

2011 JUN 21 PM 3: 25

OAKLAND CITY COUNCIL
RESOLUTION No. 83377 C.M.S.

Introduced by Councilmember Ignacio De La Fuente

RESOLUTION SUPPORTING SENATE BILL 104 (STEINBERG) "FAIR TREATMENT OF FARM WORKERS ACT" WHICH AUTHORIZES AGRICULTURAL EMPLOYEES TO SELECT COLLECTIVE BARGAINING REPRESENTATION THROUGH A SPECIFIED "MAJORITY SIGNUP ELECTION" PROCESS, IN ADDITION TO THE EXISTING REPRESENTATION ELECTION PROCESS PROVIDED FOR UNDER CURRENT LAW

WHEREAS, SB 104 would authorize agricultural employees to select collective bargaining representation through a specified "majority signup election" process, in addition to the existing collective bargaining representation election process provided for under current law; and

WHEREAS, the "majority signup election" would be alternative procedure to the secret ballot election process that would allow employees of a bargaining unit to select their representative for collective bargaining by submitting a petition; and

WHEREAS, SB 104 requires that the petition must be accompanied with representation cards signed by more than 50% of current employees in the bargaining unit; and

WHEREAS, SB 104 specifies the content of representation cards used and requires the Agricultural Labor Relations Board (ALRB), upon request of a labor organization, to issue standardized representation cards for use with a petition for the "majority signup election" process; and

WHEREAS, SB 104 requires the ALRB to keep the information on the cards confidential; and

WHEREAS, SB 104 requires a labor organization submitting a petition for a "majority signup election" to personally serve the petition on the employer the same day that the petition is filed with the ALRB; and

WHEREAS, SB 104 requires the ALRB to assess a fine of up to \$10,000 for each day an employer fails to provide a complete and timely response; and

WHEREAS, SB 104 requires the ALRB, upon receipt of a petition for "majority signup election," to immediately commence an investigation. Within five days of receipt of the petition, the ALRB shall make an administrative determination whether the petition

requirements have been met and the labor organization has submitted the requisite number of representation cards by comparing the names on the cards to the names on the list submitted by the employer; and

WHEREAS, SB 104 specifies that if the ALRB determines that the labor organization has submitted the requisite number of representation cards and met other requirements, it shall immediately certify the labor organization as the exclusive bargaining representative; and

WHEREAS, SB 104 states that an employer's duty to bargain with the labor organization begins immediately after the labor organization is certified; and

WHEREAS, SB 104 authorizes any person, within five days after ALRB certifies a labor organization, to submit an objection to the certification; and

WHEREAS, SB 104 requires the ALRB to conduct a hearing upon an objection petition and, if it determines that any of the above allegations are true, to revoke the certification of the labor organization; and

WHEREAS, SB 104 provides that if the ALRB finds that an employer has willfully or repeatedly committed specified unfair labor practices, it may impose a civil penalty of up to \$20,000 for each violation; and

WHEREAS, SB 104 adds specified unfair labor practice charges to the list of charges to which the ALRB must give priority over all other cases, except cases of a similar character; and

RESOLVED: The City of Oakland declares its support for SB 104 (Steinberg); and be it

FURTHER RESOLVED: That the City Council hereby directs the City Administrator and the City's legislative lobbyist to advocate for the above position in the California State Legislature.

JUN 7 2011

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2011

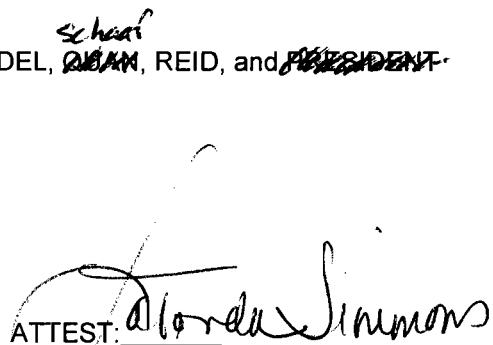
PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, ^{Scheidt} ~~QUAN~~, REID, and ~~PRESIDENT~~
BRUNNER - 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

ATTEST: 
LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California