



OFFICE OF THE GOVERNOR

OCT 07 2011

To the Members of the California State Senate:

I am signing Senate Bill 857.

This measure corrects a recent decision by PERB that it has the authority to award damages in response to a threatened strike. The PERB decision was not faithful to current law and could not have reasonably been anticipated by the parties in the underlying dispute.

For the future, I however, would favor legislation authorizing PERB to award damages to a public employer in the event of an unlawful strike or strike threat that necessitates expenditures by the employer to preserve the health and safety of the public. The employer should be required to prove that the claimed expenses were reasonable, were necessary to preserve the public health and safety, and that the employer had no alternative to respond to the emergency without incurring the claimed expenses.

Sincerely,

A handwritten signature in black ink that reads "Edmund G. Brown Jr." with a stylized flourish at the end.

Edmund G. Brown Jr.