

MEYERS-MILIAS BROWN ACT — AT A GLANCE

COLLECTIVE BARGAINING

WHY WE EXIST!

The process of negotiating the terms of employment between an employer and a group of workers

WHAT GIVES YOU THE RIGHT?

Meyers-Milias-Brown Act California Government Code section 3500 - "MMBA"

3504. Scope of representation

"The scope of representation shall include all matters relating to employment conditions and employer-employee relations, including, but not limited to, wages, hours, and other terms and conditions of employment."

NEGOTIATIONS

3505. Conferences; meet and confer in good faith

The governing body of a public agency, or such boards, commissions, administrative officers or other representatives as may be properly designated by law or by such governing body, **shall meet and confer in good faith regarding wages, hours, and other terms and conditions of employment with representatives of such recognized employee organizations...**

"Meet and confer in good faith" means that a public agency, or such representatives as it may designate, and representatives of recognized employee organizations, shall have the mutual obligation personally to meet and confer promptly upon request by either party and continue for a reasonable period of time in order to exchange freely information, opinions, and proposals, and to endeavor to reach agreement on matters within the scope of representation.

THE DUTY TO BARGAIN IN GOOD FAITH

- The duty obligates both the employer and the union
- Parties must bargain in an effort to reach an agreement
- Failure to negotiate in good faith is an Unfair Labor Practice
- There is no duty to agree...
- It does not mean or require that the parties have to actually reach a final agreement, only that they engage in the process of bargaining/meeting and conferring/negotiating
- It is not "Meet and Agree"

VS.

AS OPPOSED TO BARGAINING IN "BAD FAITH"

- Going through the motions of bargaining/"surface bargaining"
- Not engaging in the process
- Engaging in long delays
- Canceling or postponing bargaining dates
- Shortening sessions
- Failing to exchange proposals
- "Totality of conduct"