

12-30-1977

Agricultural Labor Relations Act Of 1975

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Office of the Secretary of State
March Fong Eu

111 Capitol Mall, Room 220
Sacramento, California 95814

Elections Division
(916) 445-0820

May 23, 1978

TO: ALL COUNTY CLERKS/REGISTRARS OF VOTERS

FROM: CASHMERE M. APPERSON, ELECTIONS TECHNICIAN

Pursuant to Elections Code 3520(b) you are hereby notified that the total number of signatures to the hereinafter named proposed initiative statute filed with all county clerks is less than 100 per cent of the number of qualified voters required to find the petition sufficient.

TITLE: AGRICULTURAL LABOR RELATIONS

SUMMARY DATE: DECEMBER 19, 1977

PROPOSERS: JAMES ALBERT HESSLER, JR.
STEPHEN PIETROLUNGO

The petition has failed and no further action is necessary.

CASHIE APPERSON

NEWS RELEASE

from: Secretary of State March Fong Eu
925 L Street, Suite 805, Sacramento, CA 95814
(916) 445-6371

For Immediate Release
May 22, 1978

Contact: Caren Daniels

FOUR INITIATIVES FAIL SAYS SECRETARY OF STATE EU

SACRAMENTO -- Secretary of State March Fong Eu today (May 22) officially announced the failure of four initiative drives to qualify for the November 7 ballot.

"The 'Limitation on Public Funding for Abortions', 'Transportation of School Pupils', 'Agricultural Labor Relations', and 'Race, Religion, Sex, Ethnic Background, Prohibits Preferential Treatment' initiatives have all fallen short of their respective signature requirements to earn positions on the general election ballot," Ms. Eu announced.

Official filing deadlines for all but the preferential treatment initiative have passed this month, while the proponent of the anti affirmative action proposal has dropped his drive since it was apparent sufficient signatures could not be gathered in time to qualify the measure for November.

The deadline to certify measures for the November ballot is June 29, with over one month needed to complete the signature verification process at the county level.

The abortion measure would have prohibited the use of public funds in California to pay for abortions except where the pregnant woman's life was endangered. It was sponsored by Joseph Gutheinz, Jr. and Stephen Bentley, both of Sacramento, and Assemblyman Alister McAlister, D- San Jose. Figures reported to the secretary of state from the 58 counties indicate 146,157 unverified signatures were collected and submitted to elections officials. The measure needed 312,404 registered voter signatures to qualify.

The student transportation measure would have amended the California Constitution to provide that busing of school pupils is not required to alter racial or ethnic ratios unless provided by the U.S. Constitution. Senator Alan Robbins, D-Van Nuys, Rev. W.C. Jackson of

(over)

Los Angeles, and John Serrano of Hacienda Heights were the official proponents who needed 499,846 valid signatures by May 12 to qualify the constitutional amendment. No signatures were submitted to the counties. These proponents have a similar initiative drive underway with hopes of still collecting enough signatures for the November ballot, but the secretary of state cannot guarantee the verification process can be completed in time if the signatures are turned in later this month. Their legal deadline is June 12 for the 1980 election.

The agricultural measure would have limited labor organizations' access to farmworkers on private property, ^{prohibited} secondary boycotts proposed by labor unions, and prohibited the Agricultural Labor Relations Board from making employee lists available to labor representatives until an election had been called. James Hessler, Jr. and Stephen Pietrolungo of Canoga Park needed 312,404 valid signatures to qualify their statutory amendment. They did not submit any signatures to the counties, although they claim to have collected some 270,000 unverified signatures.

The prohibited preferential treatment initiative would have outlawed all educational, employment, and public and private contract awarding which was based on race, religion, sex, ethnic background, or prior servitude of ancestors. Former state senator Larry Walsh, D-Downey, had until June 30 to collect the needed 499,846 signatures to amend the Constitution, but would not have qualified for the November election. An insufficient number of signatures was collected by the May 4 suggested deadline, so Walsh has formally ended his drive.

County election officials have been notified that no further action is necessary on any of the four initiatives.

