

Arizona

■ ARIZONA AGRICULTURAL EMPLOYMENT RELATIONS ACT

TERMS:

Worker Rights — Among other rights granted by the Agricultural Employment Relations Act, agricultural workers in Arizona are free to form, join or assist labor organizations, to bargain with their employers over the terms and conditions of the job through representatives of their own choosing, or to bargain directly for themselves. Farmworkers also have the right to choose, without interference, not to involve themselves in such activities.

Bargaining Issues — Wages, hours, working conditions, workplace safety, sanitation and health, and grievance procedures are all permissible areas of negotiation between employers and farmworkers or their representatives.

Representation Elections — Under rules prescribed in the Act, an agricultural worker, a group of agricultural workers, or a labor organization acting in their behalf may petition the state for an election to determine if the majority of the workers in a particular employment unit wish to be represented by a union, or to determine if the workers no longer want to be represented by a currently recognized union. A farm operator or other agricultural employer may also petition for such an election. In any representation election, the workers must be offered an opportunity to vote "no union."

Prohibited Acts by Employers — Agricultural employers may not interfere with their workers' rights under this law, may not discourage or encourage membership in any labor organization, and may not refuse to negotiate with certified representatives of their employees. Labor unions are subject to similar restrictions.

ENFORCEMENT: *Agricultural Employment Relations Board, Phoenix, Arizona 85007 (602-542-3262).*

SPECIAL NOTE: A person may not fire, discipline or discriminate against a worker because the worker has filed a complaint or made use of any other right granted by this law.

California

■ AGRICULTURAL LABOR RELATIONS ACT OF 1975

TERMS:

Worker Rights — Agricultural workers in California have the right to form, join and assist labor unions for the purpose of bargaining with their employers over the terms and conditions of employment. It is illegal for a farm operator or other agricultural employer to interfere with this right, to interfere with the formation or operation of any labor organization, or to discriminate against workers or job applicants because of their membership or involvement in a union.

Representation Elections — Under certain conditions, a farmworker or group of farmworkers, or any person or organization acting on their behalf, may file a petition with the state requesting an election to determine the workers' wishes regarding union representation. The state must arrange a secret-ballot election within 7 days of the filing of a valid petition, and the ballot must allow workers to choose between all qualified labor organizations claiming to represent the workers or to vote against being represented by a union at all. Once a labor organization is certified as the bargaining agent of a group of workers, it is against the law for the employer to refuse to negotiate in good faith with that organization, or to recognize or bargain with any non-certified representative of the workers.

Unfair Labor Practices — The Act authorizes the state to investigate charges of unfair labor practices, and to take to court any employer or union found to have committed a violation.

ENFORCEMENT: *Agricultural Labor Relations Board, Sacramento, California 95814 (800-449-3699).*

SPECIAL NOTE: A person may not fire, discipline or discriminate against a worker because the worker has filed a complaint or made use of any other right granted by these provisions.

Kansas

■ AGRICULTURAL EMPLOYMENT RELATIONS LAW

TERMS:

Worker Rights — Agricultural workers have the right to form, join and participate in the activities of labor organizations of their own choosing, for the purpose of negotiating with their employers concerning complaints and employment conditions. Farmworkers also have the right not to involve themselves in such activities, and no worker may be required to join a labor organization as a condition of employment.

Recognition of Labor Organizations — Whenever at least 30 percent of the workers in a particular agricultural establishment or work unit submit a petition requesting that the state certify a particular labor organization as their bargaining representative, and their employer has had at least 6 workers for 20 or more days in any month during the 6 months prior to the filing of the petition, the state agency must conduct a secret-ballot election to determine the workers' wishes. Each worker must be given an opportunity to vote for the labor organization of his or her choice, or to choose no representation. Any labor organization certified by the state as a result of such an election is obligated to represent all workers in the work unit involved, even if they are not members of the organization. With some limitations, workers may also request an election whenever they believe a majority of the workforce in the unit no longer wish to be represented.

Prohibited Practices — Among other illegal acts defined in the law, agricultural employers and their agents are prohibited from interfering with farmworkers in the exercise of the rights outlined above, dominating or interfering in the formation or administration of an agricultural labor organization, encouraging or discouraging membership in a labor organization, or refusing to meet and negotiate in good faith with representatives of certified or recognized labor organizations.

ENFORCEMENT: *Agricultural Labor Relations Board, Kansas Department of Labor, Topeka, Kansas 66603.*

This agency is activated only when a complaint is filed with the state Secretary of Agriculture alleging the existence of a controversy. *The Board is currently inactive.*

SPECIAL NOTE: An employer may not fire, punish or discriminate against a worker because the worker has filed a complaint or made use of any other right granted by this law.