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# CITY ATTORNEYS ASSOCIATION OF LOS ANGELES COUNTY (CAALAC) RETREAT

# New Employer Obligations for Temporary Employees Under Assembly Bill 1484

2/23/2024

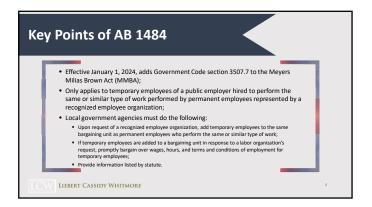
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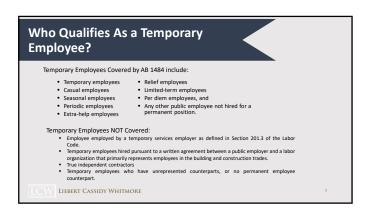
T. Oliver Yee

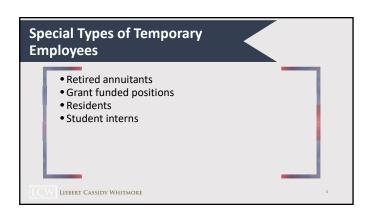




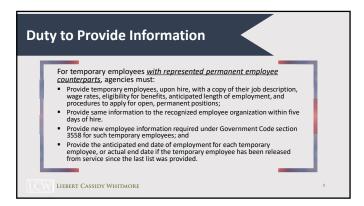
Legislative Intent of AB 1484	
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The Legislature finds and declares all of the following:	
<ul> <li>Local governments have increasingly hired temporary employees to provide public services.</li> </ul>	
<ul> <li>Temporary employees are disproportionately women and people of color, and the lesser rights of temporary employees exacerbate race and gender inequity in public employment.</li> </ul>	
<ul> <li>There is a statewide interest in ensuring that temporary employees are protected by state laws providing for fair labor relations and that the increasing use of temporary employees does not undermine public employee labor relations.</li> </ul>	
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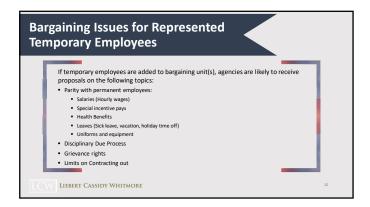




Temporary Services Employers and Joint Employer Doctrine	
<ul> <li>"Temporary employee" does not include an employee employed by a temporary services employer as defined in Section 201.3 of the Labor Code.</li> <li>However, PERB can still determine that local government agency is a joint employer along with a temporary services employer.</li> <li>A joint employer must collectively bargain on any term or condition of employment it has the right to control.</li> </ul>	
This may be a point of contention with some labor groups once new statute goes into effect.	
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Duty to Add Temporary Employees to Existing Bargaining Unit	
<ul> <li>Duty to add temporary employees to bargaining unit applies <u>only if requested</u> by recognized employee organization.</li> </ul>	
<ul> <li>Only applies to temporary employees <u>hired to perform the same or similar work</u>         performed <u>by permanent employees who are represented</u> by a recognized         employee organization.</li> </ul>	
<ul> <li>AB 1484 requests do not appear to be restricted to window period for unit modification petitions.</li> </ul>	
<ul> <li>If requested by recognized employee organization, local government agencies must promptly bargain over wages, hours, and terms and conditions of employment for temporary employees.</li> </ul>	
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Disciplinary Appeal and At-Will Status	
<ul> <li>Employer must provide temporary employees and labor organizations with anticipated length of employment and procedures to apply for permanent positions.</li> </ul>	
<ul> <li>Legislation seeks transparency from employers to avoid increased dependency on temporary employment</li> </ul>	
Avoiding retaliation under AB 1484	
<ul> <li>Clearly define types of temporary employment with hour limits in personnel rules or MOU; and</li> </ul>	
<ul> <li>Adhere to hour limits and anticipated end dates of employment to avoid retaliation claims whereby temporary employee separation occurs at same time as bargaining or other protected union activity</li> </ul>	
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Strike Planning Issues	
<ul> <li>Temporary employees added to a bargaining unit will be bound by a no strike provision; BUT</li> </ul>	
<ul> <li>Temporary employees cannot be relied on as strike replacement workers once employees in bargaining unit go on strike.</li> </ul>	
Future strike planning should include coverage of temporary employee work during strike.	
LIEBERT CASSIDY WHITMORE	п

Questions?	
LCW H	

Thank You!		
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