

7-6-1977

Prohibition Of Strikes By Public Employees

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Office of the Secretary of State
March Fong Eu

111 Capitol Mall, Room 220
Sacramento, California 95814

Elections Division
(916) 445-0820

December 12, 1977

TO: All Registrars of Voters and County Clerks

FROM: Cashmere M. Apperson, Elections Technician

Pursuant to Elections Code 3520(b) you are hereby notified that the total number of signatures to the hereinafter named proposed initiative constitutional amendment filed with all county clerks is less than 100 per cent of the number of qualified voters required to find the petition sufficient.

Title: Prohibition of Strikes By Public Employees

Summary date: July 5, 1977

Proponents: Dolly J. Swift and Betty A. Cordoba

The petition has failed and no further action is necessary.



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111 Capitol Mall, Room 220
Sacramento, California 95814

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(916) 445-0820

July 5, 1977

TO ALL REGISTRARS OF VOTERS

Pursuant to Section 3513 of the Elections Code, there is transmitted herewith a copy of the Title and Summary prepared by the Attorney General on a proposed Initiative Measure entitled:

PROHIBITION OF STRIKES BY PUBLIC EMPLOYEES

INITIATIVE CONSTITUTIONAL AMENDMENT

Circulating and Filing Schedule

1. Minimum number of signatures required. 499,846
Constitution II, 8(b).
2. Official Summary Date Tuesday, 7/5/77
Elections Code Section 3513.
3. Petition Sections:
 - a. First day Proponent can circulate Sections for
signatures. Tuesday, 7/5/77
Elections Code Section 3513.
 - b. Last day Proponent can circulate and file with the
county. All Sections are to be filed at the same
time. Friday, 12/2/77
Elections Code Sections 3513, 3520(a).
 - c. Last day for County to determine total number of
signatures affixed to petition and to transmit total
to Secretary of State. Friday, 12/9/77

(If the Proponent files the petition with the county on a date before 12/2/77, the county has 5 working days from the filing of the petition to determine the total number of signatures affixed to the petition and to transmit this total to the Secretary of State.)
Elections Code Section 3520(b).

- d. Last day for county to determine number of qualified electors who have signed the petition, and to transmit certificate, with a blank copy of the petition to the Secretary of State. Friday, 12/23/77*

(If the Secretary of State notifies the counties to determine the number of qualified electors who signed the petition on a date prior to 12/9/77, the last day is not later than the fifteenth day after the notification.) Elections Code Section 3520(d), (e).

- e. If the signature count is between 449,861 and 549,831 then the Secretary of State notifies counties using the random sampling technique to determine validity of all signatures.

Last day for county to determine actual number of all qualified electors who signed the petition, and to transmit certificate, with a blank copy of the petition to the Secretary of State. Friday, 1/20/78*

(If the Secretary of State notifies the counties to determine the number of qualified electors who have signed the petition on a date prior to 12/23/77, the last day is not later than the thirtieth day after the notification.) Elections Code Section 3521(b), (c).

4. Campaign Statements:

Last day for Proponent to file a Campaign Statement of Receipts and Expenditures for period ending 12/30/77. . . . Friday, 1/6/78

(If the Secretary of State finds that the measure has either qualified or failed to qualify on a date earlier than 12/2/77, the last date to file is the 35th calendar day after the date of notification by the Secretary of State that the measure has either qualified or failed to qualify. The closing date for this campaign statement is 7 days prior to the filing deadline.) Government Code Section 84202.

* Date adjusted for official deadline which falls on Saturday or Sunday.

5. The Proponents of the above measure are:

Dolly J. Swift	Betty A. Cordoba
P.O. Box 7782	P.O. Box 403
Van Nuys, CA 94109	Calabasas, CA 91302
Telephone: (213) 989-1135 or (213) 872-1350	

WILLIAM N. DURLEY
Assistant to the Secretary of State
Elections and Political Reform



CASHMERE M. APPERSON
Elections Technician

CA:gb

NOTE TO PROPONENT: Your attention is directed to Elections Code Section 41, 44, 3501, 3507, 3508, 3516, 3517, and 3518 for appropriate format and type considerations in printing, typing and otherwise preparing your initiative petition for circulation and signatures. Your attention is further directed to the campaign disclosure and petition circulating requirements of the Political Reform Act of 1974.

DECLARATION OF MAILING

RE: Initiative Constitutional Amendment -
Prohibition of Strikes by Public Employees
Project 00002105-SA77RF0025

I, Valeska Barham, declare as follows:

I am a citizen of the United States, over the age of 18 years, and not a party to the within action; I reside in the County of Sacramento, State of California; my business address and place of employment is 555 Capitol Mall, Suite 550, Sacramento, CA 95814.

