
SENATE COMMITTEE ON LABOR, PUBLIC EMPLOYMENT AND RETIREMENT
Senator Lola Smallwood-Cuevas, Chair
2025 - 2026 Regular

Bill No: AB 2682 **Hearing Date:** June 17, 2026
Author: Berman
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Urgency: No **Fiscal:** Yes
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SUBJECT: Transportation network company drivers: labor relations: appeals

KEY ISSUE

This bill authorizes any charging party, respondent, or intervenor aggrieved by a final decision or order of the Public Employment Relations Board (PERB) in an unfair practice case under the Transportation Network Company Drivers Labor Relations Act (Act) the right to appeal PERB decisions, as specified.

ANALYSIS

Existing law:

- 1) Provides, under the Transportation Network Company Drivers Labor Relations Act (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: (Business and Professions Code §7470.18(a))
 - 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, as specified.
 - d) Require a TNC driver to join any company union or TNC driver organization or requiring a TNC driver to refrain from forming, joining, or assisting a TNC driver organization of their choice.
 - e) Encourage or discourage membership in any company union or in any TNC driver organization by discriminating with regard to any term or condition of work.
 - f) Discharge, deactivate, or otherwise discriminate with regard to the ability of a TNC driver to obtain rides, or otherwise discriminate against a TNC driver, because they have signed or filed any affidavit, petition, or complaint under this Act, have given any

- information or testimony under this Act, have participated or declined to participate in a TNC driver organization, or have exercised any rights under this Act.
- g) Distribute or circulate any blacklist of individuals exercising any right created or confirmed by this chapter or of members of a TNC driver organization, or inform any person of the exercise by any individual of that right or of the membership of any individual of a TNC driver organization for the purpose of preventing those blacklisted or named individuals from obtaining or retaining opportunities for remuneration.
 - h) Interfere with, restrain, or coerce TNC drivers in the exercise of rights guaranteed by the Act.
- 3) Provides that it shall be an unfair practice for a TNC driver organization or its agents to do, among other things, the following: (Business and Professions Code §7470.18(b))
- 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.
- 4) Establishes the Public Employment Relations Board (PERB), a quasi-judicial administrative agency charged with administering certain statutory frameworks governing California state and local public employer-employee relations, resolving disputes, and enforcing the statutory duties and rights of public agency employers, employees, and employee organizations. (Government Code §3541 et seq.)
- 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. (Code of Civil Procedure §1068(a))
- 6) Authorizes a writ of mandate (or writ of mandamus) 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 §1085(a).

This bill:

- 1) Authorizes any charging party, respondent, or intervenor aggrieved by a PERB final decision or order in an unfair practice case may petition for a writ of extraordinary relief from such decision or order.
 - a) Specifies for purposes of this subdivision, “final decision or order of the board” excludes a PERB decision not to issue a complaint in such an unfair practice case.

- 2) Requires the petition 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 must be filed within 30 days after issuance of PERB's final order or order denying reconsideration, as applicable.
 - a) Requires the court, upon the filing of such a petition, to cause notice to be served upon PERB and thereupon will have jurisdiction of the proceeding. PERB must file with the court the record of the proceeding, certified by PERB, within 10 days after the clerk's notice, unless such time is extended by the court for good cause shown.
 - b) Provides the court will have jurisdiction to grant to PERB such temporary relief or restraining order it deems just and proper and make and enter a decree enforcing, modifying, or setting aside the PERB order.
 - c) Specifies PERB's findings with respect to questions of fact, including ultimate facts, are conclusive if supported by substantial evidence on the record considered as a whole.
 - d) Specifies the provisions of Title 1 (commencing with Section 1067) of Part 3 of the Code of Civil Procedure relating to writs applies to proceedings pursuant to this section. However, the provisions of this section prevail in cases of conflict with those of that title.
- 3) Authorizes PERB 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 if the time to petition for extraordinary relief from a PERB decision pursuant to this section has expired.
 - a) Requires PERB to respond within 10 days to any inquiry from a party to the action as to why PERB has not sought court enforcement of the final decision or order.
 - b) Specifies if the response does not indicate that there has been compliance with PERB's final decision or order, PERB must seek enforcement of the final decision or order upon the request of the party. PERB must file with the court the record of the proceeding, certified by PERB, and appropriate evidence disclosing the failure to comply with the decision or order.
 - c) Specifies if, after a hearing, the court determines that the order was issued pursuant to procedures established by PERB and that the person or entity refuses to comply with the order, the court will enforce such order by writ of mandamus. The court will not review the merits of the order.

