



DATE: June 7, 2024

TO: Agricultural Labor Relations Board

CC: Santiago Avila-Gomez, Executive Secretary

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

RE: Subcommittee Report Regarding *Updated* Proposed Modifications to
Proposed Rulemaking (AB 113): Majority Support Petitions and Appeal Bonds
(OAL Notice File No. Z2024-0226-02)

On May 29, 2024, the subcommittee presented to the Agricultural Labor Relations Board (ALRB or Board) a report concerning public comments received regarding the above-referenced rulemaking and recommended modifications to the proposed regulatory language.¹ At that meeting, the Chair requested the subcommittee make several updates to the proposed modified regulatory language in regulation 20391 and further instructed the regional directors to submit to the subcommittee draft language relating to its proposal to adopt a notice-posting requirement when a majority support petition is filed. The regional directors' proposed regulatory language was submitted to the subcommittee on June 3.²

Consistent with the Chair's requests at the May 29 meeting, the subcommittee issues with this report updated modifications to the proposed regulatory language. Updated language since the May 29 meeting is indicated in redline format. The subcommittee has adopted the substance of the regional directors' proposal in the updated modified regulatory text with some changes to articulate more clearly the notice reading and posting requirements, as well as the obligation of all parties to cooperate in the Board's efforts to disseminate notice of the majority support petition to the agricultural employees consistent with an existing obligation set forth in Board regulation 20350, subdivision (c) in the context of a secret ballot election.

¹ Information regarding this proposed rulemaking, including the notice of proposed rulemaking, initial statement of reasons, and proposed regulatory text, are available on the ALRB's web site at < <https://www.alrb.ca.gov/rulemaking/ab-113-implementing-regulations/> >.

² A copy of the regional directors' proposal is available on the ALRB's web site at the above address.

For ease of reference, the updated provisions are summarized below (all changes within regulation 20391):

- Subd. (a)(1)(A): removing requirement ALRB regional offices provide hard-copies of authorization cards (in light of separate requirement cards be made available on web site);
- Subd. (a)(1)(A): adding space on template authorization card for a witness to provide a printed name in addition to signature;
- Subd. (a)(3): requiring notice to the employer's agricultural employees of the filing of a majority support petition;
- Subd. (b): allowing the employer's response to a majority support petition to be extended to the next business day when the deadline falls on a Saturday; and
- Subd. (c): allowing the regional director's initial determination whether a majority support petition is proper and whether majority support is established to be extended to the next business day when the deadline falls on a Saturday, Sunday, or legal holiday.