

Measure X433

INSTRUCTIONS:

Please carefully read the following description of a ballot measure that was written by a disinterested expert. Feel free to take notes or outline passages as you read.

This should take you about 10 minutes.

BALLOT MEASURE X433

PROPOSAL

Background

The Agricultural Labor Relations Act of 1975, which became effective August 28, 1975, gives agricultural 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 nonagricultural 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 agricultural 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, retaining 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 remove a union which has previously won 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 percent rather than 30 percent 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.



STOP!

Please go to the online survey, enter the 4-character code for this ballot measure (printed at the top and bottom of this page) and answer the survey questions.