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Office of the Secretary of State
March Fong Eu

111 Capitol Mall, Room 220
Sacramento, California 95814

Elections Division
(916) 445-0820

December 19, 1977

TO ALL COUNTY CLERKS/REGISTRARS OF VOTERS

Pursuant to Section 3513 of the Elections Code, there is transmitted herewith a copy of the Title and Summary prepared by the Attorney General on a proposed Initiative Measure entitled:

AGRICULTURAL LABOR RELATIONS
INITIATIVE STATUTE

Circulating and Filing Schedule

- 1. Minimum number of signatures required 312,404
Constitution II, 8(b).
- 2. Official Summary Date Monday, 12/19/77
Elections Code Section 3513.
- 3. Petition Sections:
 - a. First day Proponent can circulate
Sections for signatures Monday, 12/19/77
Elections Code Section 3513.
 - b. Last day Proponent can circulate and
file with the county. All Sections are
to be filed at the same time within each
county Thursday, 5/18/78+
Elections Code Sections 3513, 3520(a).
 - c. Last day for county to determine total
number of signatures affixed to petition
and to transmit total to Secretary of
State Thursday, 5/25/78

+ IMPORTANT NOTE: This petition must be filed with the County Clerk or Registrar of Voters by May 4, 1978 to ensure that it will be verified by the county in time to qualify for the November 7, 1978 General Election. May 18, 1978 is the last date which the petition may legally be filed. However, a petition filed on that date could qualify for a later election.

Please call me at (916) 445-0820 if you wish further explanation of this note.

(If the Proponent files the petition with the county on a date prior to 5/18/78, the county has 5 working days from the filing of the petition to determine the total number of signatures affixed to the petition and to transmit this total to the Secretary of State.)
Elections Code Section 3520(b).

- d. Last day for county to determine number of qualified electors who have signed the petition, and to transmit certificate, with a blank copy of the petition to the Secretary of State Friday, 6/9/78

(If the Secretary of State notifies the counties to determine the number of qualified electors who signed the petition on a date prior to 5/25/78, the last day is not later than the fifteenth day after the notification.)
Elections Code Section 3520(d), (e).

- e. If the signature count is between 281,164 and 343,644, then the Secretary of State notifies counties using the random sampling technique to determine validity of all signatures.

Last day for county to determine actual number of all qualified electors who signed the petition, and to transmit certificate, with a blank copy of the petition to the Secretary of State Friday, 7/7/78*

(If the Secretary of State notifies the counties to determine the number of qualified electors who have signed the petition on a date prior to 6/9/78, the last day is not later than the thirtieth day after the notification.)
Elections Code Section 3521(b), (c).

* Date adjusted for official deadline which falls on a Sunday.

4. Campaign Statements:

Last day for Proponent to file a Campaign Statement of Receipts of Expenditures for period ending 6/15/78 Thursday, 6/22/78

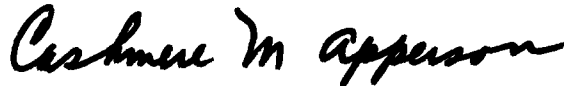
(If the Secretary of State finds that the measure has either qualified or failed to qualify on a date earlier than 5/18/78 the last date to file is the 35th calendar day after the date of notification by the Secretary of State that the measure has either qualified or failed to qualify. The closing date for this campaign statement is 7 days prior to the filing deadline.)
Government Code Section 84202.

5. The proponents of the above named measure are:

James Albert Hessler, Jr.
6835 Variel Avenue, Apt. 41
Canoga Park, CA 91303
(213) 347-3257

Stephen Pietrolungo
24022 Vanowen Street
Canoga Park, CA 91307

WILLIAM N. DURLEY
Assistant to the Secretary of State
Elections and Political Reform



CASHMERE M. APPERSON
Elections Technician

CMA:mp

NOTE TO PROPONENT: Your attention is directed to Elections Code Sections 41, 44, 3501, 3507, 3508, 3516, 3517, and 3518 for appropriate format and type considerations in printing, typing and otherwise preparing your initiative petition for circulation and signatures. Your attention is further directed to the campaign disclosure and petition circulating requirements of the Political Reform Act of 1974.

