



September 16, 2021

The Honorable Gavin Newsom
Governor, State of California
State Capitol, First Floor
Sacramento, CA 95814

RE: Senate Bill 270 (Durazo) – REQUEST FOR VETO

Dear Governor Newsom:

The Rural County Representatives of California (RCRC) respectfully urges your veto of Senate Bill 270. SB 270, authored by Senator Maria Elena Durazo, would create new types of damages in litigation against California's public agencies while those public agencies, and much of the Legislature, are actively calling for federal stimulus to help public agencies continue to provide services to the general public as we enter year two of the COVID-19 pandemic. RCRC is an association of thirty-seven rural California counties, and our Board of Directors is comprised of one elected county supervisor from each member county.

RCRC does not disagree with the assertion that public agencies should make a good faith effort to comply with provisions of current law that require the production of information on new hires to labor union representatives. There is currently no information or data suggesting that there is a widespread record of public agency failure to comply. In instances where a problem exists, there are remedies that can be pursued with relative ease.

SB 270 creates new financial damages to be paid by public agencies that fail to comply with a mostly bureaucratic task will only increase compliance and litigation costs in public agency budgets and divert those funds away from public benefit. We would oppose this type of diversion of important public funds in good times, and we certainly object during the current pandemic, economic insecurity, and public agency budget instability. In addition, allowing unions to recover attorney's fees for bringing such claims will only encourage unions to threaten to bring lawsuits rather than encourage them to work cooperatively with public agencies. Unfortunately, in this scenario, attorneys make money to the detriment of the general public.

1215 K Street, Suite 1650, Sacramento, CA 95814 | www.rcrcnet.org | 916.447.4806 | Fax: 916.448.3154

The Honorable Gavin Newsom
Senate Bill 270
September 16, 2021
Page 2

SB 270 contains a limited right to cure the violation that does not apply uniformly. Moreover, public employers would be limited in the number of times they could exercise their right to cure in a 12-month period. After correcting three data errors in a 12-month period, a public employer would be subject to an unfair labor practice claim and subject to unspecified civil penalties. Some public agencies are quite large and have dozens of unions for which they must file regularly, but agency would only be allowed to cure data errors three times in the year. The limitation is arbitrary and would mostly result public agencies being vulnerable to sizeable civil penalties for data errors that cannot be cured.

SB 270 will divert much-needed public resources away from public benefit and into the state's general fund and the legal fees of union lawyers. There continues to be a lack of data suggesting that there is even a meaningful problem that needs to be addressed. It should be noted that when this bill was advanced last year (Senate Bill 1173), the analyses contained only anecdotal evidence of problems with timely and accurate reporting.

For these reasons, we respectfully request your veto of SB 270.

Sincerely,



SARAH DUKETT
Legislative Advocate

cc: The Honorable Maria Elena Durazo, Member of the State Senate