

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

AB 672 (Caloza)
Version: June 18, 2025
Hearing Date: July 15, 2025
Fiscal: Yes
Urgency: No
ID

SUBJECT

Public employment: notifications and right of intervention

DIGEST

This bill requires public employers who seek an injunction or temporary restraining order against a strike, work stoppage, or other labor action to provide notice of the action to the Public Employment Relations Board, provides the board the right to intervene in such an action, and requires Judicial Council to create a mechanism by which a panel of appellate court justices may hear cases related to a strike, work stoppage, or other labor action of court employees.

EXECUTIVE SUMMARY

The right of workers to organize and engage in bargaining with their employer collectively is an important, fundamental right. Included in that right is the right to strike. Public employees' rights to organize and join unions are covered by a number of different statutes, which generally provide a right to form, join, and participate in the activities of unions of their own choosing, and also provide these public employees the right to refuse to join or participate in the activities of unions. These various statutes provide the primary authority to adjudicate disputes between public employers and their employees, and the determination of union elections, to the Public Employment Relations Board (PERB). However, according to the author, some public employers, including courts, are going directly to a superior court to seek an injunction or temporary restraining order from an employee strike.

AB 672 requires a public employer seeking injunctive relief or a temporary restraining order against a strike, work stoppage, or other labor action by public employees to notify PERB of the action, and provides PERB the right to intervene in the action. AB 672 also would require Judicial Council to adopt rules that provide a mechanism by which a panel of court of appeal justices would hear actions that seek to enjoin strikes, work stoppages, or other labor activities by trial court employees, as specified. AB 672 is sponsored by SEIU California, and is supported by a number of other labor organizations, including the Federation of California Labor Unions, AFL-CIO. The

Committee has received no timely letters of opposition. It previously passed out of the Senate Labor, Public Employment, and Retirement Committee by a vote of 4 to 1.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Provides several statutory frameworks under California law to provide public employees collective bargaining rights, govern public employer-employee relations, and limit labor strife and economic disruption in the public sector through a reasonable method of resolving disputes regarding wages, hours, and other terms and conditions of employment between public employers and recognized public employee organizations or their exclusive representatives. Establishes the Meyers-Milias-Brown Act (MMBA), which governs employer-employee relations for local public employers and their employees. (Gov. Code §§ 3500 et seq.)
- 2) Establishes the Public Employment Relations Board (PERB), a quasi-judicial administrative agency charged with administering certain statutory frameworks governing California state and local public employer-employee relations, resolving disputes, and enforcing the statutory duties and rights of public agency employers, employees, and employee organizations. (Gov. Code §§ 3541 et seq.)
- 3) Establishes the Prohibition on Public Employers Deterring or Discouraging Union Membership (PEDD), which makes it unlawful for public employers to deter or discourage public employees or applicants to be public employees from: a) becoming or remaining members of an employee organization; b) authorizing representation by an employee; or, c) authorizing dues or fee deductions to an employee organization. (Gov. Code §§ 3550 et seq.)
- 4) Establishes, under the Trial Court Employment Protection and Governance Act (TCEPGA), procedures regulating court employee classification and compensation, labor relations, and employment protection. (Government Code §§ 71600 et seq.)
- 5) Provides trial court employees the right to form, join, and participate in the activities of employee organizations of their own choosing, or to refuse to join or participate in the activities of employee organizations and represent themselves individually. (Gov. Code § 71631.)
- 6) Prohibits trial courts and employee organizations from interfering with, intimidating, restraining, coercing, or discriminating against a court employee because of their exercise of their rights under (5). (Gov. Code § 71635.1.)
- 7) Provides that the powers and duties of PERB described in the MMBA apply to the TCEPGA, including the power to order elections, conduct any election, and to adopt rules to apply in areas where a trial court has no rules. Specifies that, in a complaint

alleging a violation of the TCEPGA, PERB must process the complaint as an unfair labor practice charge, and provides PERB the initial exclusive jurisdiction to hear such matters. (Gov. Code § 71639.1.)

