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PUBLIC EMPLOYMENT - CALIFORNIA

City and County of San Francisco v. Public Employment Relations Board

Court of Appeal, First District, Division 5, California - June 22, 2026 - Cal.Rptr.3d - 2026 WL 1785444

City petitioned for writ of extraordinary relief, seeking judicial review of decision by Public Employment Relations Board (PERB) that found city acted in bad faith by refusing to submit municipal attorneys association's proposals seeking to require just cause for discipline and seniority-based layoffs to binding arbitration, thereby violating city's charter and state law.

The Court of Appeal issued a writ of review.

The Court of Appeal held that:

- At-will status of city attorneys as exempt employees, including any limits on their order of layoff, was not subject to binding arbitration under city charter;
- Existence of impasse resolution procedures for other city workers had no bearing on the arbitrability of association's proposals;
- City's obligation to bargain in good faith did not obligate the city to subject association's proposals to binding interest arbitration; and
- City did not engage in bad-faith bargaining in violation of the Meyers-Milias-Brown Act (MMBA) by correctly stating that association's proposals were ineligible for interest arbitration.

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