

**SENATE JUDICIARY COMMITTEE**  
**Senator Thomas Umberg, Chair**  
**2025-2026 Regular Session**

AB 1109 (Kalra)  
Version: February 20, 2025  
Hearing Date: July 1, 2025  
Fiscal: No  
Urgency: No  
CK

**SUBJECT**

Evidentiary privileges: union agent-represented worker privilege

**DIGEST**

This bill establishes an evidentiary privilege from disclosure for confidential communications between a union agent and a represented employee or represented former employee, as provided.

**EXECUTIVE SUMMARY**

An evidentiary privilege permits an otherwise competent witness to refuse to testify and/or prevent another from testifying. This bill establishes an evidentiary privilege from disclosure for communications between a union agent and a represented employee or represented former employee. That privilege could be used to refuse to disclose, in any court or to any administrative board or agency, or in any arbitration or other proceeding, excluding criminal proceedings, any confidential communication between the represented employee or former employee and the union agent made while the union agent was acting in the union agent's representative capacity.

The bill provides that there is no privilege if disclosure is necessary to prevent a criminal act reasonably believed is likely to result in the death of, or substantial bodily harm to, an individual or if the communication was made to help a person commit, or plan to commit, a crime or fraud. The union agent-represented worker privilege could be waived in accordance with existing law.

This bill is sponsored by the California Federation of Labor Unions and is supported by a broad coalition of labor unions, including the State Building and Construction Trades Council of California. It is opposed by a coalition of industry groups and governmental entities, including the California Farm Bureau and the League of California Cities.

## **PROPOSED CHANGES TO THE LAW**

### Existing law:

- 1) Provides that no person has a privilege to refuse to be a witness; to refuse to disclose any matter or to refuse to produce any writing, object, or other thing, or prevent another person from the same, unless otherwise provided by statute. (Evid. Code § 911.)
- 2) Governs the admissibility of evidence in court proceedings and generally provides a privilege to refuse to testify or otherwise disclose confidential communications made in the course of certain relationships. (Evid. Code §§ 954, 966, 980, 994, 1014, 1033, 1034, 1035.8, 1037.5, 1038.)
- 3) Provides that the right of a person to claim specified privileges is waived with respect to a protected communication if the holder of the privilege has disclosed a significant part of that communication or consented to disclosure, without coercion. Existing law provides that a disclosure does not constitute a waiver where it was reasonably necessary to accomplish the purposes for which the lawyer, lawyer referral service, physician, psychotherapist, sexual assault counselor, domestic violence counselor, or human trafficking caseworker was consulted. (Evid. Code § 912(a), (d).)
- 4) Provides that if two or more persons are joint holders of a privilege, a waiver of a right of a particular joint holder of the privilege to claim the privilege does not affect the right of another joint holder to claim the privilege. In the case of the spousal privilege, the right of one spouse to claim the privilege does not affect the right of the other spouse to claim the privilege. (Evid. Code § 912 (b).)
- 5) Provides that if a privilege is claimed on the ground that the matter sought to be disclosed is a communication made in confidence in the course of a recognized privileged relation, the communication is presumed to have been made in confidence, and the opponent of the claim of privilege has the burden of proof to establish that the communication was not confidential. A communication does not lose its privileged character for the sole reason that it was communicated by electronic means or because persons involved in the delivery, facilitation, or storage of electronic communication may have access to the content of the communication. (Evid. Code § 917.)

### This bill:

- 1) Establishes the union agent-represented worker privilege and provides that a union agent and a represented employee or represented former employee have a privilege to refuse to disclose, in any court or to any administrative board or

agency, or in any arbitration or other proceeding, any confidential communication between them made while the union agent was acting in the union agent's representative capacity.