- 8) Provides that any written agreements reached through negotiations held pursuant to TCEPGA are binding upon the parties, as specified, and the parties may enforce them by petitioning the superior court for relief pursuant to Sections 1085 or 1103 of the Code of Civil Procedure. (Gov. Code § 71639.5)
- 9) Requires the Judicial Council to adopt rules of court that provide a mechanism for the establishment of a panel of court of appeal justices who are qualified to hear petitions relating to arbitration and writ applications and from which a single justice is required to be assigned to hear the matter in the superior court. (Gov. Code §§ 71639.5; 71825.2)
- 10) Provides that a party requesting PERB to enjoin a labor action first submit a request to PERB's general counsel to have the board apply to the court for injunctive relief. Requires the general counsel to initiate an investigation and make a recommendation to the board within specified time frames, and requires the board, upon advice of the general counsel, to decide whether to seek injunctive relief in court. Specifies that, if the board is unable to apply for the injunction within twenty-four hours of receiving the general counsel's recommendation, the general counsel may apply to the court for an injunction if the general counsel has reasonable cause to believe that such action is in accordance with board policy and that legal grounds for injunctive relief are present. (8 Cal. Code Regs. §§ 32450-32470.)

This bill:

- 1) Requires a plaintiff or petitioner filing a civil action seeking injunctive relief against a strike, work stoppage, or other labor action by public employees who are regulated by PERB to serve a copy of the petition or complaint by electronic mail on the general counsel of PERB, if PERB is not a party to the action. Specifies that service of the complaint or petition shall be made on the same day that the petition or complaint is filed, and requires proof of service be filed in the civil action promptly.
- 2) Requires a plaintiff or petitioner that intends to apply to a superior court for a restraining order to enjoin a strike, work stoppage, or other labor action by public employees who are regulated by PERB to give notice to the general counsel of PERB of the application for a restraining order by electronic mail, unless PERB is a party to the action. Requires notice be provided when the plaintiff or petitioner provides notice to the defendant or respondent.

- 3) Specifies that its provisions do not authorize a plaintiff or petitioner to seek relief in court without first exhausting administrative remedies before PERB when administrative exhaustion is required by statute, regulation, or case law.
- 4) Provides PERB the right, upon timely application, to intervene in any civil action arising from a labor dispute that involves public employees covered by PERB, when PERB claims the action implicates the constitutionality, interpretation, or enforcement of a statute administered by PERB.
- 5) Requires Judicial Council to adopt rules of court that provide a mechanism for the establishment of a panel of court of appeal justices who shall be qualified to hear actions that seek to enjoin strikes, work stoppages, or other labor activity by trial court employees, from which a single justice must be assigned to hear the matter in the superior court. Specifies that these rules of court must provide that these matters must be heard in the superior court, and to the extent permitted by law, must provide that any justice assigned to hear the matter may not be from the court of appeal district in which the action is filed. Requires that appeals in these matters must be heard in the court of appeal district where the matter was filed.

COMMENTS

1. Author's statement

According to the author:

PERB was created as part of a broader effort to improve the working conditions of public employees by ensuring they had a voice in the workplace through collective bargaining. Today, the agency helps maintain efficiency, consistency, and fairness in resolving public sector labor disputes. When public employers skip PERB and engage in "forum shopping," they undermine the labor laws enacted by the Legislature to protect public employees. They also waste the limited resources available for public services on costly litigation rather than resolving matters at the administrative level.

2. Public employees' labor rights and PERB

The right of workers to organize and engage in bargaining with their employer collectively is an important, fundamental right. For private employees, this right is enshrined in the National Labor Relations Act, which states that employees "shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection." (29 U.S.C. § 157.) While the NLRA regulates private employers throughout the states, regulation of employer-employee relations between state or local public employers and their employees is left to the states.

In California, public employees' rights to organize and join unions is covered by a number of different statutes that cover different public sector employers. The primary statute is the Meyers-Milias-Brown Act (MMBA), which governs employer-employee relations between local government employers and their employees. (Gov. Code §§ 3500 et seq.) The MMBA provides covered public employees the right to form, join, and participate in the activities of unions of their own choosing, and also provides these public employees the right to refuse to join or participate in the activities of unions. (Gov. Code § 3502.) Public employers may not retaliate against or try to prevent or discourage a public employee from exercising these rights. (Gov. Code § 3506.) The MMBA also includes provisions requiring public employers to meet and confer with employee unions in good faith regarding the wages, hours, and other terms and conditions of employment, and provides a process for mediating disputes between employers and their employees.