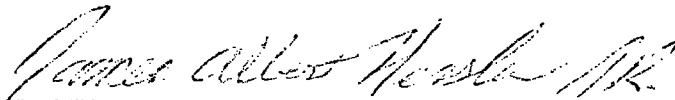
November 4, 1977
P.O. Box 82
Canoga Park, CA 91305

Mr. Evelle J. Younger
Attorney General
555 Capitol Mall, Suite 350
Sacramento, California 95814

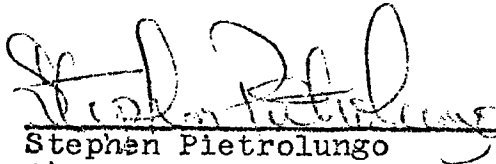
Dear Mr. Younger:

We the undersigned, proponents of the enclosed initiative measure to amend the Agricultural Labor Relations Act of 1975, registered voters of Los Angeles County, do hereby request that a title and summary be prepared for this measure. Also enclosed is \$200.00 as required by the election code.

Sincerely,



James Albert Hessler Jr.
6835 Variel Ave. Apt. 41
Canoga Park, Los Angeles County, CA 91303



Stephen Pietrolungo
24022 Vanowen St.
Canoga Park, Los Angeles County, CA 91307

213-340-6400

COMMITTEE FOR EQUALITY
IN AGRICULTURE

JAMES HESSLER STEVE PIETROLUNGO
(213) 347-3257 (805) 543-5006 (213) 348-3009
P.O. BOX 82 CANOGA PARK, CA 91305

DECLARATION OF MAILING

RE: Initiative Statutory Amendment
Agricultural Labor Relations Act of 1975

I, Anne Chapman, declare as follows:

I am a citizen of the United States, over the age of 18 years, and not a party to the within action; I reside in the County of Sacramento, State of California; my business address and place of employment is 555 Capitol Mall, Suite 350, Sacramento, California 95814.

The proponents of the above named measure are:

James Albert Hessler, Jr.
6835 Variel Ave., Apt. 41
Canoga Park, Calif. 91303
213-347-3257

Stephen Pietrolungo
24022 Vanowen St.
Canoga Park, Calif. 91307

On the 19th day of December , 1977 , I mailed a letter, a true copy of which is attached hereto, to the persons above named, in an envelope addressed to them at the addresses set out immediately below the names, sealed said envelopes, and deposited the same in the United States mail at the City of Sacramento, County of Sacramento, State of California, with postage thereon fully prepaid, and there is regular communication between the said place of mailing and the places so addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at Sacramento, California, on December 19 , 1977.

Anne Chapman



OFFICE OF THE ATTORNEY GENERAL

Department of Justice

555 CAPITOL MALL, SUITE 350
SACRAMENTO 95814
(916) 445-9555

FILED
In the office of the Secretary of State
of the State of California

DEC 20 1977

MARCH FONG EU, Secretary of State
By Cashmere M. Apperson
Deputy

December 19, 1977

Honorable March Fong Eu
Secretary of State
925 L Street, Suite 605
Sacramento, California 95814

Attention: Rico Nannini

Re: Initiative Statutory Amendment
Agricultural Labor Relations Act of 1975

Dear Mrs. Eu:

Pursuant to the provisions of sections 3503 and 3513 of the Elections Code, you are hereby informed that on this day we mailed to James Albert Hessler, Jr. and Stephen Pietrolungo, as proponents, the following title and summary:

AGRICULTURAL LABOR RELATIONS. INITIATIVE. Amends Agricultural Labor Relations Act. Provides that exercise of employees' rights shall not infringe upon any citizen's private property. In individual situations where employees have no suitable alternative means to receive information necessary to exercise self-organization rights, labor organizations allowed access to private property, limited to non-lunch area designated by employer with board approval. Prohibits publicity, which includes picketing, by labor organization which has effect of requesting public to cease patronizing employer other than employer with whom labor organization has primary dispute. Prohibits board from making employee lists available to third party until election is called. Financial impact: Passage of this measure would result in increased additional general fund costs of approximately \$1,000,000 annually to the Agricultural Labor Relations Board.

