

Agricultural Labor Relations Act

Employee Questions & Answers

ELECTIONS

When Is An Election Needed?

Under the Agricultural Labor Relations Act (Act), Farm workers have the right to *choose* whether or not they wish to be represented by a union by voting in a secret ballot election. Only unions certified by the Agricultural Labor Relations Board (ALRB) after the ALRB conducts an election may represent workers. If workers are already represented by a union, but some workers want the union to stop representing them, the ALRB can also conduct a secret ballot election so all workers can vote whether or not to *decertify* or remove the union.

How Can I Learn About a Union at My Workplace?

You have the right to meet with union organizers, talk to them and ask questions. Before an election takes place, union organizers are allowed to come to your workplace before and after work and during your lunch break to speak with workers. This way, you will have access to information about the union that will help you make a choice. You also have the right not to speak with union representatives. The decision whether or not to talk to union organizers is your own decision.

What Can I Do if I Want a Union to Represent Me?

You can sign an authorization card that allows the union to act on your behalf in asking for an election where all workers can choose whether or not they wish to be represented by a union. You can speak to other workers about why you think a union can help, and try to persuade them to support the union too. You can pass out union leaflets, wear union buttons or other union symbols or engage in any other expressions of support for the union. You have the right to do these things while you are at work as long as work activity is not disrupted.

What if I Don't Want to Join a Union?

The decision whether or not to support a union is your decision. You have the right to express your opinion by engaging in all of the types of activities available to those who support the union. For example, you have the right to speak to other workers about why you don't want a union. If an election takes place, you have the right to vote "No Union" in secret.

Can My Employer Encourage Me Not to Support a Union?

Yes, your employer may urge you not to support a union; however, your employer may *not* threaten you, discipline you, fire you, or change your wages, benefits or working conditions because you have shown support of a union. In addition, it is a violation of the Act for your employer to give or promise you higher wages, more hours of work or other benefits to persuade you to vote against the union.

Can My Employer Watch or Listen if I Talk to Union Representatives or Other Employees About the Union?

No. It is a violation of the Act for your employer or his representatives (such as a supervisor or foreman) to interfere with or observe you while you talk to other workers and union representatives about the union.

What is an Election Petition?

An election petition is a document that lets the ALRB and the employer know that a majority of workers want to have an election to determine whether or not a union will represent them. The election petition is filed in the nearest Regional Office of the ALRB, and may be filed by a farm worker, a group of farm workers, or a union acting on their behalf. The petition must be accompanied by signatures, or authorization cards signed by a majority of the farm workers currently employed by the employer. If the petition is for a *decertification election* (an election to see whether or not a majority of workers want to remove the union), then the petition must be accompanied by signatures of 30% of workers if there is a current union contract, or by signatures of 50% of workers if there is no contract. The authorization cards and signatures are kept *confidential*. The ALRB will not divulge the names on the cards to the employer, the public or another union.

When Will the Election Occur?

Elections are normally held within seven (7) days of the filing of the election petition. If the majority of the workers are engaged in a strike, the ALRB will attempt to hold the election within 48 hours of the filing of the petition.

How Will the Employees Be Notified of the Election?

ALRB agents will meet with workers at the workplace right after the election petition has been filed. They will explain the election process to you and your fellow employees, and advise you of the day, time and location of the election. ALRB agents will be available in the days before the election to answer any questions about the process workers may have.

Who is Eligible to Vote in the Election?

All agricultural workers of an employer who were employed at any time during the payroll period completed immediately before the election petition was filed. Workers on sick leave or vacation may also be eligible to vote.

What is a Pre-Election Conference?

A pre-election conference is a meeting between the Regional Director of the ALRB, the employer and the party who filed the election petition. It is usually held at least 24 hours before the election. The purpose of the pre-election conference is for the parties to discuss how the election will be conducted, when and where the election will be held, and any other unresolved issues about the election. The parties will also choose election observers who will be present during voting to monitor the conduct of the election.

What Happens on Election Day?

ALRB staff will oversee the election and designate the polling area. Only voters, designated observers and ALRB staff can be present in the polling area. Neither your employer nor union representatives may campaign in or near the polling area. Each worker presents his or her identification card to get a ballot. Voters mark their ballots in the privacy of a voting booth. The choice you make on your ballot--whether you vote for or against the union-- is kept secret. After you vote, you will place your marked ballot in a sealed box. If one of the observers or ALRB staff questions your eligibility to vote in the election, your ballot will be placed in a sealed envelope until your eligibility is determined. The box will be opened under the supervision of ALRB staff and observers when voting is finished.

What Happens After the Election?

After the election ALRB staff will count the ballots. Board agents will determine whether the union received a majority of votes, or whether the majority of workers voted for no union. Either the union or the employer may challenge the outcome of the election. Objections may result in an investigative hearing which could either lead to the setting aside of the election or certification of the election results by the ALRB. If the union is certified, it becomes the bargaining representative of the employees. Another election may not be held one year from the date of certification. If a majority workers voted for "no union," there will not be another election for one year from the date of the election.

(See the brochures: *What Happens After a Union Wins an Election?* and *Rights and Responsibilities During and Organizing Campaign* for more information)