

**(Without Reference to File)**

CONCURRENCE IN SENATE AMENDMENTS

AB 113 (Committee on Budget)

As Amended April 28, 2023

Majority vote

**SUMMARY**

This budget trailer bill enacts changes to the collective bargaining process for agricultural workers.

Existing Law:

- 1) States that agricultural employees have the right to form, join, assist labor organizations, and to bargain collectively through representatives of their own choosing with respect to rates of pay, wages, hours of employment, or other conditions of employment.
- 2) Establishes the Agricultural Labor Relations Board (ALRB), which is responsible for overseeing and protecting the rights of agricultural employees to organize themselves in negotiating the terms and conditions of their employment, including whether or not to have labor unions represent them.
- 3) Provides that the union election process for agricultural workers is done through secret ballot elections overseen by the ALRB. Generally, a union who wishes to represent the agricultural workers of an employer can submit a petition to the ALRB with a number of signatures equal to at least 50% of the peak agricultural employment of that employer. If the union meets this threshold, a secret ballot election must commence within seven days.
- 4) Sets two alternative pathways to the secret ballot election for agricultural workers to select a union representative, as follows:
  - a) A mail-in ballot election (also known as a labor peace election process), in which the employer agrees to make no statements for or against union representation to its employees. Then, agricultural employees may make a choice regarding union representation through a mail ballot election without holding a polling place election. The employees or the union would request voting kits issued by the ALRB that would contain voting instructions for participating in a mail ballot election. The ALRB would verify the validity of the petition for representation and the supporting mail ballots, such as comparing the names on the mail ballots submitted by the labor organization to the names on the list of currently employed employees provided by the employer, before certifying the collective bargaining representative.
  - b) A "card-check" election (also known as a non-labor peace election), in which the employer does not agree to make statements for or against union representation to its employees. In this process, a union may submit proof of majority support, through authorization cards or petitions, demonstrating majority support of currently employed employees determined from the employer's payroll. Upon receipt of the proof of majority support, the ALRB verifies the validity of the petition before certifying the collective bargaining representative.

## Senate Amendments

This budget trailer bill makes the following changes to the collective bargaining process for agricultural worker:

- 1) Eliminates the option to conduct union elections using mail-in ballots.
- 2) Retains the option to conduct union elections via the "card-check" system, now called the "Majority Support Petition." Similar to current existing law, a Majority Support Petition is submitted by a union wishing to represent employees to the ALRB, accompanied by proof of majority support through petition cards, petitions, or other appropriate proof.
- 3) Limits the number of card-check / Majority Support Petition elections that result in the certification of a labor organization to 75 certifications.
- 4) Sunsets on January 1, 2028. On that date, Majority Support Petitions would no longer be an available option for union elections.

## COMMENTS

In September of 2022, Governor Newsom signed AB 2183 (Stone, Chapter 673, Statutes of 2022), and announced that the Governor, the United Farm Workers, and the California Labor Federation agreed on clarifying language to be made to the enacted law to address concerns around implementation and voting integrity. This agreement was formalized in a published letter and a supplemental agreement language. This bill implements the provisions of this supplemental agreement.

### According to the Author

This budget trailer bill is makes necessary changes to implement and streamline the process for agricultural workers to choose a collective bargaining representative.

### Arguments in Support

None on file.

### Arguments in Opposition

None on file.

## FISCAL COMMENTS

The bill provides a sum of \$10,000 appropriated for the 2022–23 fiscal year from the General Fund to the Agricultural Labor Relations Board to implement the bill's provisions.

**VOTES:**

**ASSEMBLY FLOOR: 60-14-6**

**YES:** Addis, Aguiar-Curry, Alvarez, Arambula, Bains, Bauer-Kahan, Bennett, Berman, Boerner Horvath, Bonta, Bryan, Calderon, Juan Carrillo, Wendy Carrillo, Connolly, Mike Fong, Friedman, Gabriel, Garcia, Gipson, Grayson, Haney, Hart, Holden, Irwin, Jackson, Jones-Sawyer, Kalra, Lee, Low, Lowenthal, McCarty, McKinnor, Muratsuchi, Stephanie Nguyen, Ortega, Pacheco, Papan, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Santiago, Schiavo, Soria, Ting, Valencia, Villapudua, Ward, Weber, Wicks, Wilson, Wood, Zbur, Rendon

**NO:** Alanis, Megan Dahle, Davies, Dixon, Essayli, Flora, Vince Fong, Gallagher, Hoover, Lackey, Jim Patterson, Joe Patterson, Sanchez, Ta

**ABS, ABST OR NV:** Cervantes, Chen, Maienschein, Mathis, Waldron, Wallis

**UPDATED**

VERSION: April 28, 2023

CONSULTANT: Patrick Le / BUDGET / (916) 319-2099

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