December 19, 1977

Enclosed herewith is a declaration of mailing thereof,
and a copy of the proposed measure.

According to information available in our records the
addresses and phone numbers of the proponents of this measure
are as stated on the declaration of mailing.

Very truly yours,

EVELLE J. YOUNGER
Attorney General



JAMES M. SANDERSON
Assistant Attorney General

JMS:ac
Encl.

2-point
oldface
type

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

type: Roman
oldface not
smaller than
2-point

(Here set forth the title and summary prepared by the Attorney General. This title and summary must also be printed across the top of each page of the petition on which signatures are to appear.)

TO THE HONORABLE SECRETARY OF STATE OF CALIFORNIA

We, the undersigned, registered, qualified voters of California, residents of _____ County (or City and County) hereby propose amendments to the Labor Code relating to the Agriculture Labor Relations Act of 1975, and petition the Secretary of State to submit the same to the voters of California for their adoption or rejection at the next succeeding general election or at any special statewide election held prior to that general election or otherwise provided by law. The proposed statutory amendments (full title and text of measure) read as follows:

The people of the State of California do enact as follows:

SECTION 1. Section 1152 of the Labor Code is amended to read:

1152. Employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection, and shall also have the right to refrain from any or all of such activities except to the extent that such right may be affected by an agreement requiring membership in a labor organization as a condition of continued employment as authorized in subdivision (c) of Section 1153. However, the

exercise of such rights by employees shall not infringe upon the private property rights of any citizen.

This section shall not be construed as generally granting employees or labor organizations access to private property, nor shall it be construed as prohibiting such access in individual instances where there exist no suitable alternative means for employees to receive information necessary for the exercise of their right to self-organization. In these individual instances, such access shall be restricted to a location on the property other than an area where employees congregate for lunch, designated by the employer with approval by the board.

SEC. 2, Section 1154 of the Labor Code is amended to read:

1154. It shall be an unfair labor practice for a labor organization or its agents to do any of the following:

(a) To restrain or coerce:

(1) Agricultural employees in the exercise of the rights guaranteed in Section 1152. This paragraph shall not impair the right of a labor organization to prescribe its own rules with respect to the acquisition or retention of membership therein.

(2) An agricultural employer in the selection of his representatives for the purposes of collective bargaining or the adjustment of grievances.

(b) To cause or attempt to cause an agricultural employer to discriminate against an employee in violation of subdivision (c) of Section 1153, or to discriminate against an employee with respect to whom membership in such organization has been denied or terminated for reasons other than failure to satisfy the membership requirements specified in subdivision (c) of Section 1153.

(c) To refuse to bargain collectively in good faith with an agricultural employer, provided it is the representative of his employees subject to the provisions of Chapter 5 (commencing with Section 1156) of this part.

(d) To do either of the following: (i) To engage in, or to induce

or encourage any individual employed by any person to engage in, a strike or a refusal in the course of his employment to use, manufacture, process, transport, or otherwise handle or work on any goods, articles, materials, or commodities, or to perform any services; or (ii) to threaten, coerce, or restrain any person; where in either case (i) or (ii) an object thereof is any of the following:

(1) Forcing or requiring any employer or self-employed person to join any labor or employer organization or to enter into any agreement which is prohibited by Section 1154.5.

(2) Forcing or requiring any person to cease using, selling, transporting, or otherwise dealing in the products of any other producer, processor, or manufacturer, or to cease doing business with any other person, or forcing or requiring any other employer to recognize or bargain with a labor organization as the representative of his employees unless such labor organization has been certified as the representative of such employees. Nothing contained in this paragraph shall be construed to make unlawful, where not otherwise unlawful, any primary strike or primary picketing.

(3) Forcing or requiring any employer to recognize or bargain with a particular labor organization as the representative of his agricultural employees if another labor organization has been certified as the representative of such employees under the provisions of Chapter 5 (commencing with Section 1156) of this part.

