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KATHLEEN KRAUSE
Clerk of the Board of Supervisors
Kern County Administrative Center
1115 Truxtun Avenue, 5th Floor
Bakersfield, California 93301
Telephone (661) 868-3585
TTY Relay 800-735-2929

July 31, 2025

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

Re: AB 340 (Ahrens), Public employer investigations – OPPOSE

Dear Senator Caballero,

I am writing on behalf of the Kern County Board of Supervisors to express our serious concerns with AB 340 (Ahrens), which would significantly restrict the ability of counties and other public employers to conduct internal workplace investigations. If enacted, this bill would compromise public safety, reduce government accountability, and expose local governments to new and unnecessary liability.

AB 340 would prohibit public agencies from questioning employees or union representatives about communications deemed “confidential” between the two, except under narrow and limited exceptions. While the bill is intended to protect sensitive conversations, it effectively creates a privilege that mirrors those for attorney-client or spousal communications without the legal safeguards or balancing standards those privileges require.

Counties are responsible for investigating a wide range of workplace complaints, including harassment, misconduct, retaliation, and threats of violence. AB 340 would interfere with the ability to interview key witnesses and gather relevant facts, undermining the integrity of investigations and delaying corrective action. Even when employees are willing to come forward, the bill could prohibit agencies from asking important follow-up questions, placing both staff and the public at greater risk.

This restriction would also interfere with implementation of laws such as Senate Bill 553 (Cortese, 2023), which requires public employers to conduct investigations into workplace violence and develop effective prevention plans. Counties cannot meet those obligations if their investigative tools are arbitrarily constrained by broad and unclear confidentiality rules.

By limiting who counties can speak with during investigations, AB 340 increases the likelihood of incomplete findings and unresolved complaints. This will lead to more costly litigation, increased

reliance on third-party reviews, and a higher risk of liability for failing to act on credible threats or misconduct. Counties are already required to steward public funds responsibly, and this bill would force them to expend more resources on navigating legal ambiguity instead of resolving workplace issues efficiently.

Furthermore, the bill could trigger more disputes before the Public Employment Relations Board (PERB) as counties attempt to understand and comply with vague or conflicting standards, again diverting time and resources away from core public services.

AB 340 claims to align with the PERB decision in *William S. Hart Union High School District* (2018), but in fact it departs significantly from that precedent. The decision emphasized a case-by-case, fact-specific approach that balanced the rights of employees with the operational needs of employers. AB 340 discards this balance and imposes a categorical prohibition on employer questioning, removing necessary discretion from county administrators.

Kern County is committed to maintaining safe, fair, and responsive workplaces for our employees and the public we serve. Simply put, AB 340 prevents counties from fulfilling those obligations. For these reasons, the Kern County Board of Supervisors respectfully requests that you vote **NO on AB 340**.

Sincerely,

A handwritten signature in black ink, appearing to be 'Leticia Perez', with a stylized, cursive script.

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