



April 8, 2022

The Honorable Thomas J. Umberg
Chair, Senate Judiciary Committee
1021 O Street, Room 3240
Sacramento, CA 95814

Subject: SB 931 (Leyva) – Oppose Unless Amended

Dear Senator Umberg:

California’s hospitals recognize that their employees are vital to their mission of care and are committed to protecting employee well-being. However, Senate Bill (SB) 931 would create a new punitive authority at the Public Employment Relations Board (PERB) and could expose public entities to significant new liabilities in an area of law where the interpretation and application remain uncertain and subjective. For that reason, on behalf of our more than 400 hospital and health system members, the California Hospital Association (CHA) must respectfully oppose SB 931 unless it is amended.

SB 931 would authorize an employee organization to file a claim with PERB alleging a violation of Government Code Section 3550. That section was added in 2018 and says a public employer shall not “deter or discourage” union membership but does not define these terms. A confirmed violation would lead to a penalty of \$1,000 for each affected employee, up to \$100,000. Given the still-new and subjective language in Section 3550, **CHA joins the University of California in respectfully requesting that the bill be amended to apply to violations of Government Code Section 3553** — which specifically requires public employers to meet and confer with unions on the content of any mass communications to employees, whether written, oral, or recorded. Through this process, unions have the ability to correct problematic language or require the employer to distribute, at the same time, a communication directly from the union.

The bill also proposes that the union be eligible to recover attorney’s fees but not employers, even if the employer prevails. **CHA joins the University of California in requesting that the bill be amended to provide attorney’s fees to either prevailing party, in order to avoid frivolous filings.**

Thank you for your consideration. If you have any questions on CHA’s position on SB 931, please don’t hesitate to contact me at rberdugo@calhospital.org.

Sincerely,

A handwritten signature in blue ink, appearing to read "Rony Berdugo".

Rony Berdugo
Legislative Advocate

cc The Honorable Connie Leyva
The Honorable Members of Senate Judiciary Committee
Timothy Griffiths, Counsel, Senate Judiciary Committee
Morgan Branch, Consultant, Senate Republican Caucus