



CITY OF BEVERLY HILLS

455 NORTH REXFORD DRIVE ▪ BEVERLY HILLS, CALIFORNIA 90210

Julian A. Gold, M.D., Mayor

July 12, 2023

The Honorable Dave Cortese
Chair, Senate Committee on Labor, Public Employment & Retirement
1021 O Street, Suite 6740
Sacramento, CA 95814

Re: AB 1484 (Zbur) Temporary public employees
City of Beverly Hills – OPPOSE

Dear Chair Cortese:

On behalf of the City of Beverly Hills, I write to you in respectful OPPOSITION to AB 1484 (Zbur), joining our counterparts from the Rural County Representatives of California (RCRC), the California State Association of Counties (CSAC), the Urban Counties of California (UCC), the League of California Cities (Cal Cities), the California Special Districts Association (CSDA), the California Association of Recreation and Parks Districts (CARPD), California Association of Joint Powers Authorities (CAJPA), and the California Association of Code Enforcement Officers (CACEO), to express our opposition to this bill.

We appreciate the intent behind AB 1484, which aims to secure benefits for temporary employees in public agencies. However, we are concerned the practical implications of this bill could lead to the exact opposite effect, potentially reducing the number of temporary employment opportunities offered by public agencies.

AB 1484, if passed, would inflexibly mandate temporary employees be included within the same bargaining unit as permanent employees and the wages, hours, plus terms and conditions of employment for both temporary and permanent employees must be bargained together in a single memorandum of understanding (MOU). The Municipal Employees Association of Beverly Hills Technical Services Unit MOU restricts when the City may hire temporary employees and how long they are able to work for the City. AB 1484 could potentially cause a conflict between this MOU and state law.

Additionally, the terms and conditions for permanent employees are typically negotiated based upon assumptions regarding benefits (such as CalPERS) and protections (such as the Family and Medical Leave Act), that apply only to employees who work for a certain number of months and hours during a twelve-month period. Temporary employees will often be ineligible for these benefits and protections, making parity or "community of interest" with

regular employees in the bargaining unit incompatible and producing yet further friction and anomalous results during negotiations.

Temporary employees are typically at-will, and consequently do not have a constitutionally protected property interest in their position. AB 1484 mandates that temporary employees be granted access to the grievance process if discharged. This may be argued to grant such employees a property interest in their temporary positions, leading to disputes and litigation that will further discourage public agencies from utilizing temporary employees and increase costs when they do so.

Furthermore, AB 1484 provides temporary employees with rights in excess of those provided to permanent employees. Discipline and discharge of all employees should be a matter within the scope of representation and established through local collective bargaining. The bill proposes a grievance procedure that will conflict with provisions for permanent employees. Nearly every public agency has a probationary period for permanent employees (often 6-12 months), during which time the employee may be released without cause and without triggering a grievance. This probationary period is a critical part of the hiring process, and yet temporary employees would be exempt from this probationary period since their termination could be subject to the grievance process.

Lastly, AB 1484 could introduce unintended complications in relation to existing local programs and laws. Certain groups of temporary workers, such as retired annuitants or those sourced from staffing agencies, could find themselves in complex legal situations under the new bill. . Due to the concerns and potential impacts mentioned above, the City of Beverly Hills must respectfully OPPOSE AB 1484 (Zbur).

Sincerely,

A handwritten signature in black ink, appearing to read "Julian A. Gold".

Julian A. Gold, M.D.
Mayor, City of Beverly Hills

cc: The Honorable Ben Allen, Senator, 24th District
The Honorable Rick Zbur, Assemblymember, 51st District
Andrew K. Antwih, Shaw Yoder Antwih Schmelzer & Lange