The proponent(s) of the above named measure are

Dolly J. Swift
P. O. Box 7782
Van Nuys, CA 91409

Betty A. Cordoba
P. O. Box 403
Calabasas, CA 91302

Telephone (213) 989-1135 or (213) 872-1350

On the 5th day of July, 1977, I mailed a letter, a true copy of which is attached hereto, to the person(s) above named, in an envelope addressed to them at the address(es) set out immediately below name(s), sealed said envelope(s), and deposited the same in the United States mail at the City of Sacramento, County of Sacramento, State of California, with postage thereon fully prepaid, and there is regular communication between the said place of mailing and the place(s) so addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at Sacramento, California, on July 5, 1977.

Valeska Barham



OFFICE OF THE ATTORNEY GENERAL

Department of Justice

555 CAPITOL MALL, SUITE 350

SACRAMENTO 95814

(916) 445-9555

July 5, 1977

FILED
In the office of the Secretary of State
of the State of California

JUL 6 - 1977

MARCH FONG EU, Secretary of State

By Esther M. Apperson
Deputy

Honorable March Fong Eu
Secretary of State
925 L Street, Suite 605
Sacramento, CA 95814

Attention Rico Nannini

Re: Initiative Constitutional Amendment - Prohibition
of Strikes by Public Employees
Our No. 00002105-SA77RF0025

Dear Mrs. Eu:

Pursuant to the provisions of sections 3503 and 3513 of the Elections Code you are hereby informed that on this day we mailed to Dolly J. Swift and Betty A. Cordoba, as proponents, the following title and summary:

PROHIBITION OF STRIKES BY PUBLIC EMPLOYEES.
INITIATIVE CONSTITUTIONAL AMENDMENT. Prohibits strikes by public employees; provides for mandatory dismissal, loss of tenure and seniority for violators. Prohibits public employers from: condoning such strikes; paying a striking employee; agreeing to increased benefits or compensation in response to a strike; bargaining about suspension or modification of strike penalties. Also prohibits closed shop, mandatory union dues or fee arrangements, and use of public employee dues for political purposes. Provides that governing bodies make final decisions relating to public employment. Prohibits binding arbitration. Requires establishment of mediation procedures as to matters authorized by law. Financial impact: Would result in unknown but probably minor additional costs to public agencies.

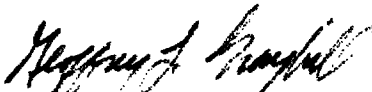
Honorable March Fong Eu
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Enclosed herewith is a declaration of mailing thereof, and a copy of the proposed measure.

According to information available in our records, the addresses and telephone numbers of the proponents of this measure are as stated on the declaration of mailing.

Very truly yours,

EVELLE J. YOUNGER
Attorney General


GEOFFREY L. GRAYBILL
Deputy Attorney General

GLG:vb
Enc.

DRAFT: 27 Apr 77

EMPLOYEES OF PUBLIC AGENCIES - INITIATIVE CONSTITUTIONAL AMENDMENT

To the Honorable Secretary of State of California:

We, the undersigned, registered, qualified voters of California, residents of _____ County (or City and County), hereby propose an amendment to add Article XVII to the Constitution of California relating to Employees of Public Agencies and petition the Secretary of State to submit the same to the voters of California for their adoption or rejection at the next succeeding general election or at any special statewide election held prior to that general election or otherwise provided by law. The proposed constitutional amendment reads as follows:

Article XVII is added to read:

ARTICLE XVII.

Sec. 1. (a) It shall be unlawful for any public employee or any employee organization, directly or indirectly, to induce, instigate, encourage, authorize, ratify, or participate in a strike against any public employer.

(b) Subject to appropriate notice and hearing on the question of involvement in such prohibited activity, any violation of Sec. 1(a) by a public employee shall result in his mandatory dismissal and in the loss of tenure or seniority, and in the event that such employee has both tenure and seniority, in the loss of both. Any

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public employee dismissed under the provisions of this Article shall not be reinstated or rehired except as a new employee who is employed in accordance with the regular employment practices in effect at that time for the particular position of employment.

(c) It shall be unlawful for any public employer to:

(1) authorize, approve, consent to, or condone a strike;

(2) pay or agree to pay any public employee for any day in which the employee participates in a strike;

(3) pay or agree to pay any increase in compensation or benefits to any public employee in response to or as a result of any strike or any act which violates Sec. 1(a) of this Article; or

(4) bargain at any time regarding suspension or modification of any penalty provided in this Section or regarding any request by the public employer to a court for such suspension or modification.

(d) Each of the remedies and penalties provided in this Section is separate and several and is in addition to any other legal or equitable remedy or penalty.

Sec. 2. (a) No public employee shall be obligated to be represented by any one organization as a prerequisite to,

condition of, or requirement for the continuation of, employment by any public agency.

(b) No public employee shall be obligated to join or to affiliate with, or to pay dues, fees, assessments, or other charges of any kind to, any employee organization as a prerequisite to, condition of, or requirement for the continuation of, employment by any public agency.

