



County Clarification of Essential Employees During a Strike

A strike by public agency employees is legal if it occurs after negotiations and the impasse process is complete, with the exception that it must not create a substantial and imminent threat to public health and safety. If a union gives strike notice that may cover essential services and if the agency and union do not agree on the positions that provide essential services, the dispute is submitted to the Public Employer Relations Board (“PERB”), which then analyzes the positions and decides whether they should be exempted from the strike. PERB is the State agency that oversees labor relations. PERB has the power to go to court to prevent against illegal strike activity, including strikes that present significant risk to public health and safety.

In this context, “essential” employees perform functions that if brought to a halt would cause a substantial and imminent risk to public safety or health would exist. In many cases, “essential” employees hold a unique license or perform a function that cannot be performed by non-unit members, such as managers or temporary replacements.

Classic examples of “essential employees” include wastewater treatment workers, employees assigned to the Psychiatric Health Unit, jail medical workers, airport staff, and other similar workers.