

# BOARD OF SUPERVISORS

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July 31, 2025

The Honorable Anna Caballero  
Chair, Senate Appropriations Committee  
State Capitol, Room 412  
Sacramento, CA 95814

**Re: AB 1331 (Elhawary), Workplace surveillance – OPPOSE**

Dear Senator Caballero,

I am writing on behalf of the Kern County Board of Supervisors to express our serious concerns with AB 1331 (Elhawary), which would vastly complicate the routine work of local governments, endanger our ability to perform essential public services, impede our ability to manage and respond to workplace violence threats, and make local governments vulnerable to waste, fraud, and abuse of public resources.

This bill is wrongly applied to local governments and should be amended to fully exempt local agencies. AB 1331 imposes unnecessary security risks for local agencies, schools, and the public we serve. The right of public employees to organize is well protected from the types of behavior this bill intends to address.

Even with the proposed amendments, AB 1331 would needlessly interfere with the ability of local agencies to protect foster children, keep kids safe in schools, and maintain the safety of their workforce or the communities they serve, including election facilities, libraries, and shelters for the unhoused. The author's proposed amendments would allow for the use of surveillance tools if "required by state and federal law or regulations". While this amendment may allow some facilities to continue to use necessary security tools, it is unclear the extent to which this amendment will allow public agencies to protect critical infrastructure and government facilities. State and federal laws are rarely prescriptive about the use of security tools, the need for security is implicit. Furthermore, this attempt to exclude certain locations, including airports, from the law's provisions is a clear acknowledgement that AB 1331 creates security gaps for critical facilities.

We understand there are reasonable concerns about the slow creep of surveillance tools into every aspect of daily life and appreciate that appropriate limits are needed to prevent employers from snooping into the private lives of their employees. However, the scope of this bill is vast and would deem basic security tools used for everyday work, including security cameras, collaboration tools

like Teams or Slack, or GPS tools used to track fleets, to be “surveillance tools” whose use would be constricted. Under AB 1331, any device that collects or facilitates collection of data of an employee’s movements, actions, communications, or behaviors, is deemed a surveillance tool that cannot be used when employees are off duty or in “employee only” areas.

Additionally, AB 1331 will needlessly endanger public workforces and severely impair our ability to prevent and investigate instances of workplace violence. The bill restricts the ability for public agencies to review data collected through a surveillance tool in any “off-duty area,” defined to include breakrooms and cafeterias unless directed by a court order or upon request by either a court, law enforcement, or by an employee. These restrictions needlessly inhibit the use of tools that can be used to keep employees safe from workplace violence incidents or, worse, provide the worst actors with a roadmap of locations where they can more easily hide bad behavior, including abuse of vulnerable populations like children, the elderly, or those experiencing mental health crises.

Under AB 1331, employees must be allowed to leave behind surveillance tools during off-duty hours or when they are entering off-duty areas. It’s unclear how these rules would apply to a variety of tools that public employees may be required to use, including emergency alarms for teachers, body cameras for law enforcement, or tools used for public vehicle fleets, including dash cameras, speed monitors, or GPS tracking. Consider election workers, who could be allowed to leave behind tracking tools used to track the delivery and pickup of ballots. The ability for an employee to claim they had simply been “at rest,” will give those who are rightfully required to wear surveillance tools an easy out for any behavior that conflicts with laws or agreements that require wearable tools for public and employee safety.

Similarly, the ability for employees to request video footage also raises critical privacy concerns about the disclosure of those in the footage, placing public agencies in the difficult position of potentially violating an employee’s privacy or incurring considerable costs to blur or pixelate the images of those in the footage.

To compound all of these concerns, AB 1331 would also impose severe financial penalties for noncompliance. For public agencies, these penalties can be staggering and severely impact funds needed to provide essential public services. At a time of significant budget constraints at the state and local level, now is not the time to subject public agencies to punitive fines for providing basic security measures.

We understand the sponsors are advancing this bill to address activities by private employers that use security tools to undermine efforts to organize a union, influence union elections, or retaliate against union leaders. Existing law already provides significant protections for public employee union activities. For example, Government Code § 3550 provides that a public employer shall not deter or discourage public employees, or applicants to be public employees, from becoming or remaining members of an employee organization. Section 3551.5 imposes significant penalties for violations of § 3550 and grants employee organizations standing to bring the claims.

Simply put, public agencies use surveillance tools to protect public resources, not to influence employee organization activities. This bill is another example of a narrowly focused mandate from Sacramento that unintentionally disrupts a broad range of public services and agencies, hindering their ability to effectively serve the public. For these reasons, the Kern County Board of Supervisors

respectfully requests that you vote **NO on AB 1331**.

Sincerely,

A handwritten signature in black ink, appearing to be 'LP' with a stylized flourish.

Leticia Perez, Chair  
Kern County Board of Supervisors

cc:     Honorable Members, Senate Appropriations Committee  
         Honorable Members, Kern Legislative Delegation  
         Kern County Human Resources Division  
         Kern County Counsel  
         Shaw Yoder Antwih Schmelzer & Lange