Employees of superior courts are specifically excluded from the MMBA. (Gov. Code § 3501.5.) Instead, the employer-employee relations between superior court employees and the court is governed by provisions of the Trial Court Employment Protection and Governance Act (TCEPGA). (Gov. Code §§ 71600 et seq.) Those provisions also provide the employees of superior courts the right to form, join, and participate in the activities of unions of their own choosing, as well as the right to refuse to join or participate in the activities of unions. (Gov. Code § 71631.) Court employees are also protected from retaliation and pressure to not exercise these rights. (Gov. Code § 71635.1.) However, the employer-employee relations provisions relating to court employees do exclude certain matters from the scope of representation of any employee union that relate to operation of the courts or delivery of court services. (Gov. Code § 71634.) A separate statute, the Trial Court Interpreter Employment and Labor Relations Act, also includes similar employer-employee provisions specific to court interpreters. (Gov. Code §§ 71800 et seq.)

These statutes all provide the primary authority to adjudicate disputes between public employers and their employees, and the determination of union elections, to the Public Employment Relations Board (PERB). PERB is a quasi-judicial agency tasked with overseeing union elections, investigating and remedying unfair labor practices, and mediating disputes between public employers and their employees. It may also bring civil actions in court to enforce its decisions. For court employees, PERB adjudicates any alleged violation of the TCEPGA's labor relations provisions as unfair labor practices, and the TCEPGA provides PERB the exclusive authority over initial determinations of unfair labor practices. (Gov. Code §§ 71639.1; 71825.)

3. The right of employees to strike

While the MMBA or the labor relations provisions of the TCEPGA do not include specific provisions related to employee strikes, it has long been recognized that public employees have the right to strike. In *County Sanitation District No. 2 v. Los Angeles*

County Employees' Association, the California Supreme Court found that public employees have a legal right to strike, unless such strikes create a substantial and imminent threat to the health or safety of the public. (*County Sanitation Dist. No. 2 v. Los Angeles County Employees' Association* (1985) 38 Cal. 3d 564, 586.)

Yet whether a strike is lawful or can be enjoined under those exceptions to the right has since been a point of dispute. In a number of instances in recent years, public employers sought an injunction in court against employees' strikes on public safety grounds, but these disputes have raised the question of the appropriate venue for such a challenge. In 2010, the California Supreme Court held that PERB has the "exclusive jurisdiction" over requests by public agencies to enjoin labor strikes, as it has the initial authority to determine unfair labor practices. (*City of San Jose v. Operating Engineers, Local 3* (2010) 49 Cal. 4th 597.) Thus, a public employer must generally exhaust their administrative remedy through PERB before they can sue in court. However, this rule is not absolute; the court permitted an exception when exhaustion of the administrative remedies would be inadequate, such as because irreparable harm would result or because doing so would be futile. (*City of San Jose* 49 Cal. 4th 609.)

Under its broad authority under the MMBA and the court employer-employee relations provisions, PERB has issued rules relating to requests by parties that it seek injunctive relief in court. Under those regulations, a party may request, after giving the opposing party 24 hours' notice, that PERB apply to the court for injunctive relief. (8 Cal. Code Regs. § 32450.) After receiving such a request, PERB's general counsel must investigate and make a recommendation to PERB within 120 hours, or within 24 hours if the request is made during a work stoppage or lockout. (8 Cal. Code Regs. § 32460.) PERB then decides whether to seek an injunction in court.

4. AB 672 would require any party requesting a court enjoin a strike to file notices with PERB

According to the author, public employers still sometimes circumvent PERB by filing directly with a superior court for injunctive relief against a strike. In one particular instance cited by the author, the dispute was between the Alameda County Superior Court and its employees, and the court as plaintiff sought injunctive relief before its own court.

