

THIRD READING

Bill No: AB 2682
Author: Berman (D) and Wicks (D)
Amended: 3/24/26 in Assembly
Vote: 21

SENATE LABOR, PUB. EMP. & RET. COMMITTEE: 4-1, 6/17/26
AYES: Smallwood-Cuevas, Cortese, Durazo, Laird
NOES: Strickland

SENATE JUDICIARY COMMITTEE: 11-1, 6/23/26
AYES: Umberg, Allen, Ashby, Caballero, Durazo, Laird, Reyes, Stern, Wahab,
Weber Pierson, Wiener
NOES: Niello
NO VOTE RECORDED: Valladares

SENATE APPROPRIATIONS COMMITTEE: 5-2, 8/13/26
AYES: Cervantes, Cabaldon, Grayson, Richardson, Wahab
NOES: Seyarto, Dahle

ASSEMBLY FLOOR: 69-7, 5/26/26 - See last page for vote

SUBJECT: Transportation network company drivers: labor relations: appeals

SOURCE: SEIU California

DIGEST: 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 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. (Code of Civil Procedure §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.

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 the 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.

Related/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.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

According to the Senate Appropriations Committee:

- 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.

SUPPORT: (Verified 8/13/26)

SEIU California (source)

OPPOSITION: (Verified 8/13/26)

None received

ARGUMENTS IN SUPPORT: According to SEIU California, the sponsors of this 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.”

ASSEMBLY FLOOR: 69-7, 5/26/26

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Fariás, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, Dixon, Elhawary, Fong, Gabriel, Garcia, Gipson, Jeff Gonzalez, Mark González, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Johnson, Kalra, Krell, Lackey, Lee, Lowenthal, McKinnor, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

NOES: DeMaio, Ellis, Gallagher, Hadwick, Macedo, Sanchez, Tangipa

NO VOTE RECORDED: Flora, Muratsuchi, Celeste Rodriguez, Ta

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