

Five reasons why Proposition 14 should be defeated

Language of sections Proposition 14 would add to the present Agricultural Labor Relations Act

1.

"1152.2 The Board shall consider the rights of employees under this section to include the right to access by union organizers to the premises of an agricultural employer for the purpose of organizing, subject to the following limitations:

a. Organizers may enter the property of an employer for a total period of 60 minutes before the start of work and 60 minutes after the completion of work to meet and talk with employees in areas in which employees congregate before and after working.

b. In addition, organizers may enter the employer's property for a total period of one hour during the working day for the purpose of meeting and talking with employees during their lunch period, at such location or locations as the employees eat their lunch. If there is an established lunch break, the one-hour period shall include such lunch break. If there is no established lunch break, the lunch period may be at any time during the working day.

c. Access shall be limited to two organizers for each work crew on the property, provided that if there are more than 30 workers in a crew, there may be one additional organizer for every 15 additional workers."

This would lock into law a current ALRB regulation that is now being contested in the U.S. Supreme Court. These organizers are not supposed to disrupt the farmer's agricultural operations or his property. However, speeches are not considered, under the Proposition, as 'disruptive.' The access rule is also in conflict with the state's trespass laws, which give any individual the right to bar trespassers from his property. So the constitutionality of this provision may have to be ultimately decided by the higher courts. That could take years. The access rule will become law — law that cannot be repealed by the legislature.

2.

"Upon the filing with the board by an employee or a group of employees a petition signed by 50 per cent or more of the agricultural employees in a bargaining unit represented by a certified labor organization which is a party to a valid collective bargaining agreement, requesting that such labor organization be decertified, the board shall conduct an election by secret ballot pursuant to the applicable provisions of this chapter, and shall certify the results of such labor organization and employer."

This makes it twice as hard for union members to depose an established union. The percentage of worker signatures

necessary to trigger a showdown election when a union already represents the workers would be increased from 30 per cent to 50 per cent.

3.

"The Board shall make such (employee) lists available to any person who files a notice of intent to petition for an election accompanied by a reasonable showing of interest. The board shall be regulation determine what constitutes a reasonable showing for purposes of this paragraph."

Under this provision, union organizers would get employee lists before an election was held. The implications of harassment and abuse to the election process is obvious. Under National Labor Relations Act regulations employee lists are furnished after the necessary number of employee signatures calling for an election have been gathered — not before. This premature exposure of employees to union organizers would shatter the employer-employee relationship the first time the employee was bothered by a union representative at his home.

4.

"... in appropriate cases (of unfair labor practices) the board may award treble damages."

In the first year of the Agriculture Labor Relations Board there were a number of "unfair labor practices" stemming from nothing more than minor procedural errors resulting from confusing and contradictory language in the law. To place the spectre of financial havoc over the heads of growers does not insure a "more democratic" method of conducting elections, it merely reintroduces fear and gives unions the ability to make reprisals against the individual farmers following unsuccessful elections.

5.

"The legislature shall appropriate such amounts to the Agricultural Labor Relations Board as may be necessary to carry out the provisions of this part."

What is necessary? What happened to legislative deliberations over the budgets of state agencies? This is nothing more than a blank check for an agency that, in its first year of existence, went through an annual budget in less than six months. It is this same sort of language that is used to provide funding for the federal food stamp program — which is now a billion dollar fiscal nightmare with no end in sight. Under this provision, California will have a state agency with its "own" treasury.

Parlier farmer will head group formed to defeat Proposition 14

Harry Kubo of Parlier has been elected President of Citizens for a Fair Farm Labor Law. The group, headquartered in Fresno, was formed to defeat Proposition 14 on the November ballot.

As President of the Citizens for a Fair Farm Labor Law, Kubo, who is 53, hammers away at Proposition 14 as yet another attempt by the foes of the farmer to legalize the likelihood of harassment, coercion, intimidation, and threats.

Recently UFW lawyers filed an action in Sacramento Superior Court seeking to stop Assemblymen Ken Maddy (R-Fresno) and John Garamendi (D-Lodi) from charging in their ballot argument against "14" that it would mandate the state legislature to give the ALRB "blank check" financing. The judge held the blank check charge was not false or misleading as the United Farm Workers claimed. The blank check charge remains in the ballot argument against the UFW initiative.

Executive director of the organization is Don Curlee. Mrs. Creole Harris of Coalinga and Tim Bone of Fresno will head the statewide fund raising effort. Citizens For A Fair Farm Labor Law are located at 5108 East Clinton Way, Fresno, 93727.