- 2) Specifies that a represented employee or represented former employee also has a privilege to prevent another person from disclosing, in connection with the proceedings outlined above, a confidential communication between the employee and a union agent that is privileged.
- 3) Authorizes a union agent to disclose, in connection with a proceeding, a confidential communication made to the union agent while the union agent was acting in the agent's representative capacity in specified circumstances, including actions against the union agent or against the local union or with consent.
- 4) Requires a union agent to disclose, in connection with a proceeding, a confidential communication made to the union agent while the union agent was acting in the union agent's representative capacity if required to do so by a court order.
- 5) Defines "confidential communication" to mean information transmitted, by oral or written communication, between a represented employee or represented former employee and a union agent, in confidence by a means which, so far as the employee, former employee, or union agent is aware, discloses the information to no third persons other than those who are present to further the interest of the employee, former employee, or union agent or those to whom disclosure is reasonably necessary for the transmission of the information or the accomplishment of the purpose for which the communication was made, and includes advice given by a union agency in the course of a representational relationship.
- 6) Defines "union agent" to mean a person employed, elected, or appointed by a labor organization and whose duties include the representation of employees in a bargaining unit in a grievance procedure or in negotiations for a labor agreement and the labor organization. An appointed employee steward is not a union agent except to the extent a represented employee or represented former employee communicates in confidence to the steward regarding a grievance or potential grievance.
- 7) Provides that there is no privilege if the union agent reasonably believes that disclosure of any confidential communication is necessary to prevent a criminal act that the union agent reasonably believes is likely to result in the death of, or substantial bodily harm to, an individual.

- 8) Provides that there is no privilege with respect to a confidential communication made to enable or aid a person in committing, or planning to commit, a crime or fraud.
- 9) Provides that the union agent-represented worker privilege does not apply in criminal proceedings.
- 10) Applies the various provisions of the Evidence Code regarding waiver, joint holders, burden of proof, and other related provisions concerning privilege to the union agent-represented worker privilege.

### COMMENTS

#### 1. Evidentiary privileges

An evidentiary privilege permits an otherwise competent witness to refuse to testify and/or prevent another from testifying. Privileges are policy exclusions, unrelated to the reliability of the information involved, which are granted because it is considered more important to keep that information confidential than it is to require disclosure of all the information relevant to the issues in a pending proceeding. For example, to protect the lawyer-client relationship, it is necessary to prevent disclosure of confidential communications made in the course of that relationship. (Comments to Evid. Code § 910.) Whereas privileges of a witness under the Federal Rules of Evidence are governed by the principles of common law as interpreted by United States district courts in light of “reason and experience,” the only privileges that are recognized in California are those statutory privileges expressly codified in the Evidence Code. (See Fed. Rules of Evid., Rule 501; Evid. Code § 911.)

To date, California has codified numerous evidentiary privileges, recognizing the need to protect the confidentiality of certain communications. Among those are the: lawyer-client privilege, lawyer referral service-client privilege, spousal privilege, confidential marital communications privilege, physician-patient privilege, psychotherapist-patient privilege, clergyman-penitent privilege, sexual assault counselor-victim privilege, domestic violence counselor-victim privilege, and human trafficking caseworker-victim privilege. Yet other statutory privileges protect official information acquired in confidence by a public employee and the identity of informants, protect persons from having to reveal their votes in public elections, and protect against disclosure of trade secrets. (Evid. Code § 930 et seq.)

This bill seeks to create an evidentiary privilege for union agent-represented worker communications. Case law has held that no such privilege exists. In *American Airlines, Inc. v. Superior Court* (2003) 114 Cal.App.4th 881, the court held that California law does not expressly provide for any such privilege; rather, the creation of evidentiary privileges is “the province of the Legislature.” (*Id.* at 890-891.) This bill follows the

decision in *Peterson v. State* (2012) 280 P.3d 559, 565, decided by the Supreme Court of Alaska, which extended by implication the union agent-represented worker evidentiary privilege from the Alaska Public Employment Relations Act.

