

Amendments to California Agricultural Bargaining Process Per Governor's Agreement with Unions

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Governor Newsom signed [Assembly Bill \(AB\) 113](#) which enacts changes to the collective bargaining process for agricultural workers.

In September 2022 Newsom signed [Assembly Bill \(AB\) 2183](#) which established new ways for farmworkers to vote in a union election under the Agricultural Labor Relations Act (ALRA), including options for mail-in ballots, and authorization cards submitted to the California Agricultural Labor Relations Board (the Board), in addition to the existing in-person voting process.

AB 2183 also imposes civil penalties on agricultural employers that are found to have committed unfair labor practices of up to \$10,000 for each violation and up to \$25,000 for cases where the employee suffers "serious economic harm." Significantly, the legislation allows the Board to impose personal liability on directors and officers of the employer. In addition, AB 2183 requires employers to post an appeal bond in cases where an employer seeks to appeal an order of the Board involving monetary awards or economic benefits to employees or unions.

At the time of signing AB 2183 Newsom, the United Farm Workers, and the California Labor Federation agreed on clarifying language to be made to the enacted law. AB 113 implements the provisions of that agreement.

AB 113 makes the following changes to the collective bargaining process:

- Eliminates the option to conduct union elections using mail-in ballots.
- Retains the option to conduct union elections via "card-check" system, also referred to as the "the Majority Support Petition."
- Limits the number of card-check elections that result in the certification of labor organizations to 75 certifications.

Under the bill, these changes would sunset on January 1, 2028, and at that time the card-check elections will no longer be an available option for union elections.

AB 113 takes effect immediately as a Budget Bill.

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