

California AB 339

What County and City Public Works Departments Need to Know

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Topics to be Discussed

- Who is Affected?
- What Triggers AB 339?
- Information Required in the Notice
- Public Works Examples
- Exemptions
- Operational Impacts
- Best Practices
- Risks of Non-Compliance
- Key Takeaways



Understanding AB 339

- Effective Jan 1, 2026
- Adds Government Code Section 3504.1
- Amends the Meyers-Milias-Brown Act
- Establishes new labor union notification requirements



Why AB 339 Was Created

- Increase transparency
- Protect collective bargaining rights
- Provide labor organizations advance notice of potential outsourcing
- Allow employee organizations time to respond before work is contracted out

Who is Affected?

- Counties
- Cities
- Special Districts
- Joint Powers Authorities
- Any local public agency subject to the Meyers-Milias-Brown Act

What Triggers AB 339

A 45-day written notice is required BEFORE:

- Issuing an RFP
- Issuing an RFQ
- Renewing an existing service contract
- Extending a current service contract

Rule of thumb, if the work is within the scope of duties performed by represented employees it likely requires noticing

Information Required in the Notice

The written notice must include:

- Anticipated duration
- Scope of work
- Estimated contract cost
- Draft solicitation (or available procurement information)
- Reasons or justification why the agency believes contracting is necessary

Public Works Examples

Examples that may require noticing:

- Fleet maintenance performed by bargaining unit mechanics
- Warehouse operations
- Graffiti removal
- Landscaping services
- Custodial services
- GIS support
- Administrative support

Exemptions to AB 339

Section 3504.1 (d)(1) – A Contract for construction, alteration, demolition, installation, repair or maintenance work that is subject to Chapter 1 (commencing with Section 1720) of Part 7 of Division 2 of the Labor Code or a contract for highly specialized data, software, or services related to the construction, alteration, demolition, installation, repair, or maintenance work. Some examples includes:

- Construction inspection
- Street resurfacing contracts
- Traffic signal operation and maintenance
- Water main repair/replacement
- Storm drain facility repair/replacement

Exemptions to AB 339 (Continued)

Section 3504.1 (d)(2) – A contract for services described in Section 4525 or 4529.10 or that is related to the planning, design, administration, oversight, review, or delivery of public works, residential, commercial, or industrial buildings or other infrastructure projects subject to adopted uniform codes or standards. Some examples includes:

- Design service contracts for PS&E packages
- Services related to environmental clearance
- Planning documents
- Traffic studies
- Project management services

Emergency Exception

- Agencies may provide less than 45 days notice
- Must provide as much notice as practicable
- Emergency must be documented

Examples emergencies include:

- Flood response
- Earthquake damage
- Water main breaks
- Immediate health and safety hazards

Operational Impacts

Departments should expect:

- Longer procurement timelines
- Additional coordination with HR and County Counsel
- Greater involvement from Labor Relations
- Additional documentation

Best Practices

- Review all recurring service contracts
- Update procurement policies
- Develop an AB 339 checklist or procedure
- Coordinate with bargaining units early
- Maintain documentation

Risk of Non-Compliance

Potential risks include:

- Labor disputes
- Delayed procurements
- Unfair practice allegations
- Project schedule impacts
- Increased legal costs

Key Takeaways

- Many traditional public work construction and maintenance contracts are exempt
- Routine operational service contracts may require advance notice
- Consult with County Counsel if you are unsure or dealing with a unique situation

Questions?

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