

**CALIFORNIA FARM BUREAU COMMENT ON ALRB NOTICE OF FURTHER
MODIFICATIONS TO PROPOSED REGULATIONS (RULEMAKING FILE NO. Z2024-0226-02)**

To the members of the Agricultural Labor Relations Board:

The latest iteration of Section 20391 proposes to add to it subdivision (c)(4)(B)(ii). That subdivision allows the regional director to “proceed to resolve eligibility disputes regarding challenged or allegedly omitted individuals...” It continues: “If, after determining eligibility disputes, the labor organization has established majority support, the regional director’s notice shall include a tally consistent with subdivision (c)(4)(D)(ii).”

This process allows the regional director to determine eligibility disputes without providing the employer with any notice of the identities of the allegedly omitted individuals or, perforce, any opportunity to provide the regional director with evidence on the matter or to otherwise challenge the eligibility of those individuals.

The lack of such notice and opportunity violates the employer’s due process rights.

Thus, this proposed subdivision must be further amended to provide the employer with such notice and a reasonable opportunity to provide such evidence and challenge such eligibility.

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