from the courts to the PERB to adjudicate workplace violation allegations continues, and this bill follows that trend.

Some public transit districts are subject to specific employer-employee relations statutes; whereas, the majority of transit districts are subject to labor relations provisions found in each district's specific Public Utilities Code enabling statute, joint powers agreements, or in articles of incorporation and bylaws. As such, existing law does not cover all public transit districts by common collective statute. For these transit districts, the PERB is not the venue for recourse relating to alleged workplace violations. Instead, resolution of such matters are adjudicated in court. This jurisdictional variation, i.e., courts vs. the PERB, for handling allegations of workplace violations in public transit employment relations may be considered as a public policy inequity that can result in inconsistent decisions among those venues.

This bill seeks to resolve this matter with respect to the AC Transit in a manner similar to prior enacted statutes that migrated certain matters of other public transit districts to the PERB's jurisdiction, and where the PERB was specifically established to timely and objectively resolve such matters and is the subject matter expert in public sector employment relations.

Please see the respective policy committee analyses for a full discussion of this bill.

According to the Author

To [address the disparity among public transit districts], the Legislature has brought several [of them] under the PERB's jurisdiction to adjudicate labor disputes [... and,] AC Transit is one of the remaining public transit districts whose unionized employees do not have the opportunity to access the PERB's expertise on labor law or its provision of expeditious and cost-effective alternatives to processing labor disputes, which means claims of unfair labor practices currently must go through superior court."

Arguments in Support

A coalition of the American Federation of State, County and Municipal Employees (AFSCME), AFL-CIO and states, "[the AC Transit] establishing statute lies within the [PUC] and therefore AC Transit does not fall under [the] PERB's jurisdiction by default. To seek resolution for [a UPC], AC Transit or its employees must file a writ in Superior Court. This process can be time-consuming, prohibitively expensive, and may involve a judge who has no experience with public sector employer-employee relations. Furthermore, California's chronically under-resourced court system has a severe backlog. Delays wrought by the existing process can carry on for years, contribute to labor tension, and complicate contract negotiations. [The] PERB is a more timely, accessible, and labor-focused venue to resolve any future [UPC] conflicts that may arise. Transit agencies should have access to the same well-regarded employer-employee conflict resolution process as most California public employees. [This bill] permits AC Transit employee organizations to move to the jurisdiction of [the] PERB for [UPC]. In moving to [the] PERB, AC Transit will join Santa Clara Valley Transit Authority, San Francisco Bay Area Rapid

Transit District, and Sacramento Regional Transit District. Additionally, if AC Transit or its employees are aggrieved by a PERB decision, [this bill] authorizes them to petition for a writ of extraordinary relief. [We believe] that a more efficient conflict resolution process benefits the employees, the employer and those who rely on public transit."

The International Brotherhood of Electrical Workers, Local 1245 offers similar statements in support of this bill.

Arguments in Opposition

None.

FISCAL COMMENTS

According to the Assembly Committee on Appropriations, this bill would result in one-time General Fund costs of \$150,000 and \$100,000 ongoing annually for the PERB to promulgate regulations and pay for attorney time for unfair practice charges resulting from this bill.

VOTES**SENATE FLOOR: 30-9-1**

YES: Allen, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Cortese, Durazo, Gonzalez, Grayson, Hurtado, Laird, Limón, McGuire, McNerney, Menjivar, Padilla, Pérez, Reyes, Richardson, Rubio, Smallwood-Cuevas, Stern, Umberg, Wahab, Weber Pierson, Wiener

NO: Alvarado-Gil, Choi, Grove, Jones, Niello, Ochoa Bogh, Seyarto, Strickland, Valladares

ABS, ABST OR NV: Dahle

ASM PUBLIC EMPLOYMENT AND RETIREMENT: 6-0-1

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

ABS, ABST OR NV: Lackey

ASM APPROPRIATIONS: 11-2-2

YES: Wicks, Arambula, Calderon, Caloza, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache

NO: Dixon, Tangipa

ABS, ABST OR NV: Hoover, Ta

UPDATED

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