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What You Can Do to Defeat Proposition 14

- Offer your services and commitment to the "Citizens For a Fair Farm Labor Law", 5108 E. Clinton Way, Suite 124, Fresno, CA 93727 (209) 252-2913; or 1047 Gayley Ave., Suite 202, Los Angeles, CA 90024 (213) 478-8286.
- Order copies of this special report and distribute to local organizations, friends and employees and encourage them to oppose Proposition 14 and follow up their position with ACTION.
- Support the "Citizens For a Fair Farm Labor Law" financially. (This is a political committee organized according to California Law and will file all appropriate reports.) There are no limitations on expenditures and contributions.
- Join your local or area campaign committee working to defeat Proposition 14. This can be done through the "Citizens For a Fair Farm Labor Law".

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Assembly California Legislature

LEO T. MCCARTHY
SPEAKER OF THE ASSEMBLY



September 14, 1976

Dear Friend:

Last year the Governor and the California Legislature combined to pass the enclosed bill, which was and is considered by all to be the first law in the nation granting long-denied legal rights to farm workers to join a union and bargain collectively. I played a leading role in the passage of this law which, belatedly, brings economic justice to California farm workers.

The UFW considered passage of this law a triumph. Cesar Chavez telephoned me at the time to express gratitude for enactment of the Agricultural Labor Relations Act of 1975.

Then a mistake occurred. In a brand new field -- the supervision of farm union elections -- administrative expenses were difficult to estimate. The State Administration requested only one-third of the budget funds necessary to implement the Act for the nine-month period beginning September 1, 1975, and ending June 30, 1976. The money ran out in February of this year, five months too soon.

At that point some of the groups, who had supported the 1975 law, sought to use the required deficiency appropriation bill (which needed a 2/3 vote in each House), as a weapon to undo with emasculating amendments much of what had been agreed to in the 1975 statute. I resisted that effort because I felt the new statute, barely six months old, should be given a chance to work.

On March 18, 1976, the California Assembly successfully passed AB 2886 which contained \$2.55 million to fund the Agricultural Labor Relations Board (ALRB) and General Counsel's office for the remaining months of the 1975-76 fiscal year. Unfortunately, that appropriation bill failed to get the necessary 27 votes in the State Senate.

It was not until June that the ALRB was funded as one item in a mammoth \$13 billion state government budget.

Any attempt to withhold funding of the ALRB will not occur in future budgets because legislators who might want to destroy the 1975 statute will not be willing to block the entire state budget with resulting irreparable harm to state and local government programs dependent upon budget passage. Only this year was the \$2.55 million a vulnerable target in an isolated bill.

It is important for you to know that Proposition 14 in no way guarantees future funding of the ALRB or the General Counsel's office. The enclosed Legislative Counsel's Opinion #12497 verifies this to be the case.

The five amendments to the 1975 statute proposed in Proposition 14 have never been heard before any legislative committee in an open public hearing. Complex labor law should not be written by the initiative process, particularly when the Legislature has acted responsibly as it did in enacting the 1975 law.

Among the five proposed statutory changes in the initiative, I would like to comment on one specifically. The 1975 statute permits far greater access rights to union organizers than any federal or state labor law in America.

Given the diversity of employment in California agriculture, the Legislature intended in the 1975 Act that the ALRB should have the flexibility to make intelligent decisions regarding the time and place of access by union organizers to work sites. Proposition 14 would eliminate that intended flexibility by enacting into statute the temporary regulations adopted by the ALRB, which even proponents of access agreed should be refined as the Board gained experience in administering the 1975 law.

In summary, we have the 1975 law intact; the Board and General Counsel are funded and operating; and farm worker rights to join a union and bargain collectively have been successfully defended. The sponsors of Proposition 14 are well aware that continued existence of these rights does not depend upon the passage of Proposition 14.

Had the Legislature failed in June to fund the 1975 Act, I would have endorsed Proposition 14 (even with its serious defects) and worked for its passage. When the funds were voted, the initiative should have been dropped, since its original purported intent, to assure funding, was realized.

I intend to vote no on Proposition 14.

Respectfully,

Leo T. McCarthy

Leo T. McCarthy

LTM:jp
Enclosures

State Headquarters/1411 W. Olympic/Los Angeles 90015/(213) 381-3726

September 1, 1976

TO: Division Directors and County Coordinators
FROM: Marshall
RE: "No on 14" Campaign

The first "No on 14" bumper stickers were spotted in San Jose and are blue and gold. Your staff should keep their eyes open and report any bumper stickers that are seen in their areas.

We have received information that the growers will be running full page ads in newspapers on September 24. Watch for these ads and any others that may appear. It would be a good idea to have supporters write letters to the Editor, etc. responding to the ads once they start coming out.

In addition, we have received several reports on agencies who may be doing the opposition's campaign. The agencies are: Butcher and Ford, and Dolphin Public Relations. If you hear any information concerning these firms or other agencies which may be involved in the opposition's campaign, please let us know.

Marshall