## 2. Communications between a union agent and a represented employee

This bill establishes an evidentiary privilege from disclosure for communications between a union agent and a represented employee or represented former employee. That privilege can be used to refuse to disclose, in any court or to any administrative board or agency, or in any arbitration or other proceeding, any confidential communication between the represented employee or former employee and the union agent made while the union agent was acting in the agent's representative capacity.

The author argues that most employees, when discussing issues affecting their employment with their union representative, assume that such communications are confidential and that the information may not be disclosed to the employer or other third parties. The author states that allowing such a privilege protects communications that focus on workers' rights and supports California's fair employment standards.

Various cases involving union agent-represented employee communications demonstrate the conflict between providing an employee with appropriate safety in communications with the union representative and the employer's right to information regarding employment disputes.

In *Cook Paint & Varnish Co.* (1979) 246 NLRB 646, the National Labor Relations Board (NLRB) recognized the need for a represented employee's communications with the union agent to be confidential. The NLRB analyzed the balance necessary between the employer's right to investigate employment-related allegations and the employee's right to confidentiality in union communications. The NLRB reiterated that during the employer's investigation of misconduct by an employee, the employer is entitled to disclosure. However, the NLRB held that after disciplinary proceedings have been finalized but the employer's decision has been submitted to arbitration, an employee has a privilege against disclosing union-related communications because the employer is seeking to validate its disciplinary decision and discover the union's arbitration position. (*Id.*) Notably, this decision was limited to cases involving the National Labor Relations Act.

However, for California labor disputes, *American Airlines, Inc. v. Superior Court* (2003) 114 Cal.App.4th 881 is controlling. In that case, the court analyzed the balance between the employer's right to information and the union representative's privilege for non-disclosure of communications with employees:

Indeed, creating the type of evidentiary privilege proposed[, union representative-union member privilege,] could severely compromise the

ability of employers to conduct investigations pertaining to claims of harassment, discrimination, unlawful conduct, or other employer rules violations, all to the detriment of union members. For example, the [Fair Employment and Housing Act (FEHA)] enunciates this state's public policy to eliminate discrimination in the workplace. (See Gov. Code §§ 12920 [and] 12920.5; *Soldinger v. Northwest Airlines, Inc.* (1996) 51 Cal.App.4th 345, 366-367 [ ].) Under FEHA, an employer, as well as a labor union, has an obligation to "take all reasonable steps necessary to prevent discrimination and harassment from occurring" in the workplace. (Gov. Code § 12940, subd. (k).) The affirmative and mandatory duty to ensure a discrimination-free work environment requires the employer to conduct a prompt investigation of a discrimination claim. (See *Northrop Grumman Corp. v. Workers' Comp. Appeals Bd.* (2002) 103 Cal.App.4th 1021, 1035-1036 [ ].) To carry out its obligation to prevent discrimination by investigating claims, an employer likely will need to obtain information from a wrongdoer's co-workers who were in a position to witness the misconduct and identify the wrongdoer. In a unionized workplace, an employer's investigation could be hampered by a union representative-union member privilege, thus conceivably undermining an employer and a labor union's statutory obligation to ensure a discrimination-free work environment.

Although there may be various countervailing policy reasons why a union representative should *not* be compelled during civil litigation to disclose factual information obtained from other union members he or she represents, that policy determination (and the parameters of any concomitant evidentiary privilege) is the province of the Legislature, not this court. [Citations omitted.] This is especially true in an area where the Legislature has declared the state's public policy in such detail. (See *Rojo v. Kliger* (1990) 52 Cal.3d 65, 80 [ ] [describing FEHA as "comprehensive scheme" for combating employment discrimination].)

(*Id.* at 890-891; emphasis in original.) The court explicitly held that California law does not provide for any such privilege. (*Id.* at 890.) This bill creates such a privilege.

According to the author:

AB 1109 would add union agent-represented worker as a recognized statutory evidentiary privilege along with 11 existing types of communications deemed privileged. By allowing evidentiary privilege between workers and union representatives, we ensure the safe, private, and full disclosure of workplace concerns and needs. These communications focus on workers' rights and support California's fair employment standards.

