

AGRICULTURAL LABOR RELATIONS BOARD

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DATE: February 11, 2022

TO: Agricultural Labor Relations Board

CC: Santiago Avila-Gomez, Executive Secretary

FROM: Ralph Lightstone, Board Member
Barry Broad, Board Member

RE: Updated Regulatory Proposal – Cannabis

Below is an updated draft regulation based on the Regulations Subcommittee's recommendations approved by the Board at the April 13, 2021 public meeting and following receipt and consideration of public comment at the Board's October 12, 2021 public meeting. Changes are reflected in underline (new language) and strikethrough (deletions) formats. Language added or changed since the October 12 meeting is indicated bold red type.

CANNABIS (NEW CHAPTER 9.5)

To make clear that violations of a labor peace agreement may give rise to unfair labor practice allegations:

To add new regulation 20951 to state:

§ 20951. Labor Peace Agreements

(a) An agricultural employer licensed to engage in the cultivation of cannabis as provided in the Medicinal and Adult-Use Cannabis Regulation and Safety Act, Business and Professions Code section 26000 et seq., and who is required to enter into a labor peace agreement as defined in subdivision (y) of Business and Professions Code section 26001, may enter into labor peace agreements with more than one labor organization seeking to represent an appropriate bargaining unit of agricultural employees. **If an employer enters into labor peace agreements with more than one labor organization, upon execution of each such labor peace agreement it shall provide notice that it has done so to each other labor organization with which it has entered into a labor peace agreement.**

(b) An agricultural employer shall not discriminate against a labor organization in terms of providing access to its employees where two or more labor organizations seek to represent the same bargaining unit of employees and shall treat similarly situated labor organizations the same; provided, however, that no labor organization has been certified pursuant to the provisions of Chapter 5 of the Act (Labor Code section 1156 et seq.) as the exclusive representative of the employer's agricultural employees.

(c) Allegations that a party has failed or refused to enter into a labor peace agreement, has discriminated against a labor organization where two or more labor organizations seek to represent the same bargaining unit of employees, or that a party has violated the terms of an existing labor peace agreement may be subject to an unfair labor practice charge where it is asserted such conduct has violated any applicable provisions of Labor Code sections 1153 or 1154.

Note: Authority cited: Section 1144, Labor Code. Reference: Sections 1153 and 1154, Labor Code; Sections 26001 and 26051.5, Business and Professions Code.