

AB 339 (ORTEGA)

PROTECTS PUBLIC SECTOR JOBS

*Protecting members' jobs is a fundamental union right
because without it, unions wouldn't exist.*

The practice of contracting out work reduces the work available to union members, which is why collective bargaining laws require employers to negotiate the decision or its impacts. For local governments, the requirement is enshrined in the Meyers-Milias-Brown Act (MMBA) and precedential case law from the Public Employment Relations Board (PERB).

However, due to the frequency and process of local government contracting, employers rarely comply with the requirement to notify and bargain over contracting out jobs. If unions become aware of a contract, it is usually too late to meaningfully engage their rights.

AB 339 would improve compliance with existing notice and bargaining requirements by adding when the notice should be provided to the union. Specifically, it requires notice to be sent at least 60 days before local governments submit a request for proposal (RFP) or request for qualifications (RFQ) to contract out members' jobs. If the union wants to negotiate over keeping work in-house, they can request to bargain at a point in the process that allows the union to offer competitive proposals.

AB 339 DOES NOT

- **Stop the RFP process from moving forward** or prohibit the contracting process.
- **Apply during emergencies or unexpected situations.** There is a broad exception for emergencies, and the requirement only applies **when reasonable**.
- **Apply to all local government contracts.** It only applies to existing union jobs.
- **Impose new requirements on local governments.** Local governments should already be notifying the union and bargaining upon request. It simply adds a timeline to improve compliance.

THE INTENT OF AB 339 is not to prohibit contracting out. In some instances, contracting out is beneficial to both the local government and the union, including workforce shortages or emergencies. Instead, AB 339 is intended to improve compliance with existing requirements so unions can attempt to save jobs or mitigate the negative impacts of contracting out.

