

Date of Hearing: April 22, 2026

ASSEMBLY COMMITTEE ON LABOR AND EMPLOYMENT

Liz Ortega, Chair

AB 2682 (Berman) – As Amended March 24, 2026

SUBJECT: Transportation network company drivers: labor relations: appeals

SUMMARY: Authorizes any charging party, respondent, or intervenor aggrieved by a final decision or order of the Public Employment Relations Board (board) in an unfair practice case under the Transportation Network Company Drivers Labor Relations Act (act) to appeal the decision or order by filing a petition for a writ of extraordinary relief from such decision or order in the district court of appeal, as specified. Specifically, **this bill:**

- 1) Authorizes any charging party, respondent, or intervenor aggrieved by a final decision or order of the board in an unfair practice case under the act to petition for a writ of extraordinary relief from such decision or order.
- 2) Provides that a “final decision or order of the board” excludes a decision of the board not to issue a complaint in an unfair practice case.
- 3) Requires the petition authorized under 1) above to be filed in the district court of appeal in the appellate district where the dispute giving rise to the unfair practice case occurred. The petition shall be filed within 30 days after issuance of the board’s final order or order denying reconsideration.
- 4) Requires upon the filing of the petition, the court to serve notice on the board and subsequently shall have jurisdiction of the proceeding.
- 5) Requires the board to file with the court the record of the proceeding, certified by the board, within 10 days after the clerk’s notice, unless such time is extended by the court for good cause shown.
- 6) States that the court shall have jurisdiction to grant to the board such temporary relief or restraining order it deems just and proper and make and enter a decree enforcing, modifying, or setting aside the order of the board.
- 7) Provides that the findings of the board with respect to questions of fact, including ultimate facts, are conclusive if supported by substantial evidence on the record considered as a whole.
- 8) Requires the law relating to writs of review in the Code of Civil Procedure (CCP) to be followed, however, the provisions of this section shall prevail in cases of conflict with the procedures in the CCP.
- 9) Authorizes, if the time to petition for extraordinary relief from a board decision has expired, the board to seek enforcement of any final decision or order in a district court of appeal or a superior court in the district where the unfair practice case occurred.

- 10) Requires the board to respond within 10 days to any inquiry from a party to the action as to why the board has not sought court enforcement of the final decision or order.
- 11) Requires, if the response does not indicate that there has been compliance with the board's final decision or order, the board to seek enforcement of the final decision or order upon the request of the party. The board shall file with the court the record of the proceeding, certified by the board, and appropriate evidence disclosing the failure to comply with the decision or order.
- 12) Requires, if, after a hearing, the court determines that the order was issued properly and that the person or entity refuses to comply with the order, the court to enforce such order by writ of mandamus. The court shall not review the merits of the order.

EXISTING LAW:

- 1) Provides, under the act, that transportation network company (TNC) drivers have the right to form, join, and participate in the activities of TNC driver organizations, to bargain through representatives of their own choosing, to engage in concerted activities for the purpose of bargaining or other mutual aid or protection, and to refrain from such activities. Business and Professions Code §7470.3(a).
- 2) Provides that it shall be an unfair practice for a TNC, an agent of a TNC, or a multicompany committee to do, among other things, the following:
 - a) Fail or refuse to negotiate in good faith with a certified driver bargaining organization, as required by this act.
 - b) Fail or refuse to provide a certified driver bargaining organization with information required by the organization that is relevant and necessary in discharging its representational duties or in exercising its right to represent TNC drivers regarding terms and conditions of work within the scope of representation.
 - c) Dominate or interfere with the formation, existence, or administration of any TNC driver organization, or contribute financial or other support to any such organization, whether directly or indirectly, with some exceptions.
 - d) Interfere with, restrain, or coerce TNC drivers in the exercise of rights guaranteed by the act. Business and Professions Code §7470.18(a).
- 3) Provides that it shall be an unfair practice for a TNC driver organization or its agents to do, among other things, the following:
 - a) Restrain or coerce TNC drivers in the exercise of rights guaranteed by the act.
 - b) Fail or refuse to negotiate in good faith with a covered TNC or multicompany committee as required by this act, provided it is the certified driver bargaining organization.

- c) Fail or refuse to provide information requested by a covered TNC or its representative that is relevant and necessary for purposes of bargaining regarding terms and conditions of work within the scope of representation.
 - d) Fail or refuse to fulfill its duty of fair representation toward TNC drivers where it is the certified driver bargaining organization by acts or omissions that are arbitrary, discriminatory, or in bad faith. Business and Professions Code §7470.18(b).
- 4) Establishes in state government the board which shall be independent of any state agency and shall consist of five members. The members of the board shall be appointed by the Governor by and with the advice and consent of the Senate. One of its duties is to investigate and adjudicate unfair practice charges. Government Code §3541(a), §3541.3(i).
- 5) Authorizes a writ of review to be granted by any court when an inferior tribunal, board, or officer, exercising judicial functions, has exceeded the jurisdiction of such tribunal, board, or officer, and there is no appeal, nor, in the judgment of the court, any plain, speedy, and adequate remedy. CCP §1068(a).
- 6) Authorizes a writ of mandate¹ to be issued by any court to any inferior tribunal, corporation, board, or person, to compel the performance of an act which the law specially enjoins, as a duty resulting from an office, trust, or station, or to compel the admission of a party to the use and enjoyment of a right or office to which the party is entitled, and from which the party is unlawfully precluded by that inferior tribunal, corporation, board, or person. CCP §1805(a).

