



## Memorandum

**TO:** HONORABLE MAYOR AND CITY  
COUNCIL

**FROM:** Richard Doyle  
City Attorney

**SUBJECT:** Supplemental Memo regarding  
Union's Mandatory Access to  
New Employee Orientation

**DATE:** October 18, 2018

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### Legal Update

In addition to the legal update regarding the *Janus* decision and recent California law regarding changes to the union dues deduction process addressed in the City Attorney's September 12, 2018 memorandum to the Rules and Open Government Committee, we wanted to advise you of another relatively new law regarding union access to new employee orientation and information.

Effective June 27, 2017, public employers, like the City of San Jose, are required to provide unions mandatory access to the public employer's new employee orientations. New employee orientation means the onboarding process, whether in person, online, or through other means, pursuant to which new employees are advised of their employment status, rights, benefits, duties, and responsibilities, or any other employment-related matters. The City complies with this requirement and does provide unions access to new employee orientations.

The law also requires public employers, like the City of San Jose, to provide a union with the name, job title, department, work location, work, home, and personal cellular telephone numbers, personal email addresses on file with the public employer, and home address of newly hired employees within 30 days of hire or by the first pay period of the month following hire. The public employer is also required to provide the union with this information for all employees in the bargaining unit at least every 120 days, unless more frequent or more detailed lists are required by an agreement with the union. The Public Employment Relations Board has jurisdiction over a violation of these provisions.

  
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