

<u>CURRENT LAW</u>	<u>THE NEW LAW: AB 2183</u> <u>(effective 1/1/23)</u>	<u>“THE PROMISE” LEGISLATION</u>	<u>RESULTING LAW</u> <u>(if “THE PROMISE” Legislation passed)</u>
In-Person Voting Required	In-Person Voting is an Alternative	In-Person Voting is an Alternative	In-Person Voting is an Alternative (expires 1/1/28)
No Labor Peace Election Requirement	<p>Labor Peace Election (In-Person or Mail Ballot) (expires 1/1/28)</p> <ul style="list-style-type: none"> -Employer must choose this method, and choice is automatically renewed each year until revoked. -Employer agrees to Access. -No Employer captive audience meetings. -No disparagement of the Union. -No statements for or against Union at time of hire/rehire or after any filed notice that organizing has begun. -Mail Balloting alternative (“Voting Kit”). -Union requesting Voting Kits must have filed LM-2s the previous two years (no “new” unions formed by bargaining unit employees). -Voting Kit ballots are good for 180 days. -Petition for a mail ballot election must be supported by a majority of the employees working during the payroll period preceding the filing of the petition. Board opens envelopes and compares names with employee list and other information provided by employer. -If the Petition is supported by a majority, and the Board determines all other requirements (Half-peak, no 	<i>Repeals</i> Labor Peace Election (In Person or Mail Ballot) Provision	No Labor Peace Election (In Person or Mail Ballot) Provision

	<p>existing CBA, etc.), then the Board shall mail voting kits to all eligible employees excluding those employees who already submitted mail ballots. The Board shall tally the ballots it has received 30 days thereafter.</p> <p>-Any employment action (discipline, suspension, demotion, discharge, etc.) taken during a mail ballot campaign is presumed to be retaliatory/illegal unless Employer proves by “clear and convincing and overwhelming evidence” that the action would have been taken anyway.</p> <p>-Objections to a Union being certified do not delay the 90-day period from running from the date of certification for the application of the Mandatory Mediation & Conciliation Provisions.</p>		
<p>No Non-Labor Peace Election (Card Check) Provisions</p>	<p>Non-Labor Peace Election (Card Check) (expires 1/1/28)</p> <p>-Union submits Petition with proof of majority support (authorization cards, signature petitions, etc.).</p> <p>-Employer must provide list of current employees (with street addresses) and other information requested by Board to compare with employee names included within evidence of majority support submitted by Union.</p> <p>-If Board determines within 5 days there is proof of majority support of the Union, the Union will be certified as the bargaining representative. If not, the</p>	<p><i>Repeals</i> Non-Labor Peace Election (Card Check) Provision</p>	<p>No Non-Labor Peace Election (Card Check) Provision</p>

	<p>Union is given another 30 days to provide proof of majority support.</p> <ul style="list-style-type: none"> -Union requesting Voting Kits must have filed LM-2s the previous two years (no “new” unions formed by bargaining unit employees). -Any employment action (discipline, suspension, demotion, discharge, etc.) taken during a mail ballot campaign is presumed to be retaliatory/illegal unless Employer proves by “clear and convincing and overwhelming evidence” that the action would have been taken anyway. -Objections to a Union being certified do not delay the 90-day period from running from the date of certification for the application of the Mandatory Mediation & Conciliation Provisions. 		
<p>No Majority Support Petition (Card Check) Provisions</p>	<p>No Majority Support Petition (Card Check) Provisions</p>	<p>Majority Support Petition (Card Check) is an Alternative (expires 1/1/28)</p> <ul style="list-style-type: none"> -Union submits Petition with proof of majority support (authorization cards, signature petitions, etc.). -Employer must provide list of current employees (with street addresses) and other information requested by Board to compare with employees names included within evidence of majority support submitted by Union. -If Board determines within 5 days there is proof of majority support of the Union, the Union will be certified as the bargaining representative. If 	<p>Majority Support Petition (Card Check) is an Alternative. (expires 1/1/28)</p>

