



# CITY OF CARPINTERIA

**Members of the City Council**  
Mayor Natalia Alarcon  
Vice Mayor Mónica Solórzano  
Councilmember Al Clark  
Councilmember Julia Mayer  
Councilmember Wade T. Nomura

May 11, 2026

The Honorable Buffy Wicks  
Chair, Assembly Appropriations Committee  
1021 O Street, Suite 8220  
Sacramento, CA 95814

**RE: AB 1564 (Ahrens) Employer-Employee Relations Confidential Communications.  
OPPOSE (As Amended February 25, 2026)**

Dear Chair Wicks,

The City of Carpinteria regrettably opposes your Assembly Bill (AB) 1564. This bill would restrict an employer's ability to conduct internal investigations to the detriment of employees' and the public's safety and well-being, adding new costs and liability for public employers. Moreover, the substantive provisions of the bill create restrictions mirroring a privilege.

**Previous Unsuccessful Legislation and Previous Veto**

The City of Carpinteria's concerns with AB 1564 are consistent with the issues raised in response to previously introduced legislation, AB 340 (Ahrens, 2025), AB 1109 (Kalra, 2025), AB 2421 (Low, 2024), AB 418 (Kalra, 2019), AB 3121 (Kalra, 2018), and AB 729 (Hernandez, 2013). The issues are succinctly captured in the AB 729 veto message from Governor Brown, which states: "I don't believe it is appropriate to put communications with a union agent on equal footing with communications with one's spouse, priest, physician or attorney. Moreover, this bill could compromise the ability of employers to conduct investigations into workplace safety, harassment and other allegations."

**New Costs and Added Liability for the State, Local Governments, and Schools**

In order to conduct proper investigations that uphold the public's trust, protect against the misuse of public funds, and ensure the safety and well-being of both public employees and the public at large, it is critical that a public employer has the ability to interview all individuals with relevant information to ascertain the facts and understand the matter fully. AB 1564 would increase investigation and litigation costs for the state as well as local governments and schools by creating incomplete investigations, since all appropriate employees with relevant information cannot be questioned. Costs and risks may also increase as conduct challenged as unlawful under the bill's provisions is adjudicated before the Public Employment Relations Board (PERB). Even for conduct that is not brought to PERB, AB 1564 could lead to unknown and unbudgeted costs for the state, and costs to local governments and schools, for dispute resolution, attorney fees, arbitration, and other costs. In addition to legal costs, AB 1564 could force the state, local agencies,

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and schools to review and, in some cases, update collective bargaining agreements and policies regarding workplace investigations and allowable communications between represented employees and their employer. For schools, this is a drain of Proposition 98 funding. AB 1564 contains legislative findings attempting to refute some of the significant costs identified in the Senate Appropriations Committee's analysis of last year's version of this bill, AB 340, prior to that bill being held on the committee's suspense file. However, those findings do nothing to change the substance of the bill itself, which is otherwise the same as AB 340. This bill is not a path to savings; it is an invitation to new unfair labor practice charges, grievances, and litigation.

### **Inconsistent with PERB Decision**

AB 1564 states that its prohibition on employer questioning is intended to be consistent with, and not in conflict with, William S. Hart Union High School District (2018) PERB Dec. No. 2595. This is problematic for two reasons. First, the bill is not consistent with that PERB decision. That decision engaged in a circumstantial analysis to determine whether employer questioning related to a disciplinary investigation was prohibited or not, while weighing the employee's and the employer's interests. The bright line standard in the opinion was narrow in scope. AB 1564 goes beyond that, forgoing any circumstantial analysis or weighing of interests, and exceeding the scope of any standards articulated by the decision. Second, we are not aware of evidence that PERB is denying the interests of employees on this issue, raising the question of whether a legislative solution is warranted.

### **Expansion of New One-Sided Standard**

AB 1564 would create a de facto prohibition on employers requesting a court to compel disclosure of purportedly confidential communications, which is the same outcome as if the communication was privileged in those circumstances. This will have a significant impact on judicial and administrative proceedings.

### **Endangers Workplace Safety**

AB 1564 interferes with the ability to interview witnesses because it would prohibit public agencies from questioning any employee or "representative of a recognized employee organization, or an exclusive representative" about communications made in confidence between an employee and a "representative of a recognized employee organization, or an exclusive representative" in connection with representation relating to any matter within the scope of representation. While AB 1564 includes a narrow exception for criminal investigations, and provides that it does not supersede Gov. Code 3303, many necessary investigations are still subject to the bill's limitations, putting safety at risk.

This bill would hinder employees who wish to voluntarily report information or testify in front of necessary misconduct investigations since an employer would be prohibited from certain lines of questioning. It would also limit the ability of public employers to carry out the requirements of recently enacted law, Senate Bill 553 (Cortese, 2023), which includes conducting investigations into workplace safety, harassment, and other allegations. As of January 1, 2025, SB 553 allows collective bargaining representatives standing to seek temporary restraining orders (TRO) in connection with workplace violence. AB 1564 will

create a problematic scenario wherein a TRO may be obtained but an employer could not fully investigate the underlying facts. AB 1564 lacks guardrails to prevent potential conflicts of interest that could arise during employee safety issues.

Specific to local educational agencies, TROs are being sought by teachers and classroom aides against students that are manifesting a disability, who may not have full control of their motor skills or have a cognitive impairment. School employers shared that their ability to gather details and intercede results in alternatives to a TRO that are more productive for their staff and students. Otherwise, school employers may be exposed to greater liability as they try to adhere to contractual agreements for a student's Individualized Educational Plan.

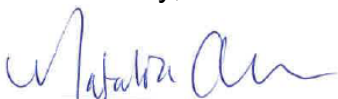
Administrative investigations are also critical tools for public agency employers when protecting minors under the supervision and care of their employees. As it relates to preventing childhood sexual assault and misconduct, perpetrators are not often caught in the act at a school site or facility but rather discovered through investigations conducted by the employer through either building evidence for what may lead to a criminal investigation or removing an employee before misconduct may occur. The current liability statewide for school employers alone is approximately \$3 billion dollars and districts need every tool available to prevent future misconduct.

AB 1564, as drafted, would tie the hands of school employers in seeking better options for student educational outcomes and taking proactive steps for general safety.

Making matters worse, employers may not even know they are acting contrary to AB 1564's restrictions by communicating with staff, because only the employee or the representative would know or could decide when a communication was made "in confidence." This bill prohibits the asking of questions, without regard to an employer's prior knowledge that a specific question is prohibited by the bill. There is no requirement that a labor union or employee invoke AB 1564 prior to alleging a violation. This could affect day-to-day activities and critical government operations.

For the reasons discussed above, the City of Carpinteria respectfully opposes AB 1564.

Sincerely,



Natalia Alarcon, Mayor  
City of Carpinteria

cc. Senator Monique Limón &  
Assemblymember Gregg Hart  
David Mullinax, League of California Cities Channel Counties Public Affairs Manager  
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