

BALLOT TITLE, SUMMARY & ANALYSIS FOR PROPOSITION 14

MANUAL TITLE

AGRICULTURAL LABOR RELATIONS. INITIATIVE STATUTE. Repeals Agricultural Labor Relations Act of 1975; reenacts as Agricultural Labor Relations Act of 1976. Makes technical amendments to maintain status quo under 1975 Act, except requires new appointments to Agricultural Labor Relations Board. Additional amendments require: access for union organizers to property of employers for certain periods; minimum of 50% of employees to petition for decertification of union; Legislature to provide appropriations necessary to carry out the Act; Board to provide employer-supplied lists of agricultural employees to persons involved in elections. Permits Board to award treble damages for unfair labor practices. Financial impact: Proposition would result in minor, if any, increased costs to the state.

VOTING MACHINE TITLE

AGRICULTURAL LABOR RELATIONS. INITIATIVE STATUTE. Reenacts Agricultural Labor Relations Act of 1975 with amendments and requires state legislative appropriations to implement. Financial impact: Proposition would result in minor, if any, increased costs to the state.

ANALYSIS BY LEGISLATIVE ANALYST, *A. Alan Post*

PROPOSAL

BACKGROUND

The Agricultural Labor Relations Act of 1975, which became effective August 28, 1975 gives agriculture workers the right to select and join unions of their own choosing for purposes of bargaining collectively with their employer and to participate in lawful union activities. These rights are similar to those given to non-agricultural workers in private employment under the National Labor Relations Act.

The Agricultural Labor Relations Act of 1975 created a General Counsel and a five-member Agricultural Labor Relations Board. The Board holds elections for agriculture workers to select the union of their choice. The counsel takes legal action against unions or employers which engage in unfair labor practices prohibited by the act, such as discriminating against an employee for exercising his free choice to join a union and the failure of either party to bargain in good faith.

The Board establishes rules and regulations for implementing the act. It also settles disputes regarding the holding of elections and charges of unfair labor practices. The Board has the power to prescribe remedies in unfair labor practice cases and may direct the offending party to compensate injured parties for certain losses. Such remedies may include job reinstatement and restoration of lost wages. The Board enforces its orders by court proceedings.

The Board established under the 1975 law ran out of money in February 1976. Its program was stopped for the remainder of the 1975-76 fiscal year because no additional funding was provided. Funding after July 1, 1976 is now included in the 1976 Budget Act.

This proposition repeals and reenacts the Agricultural Labor Relations Act, retain-

ing most of its basic features with the following modifications:

- 1) Provides for the appointment of a new Agricultural Labor Relations Board with new terms of office.
- 2) Authorizes union organizers to enter an employer's property for purposes of campaigning for an election. The period of access would be limited to three hours per day at specified times. This provision is similar to a regulation, established by the existing board, which has the effect of law.
- 3) Provides that a new election cannot be held if, in addition to other conditions, an election was held under existing law within the twelve months immediately preceding the filing for the new election.
- 4) Requires the Board to make lists of employees available to persons who file notices of intention to petition for elections. The Board obtains such lists from employers to determine workers' eligibility to participate in an election to select a union.
- 5) Allows the Board to order payment of treble damages as a penalty for an unfair labor practice.
- 6) Makes it more difficult to hold an election to remove a union which has previously won an election and which has been certified as the official bargaining representative of a designated group of workers. Petitions for holding such elections would require the signatures of 50% rather than 30% of the workers.
- 7) Directs the Legislature to appropriate sufficient funds to allow the Board to fulfill its responsibilities. The Legislative Counsel advises that this provision is directory, not mandatory upon the Legislature and does not constitute an appropriation. Therefore, regardless of its intent, it would not bind the Legislature to appropriate any specific amount of money.

FISCAL EFFECT

The Budget Act of 1976 appropriates \$6,688,000 from the General Fund for the administration of the Agricultural Labor Relations program during the 1976-77 fiscal year. Because this proposition largely reenacts provisions of existing law, it would not result in any significant increased cost to the state. Some features which differ from existing law would result in minor increased state costs, and others would result in savings. Any net increased cost could be absorbed within the amount currently budgeted to the Board.

Because the proposition would not legally bind the Legislature to appropriate any specific amount of money for the Board, the level of funding in the future years would be determined by the Governor and Legislature through the state's regular budget process. In summary, the proposition would result in minor, if any, increased costs to the state.