



July 2023

Senator Thomas J. Umberg
1021 O Street, Suite 6530
Sacramento, CA 95814-4900

RE: OPPOSITION TO SENATE CONSTITUTIONAL AMENDMENT 7

We, the undersigned, elected representatives of California counties, cities, and district governments, strongly oppose Senate Constitutional Amendment 7 (SCA 7).

We are not fooled by the title. “The Right to Organize and Negotiate Act” has nothing to do with organizing or negotiating; these rights are already firmly established in state and federal law. A closer reading of the text reveals that the bill’s true purpose is to give the state’s government unions a veto over any government action in California.

In creating a constitutional right to “economic well-being” for government workers and prohibiting California state and local officials from taking any action “that interferes with, negates, or diminishes the right of employees to organize and bargain collectively,” SCA 7 will certainly tie the hands of every elected official and make reform nearly impossible.

If SCA 7 becomes law, union lawyers will argue that any government action is subject to a civil rights claim. Decisions to close a school, build a road, deploy police to protect neighborhoods, or improve the state’s infrastructure could all be argued to affect the “economic wellbeing” of state and local workers.

Even if voters throw out union-backed officials, their elected replacements would be helpless to change government policy against union demands. Any bad employee terminated for cause will claim that he or she is the victim of a civil rights violation; thousands of trial attorneys will be incentivized to back that claim in court. Any decision to reform a government program will be killed because it would harm the union’s membership dues income – and would therefore arguably “interfere with, negate, or diminish” union power.

From Sacramento to the state’s 482 city halls, SCA 7 “will give public-sector unions the most exhaustive power of any branch of government,” said Michael J. Lotito, an attorney at Littler Mendelson who is an expert on California employment law and the co-chairman of his firm’s Workplace Policy Institute.

This badly written bill won’t likely survive first contact with legal reality. In light of the 2018 *Janus* decision, there is a strong possibility that the United States Supreme Court will rule SCA 7 unconstitutional. Even before such a ruling, the federal National Labor Relations Act likely would preempt SCA 7 law insofar as it applies to private businesses.

Recognizing these objections and challenges, we ask that you voluntarily pull SCA 7 from consideration in the state legislature.