

Starting in 2024, City, County, and Special District Temp Employees Must be Added to Bargaining Units Upon Union Request

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On October 10, 2023, Governor Newsom signed Assembly Bill (AB) 1484 into law. AB 1484 requires public agencies subject to the Meyers-Milias-Brown Act (MMBA), upon the request of a recognized employee organization, to automatically add temporary employees (temps) to the bargaining unit if they are hired to perform the same or similar work performed by permanent bargaining unit employees. The MMBA only applies to cities, counties, and special districts. AB 1484 also requires public agencies to provide certain information to temps upon hire, and to the recognized employee organization within five business days of hire. Finally, public agencies must supplement the employee information they periodically provide to recognized employee organizations pursuant to Government Code section 3558 to include the anticipated and actual employment end dates of any temps. The law goes into effect on January 1, 2024.

Definition of a Temporary Employee

For purposes of AB 1484, temps include casual, seasonal, periodic, extra-help, relief, limited-term, and per diem employees who have not been hired to permanent positions and are hired to perform the same or similar work performed by permanent employees. Temps do not include employees of temp agencies with whom the public agency contracts. However, that does not preclude the Public Employment Relations Board from determining that a public employer is or is not the sole or joint employer of temp agency employees for collective bargaining purposes.

Primary Provisions

AB 1484 requires public agencies, upon the request of a recognized employee organization, to automatically include temps in the same bargaining unit as permanent employees performing the same or similar work. Once such a request is received, public agencies are required to:

- Promptly participate in collective bargaining to establish wages, hours, and terms and conditions of employment for new temps if they are not already addressed in the parties' memorandum of understanding (MOU).
- Include the bargained terms and conditions in an addendum to the existing MOU and, thereafter, in a single MOU if requested by the recognized employee organization.
- Upon hire, provide each temp with their job description, wage rates, eligibility for benefits, anticipated length of employment, and procedures to apply for open, permanent positions. This same information must be provided to the recognized employee organization within five business days of hiring a temp.
- Include the anticipated and actual employment end dates of temps in the employee information periodically provided to recognized employee organizations.

It is important to note that the new law does not require public agencies to provide the same terms and conditions of employment to temps as are provided to permanent employees.

Scope of Bargaining

AB 1484 also provides that the following topics are negotiable: (1) whether a temp who subsequently obtains permanent employment receives seniority or other credit or benefits for their time spent in temp status; and (2) whether a temp receives a hiring preference over external candidates for permanent positions.

Retired Annuitant Implications

Last, AB 1484 does not supersede or create an exemption to restrictions or requirements related to public agency retired annuitants.

Takeaways

Public agencies employing temps should take notice of the above changes in the law and anticipate requests from unions and employee associations to add eligible temps to the bargaining units. Human resources staff should be trained and ready, and affected policies and procedures should be updated, to provide the required notices and information to newly hired temps and to the employee organizations.

If you have any questions about AB 1484 or public agency labor relations in general, please contact the author of this Client News Brief or an attorney at one of our [eight offices](#) located statewide. You can also subscribe to our [podcasts](#), follow us on [Facebook](#), [Twitter](#) and [LinkedIn](#) or download our [mobile app](#).