



September 1, 2022

The Honorable Gavin Newsom
 Governor
 State of California
 1021 O Street
 Sacramento, CA 95814

RE: AB 2183 (Stone): REQUEST FOR VETO

Dear Governor Newsom:

The undersigned organizations oppose AB 2183 (Stone). AB 2183 is the latest incarnation of the card check legislation sought and sponsored by the United Farm Workers (UFW) for the sole purpose of thwarting the secret ballot election process that has been the core protection for employees' right to a free and uncoerced

choice for or against union representation under the Agricultural Labor Relations Act (ALRA) since its inception. Card check **eliminates a farmworker's right to a secret ballot election** that is free from coercion from any party that has a financial interest in the outcome of the election. This has been recognized by Governor Brown's veto of SB 104 in 2011, Governor Schwarzenegger's veto of SB 789 in 2009, and your veto of AB 616 in 2021.

The UFW has now gone even further with the recent amendments to AB 2183 by essentially creating *forced union submission for employers and farmworkers disguised as mail-in voting*. To quote language in **AB 2183**: "A labor organization representative may fill out all of the information in a mail ballot..."

- **AB 2183 is coercing employers to involuntarily submit to a position of labor neutrality with the union.** If the employer does not capitulate to each of the five criteria set forth in the bill, the employer, as well as its employees will be subject to a card check process that is rife with coercion and intimidation of farmworkers.
- **The bill coerces employers to waive their First Amendment rights** to speak truthfully and give workers the employer's opinions about the union.
- **AB 2183 sidesteps the Supreme Court's Decision in *Cedar Point Nursery v. Hassid***, and has thus appropriated a right of access to private property. Because the bill expressly appropriates a right to physically invade a growers' property – to literally "take access" – the employer must agree to this taking of property without just compensation or be subject to all of the card check provisions.
- **Unbelievably, if the employer agrees to labor neutrality, it faces a corrupt mail ballot scheme that expressly allows the union to complete the mail-in ballot on behalf of the worker.** This, like card check, will undoubtedly result in union agents descending on employees' homes to engage in coercive and intimidating tactics designed to get farmworkers to sign pre-populated ballots in favor of the union.
- **AB 2183 also coerces employers to preemptively and publicly declare their preferred poison – submit to forced union neutrality absent any showing of interest by farmworkers or the union or be subject to card check.** Failure to submit to affirm union neutrality on an annual basis will cause actual and reputational harm to the agricultural employer.

The sponsors of AB 2183 state that this bill simply creates a process for mail-in voting for farmworkers. This couldn't be further from the truth. In fact, the bill explicitly condones the coercion and intimidation of farm employees. If AB 2183 were to become law, it is hard to envision another secret ballot election taking place. Union agents will go to great lengths to abuse their unmonitored interaction with farmworkers in order to force a card check certification and avoid secret ballot elections at all costs.

In addition, we are also opposed to the bonding requirement as outlined in the bill when appealing a monetary award order at the ALRB. AB 2183 requires that this appeals bond be filed as a condition of having the right to appeal a decision of the ALRB. This language was also found in AB 561 (Campos, 2015) which was vetoed by Governor Brown. The bonding provision violates basic due process rights because it allows the ALRB to

determine whether or not the employer can appeal. The ALRB is not a neutral party in this context and has a prejudicial interest in the outcome of the appeal.

It is for all of these reasons that AB 2183 should be vetoed. Thank you for your consideration.

Sincerely,

African American Farmers of California
Agricultural Council of California
Association of California Egg Farmers
California Association of Winegrape Growers
California Citrus Mutual
California Cotton Ginners and Growers Association
California Farm Labor Contractor Association
California Food Producers
California Fresh Fruit Association
California Grain & Feed Association
California Grocers Association
California Manufacturers & Technology Association
California Pear Growers Association
California Retailers Association
California Restaurant Association
California Seed Association
California Strawberry Commission
Construction Employers' Association
Family Winemakers of California
Far West Equipment Dealers Association
Grower-Shipper Association of Central California
Grower-Shipper Association of Santa Barbara and San Luis Obispo Counties
Housing Contractors of California
Milk Producers Council
National Federation of Independent Business
Nisei Farmers League
Official Police Garage Association of Los Angeles
Ventura County Agricultural Association
Western Agricultural Processors Association
Western Growers Association
Wine Institute