
SENATE COMMITTEE ON APPROPRIATIONS

Senator Sabrina Cervantes, Chair
2025 - 2026 Regular Session

AB 2682 (Berman) - Transportation network company drivers: labor relations: appeals

Version: March 24, 2026

Policy Vote: L., P.E. & R. 4 - 1, JUD. 11 - 1

Urgency: No

Mandate: No

Hearing Date: August 3, 2026

Consultant: Robert Ingenito

Bill Summary: AB 2682 would (1) permit an aggrieved party to a decision or order of the Public Employment Relations Board (PERB) relating to an unfair labor practice involving Transportation Network Company (TNC) drivers to appeal the decision or order to a district court of appeal, and (2) provide provisions for the enforcement of a final decision or order of PERB that is not appealed.

Fiscal Impact:

- By authorizing an aggrieved party to petition for a writ of extraordinary relief under the Transportation Network Company (TNC) Drivers Labor Relations Act, this bill may result in an increased number of civil actions. Consequently, the bill could result in potentially significant cost pressures to the courts; the magnitude is unknown (Trial Court Trust Fund (TCTF)). The specific number of new actions that could be filed under the bill also is unknown; however, it generally costs about \$10,500 per day to operate a courtroom. Courts are not funded on the basis of workload, and increased pressure on TCTF may create a need for increased funding for courts from the General Fund. The enacted 2026-27 budget includes \$70 million in ongoing support from the General Fund to continue to backfill TCTF for revenue declines.
- This bill would not result in a fiscal impact to PERB.

Background: In 2020, app-based transportation and delivery companies supported Proposition 22, which exempted app-based drivers from the employee classification requirements established by AB 5 (Gonzalez, 2019), and instead classified drivers as independent contractors. Proposition 22 authorized the Legislature to amend its provisions by a seven-eighths vote and identified certain topics, including authorizing driver representation organizations or addressing driver compensation, benefits, or working conditions, as amendments to the measure.

In 2023, a court of appeal invalidated the provision of Proposition 22 that limited the Legislature's authority to amend the measure. Subsequently, AB 1340 (Wicks, 2025) established the Transportation Network Company Drivers Labor Relations Act (Act). The Act grants TNC drivers, notwithstanding their independent contractor status, the right to form and participate in driver organizations, bargain through representatives of their choosing, engage in concerted activities for mutual aid or protection, and refrain from such activities. The Act also authorizes PERB to adjudicate related unfair practice

charges. AB 1340 did not establish a process for judicial review of PERB decisions or orders issued under the Act.

Proposed Law: This bill, among other things, would do the following:

- Permit any charging party, respondent, or intervenor aggrieved by a final decision or order of PERB in an unfair practice case relating to TNC drivers to petition for a writ of extraordinary relief from the decision or order. Excludes a decision of PERB not to issue a complaint from those final decisions appealable under these provisions.
- Require this petition to be filed with the district court of appeal in the appellate district where the dispute giving rise to the unfair practice occurred, and to be filed within 30 days after the issuance of PERB's final decision or order.
- Require, upon the filing of this petition, the court to have notice of the petition be served upon PERB, and provide the court with jurisdiction over the proceeding after that. Require PERB to file with the court within 10 days of receiving this notice the record of proceeding certified by PERB, unless the court extends this timeline for good cause.
- Permit the court the jurisdiction to grant to PERB such temporary relief or restraining order it deems just and proper, and to make and enter a decree enforcing, modifying, or setting aside the order of PERB.
- Require the findings of PERB regarding questions of fact, including ultimate facts, be considered conclusive if supported by substantial evidence on the record considered as a whole.
- Require specified provisions of the Code of Civil Procedure relating to writs to apply to proceedings under these provisions, but that these provisions shall prevail in cases of conflict with those Code of Civil Procedure provisions.
- Permit PERB, if the time to petition for extraordinary relief from PERB's decision has expired, 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.
- Require 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 PERB's final decision or order.
- Require PERB, if PERB's response does not indicate that there has been compliance with PERB's final decision or order, to seek enforcement of the final decision or order upon the request of the party, and requires PERB to file with the court the record of proceeding certified by PERB, and appropriate evidence disclosing the failure to comply with PERB's decision or order.
- Specify that, if, after a hearing, the court determines that the order was issued pursuant to PERB's procedures and that the person or entity refuses to comply

with the order, the court must enforce PERB's order by writ of mandamus. Prohibits the court from reviewing the merits of PERB's order in this case.

Related 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.

Staff Comments: This bill is follow-up legislation that adds judicial review procedures consistent with other employer-employee relations statutes administered by PERB. Specifically, the bill authorizes an aggrieved party to seek review of a final PERB decision or order involving an unfair practice charge and establishes enforcement procedures for final PERB orders. These procedures are substantially similar to those governing appeals of PERB decisions involving other public agencies and transit authorities.

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