3. Other states have created such a privilege

Illinois and Maryland have both established a union agent-representative worker privilege. Maryland's statute provides: "[A] labor organization or an agent of a labor organization may not be compelled to disclose any communication or information the labor organization or agent received or acquired in confidence from an employee while the labor organization or agent was acting in a representative capacity concerning an employee grievance." (Md. Code Ann., Cts. & Jud. Proc. § 9-124.) Illinois's law states:

[A] union agent, during the agency or representative relationship or after termination of the agency or representative relationship with the bargaining unit member, shall not be compelled to disclose, in any court or to any administrative board or agency arbitration or proceeding, whether civil or criminal, any information he or she may have acquired in attending to his or her professional duties or while acting in his or her representative capacity.

(735 Ill. Comp. Stat. Ann. 5/8-803.5.) Courts have found Illinois' statute provides "a relatively broad privilege" for the relevant communications.

In addition, the Supreme Court of Alaska, in *Peterson v. State* (2012) 280 P.3d 559, 565, extended by implication the union agent-represented worker evidentiary privilege from the Alaska Public Employment Relations Act. In *Peterson*, the court held that:

We emphasize that the expectation of confidentiality is critical to the privilege because without it "union members would be hesitant to be fully forthcoming with their representatives, detrimentally impacting a union representative's ability to advise and represent union members with questions or problems." Thus, "[a]bsent an expectation of confidentiality, there is little need to protect the communications." We also emphasize that the privilege is only applicable when the union representative is acting in an official union role because "[p]rotecting informal conversations would extend the privilege too far, unnecessarily burdening the search for truth."

(*Id.* at p. 567.)

The *Peterson* court clarified that the union agent-represented worker privilege "extends to communications made: (1) in confidence; (2) in connection with representative services relating to anticipated or ongoing disciplinary or grievance proceedings; (3) between an employee (or the employee's attorney) and union representatives; and (4) by union representatives acting in official representative capacity. The privilege may be asserted by the employee or by the union on behalf of the employee. Like the attorney-client privilege, the union-relations privilege extends only to communications, not to underlying facts." (*Id.*)

Similarly, this bill provides the evidentiary privilege for certain communications between the union agent and represented worker. This bill applies the privilege to confidential communications between the represented employee and union representative that are made while the union representative is acting in their representative capacity. The privilege to refuse to disclose can be asserted by either the employee or the union representative, and the employee can prevent another from disclosing the confidential communication between the employee and union representative in connection with a covered proceeding.

4. The policy goals of a privilege must be sufficiently important to outweigh the public's right to evidence

As a general matter, privileges function to exclude evidence, no matter how relevant or reliable that evidence might be, in order to promote some other extrinsic policy. Because they tend to suppress otherwise relevant evidence, statutory privileges are strictly construed and in California, unlike under federal law, the courts are not free to create new privileges as a matter of judicial policy; they may only apply those privileges created by statute or those that arise out of state or federal constitutional law. (Evid. Code § 911; *Sullivan v. Superior Court (Spingola)* 29 Cal.App.3rd 64 (1972).)

As noted above, privileges are policy-based exclusions that are granted because it is considered more important to keep that information confidential than it is to require disclosure of all the information relevant to the issues in a pending proceeding. Thus, the central policy consideration raised by this bill is whether or not the policy promoted by the proposed union agent-represented worker privilege outweighs the public's right to truth in evidence.

*a. Ensuring confidentiality of information shared with a union agent*

While the public does have a right to all evidence, in codifying other evidentiary privileges, such as the attorney-client privilege, the Legislature has previously judged that the importance of ensuring that people obtain effective counsel to protect their legal rights may outweigh that interest.

Proponents assert that the lack of evidentiary privilege for union agent-represented worker communications has a chilling effect on these communications.

