

AB 2183 (Stone)

Agricultural Labor Relations Voting Choice Act



SUMMARY

This bill amends the Agricultural Labor Relations Act to facilitate the ability of farmworkers to vote for or against unionization. The bill expands voting options for farmworkers by allowing them to choose if they want to vote at a physical location, or vote by mailing or dropping off a representation ballot card to the Agricultural Labor Relations Board (ALRB) office. Farmworkers would be able to receive assistance in filling out and returning their representation ballot card as long as the person assisting them co-signs it, and it is returned to the ALRB office in a sealed and signed envelope.

EXISTING LAW

Under the 1975 Agricultural Labor Relations Act, farm workers have the right to choose whether they want to be represented by a union. This representation election is held via secret ballot at a polling place designated by the ALRB, which is usually at the place of employment.

In a representation election, farmworkers present their identification card or check stub, receive a ballot and cast a confidential vote for or against unionization. If the eligibility of the voter is questioned, the ballot is placed in a sealed envelope and submitted to the ALRB for review.

BACKGROUND

The Legislature has enacted a series of changes to facilitate the exercise of the right to vote. Those changes give Californians a variety of means for casting their votes including voting by mail, dropping off ballots at multiple locations, allowing someone else to mail or deliver their ballot, allowing others to assist voters in completing their ballot, and curing

their ballot in the event that there is a discrepancy in a voter's signature.

The changes were made based on the simple premise that facilitating the exercise of an existing right is inherently a good thing to do.

This bill applies that same principle and extends similar opportunities to farm workers as they exercise their longstanding right to vote in a union representation election.

Nothing in this bill diminishes the current authority of the ALRB to invalidate an election on the basis of misconduct by any party.

SOLUTION

Modernizing the Agricultural Labor Relations Act to allow for ballot card elections facilitates farmworkers' ability to exercise their right to vote for or against union representation. This bill would amend the law to allow farmworkers to vote using a representation ballot card.

Each representation ballot card will include space for all of the following information:

- A statement that the employee signing it wishes to have a specified labor organization as the employee's collective bargaining representative
- The name of the labor organization.
- The name of the agricultural employer or farm labor contractor used by the agricultural employer.
- The employee's name, signature and date.
- The signature of the person witnessing that the employee signed the ballot card or assisting them in filling out the ballot card, or both.

In these elections, the ALRB will be responsible for issuing the ballot cards. The ALRB will also be responsible for receiving all ballot cards at the ALRB office.

After the election, the ALRB will determine the results, and will verify the validity of the election received a majority of votes, or whether a majority did not want a union. Board agents will determine whether the union received a majority of votes, or whether the majority voted for no union. The ALRB is responsible for certifying a labor organization as the bargaining representative once they have received both a petition from the organization, and signed ballot cards from more than 50% of the current eligible employees.

Both the union and the employer have the option to challenge the outcome of the election. Any objections may result in an investigative hearing which could either lead to the setting aside of the election, or certification of the election results.

SUPPORT

United Farm Workers (UFW) (sponsor)

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