In order to protect against this kind of circumventing of the authority of PERB, AB 672 proposes a number of requirements for when a public entity seeks injunctive relief in court. It first requires that the plaintiff or petitioner seeking injunctive relief or a temporary restraining order against a strike against public employees covered by PERB serve a copy of the petition or complaint on PERB's general counsel. It would require these documents to be served to PERB on the same day that the petition or complaint for injunctive relief is filed, or for a notice of a request for a temporary restraining order, when served upon the defendant, with proof of service filed with the court promptly thereafter. AB 672 would provide PERB the right, upon timely application, to intervene

in any civil action involving public employees that PERB regulates when PERB believes it implicates the constitutionality, interpretation, or enforcement of a statute administered by PERB.

AB 672 also clarifies that it does not authorize a plaintiff or petitioner to seek relief in court without first exhausting administrative remedies before PERB when administrative exhaustion is required.

To address concerns related to when a court seeks an injunction against a strike by its own employees, AB 672 also includes provisions that require such a request be reviewed by a panel of appellate justices. It requires the Judicial Council to adopt a Rule of Court that will establish a mechanism by which a panel of appellate court justices, from which a single justice could be assigned, may hear actions that seek to enjoin strikes or other labor actions carried out by court employees. This provision ensures that the trial courts are not hearing cases to which they are a party, and thus is meant to prevent conflicts of interest. It also requires that the appellate justice assigned to hear the case may not be from the court of appeal district in which the action is filed. These provisions mirror the language in provisions related to adjudicating arbitrations and writs of mandate in a court employee dispute. (Gov. Code §§ 71639.5; 71825.2.)

5. Arguments in support

According to California Federation of Unions, AFL-CIO, which supports AB 672:

The courts deal with a wide range of matters, and few judges, if any, can match PERB's expertise in public sector labor law. At times, public employers have attempted to circumvent PERB's jurisdiction by filing requests for injunctive relief directly in a Superior Court. This practice, known as forum shopping, undermines the law and the rights of public employees, and puts an unnecessary burden on the courts. As employers, trial courts have threatened to grant their own requests for injunctive relief to halt strikes by workers. These threats are intended to deter employees from exercising their rights.

AB 672 will require public employers to notify PERB if they file a court action involving the statutes PERB administers. AB 672 will also give PERB the right to intervene as a party in those instances to help maintain the consistent application and enforcement of public employee protections.

AB 672 prevents forum shopping to protect the rights of California's public employees and employers.

SUPPORT

SEIU California

California Federation of Labor Unions, AFL-CIO

California Professional Firefighters
California School Employees Association
California Teachers Association

OPPOSITION

None received

RELATED LEGISLATION

Pending Legislation:

AB 1510 (Assembly Committee on Public Employment and Retirement, 2025) provides Santa Clara Valley Transportation Authority (VTA), its unions, and intervenors the right to appeal decisions of the Public Employment Relations Board (PERB), as specified. AB 1510 is currently pending on the Senate Floor.

AB 1340 (Wicks, 2025) establishes the Transportation Network Company (TNC) Drivers Labor Relations Act and requires the Public Employment Relations Board (PERB) to protect TNC drivers' collective bargaining rights under the Act. AB 1340 is currently pending before the Senate Appropriations Committee.

AB 283 (Haney, 2025) establishes the In-Home Supportive Services (IHSS) Employer-Employee Relations Act to shift collective bargaining with IHSS providers from the county or public authority to the state and provide PERB jurisdiction of labor relations between the state and IHSS workers. This bill is currently pending before the Senate Appropriations Committee.

AB 288 (McKinnor, 2025) provides state jurisdiction for the Public Employment Relations Board over unfair labor practice charges by private sector employees regulated by the National Relations Labor Act when the National Labor Relations Board cannot function, as specified. This bill is currently pending before the Senate Appropriations Committee.

Prior Legislation: AB 1240 (Burton, Ch. 1010, Stats. 2000) established a new trial court employee personnel system, and provided various governing provisions, including for labor relations between the trial courts and their employees.

PRIOR VOTES:

Senate Labor, Public Employment and Retirement Committee (Ayes 4, Noes 1)

Assembly Floor (Ayes 62, Noes 4)

Assembly Appropriations Committee (Ayes 11, Noes 0)

Assembly Judiciary Committee (Ayes 9, Noes 0)

Assembly Public Employment and Retirement Committee (Ayes 6, Noes 0)