Because a workers' union is authorized under California law to represent the concerns and needs of employees, and free communication between the union agents and members is essential to providing adequate representation in employment contracts and labor concerns, a limited privilege is arguably appropriate to assure the union members and agents of the confidentiality of these communications and to protect the democracy of the workplace.



Pursuant to this bill, the employee, as a holder of the privilege, could claim the privilege to refuse disclosure or prevent another person from disclosing those confidential communications in *various, specified proceedings*. This is a more limited scope than other privileges which generally limit disclosure in any context. Therefore, the privilege created by the bill would not interfere with workplace investigations of sexual harassment or other misconduct.

*b. Similar limitations are applied as are found in existing privileges*

It should be noted that most evidentiary privileges have been carefully limited to balance the need for confidentiality with the fundamental right of the public to evidence. To this end, existing law outlines both situations in which no privilege applies at all, and circumstances in which an otherwise valid claim of privilege will be deemed waived. Additionally, certain other elements, such as the definitions provided for “the holder of the privilege” and for “confidential communication,” serve as inherent limits on a privilege as well. As a result, not just anyone is authorized to claim or waive the privilege, and not all communications are considered confidential. In establishing a union agent-represented worker privilege, this bill includes limits that also apply to other privileges.

For example, under existing law, there is no lawyer-client privilege where either the services of the lawyer were sought or obtained to enable or aid anyone to commit or plan to commit a crime or a fraud, or the lawyer reasonably believes that disclosure of any confidential communication relating to representation of a client is necessary to prevent a criminal act that the lawyer reasonably believes is likely to result in the death of, or substantial bodily harm to, an individual.

This bill provides that there is no privilege if the union agent “reasonably believes that disclosure of any confidential communication is necessary to prevent a criminal act that the union agent reasonably believes is likely to result in the death of, or substantial bodily harm to, an individual.” In addition, there is no privilege where the communication is made “to enable or aid a person in committing, or planning to commit, a crime or fraud.”

While the bill does not place an affirmative duty on the part of the union agent to divulge certain information, there are very few instances where individuals have an affirmative duty to report information divulged to them, outside of the child or elder abuse contexts. For instance, while the attorney-client privilege does not apply in certain circumstances related to the prevention of bodily harm, the California Rules of Professional Conduct for attorneys merely provides that a lawyer “may, but is not required to, reveal information . . . to the extent that the lawyer reasonably believes the disclosure is necessary to prevent a criminal act that the lawyer reasonably believes is likely to result in death of, or substantial bodily harm to, an individual.”

Similarly, the term “confidential communication between client and lawyer” is defined under existing law as:

. . . information transmitted between a client and his or her lawyer in the course of that relationship and in confidence by a means which, so far as the client is aware, *discloses the information to no third persons other than those who are present to further the interest of the client in the consultation or those to whom disclosure is reasonably necessary for the transmission of the information or the accomplishment of the purpose for which the lawyer is consulted*, and includes a legal opinion formed and the advice given by the lawyer in the course of that relationship.

(Evid. Code § 952, italics added.) In other words, communications made in an open elevator full of third parties would not be privileged, nor would communications that are irrelevant to the purpose for which the lawyer is consulted.

This bill tracks that definition of confidential communication, among others, thereby ensuring that the proposed privilege also operates with certain limitations.

“Confidential communication” is defined in this bill as:

information transmitted, by oral or written communication, between a represented employee or represented former employee and a union agent, in confidence, by a means which, so far as the employee, former employee, or union agent is aware, *discloses the information to no third persons other than those who are present to further the interest of the employee, former employee, or union agent or those to whom disclosure is reasonably necessary for the transmission of the information or the accomplishment of the purpose for which the communication was made*, and includes advice given by a union agent in the course of a representational relationship.

Therefore, the privilege created by this bill only applies to truly *confidential* information.