		<p>not, the Union is given another 30 days to provide proof of majority support.</p> <ul style="list-style-type: none"> -Union requesting Voting Kits must have filed LM-2s the previous two years (no “new” unions formed by bargaining unit employees). -Any employment action (discipline, suspension, demotion, discharge, etc.) taken during a mail ballot campaign is presumed to be retaliatory/illegal unless Employer proves by “clear and convincing and overwhelming evidence” that the action would have been taken anyway. -Objections to a Union being certified do not delay the 90-day period from running from the date of certification for the application of the Mandatory Mediation & Conciliation Provisions. -There is a “cap” of 75 card check certifications allowed through January 1, 2028. 	
No Economic Strikers Eligibility to Vote Provisions	No Economic Strikers Eligibility to Vote Provisions	<p>Economic Strikers Eligibility to Vote (expires 1/1/28)</p> <ul style="list-style-type: none"> -Economic Strikers will be eligible to vote or have their support submitted (authorizations cards, etc.) if striker has not been permanently replaced for more than 12 months. -Board may adopt additional eligibility rules for elections (in-person or card check) conducted during a labor dispute within 18 months of the 	Economic Strikers Eligibility to Vote (expires 1/1/28)

		<p>effective date of these provisions (if passed).</p> <p>-No eligibility for Strikers who have not performed work for 36 months.</p>	
No Penalties for Unfair Labor Practices	<p>Penalties-Unfair Labor Practices (does not expire)</p> <p>-Up to \$10,000 for each violation, in addition to any other remedy (backpay, etc.)</p> <p>-Double the penalty (up to \$25,000) for violations involving discrimination or retaliation.</p>	<p>Penalties-Unfair Labor Practices (does not expire)</p> <p>-Up to \$10,000 for each violation, in addition to any other remedy (backpay, etc.)</p> <p>-Double the penalty (up to \$25,000) for violations involving discrimination or retaliation.</p>	<p>Penalties-Unfair Labor Practices (does not expire)</p> <p>-Up to \$10,000 for each violation, in addition to any other remedy (backpay, etc.)</p> <p>-Double the penalty (up to \$25,000) for violations involving discrimination or retaliation.</p>
No Appeal Bond Requirement for Unfair Labor Practices	<p>Appeal Bond for Unfair Labor Practices (does not expire)</p> <p>-An Employer that seeks appellate court review of a Board decision involving monetary remedies must file a bond for the entire amount of the remedy.</p>	<p>Appeal Bond for Unfair Labor Practices (does not expire)</p> <p>-An Employer that seeks appellate court review of a Board decision involving monetary remedies must file a bond for the entire amount of the remedy.</p>	<p>Appeal Bond for Unfair Labor Practices (does not expire)</p> <p>-An Employer that seeks appellate court review of a Board decision involving monetary remedies must file a bond for the entire amount of the remedy.</p>
No Appeal Bond Amount Provisions	No Appeal Bond Amount Provisions	<p>Appeal Bond Amount (does not expire)</p> <p>-If a Board decision involves a monetary remedy for unfair labor practices, the Board shall immediately conduct further proceedings to determine how much. The board decision will not be final until the amount is determined.</p> <p>-Mandatory Mediation and Conciliation: The Mediator' Report</p>	<p>Appeal Bond Amount (does not expire)</p> <p>-If a Board decision involves a monetary remedy for unfair labor practices, the Board shall immediately conduct further proceedings to determine how much. The board decision will not be final until the amount is determined.</p> <p>-Mandatory Mediation and Conciliation: The Mediator' Report</p>

		<p>shall include a statement setting forth the entire economic value of the recommended collective bargaining agreement (by stipulation or determination by the Mediator). Any party seeking appellate review of a Board decision involving an MMC collective bargaining agreement shall post a bond for the entire economic value.</p>	<p>shall include a statement setting forth the entire economic value of the recommended collective bargaining agreement (by stipulation or determination by the Mediator). Any party seeking appellate review of a Board decision involving an MMC collective bargaining agreement shall post a bond for the entire economic value.</p>
--	--	---	---