(4) Forcing or requiring any employer to assign particular work to employees in a particular labor organization or in a particular trade, craft, or class, unless such employer is failing to conform to an order or certification of the board determining the bargaining representative for employees performing such work.

Nothing contained in this subdivision (d) shall be construed to prohibit publicity, ~~including picketing~~ for the purpose of truthfully advising the public, including consumers, that a product or products or ingredients thereof are produced by an agricultural employer with whom the labor organization has a primary dispute and are distributed by another employer, as long as such publicity does not have an effect of inducing any individual employed by any person other than the primary employer in the course of his employment to refuse to pick up, deliver, or transport any goods, or not to perform any services at the establishment of the employer engaged in such distribution, and as long as such publicity does not have the effect of requesting the public to cease patronizing such other employer,

~~However, publicity which includes picketing and has the effect of requesting the public to cease patronizing such other employer, shall be permitted only if the labor organization is currently certified as the representative of the primary employer's employees.~~

Further, publicity other than picketing, but including peaceful distribution of literature which has the effect of requesting the public to cease patronizing such other employer, shall be permitted only if the labor organization has not lost an election for the primary employer's employees within the preceding 12-month period, and no

Publicity, by
any labor
organization,

prohibited.

other labor organization is currently certified as the representative of the primary employer's employees.

Nothing contained in this subdivision (d) shall be construed to prohibit publicity, including picketing, which may not be prohibited under the United States Constitution or the California Constitution.

Nor shall anything in this subdivision (d) be construed to apply or be applicable to any labor organization in its representation of workers who are not agricultural employees. Any such labor organization shall continue to be governed in its intrastate activities for nonagricultural workers by Section 923 and applicable judicial precedents.

(e) To require of employees covered by an agreement authorized under subdivision (c) of Section 1153 the payment, as a condition precedent to becoming a member of such organization, of a fee in an amount which the board finds excessive or discriminatory under all circumstances. In making such a finding, the board shall consider, among other relevant factors, the practices and customs of labor organizations in the agriculture industry and the wages currently paid to the employees affected.

(f) To cause or attempt to cause an agricultural employer to pay or deliver, or agree to pay or deliver, any money or other thing of value, in the nature of an exaction, for services which are not performed or not to be performed.

(g) To picket or cause to be picketed, or threaten to picket or cause to be picketed, any employer where an object thereof is either forcing or requiring an employer to recognize or bargain with a labor organization as the representative of his employees, or forcing or requiring the employees of an employer to accept or select such labor organization as their collective-bargaining representative, unless such labor organization is currently certified as the representative of such employees, in any of the following cases:

(1) Where the employer has lawfully recognized in accordance with this part any other labor organization and a question concerning representation may not appropriately be raised under Section 1156.3.

(2) Where within the preceding 12 months a valid election under Chapter 5 (commencing with Section 1156) of this part has been conducted.

Nothing in this subdivision shall be construed to prohibit any picketing or other publicity for the purpose of truthfully advising the public (including consumers) that an employer does not employ members of, or have a contract with, a labor organization, unless an effect of such picketing is to induce any individual employed by any other person in the course of his employment, not to pick up, deliver, or transport any goods or not to perform any services.

Nothing in this subdivision (g) shall be construed to permit any act which would otherwise be an unfair labor practice under this section.

(h) To picket or cause to be picketed, or threaten to picket or cause to be picketed, any employer where an object thereof is either forcing or requiring an employer to recognize or bargain with the

labor organization as a representative of his employees unless such labor organization is currently certified as the collective-bargaining representative of such employees.

(i) Nothing contained in this section shall be construed to make unlawful a refusal by any person to enter upon the premises of any agricultural employer, other than his own employer, if the employees of such employer are engaged in a strike ratified or approved by a representative of such employees whom such employer is required to recognize under this part.

SEC. 3. Section 1157.3 of the Labor Code is amended to read:

1157.3. Employers shall maintain accurate and current payroll lists containing the names and addresses of all their employees, and shall make such lists available to the board upon request. The board shall not make such lists available to any third party until the time an election is called pursuant to Section 1156.3. Any individual employee may request the board to withhold their name and address from any third party and the board shall abide by such a request.