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Sent Via E-Mail

Santiago Avila-Gomez, Executive Secretary

AGRICULTURAL LABOR RELATIONS BOARD

1325 J Street, Suite 1900 Sacramento, CA 95814

Email: Santiago.Avila-Gomez@alrb.ca.gov

**Re: *ALRB Regulations Subcommittee - June 23, 2023 Session
Supplemental Public Comment on behalf of the United Farm Workers***

Dear Members of the ALRB Regulations Subcommittee:

This supplemental public comment is submitted on behalf of the United Farm Workers (UFW) following the June 23, 2023 session regarding this subcommittee's proposed draft regulations to implement Assembly Bill No. 113 (AB 113). The UFW stands by its comments urging the committee to move forward with the draft regulations as written.

AB 113 provides a clear standard for valid authorization cards, and it does not provide for signed authorization cards to be revocable. Any effort to draft regulations that require a higher burden for valid authorization cards or to create a revocation process would violate the California Administrative Procedure Act (APA). Specifically, AB 113 defines a valid authorization card as a card that is signed by an agricultural employee in the proposed bargaining unit, dated, and indicating the employee authorizes the union to be their collective bargaining representative. The statute does not provide for any other requirements for a valid authorization card, and it does not allow for signed authorization cards to be revoked.

The APA sets forth the requirements for the adoption of regulations by state agencies. The APA requires that regulations be "reasonably necessary" to implement the legislation they are intended to regulate. In this case, AB 113 provides a clear standard for valid authorization cards, and there is no need for the ALRB to adopt regulations that impose a higher burden for valid authorization cards or that create a revocation process.

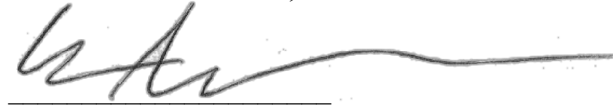
In fact, any effort to adopt such regulations would be inconsistent with the APA's requirement that regulations be "consistent" with the legislation they are intended to regulate. AB 113 does not provide for a revocation process, and any effort by the ALRB to adopt such a process would be a clear violation of the statute.

The UFW urges the committee to reject any efforts to weaken the standards for valid authorization cards or to create a revocation process. Such efforts would be unnecessary, inconsistent with the law, and harmful to workers' rights.

Best,

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By:



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