



CLIENT NEWS BRIEF

December 2011

Number 81

COMMITTEE FORMED TO REVIEW EMPLOYEE HEALTH BENEFITS NOT SUBJECT TO OPEN MEETING PROVISIONS OF THE BROWN ACT

In a recent decision, a California court of appeal affirmed that a joint labor/management committee formed for the purpose of reviewing the district's health benefits program is not a legislative body subject to the open meeting provisions of the Ralph M. Brown Act (Brown Act). The case was decided under Government Code section 3549.1 subdivision (a), which is a part of the Education Employment Relations Act (EERA) and provides that any meetings and negotiations between a public school employer and a recognized or certified employee organization are exempt from the open meeting provisions of the Brown Act.

In *Californians Aware, et al. v. Joint Labor/Management Benefits Committee, et al.*, (November 10, 2011) ___ Cal.App.4th ___ (2011 WL 5921366), the Los Angeles Community College District (District) and its six bargaining units developed the Joint Labor/Management Benefits Committee (JLMBC). The JLMBC was developed pursuant to a Master Benefits Agreement that was entered into by the District and the six unions. The JLMBC was developed to review the District's Health Benefits Program and recommend group benefit plans. Specifically, the JLMBC was tasked with filtering out changes that were to be brought to the negotiating table by reaching agreement regarding health benefits among both labor and management members of the JLMBC before submitting proposed changes to the District Board of Trustees. Accordingly, the JLMBC played a role in the collective bargaining process with respect to a mandatory subject of bargaining.

The court acknowledged a "tension" between the open meeting requirements of the Brown Act and the closed-door collective bargaining provisions of the EERA. The court reviewed the requirements of the Brown Act, including that all "legislative bodies" of a local agency must hold open public meetings. (Gov. Code § 54953(a).) The court noted that "legislative body" is defined under the Brown Act as a commission, committee, board, or other body of a local agency. (Gov. Code § 54952.) The court further recognized that, under the EERA, "(A)ny meeting and negotiating discussion between a public school employer and a recognized or certified employee organization" is exempted from Brown Act requirements. (Gov. Code § 3549.1.) The court concluded that the tension is resolved by the explicit language of Government Code section 3549.1 exempting bargaining committees from negotiating in public.

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In reaching its conclusion, the court agreed with a formal opinion issued by the California Attorney General on this same issue that concluded that the JLMBC was created as part of, and for the purpose of, furthering the collective bargaining agreement process under the EERA and as such is not subject to open meeting provisions of the Brown Act.

This decision is a reminder that properly formed bargaining committees are not legislative bodies and therefore are not required to comply with the Brown Act.

If you have any questions about this decision, or about labor negotiations or the Brown Act in general, please contact one of our [eight offices](#) located statewide, visit our [website](#), or follow Lozano Smith on [Facebook](#).

Written by:

[Dulcinea Grantham](#)

Shareholder and Labor & Employment Practice Group Co-Chair

Walnut Creek Office

dgrantham@lozanosmith.com

[Andrea Epps](#)

Associate

Los Angeles Office

aepps@lozanosmith.com



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