



January 16, 2023

Santiago Avila-Gomez  
Executive Secretary  
Agricultural Labor Relations Board  
1325 J Street, Suite 1900-B  
Sacramento, CA 95814

Re: **Z2022-1121-01 ALRB Notice of Proposed Rulemaking**

Dear Mr. Secretary:

The UFCW Western States Council and the California Teamsters Public Affairs Council are writing to the Agricultural Labor Relations Board (“ALRB” or the “Agency”) on behalf of its over 450,000 California members. Our affiliate locals throughout California represent thousands of cannabis workers at various industry partners throughout the State, of which the cultivation workers are impacted by the ALRB’s regulatory process. We participated in the drafting of MCRSA, MAUCRSA, and Proposition 64. Since its passage, we have provided written comments on AB 94, the 2017 cannabis trailer bill, as well as on the implementing cannabis regulations and countless other pieces of cannabis-related legislation. We look forward to offering the ALRB the breadth of our institutional knowledge regarding the history of cannabis laws and regulations in California, as well as our expertise related to the issues impacting cannabis cultivation workers, which are often different from those facing traditional agricultural workers.

We are carefully monitoring the ALRB’s procedural modernization efforts addressed in the above-captioned regulatory package (the “Regulations”). We applaud the Agency for these proposed advances but would like to highlight one procedural modernization overlooked by the package: electronic signatures and authorizations for employee proof of support. We urge the Agency to follow the lead of the Public Employment Relations Board (“PERB”) and the National Labor Relations Board (“NLRB”) and authorize the use of electronic signatures and electronic authorization cards as evidence of employee support in these Regulations.

Through these Regulations, the ALRB proposes to modernize the administrative processes at the Agency, for example, by allowing for electronic filing and permitting electronic signatures for attorneys. Unfortunately, the Regulations stop short of providing workers access to the same advances in technology. During the pandemic, many workers have relied on electronic authorization cards and signatures to organize safely, and cannabis workers are no exception. The cannabis workforce is a tech savvy one with app -based technology for payroll, delivery, and other order fulfillment related processes. Providing the opportunity for these workers to utilize electronic authorizations and signatures is a logical step in your ongoing modernization efforts, and a commonsense health and safety measure during public health crises.

The NLRB and PERB have both allowed electronic signatures for proof of worker support, and the ALRB should too. In 2021, PERB modernized its processes by allowing for electronic signatures and authorization cards. PERB Regulation 32700(d)(4) provides for electronic signatures under two circumstances:

*(B) Records showing that the employee organization obtained an electronic signature on a proof of support in compliance with the California Civil Code provisions collectively known as the Uniform Electronic Transactions Act, codified at Title 2.5 (commencing with Section 1633.1) of Part 2 of Division 3 of the California Civil Code; or*

*(C) Records showing that an employee organization obtained a proof of support via a process that qualifies as an electronic signature by virtue of including each of the following elements: (i) The proof of support contains the employee's name and a cellular phone number, email address, or home address; (ii) the employee organization sent a confirmation transmission to the cellular phone number, email address, or home address provided, indicating the language to which the employee agreed, and such language clearly demonstrates the employee's desire to be represented by the petitioning employee organization for the purpose of meeting and negotiating or meeting and conferring on wages, hours and other terms and conditions of employment; and (iii) the employee organization has submitted to the Board any responses to such confirmation transmissions that the employee organization received by the time of submission.*

The NLRB has allowed electronic signatures since 2015. Its guidance can be found in General Counsel Memorandum 15-08.<sup>1</sup>

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<sup>1</sup> <https://apps.nlr.gov/link/document.aspx/09031d4581e5edc8>

We urge the ALRB to follow the lead of the PERB and NLRB and to propose and adopt regulations that allow for electronic signatures and authorization cards.

We are committed to continuing our work with the ALRB. If you have any questions please feel free to call Jassy Grewal, Legislative Director for the UFCW Western States Council, or Shane Gusman, Legislative Director for the California Teamsters Public Affairs Council, at any time.

Best Regards,

Jassy Grewal, Legislative Director  
UFCW Western States Council

Shane Gusman, Legislative Director  
California Teamsters Public Affairs Council