April 18, 2024

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

Subject: Proposed Regulatory Action – Notice File No. Z2024-0226-02.

Dear Mr. Avila-Gomez,

The San Diego County Farm Bureau (Farm Bureau) appreciates this opportunity to comment on **Proposed Regulatory Action – Notice File No. Z2024-0226-02.** Established in 1914, San Diego County Farm Bureau is a nonprofit organization supported by over 1,400 dues-paying members. Our mission is to foster San Diego agriculture through education, public relations, and public policy that promotes the economic viability, sustainability, and community building of agriculture.

We strongly believe that time is of the essence to finalize and implement these regulations. However, there are a few areas we feel need to be revisited and addressed.

Below, please find our comments and suggestions:

- 20391 (a) (1) (B) (iii) Most importantly, we feel an employee should be allowed to revoke their signature prior to certification if they feel the situation has changed, if they misunderstood the process, or if they feel their signature was misused. This should be an easy process for the employee to understand and execute.

- 20391 (a) (2) The proposed regulation states: *An authorization card or petition signed by an employee at a time when the employee was not working for the employer named in the election petition shall, if otherwise valid, be counted in determining whether a showing of majority support is established.* An employee signing an authorization card is asking for representation due to concerns at the specific company they are working for. An authorization card signed before or after an employee works for a company may not be reflective of conditions at that company. That authorization should be valid only if the employee was working there at the time of the signature.

- 20391 (c) (iii) The proposed regulation states: *the proof of support submitted with this document is not sufficient.* There is not a clear process included in the proposed regulations to determine whether a signature on the authorization card is sufficient, i.e.: valid or invalid. Specifically, we request:

  - Review by representatives from both the company and the union to verify that the signature matches the employee records of the company.
  - Confirmation that the authorization cards are from employees currently employed by the company.

- 20391 (a) (1) (A) & (B) The authorization card should be written in a language the employee can read and understand, and should also be repeated verbally to ensure the employee comprehends. This is standard practice for all important employee documents.

- 20391 (b) The proposed regulation states: *If the 48-hour period expires on a Sunday or legal holiday, the time to file the response shall be extended to the corresponding hour on the next business day.* We request the addition of Saturday; to read "If the 48-hour period expires on a **Saturday**, Sunday, or legal holiday…". The filing of responses is typically the responsibility of office staff who work Mondays through Fridays. This would preclude the company from being able to respond fully to the petition when the 48-hour period ends on a Saturday.

- 20391 (d) The 5 days allowed for a company to file objections to the certification is not sufficient time to gather the supporting facts and file an objection. If the union is allowed thirty (30) days to collect additional signatures, then the company should be allowed a similar amount of time to file an objection.

San Diego County Farm Bureau and its members thank you for your consideration of these comments. We feel that they are beneficial for the farm workers and create a fair and balanced approach allowing employees to exercise their rights.

Sincerely,

Dana Groot
President, San Diego County Farm Bureau