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## MEMORANDUM

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**TO:** Victoria Hassid, Board Chair  
Barry Broad, Board Member  
Cinthia Flores, Board Member  
Isadore Hall III, Board Member  
Ralph Lightstone, Board Member

**FROM:** Jessica Arciniega, Region I Director  
Yesenia De Luna, Region II Director

**SUBJECT:** Proposed Regulatory Language on Noticing

**DATE:** June 3, 2024

**CC:** Julia Montgomery, General Counsel  
Franchesca Herrera, Deputy General Counsel  
Santiago Avila-Gomez, Executive Secretary

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The Regional Directors in their prior public comment suggested additions to the majority support petition regulations to provide for the regional staff to notice agricultural workers. Noticing workers that a petition has been filed would allow the ALRB to inform workers about their rights under the ALRA and about the ALRB's role in protecting those rights, and provide a point of contact for questions or concerns. Noticing would also help Board Agents to establish rapport and trust with workers. Confidence in the Board Agents helps to counter coercion and pressuring of workers that can sometimes occur in the representation process so that outcomes are more likely to be the product of workers' free choice.

The Deputy General Counsel during the last board meeting cited noticing that takes place during a secret ballot election – once after the filing of the petition and a second time after the pre-election conference to provide workers with the logistics of the secret ballot election. The Regional Directors note that this noticing is not explicitly provided for in the secret ballot regulations, but it is included in the ALRB Election Manual and contemplated by *Steak-Mate* (1983) 9 ALRB No. 11. See Election Manual 2-4690, ALRB Form No. 45.

The Regional Directors propose the following language:

Shortly after a petition is filed, the Regional Director shall prepare a notice to agricultural employees informing them that a majority support petition has been filed and that a determination of majority support is underway ("Notice"). Board Agents will read and distribute the Notice to all agricultural employees at the employer's workplace no later two days after the petition is filed, or if filed on a Friday, no later than

the following Monday. The Notice shall be read and posted consistent with the laws and procedures governing pre-election noticing, and Board Agents will answer workers' questions as they are able.

# STATE OF CALIFORNIA



## OFFICIAL NOTICE

California farm workers are protected by the Agricultural Labor Relations Act which protects the rights of farm workers to choose to form and support a union at their workplace, free from intimidation or coercion of any kind.

A Majority Support Petition was filed by [insert union name] on DATE.

We are presently investigating the validity of the petition.

THE PURPOSE OF THE MAJORITY SUPPORT PETITION PROCESS IS TO DETERMINE WHETHER A MAJORITY OF WORKERS AT YOUR WORKPLACE WANT TO BE REPRESENTED BY [insert union name] TO BARGAIN WITH YOUR EMPLOYER.

If we determine that [insert union name] has submitted proof of majority support and met the requirements of a majority support petition, then the union will be immediately certified.

At any time at work, you have the right to express your opinions and support for a union or against a union. You have the right to do so free of threats, restraint, coercion, interference, interrogation or discrimination.

If you have any questions, or if we can assist you in any way, please call the ALRB office at [insert number of local office] or 1(800) 449-3699.

### ALRB OFFICE PHONE NUMBERS

Indio (760) 342-9646

Oxnard (805) 973-5062

Sacramento (916) 653-3699

Salinas (831) 769-8031

Santa Rosa (707) 867-2828

Visalia (559) 627-0995