The bill also provides additional situations where the privilege will not prevent disclosure. It authorizes a union agent to use or reveal a confidential communication made to the union agent while the union agent was acting in the agent’s representative capacity in either of the following circumstances:

- in actions against the union agent in the agent’s personal or official representative capacity, or against the local union or subordinate body thereof or international union of affiliated or subordinate body thereof or any agent thereof in their personal or official representative capacities; or
- when, after full disclosure has been provided, the written or oral consent of the bargaining unit member has been obtained or, if the bargaining unit member is deceased or has been adjudged incompetent by a court of competent jurisdiction, the

written or oral consent of the bargaining unit member's estate or guardian or conservator.

Arguably, these limitations on the evidentiary privilege provide an appropriate balance of the need for confidentiality with the fundamental right of the public to evidence. To this end, the bill outlines both situations in which no privilege applies at all, and circumstances in which an otherwise valid claim of privilege will be deemed waived. However, unlike certain other privileges, the union representative is authorized to claim the privilege in addition to the represented employee.

#### 5. Previous attempts to establish a union agent-represented worker privilege

In 2013, AB 729 (Hernández, 2013) was passed by the Legislature. It would have established an evidentiary privilege from disclosure for communications between a union agent and a represented employee or represented former employee. In fact, this bill largely tracks the language of AB 729. However, AB 729 was vetoed by Governor Brown. In his veto message, the Governor wrote:

I am returning Assembly Bill 729 without my signature.

This bill would establish an evidentiary privilege to prohibit the disclosure of confidential communications between represented employees and their union agents.

I don't believe it is appropriate to put communications with a union agent on equal footing with communications with one's spouse, priest, physician or attorney. Moreover, this bill could compromise the ability of employers to conduct investigations into workplace safety, harassment and other allegations.

It should be noted that although there are concerns about a privilege such as this interfering with workplace investigations, protecting communications between victims of discrimination and harassment in the workplace and their union representatives may encourage more victims to come forward to understand their options.

Additional attempts have been made at establishing this privilege in California law. Both AB 3121 (Kalra, 2018) and AB 418 (Kalra, 2019) were nearly identical to this bill and both passed out of this Committee but were not taken up on the Senate Floor.

#### 6. Stakeholder positions

The California Federation of Labor Unions, the sponsor of the bill, argues:

Under existing law, when a worker confides in their union, that communication is not legally confidential. This means that a company can

subpoena a union representative and demand access to confidential communications that the union representative had with their members. This can chill union member communication with their representatives for fear of personal or sensitive information being disclosed to their employer, or more publicly. This fear will be exacerbated under a federal government that has pledged to repeal basic civil rights.

AB 1109 will simply extend an evidentiary privilege to confidential communications shared with a union representative. This privilege will not apply to any information that is necessary to disclose to prevent a crime and it is not a non-disclosure agreement or a gag order, meaning that a worker may voluntarily disclose information that they choose. By extending the evidentiary privilege to communications between workers and union representatives, employee privacy will be protected, and workers will be able to speak freely with the union about workplace concerns without fear of retaliation, or fear that their union representative will be forced to disclose their private information to their employer or the public.

Writing in support, the California Teachers Association makes the case for the bill: "In instances when an employee faces adversarial grievance or disciplinary proceedings, the represented employee should be free to discuss these sensitive matters with the union agent openly and in confidence in order to permit the union agent to best represent the employee."

Writing in opposition, the City of Redwood City argues the bill creates a "one-sided standard":

The scope of privilege akin to an attorney-client relationship is carefully defined by state law. Privilege is by design narrow in scope to protect the confidentiality and integrity of relationships, both medical/professional and familial in nature, where highly sensitive and deeply personal information is exchanged. Unlike other privileges that apply to both sides of the litigation or proceedings such as the attorney-client privilege, AB 1109 does not bestow the same privilege upon management-labor negotiator communications, or communications among members of management regarding labor union disputes or grievance issues. Consequently, in labor related proceedings before courts and the California Public Employment Relations Board (PERB) hearings, an employer could be forced to disclose all such communications, while the union or employee could shield relevant and otherwise discoverable communications from disclosure pursuant to the terms proposed in AB 1109.