(c) No dues, fees, assessments, or other charges of any kind, paid by any public employee, shall be allocated or contributed for political purposes by any employee organization. Nothing in this Section shall be construed to limit, impair, or affect the right of a public employee to voluntarily contribute directly to any lawful political campaign or organization.

Sec. 3. Final decisions concerning conditions, compensation, hours, rights, privileges, or obligations of public employment shall be made only by the governing body charged by the Constitution or by law with the responsibility for administering the affairs of a public agency. No governing body shall delegate, assign, or in any way abrogate final decision-making authority, nor shall it enter into any agreement which provides for a binding decision to be made by any other party.

Sec. 4. (a) Nothing in this Article shall be construed to limit, impair, or affect the right of any public employee to express or communicate a lawful complaint or opinion on any matter related to conditions, compensation, hours, rights, privileges, or obligations of employment.

(b) Each public agency shall establish procedures for conciliation and/or mediation to be applied in the event that a disagreement between such public agency and an employee, group of employees, or employee organization, concerning any matter established by law as a proper subject for discussion or negotiation between such parties, cannot otherwise be resolved.

(c) The provisions of this Article shall not apply to any lawful contractual agreement heretofore executed by any public employer but shall apply in all respects to any renewal or extension of any existing contractual agreement and to any new contractual agreement executed after the effective date of this Article.

Sec. 5. For the purposes of this Article the following definitions shall apply:

(a) "Public employee" means any person employed in any capacity by any public agency.

(b) "Public agency" or "public employer" means the State of California, every governmental subdivision, every county, city and county, city, town, and municipal

corporation, whether incorporated or not and whether chartered or not, every public district, every public and quasi-public corporation, the Public School System, every community college district, every state college and university, the University of California, and every other tax-supported public authority or public body of or within this State.

(c) "Strike" means any failure to report for duty, willful absence from one's position, stoppage of work, slowdown or other interruption of operations or services, abstinence, in whole or in part, from the full, faithful, or proper performance of the duties of employment, or interference in any manner with the operations of any public agency, when committed by a public employee, acting in concert with others, for the purpose of inducing, influencing, or coercing any action or decision concerning the conditions, compensation, hours, rights, privileges, or obligations of employment, or concerning any other matter.

(d) "Employee organization" means any organization which includes employees of a public agency and which exists, in whole or in part, for the purpose of representing such employees in their relationship with that or any public agency.

(e) "Governing body" means the Legislature, or any board, council, commission, or other entity, whether

elected or appointed, of a public agency, which is the chief policy-making entity of such agency.

Sec. 6. (a) This Article shall be self-executing and shall supersede all provisions of this Constitution in conflict therewith. The Legislature may enact laws to facilitate the operation of this Article, but no law shall limit or restrict its provisions.

(b) This Article shall be a statement of public policy, and each public employer shall inform its employees of the provisions of this Article.

(c) If any provision of this Article or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Article which can be given effect without the invalid provision or application, and to this end, the provisions of this Article are severable.

COMMITTEE FOR INDIVIDUAL RIGHTS

Co-Chairmen

Betty Cordoba
P.O. Box 403
Calabasas, CA 91302

Dolly J. Swift
P.O. Box 7782
Van Nuys, CA 91409

Phone (213) 989-1135 or (213) 872-1350



May 2, 1977

Attorney General Evelle Younger
555 Capitol Mall
Sacramento, CA 95814

Dear Attorney General Younger,

Please find enclosed a cashier's check in the amount of \$200 and the text of an initiative constitutional amendment which we are submitting for Title and Summary.

It is our intention to qualify this measure for the June, 1978 ballot. In order to expedite the process we would appreciate your office starting to prepare Title and Summary pending receipt of the impact statement.

The proponents of this measure are as follows:

Mrs. Dolly J. Swift
10306 Beckford Ave.
Northridge, CA 91326

Mrs. Betty A. Cordoba
22323 Park Sorrento
Calabasas, CA 91302

who are both registered voters in Los Angeles County.

For your reference a constitutional amendment with substantially the same provisions was Titled and Summaried by your office on February 24, 1976. The following summary has been prepared as a guide to assist you in preparing Title and Summary.

EMPLOYEES OF PUBLIC AGENCIES. INITIATIVE CONSTITUTIONAL AMENDMENT. Adds Article XVII to the Constitution. Prohibits strikes by public employees; provides for dismissal and loss of tenure and seniority for violators. Defines strike to mean failure to report for duty, willful absence, work stoppage, slowdown, or other interference with operation of public agency in concert with others. Prohibits compulsory representation; prohibits compulsory membership, dues or fee arrangements; provides that final decisions on wages, hours, and other matters relating to employment shall be made by the governing body of the public entity.

Sincerely,

Dolly J. Swift
Dolly J. Swift
Co-Chairman

Betty A. Cordoba
Betty A. Cordoba
Co-Chairman

Please phone ⁽²¹³⁾ 989-1135 when Title and Summary are ready.

MAY 10 1977