

CLIENT NEWS BRIEF

California Attorney General Advisory Affirms Public Sector Labor Rights and Obligations

As the United States Supreme Court's *Janus* ruling continues to reverberate throughout the nation, California public sector employers can look to Attorney General Xavier Becerra's [August 31, 2018 advisory](#) for guidance regarding labor rights and employer obligations that still apply in California's public workplaces.

The two-page advisory "re-affirms" California's "full support" for California labor rights, particularly the following public sector statutory rights:

- The employees' right to form, join, and participate in the activities of their union for purposes of representation on wages, hours, and other conditions of employment;
- The employee's right to refrain from joining or participating in the activities of a union, or to cancel or change deductions to the union; and
- The employee's right to file an unfair practice charge with the Public Employment Relations Board (PERB).

California public agency employers are advised that following *Janus*, it still remains unlawful to do the following:

- Retaliate or discriminate against, or threaten to retaliate or discriminate against, employees for exercising their protected rights to engage in collective action;
- Interfere with employees' exercise of their protected rights to engage in collective action, or deter or discourage employees or applicants for public-sector jobs from joining a union;
- Refuse to meet and confer in good faith with a union; and
- Interfere with the formation or administration of a union, or support or show preferential treatment for a union.

This new advisory reflects the Attorney General's position that although *Janus*—a decision with which he "adamantly disagree[s]"—prohibits all public sector employers from automatically deducting a mandatory agency fee from the salary or wages of non-member public employees who do not affirmatively choose to financially support the union, California still supports the collective bargaining process and maintains its right to manage its own public sector workforce.

If you would like more information about the advisory or about collective bargaining rights in general, please contact the authors of this Client News Brief or an attorney at one of our [eight offices](#) located statewide. You can also visit our [website](#), follow us on [Facebook](#) or [Twitter](#) or download our [Client](#)

September 2018
Number 53



Dulcinea Grantham
Partner and Co-Chair
Labor & Employment Practice Group
Walnut Creek Office
dgrantham@lozanosmith.com



Roxana E. Khan
Associate
Monterey Office
rkhan@lozanosmith.com



As the information contained herein is necessarily general, its application to a particular set of facts and circumstances may vary. For this reason, this News Brief does not constitute legal advice. We recommend that you consult with your counsel prior to acting on the information contained herein.

CLIENT NEWS BRIEF

September 2018
Number 53

[News Brief App.](#)

As the information contained herein is necessarily general, its application to a particular set of facts and circumstances may vary. For this reason, this News Brief does not constitute legal advice. We recommend that you consult with your counsel prior to acting on the information contained herein.

© 2018 Lozano Smith