
SENATE COMMITTEE ON APPROPRIATIONS

Senator Anna Caballero, Chair
2025 - 2026 Regular Session

AB 288 (McKinnor) - Employment: labor organization

Version: June 19, 2025

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

Urgency: No

Mandate: No

Hearing Date: August 18, 2025

Consultant: Robert Ingenito

Bill Summary: AB 288 would permit private sector employees to petition the Public Employment Relations Board (PERB) for the resolution of various labor law violations if the National Labor Relations Board (NLRB) cannot fulfil its statutory duties, as specified.

Fiscal Impact:

- PERB indicates that it would incur annual General Fund costs in the range of \$26 million to \$63 million if it were to assume jurisdiction over all workplaces currently covered by the NLRA in the State.
- This bill could result in increased in penalty revenue to the State. The magnitude is unknown, but probably minor (Public Employment Relations Board Enforcement Fund).
- By allowing a state court to review newly authorized PERB decisions, this 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 to operate a courtroom for an eight-hour day. 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 2025-26 budget includes \$38 million in ongoing support from the General Fund to continue to backfill TCTF for revenue declines.

Background: The rights of workers to organize and engage in collective bargaining with their employer are enshrined in the National Labor Relations Act (NLRA). The NLRA protects the right of workers to organize, designate representatives of their own choosing, and bargain collectively for better wages and working conditions. Under NLRA, issues concerning workers' rights come before NLRB, a five-person quasi-judicial body that decides cases regarding workers' rights to organize under the NLRA. In recent years, NLRB has seen the number of petitions for union representation double, while it also experienced funding and staffing cuts. The NLRB staff to worker ratio has decreased from one NLRB staffer for every 61,282 workers in 2010 to one NLRB staffer for every 101,419 workers in 2021, resulting in prolonged case processing times. Currently, NLRB cannot establish a quorum.

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

- Expand PERB's jurisdiction by authorizing a worker, as defined, to petition PERB to protect and enforce prescribed rights, as specified.
- Specify who is an authorized worker, including an individual who seeks to have NLRB protect and enforce their rights to full freedom of association, self-organization, or designation of representatives of their own choosing but has not received a determination or remedy within specified statutory timeframes.
- Authorize PERB to, among other things, decide unfair labor practice cases, as specified, and order all appropriate relief for a violation, including civil penalties.
- Establish the Public Employment Relations Board Enforcement Fund in the State Treasury, require the specified civil penalties to be deposited into it, and make moneys in the fund available upon appropriation by the Legislature for PERB to fund increased workload.

Related Legislation:

- AB 1340 (Wicks) would establish the Transportation Network Company (TNC) Drivers Labor Relations Act to require PERB to protect TNC drivers' collective bargaining rights under the Act. This bill is currently pending in this Committee.
- AB 672 (Caloza) would require a plaintiff or petitioner filing a civil action seeking injunctive relief against certain specified labor actions, and which public employment labor relations are regulated by PERB, to provide written notice to PERB, among other provisions. This bill is currently pending in this Committee.
- AB 283 (Haney) would establish the In-Home Supportive Services (IHSS) Employer-Employee Relations Act to shift collective bargaining with IHSS providers from the county or public authority to the state, and creates methods for resolving disputes involving wages, benefits, and other terms and conditions of employment between IHSS providers and the state. This bill is currently pending in this Committee.
- SCA 7 (Umberg, 2023) would have established a broad-based constitutional right for any person in California to form or join a union and for that union to represent the person in collective bargaining with the person's respective employer. The measure died in the Senate Elections and Constitutional Amendments Committee.

Staff Comments: As discussed above, NLRB currently cannot fulfill its statutory duties. This bill would establish a process by which workers in the State may bring their claims under the NLRA to PERB, if they first submitted them to NLRB and other conditions are met.

PERB's fiscal estimate of the bill is subject to considerable uncertainty. The Board notes that predicting the extent of its jurisdictional expansion under the bill is challenging due to the variety of reasons a private-sector employee or union might invoke PERB's jurisdiction under this bill. In light of the uncertainty, PERB estimates a range of \$26

million to \$63 million ongoing to absorb the NLRB's caseload through the duration of the current federal administration.

Staff notes that, among other things, this bill would require "binding mediation," as specified. As summarized by the Senate Committee on Labor, Public Employment and Retirement, this term is not defined in the bill and has no meaning under state law.

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