FISCAL EFFECT: Unknown.

COMMENTS: In 2019, Assembly Bill 5 (Gonzalez) codified the 3-part test for employment status from the historic *Dynamex*² decision, making it harder to misclassify employees as independent contractors. In 2020, app-based companies such as Uber, Lyft, and Doordash, sought to permanently exempt their drivers from AB 5, and therefore employee status, by running a multi-million dollar initiative, known as Proposition 22. The initiative would cement drivers' status as independent contractors while providing inferior benefits to those enjoyed by employees, including "guaranteed pay" at 120% of the state minimum wage and a health care stipend that few drivers could qualify for.³

Last year the Legislature passed and the Governor signed AB 1340 (Wicks) which established the act and gave rideshare drivers, despite their independent contractor status, the right to form, join, and participate in the activities of TNC driver organizations, to bargain through representatives of their own choosing, to engage in concerted activities for the purpose of bargaining or other mutual aid or protection, and to refrain from such activities. The act also empowered PERB to adjudicate unfair practice charges.

¹ Also known as a writ of mandamus.

² 4 Cal.5th 903 (Cal. 2018).

³ While the app-based companies claimed this wage rate was guaranteed, analysis by the UC Berkeley Labor Center in 2019 found that after deducting for expenses such as unpaid waiting and driving time, the hourly wage would be \$5.64, well below the state minimum wage.

AB 2682 would authorize a party under the act to seek judicial review of a PERB final decision or order on an unfair practice. This would conform the act with other collective bargaining statutes administered by PERB.

According to the author, “Rideshare drivers are the backbone of the gig economy and for too long, they were denied the same rights and protections that others take for granted. Last year, the Legislature passed and the Governor signed AB 1340 - an historic leap forward for fairness and dignity on the job for hundreds of thousands of California workers who now have the opportunity to join a union. AB 2682 would correct an oversight and likewise ensure that those covered by the Transportation Network Company Drivers Labor Relations Act also have the right to appeal a decision or order from the Public Employment Relations Board.”

The author believes the bill will maximize benefits for underserved communities because “Rideshare drivers are disproportionately immigrants and people of color. Most often they are from historically marginalized communities and driving for gig rideshare companies like Uber and Lyft is their primary source of income. Last year, AB 1340 provided hundreds of thousands of rideshare drivers in California the ability to negotiate with the companies that profit from their labor and investment in vehicles. AB 2682 would simply correct an inadvertent oversight from last year by providing a path to appeal a decision or order from PERB.”

Arguments in Support

Service Employees International Union California State Council, sponsor of the bill, states, “AB 2682 would establish a defined judicial review process for final decisions and orders of the PERB in unfair practice cases arising under the Transportation Network Company Drivers Labor Relations Act. Specifically, the bill would authorize an aggrieved charging party, respondent, or intervenor to petition for a writ of extraordinary relief in the Court of Appeal or the California Supreme Court, and it would set timelines and service requirements for that review process. Simply, this clarifies where appeals go after PERB makes a determination of the case and expedites the process which impacts hundreds of thousands of drivers and a broader industry. These appeals provisions are the same as for the other labor relations statutes that PERB administers.

These appeals provisions would improve procedural fairness and strengthen confidence in the administration of the act. This would provide PERB in their role as arbitrator and administrator of the Transportation Network Company Drivers Labor Relations Act, a clear path for parties to seek judicial review after a PERB decision to help ensure that parties affected by final board action have a meaningful opportunity to challenge legal error, promotes consistency in enforcement, and supports transparency and accountability in a new labor-relations framework.”

Arguments in Opposition

None on file.

Prior Legislation

AB 1340 (Wicks) Chapter 335, Statutes of 2025, established the Transportation Network Company Drivers Labor Relations Act to provide that TNC drivers have the right to form, join, and participate in the activities of TNC driver organizations, to bargain through representatives of their own choosing, to engage in concerted activities for the purpose of bargaining or other

mutual aid or protection, and to refrain from such activities. PERB is required to enforce these provisions.

AB 1510 (Committee on Public Employment and Retirement) Chapter 454, Statutes of 2025, authorizes, under the Santa Clara Valley Transportation Authority Act, any charging party, respondent, or intervenor aggrieved by a final decision or order of PERB in an unfair practice case, except a decision of PERB not to issue a complaint in such a case, to petition for a writ of extraordinary relief from that decision or order, as specified. The bill, if the time to petition for extraordinary relief from a PERB decision or order has expired, authorizes PERB to seek enforcement of any final decision or order in a district court of appeal or superior court having jurisdiction over the county where the events giving rise to the decision or order occurred, as specified.

REGISTERED SUPPORT / OPPOSITION:

Support

California State Council of Service Employees International Union

Opposition

None on file.

Analysis Prepared by: Megan Lane / L. & E. /