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August 19, 2024

The Honorable Senator Anna Caballero  
Chair, Senate Appropriations Committee  
1021 O Street, Room 7620  
Sacramento, CA 95814

**RE: AB 2561 (McKinnor) Local Public Employees: Vacant Positions.  
Notice of OPPOSE (As Amended 07/03/2024)**

Dear Senator Caballero,

The City of Brentwood must respectfully oppose AB 2561 (McKinnor). This measure requires cities with bargaining unit vacancy rates exceeding 15% for more than 180 days to meet with the representative of the recognized employee organization within 21 days about strategies to fill vacancies. The bill requires the public agency to present this plan during a public hearing to the governing legislative body and to publish the plan on its internet website for public review for at least one year.

The City of Brentwood recognizes the impact that long-term vacancy rates have, both on current employees and our residents who receive local services. To further complicate recruitment, local governments are competing with both the private sector and other government agencies.

Cities are implementing innovative ways to try to boost recruitment and incentivize retention. The City of Brentwood participates in targeted outreach to groups and associations, as well as has allocated dedicated financial resources and centralized efforts of DEI advertising for recruitments.

The City of Brentwood is committed to continuing the work happening now between all levels of government and employees to expand pipeline programs, build pathways into public sector jobs, modernize the hiring process, and offer competitive compensation. However, we cannot close the workforce shortages overnight; it will take investment from educational institutions, all levels of government, and the private sector to meet the workforce demands across the country.

We must use our limited human resources staff to hire employees during this economically challenging time rather than diverting resources to additional reports.

It is important to note that the new meet and confer requirements are not merely procedural in nature to facilitate conversations on vacancy rates. The requirements could result in demands to reopen MOUs, and might even lead to arguments that this bill voids bargained-for no strike and "entire agreement" (i.e., "zipper") clauses in existing MOUs, thereby exposing local agencies to impasse procedures, fact finding, and strikes during the MOU term. Certainly, there will be additional time and cost pressures for local agencies related to this requirement, potentially leading to adjudication before the Public Employment Relations Board (PERB).

*Assembly Bill 2561 (McKinnor): Local Public Employees: Vacant Positions.  
(As amended 7/3/24) OPPOSE.*

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Local bargaining units have the ability to address workforce concerns and develop hiring retention strategies at the bargaining table within agreements and compensation studies. The City of Brentwood welcomes partnering on workforce strategies and believes there is a more feasible solution than AB 2561. As currently drafted, AB 2561 is the wrong approach.

For those reasons The City of Brentwood respectfully **opposes** AB 2561 (McKinnor).

Sincerely,



Joel R. Bryant,  
Mayor

Cc: The Honorable Tina McKinnor via Legislative Position Letter Portal  
Honorable Jim Frazier, Assembly Member: [assemblymember.frazier@assembly.ca.gov](mailto:assemblymember.frazier@assembly.ca.gov)  
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