COMMENTS

1. Background:

Rideshare Drivers, AB 1340, and Judicial Review

Last year, the Governor signed AB 1340 (Wicks) which established the Transportation Network Company Drivers Labor Relations 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. PERB was tasked with enforcing this Act and adjudicating unfair practice charges.

Last year's AB 1340 did not provide a mechanism to appeal a decision or order of PERB relating to Act. The bill, AB 2682, is follow-up legislation that adds language to the Act that is standard in other employer-employee relations statutes over which PERB has authority. This structure establishes a judicial review process and clarifies where appeals go after PERB makes a determination of the case. These procedures are substantially the same as those provided for appeals of PERB decisions or orders related to other public agencies and transit authorities. This provides a reasonable opportunity for parties to seek judicial review of a PERB decision or order to an unfair practice dispute, and provides enforcement mechanisms for when a PERB decision or order becomes final.

2. Need for this bill?

According to the author, "Currently, the Transportation Network Company Drivers Labor Relations Act (Act), which was enacted by AB 1340 in 2025, provides no mechanism to appeal a decision or order of the Public Employment Relations Board (PERB). In contrast, other collective bargaining provisions of existing law allow a party aggrieved by a decision or order of the PERB in an unfair practice case to petition a court of competent jurisdiction for a writ of extraordinary relief from such decisions or orders.

AB 2682 would authorize a party under the Transportation Network Company Drivers Labor Relations Act (Act) to seek judicial review of a Public Employment Relations Board (PERB) final decision or order. The bill would conform with other collective bargaining statutes administered by PERB. [...]

Structurally, Transportation Network Company Drivers Labor Relations Act established a detailed process for the selection of a driver organization to represent rideshare workers and charged PERB with the authority to oversee this process. While the prior bill contained a detailed framework for organizing rideshare drivers, it did not provide a mechanism to appeal a decision or order of PERB.

Accordingly, AB 2682 would provide an avenue for such appeals by incorporating provisions substantially similar to that which is provided for appeals of PERB decisions or orders related to other collective bargaining statutes. These provisions provide a reasonable opportunity for a party to an unfair practice dispute before PERB to seek judicial review of that decision or order, and provide robust enforcement mechanisms for when a PERB decision or order becomes final.

Specifically, AB 2682 requires that a petition be filed in the district court of appeal in the appellate district where the dispute giving rise to the unfair practice case occurred within 30 days from the date of the issuance of the final decision or order, and requires that the court then serve PERB with a notice regarding the appeal. This bill would require PERB to then file in the court the record of the proceeding related to the decision or order within 10 days after receiving notice of the appeal, unless extended by the court for good cause. The court would be empowered to grant any temporary relief or restraining order it deems just and proper, and may enforce, modify, or set aside in whole or in part PERB's decision. However, PERB's findings of fact would be considered conclusive if supported by substantial evidence on the record considered as a whole.

AB 2682 also provides that, if the timeline for appealing a PERB decision or order passes, PERB may seek to enforce its final decision or order in a district court of appeal or superior court where the dispute giving rise to the unfair practice case occurred. If PERB has not enforced a final decision or order, a party to the action may inquire to PERB as to why it has not sought court enforcement of its decision. PERB would be required to respond within 10 days, and must seek enforcement of the decision or order upon the request of that party. If a party or entity fails to comply with PERB's order that was issued pursuant to PERB's procedures, the court must enforce the order by a writ of mandamus or similar process."

3. Double Referral:

This bill has been double referred and if approved by this Committee, will be sent to Senate Judiciary Committee for a hearing.

4. Proponent Arguments:

According to SEIU California, the sponsors of the bill:

"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.

AB 2682 also provides that the board's findings of fact are conclusive if supported by substantial evidence on the record considered as a whole, while allowing the reviewing court to remand the matter for further proceedings when appropriate. That structure strikes an appropriate balance between deference to agency expertise and preservation of judicial oversight on important questions of law and procedure. It is the same structure as for the other labor relations statutes that PERB administers."

5. Opponent Arguments:

None received.

6. Prior Legislation:

AB 1340 (Wicks, Chapter 335, Statutes of 2025) established the Transportation Network Company Drivers Labor Relations Act, which provides TNC drivers 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, and requires PERB 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 PERB final decision or order 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 expires, 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.

SUPPORT

SEIU California (Sponsor)

OPPOSITION

None received

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