AB 2386 (Nunez) – Support

August 18, 2008

Dear Legislator,

Last year, the Governor vetoed SB 180, the Fair Treatment for Farm Workers Act. The Governor's veto message expressed concern on two principles.

The first was "to make it absolutely clear to all concerned that my veto is premised on an expectation that agricultural workers receive the full protections of the law."

I recently attended the funerals for Maria de Jesus Alvarez and Jorge Herrera. I am saddened to report that Jorge Herrera was the 5th heat related death this summer and Maria de Jesus Alvarez the 6th heat related death this summer, making it the deadliest summer in the history of Cal/OSHA farm worker enforcement. Maria's death also makes it the 15th heat related farm worker death since 2004.

These deaths were all preventable. We believe the expectation that farm workers are receiving full protections of the law is not being met.

The second principle from last year's veto message was that, "this Card Check process fundamentally alters an employee's right to a secret ballot election."

We would have preferred to re-introduce our "card check" bill again this year, however, Speaker Emeritus Fabian Nunez asked us to consider working with him on a bill that protects farm workers while protecting the secret ballot election. AB 2386 is no longer an alternative to the secret ballot election. It is no longer card check. Instead, this bill is only secret ballot through either a mediated election or ballot booth election.

Most of organized labor has taken a neutral position on the bill because they too would prefer card check. We feel strongly, however, that we must get something done this year to address the crisis in the fields and that requires the Governor's signature.

With your support and the Governor's signature on AB 2386, California state government will guarantee that farm workers receive full protections under the law.

Thank you for your consideration.

Respectfully,

Arturo S. Rodriguez
President, United Farm Workers