A coalition of organizations representing governmental entities, including the California County Superintendents and the School Excess Liability Fund, write in opposition:

In order to conduct proper investigations that uphold the public's trust, protect against the misuse of public funds, and ensure the safety and well-being of both public employees and the public, it is critical that a public employer has the ability to interview all individuals with relevant information to ascertain the facts and understand the matter fully. AB 1109 would increase investigation and litigation costs for the state as well as local governments and schools due to incomplete investigations, because appropriate witnesses may refuse to disclose relevant information based on a faulty or incorrect understanding of AB 1109. For schools, this is a drain of Proposition 98 funding.

### **SUPPORT**

California Federation of Labor Unions, AFL-CIO (sponsor)  
American Federation of State, County and Municipal Employees, AFL-CIO  
California Association of Psychiatric Technicians  
California Conference Board of the Amalgamated Transit Union  
California Conference of Machinists  
California Safety and Legislative Board of Smart – Transportation Division  
California School Employees Association  
California State Association of Electrical Workers  
California State Council of Service Employees International Union (SEIU California)  
California State Pipe Trades Council  
California Teachers Association  
CFT- a Union of Educators & Classified Professionals, AFT, AFL-CIO  
Engineers and Scientists of California, IFPTE Local 20, AFL-CIO  
Professional Engineers in California Government (PECG)  
State Building & Construction Trades Council of California  
Teamsters California  
UFCW - Western States Council  
Unite Here International Union, AFL-CIO  
Utility Workers Union of America  
Western States Council Sheet Metal, Air, Rail and Transportation

### **OPPOSITION**

Alameda County Office of Education  
Association of California Healthcare Districts (ACHD)  
Association of California School Administrators  
California Association of Joint Powers Authorities (CAJPA)

California Association of Recreation & Park Districts  
California Association of School Business Officials (CASBO)  
California Chamber of Commerce  
California County Superintendents  
California Farm Bureau  
California Hotel & Lodging Association  
California School Boards Association  
California Special Districts Association  
California State Association of Counties (CSAC)  
California Trucking Association  
City of Redwood City  
Civil Justice Association of California (CJAC)  
Community College League of California  
Construction Employers' Association  
Desert Water Agency  
Dublin Unified School District  
El Dorado Irrigation District  
Flasher Barricade Association  
League of California Cities  
National Federation of Independent Business  
Pleasanton Unified School District  
Public Risk Innovation, Solutions, and Management (PRISM)  
Rural County Representatives of California (RCRC)  
School Employers Association of California (SEAC)  
Schools Excess Liability Fund (SELF)  
Small School Districts' Association  
University of California  
Urban Counties of California (UCC)

### **RELATED LEGISLATION**

Pending Legislation: AB 340 (Ahrens, 2025) prohibits a public employer from questioning a public employee, a representative of a recognized employee organization, or an exclusive representative regarding communications made in confidence between a public employee and the representative in connection with representation relating to any matter within the scope of the recognized employee organization's representation. It also prohibits such employers from compelling a public employee, a representative of a recognized employee organization, or an exclusive representative to disclose to a third party, communications made in confidence between a public employee and the representative in connection with representation relating to any matter within the scope of the recognized employee organization's representation. AB 340 is currently in the Senate Labor, Public Employment and Retirement Committee.

Prior Legislation:

AB 418 (Kalra, 2019) *See* Comment 5.

AB 3121 (Kalra, 2018) *See* Comment 5.

AB 729 (Hernández, 2013) *See* Comment 5.

**PRIOR VOTES:**

Assembly Floor (Ayes 59, Noes 6)

Assembly Judiciary Committee (Ayes 9, Noes 0)

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