An act to add Part 11 (commencing with Section 2670) to Division 2 of the Labor Code, relating to agricultural labor relations.

LEGISLATIVE COUNSEL’S DIGEST

AB 3370, as amended, Burton (Labor Rel.). Agricultural Employees Election Law.


Specifies rights, duties, and obligations of agricultural employers, agricultural employees, and labor organizations in agricultural labor relations under such law.

Creates the Agricultural Workers Commission in state government, and specifies membership, powers, and duties thereof.

Provides for secret ballot election among agricultural employees to select a labor organization as their exclusive bargaining agent.

Adds various related provisions.

Provides that neither appropriation is made nor obligation created for the reimbursement of any local agency for any costs incurred by it pursuant to the act.

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

SECTION 1. Part 11, commencing with Section 2670, is added to Division 2 of the Labor Code, to read as follows:

PART 11

CHAPTER 1. DEFINITIONS

Section 2670. It is hereby stated to be the policy of the State of California to encourage and protect the right of agricultural employees to full freedom of association, self-organization, and designation of representatives of their own choosing. For this purpose this part is adopted to provide orderly procedures for the selection of collective bargaining representatives by agricultural employees.

Section 2671. This part may be referred to as the "Agricultural Employees Election Law of 1974".

CHAPTER 1. DEFINITIONS

Section 2672. As used in this part:

(a) "Agricultural employee" or "employee" shall mean one engaged in agriculture as that term is defined in Section 3(f) of the Fair Labor Standards Act, as amended, 29 U.S.C. § 203(f).

(b) "Employer" shall be liberally construed to include any person acting directly or indirectly in the interest of an employer in relation to an agricultural employee, any individual grower, corporate grower, cooperative grower, any association of persons or cooperatives engaged in agriculture and shall include any person who owns or leases or manages land used for agricultural purposes, but shall exclude any person supplying agricultural workers to an employer, any labor contractor as defined by Section 1682 of this code, and any person functioning in the capacity of a labor contractor. The employer engaging such labor contractor or person shall
be deemed the employer for all purposes under this part.

(c) "Labor organization" shall mean any organization of any kind, or any agency or employee representation committee or plan, in which the employees participate and which exists, in whole or in part, for the purpose of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work for agricultural employees.

(d) "Bargaining unit" shall mean all the agricultural employees of any employer.

(e) "Certification year" shall mean one year from the date upon which the commission certifies the results of an election conducted pursuant to the provisions of this part and shall also mean one year from the inception of a recognitional strike in which a majority of the employees of an employer struck for recognition or from the confirmation of such majority by the commission, whichever is later.

(f) "Party" or "person" shall mean any individual person, corporation, partnership, or any other legal entity, employer, or labor organization having an interest in the outcome of a proceeding under this part.

(g) "Commission" shall mean the Agricultural Workers Commission established hereunder.

CHAPTER 2. AGRICULTURAL WORKERS COMMISSION

Section 2673. The Agricultural Workers Commission, consisting of three (3) members, is hereby created as an agency of the state. It shall exercise all powers vested in it under this code.

The members shall be appointed by the Governor, with the advice and consent of the Senate. One member shall be chosen from interests representative of agricultural employers. One member shall be chosen from interests representative of the workers. One member, who shall be the chairman, shall be chosen from interests representative of the public and shall not have had any association with agricultural management or agricultural labor interests. Each member shall receive
an annual salary equal to the annual salary paid a judge of a superior court in this state, and shall engage in no other business, vocation or employment.

Each member shall be appointed for a term of three (3) years, provided that the original chairman shall be appointed for a term of three (3) years and the remaining two members for periods of one (1) and two (2) years respectively as the Governor shall appoint.

Section 2673.1. The commission shall have the power to appoint such administrative assistants, attorneys, and other employees, as necessary for the proper exercise of its duties. The commission shall maintain principal offices in San Francisco and Los Angeles, and subsidiary offices in such places as it deems necessary.

Section 2673.2. The commission shall travel from place to place within the State of California to hear matters brought under the provisions of this part. It shall make a written summary of the proceedings held before it and the evidence upon which it bases its decision. Actions of the commission shall be taken by a decision of a majority of the commission.

Section 2673.3. The members of the commission and their authorized employees shall have free access to all places of labor. If any person or agent or officer thereof refuses admission to the members of the commission or their authorized employees or, upon request, willfully neglects or refuses to furnish them any statistics or information pertaining to their lawful duties, which are in his possession or under his control, it shall constitute grounds for setting the election aside and such person shall be guilty of a misdemeanor, punishable by a fine of not more than two hundred dollars ($200).

Section 2673.4. If any person willfully impedes or prevents the members of the commission or their authorized employees in the performance of their duties, it shall constitute grounds for setting the election aside and such person shall be guilty of a misdemeanor, punishable by a fine of not less than ten dollars ($10) and not more than fifty dollars ($50) or imprisonment of not less than seven (7) nor more than thirty (30) days in the
Section 2673.5. The members of the commission and their duly authorized employees may issue subpoenas to compel the attendance of witnesses and parties and the production of books, papers, and records; administer oaths; examine witnesses under oath; take the verification, acknowledgment or proof of written instruments; and take depositions and affidavits for the purpose of carrying out the provisions of this code and all laws which the commission is to enforce.

Section 2673.6. Obedience to subpoenas issued by the commission shall be enforced by the courts. It is a misdemeanor to ignore willfully such a subpoena if it calls for an appearance at a distance from the place of service two hundred fifty miles (250) or less.

Section 2673.7. The commission, upon the ex parte application of any party in writing, shall grant any subpoena requested by such party. Any person served with a subpoena may, within five (5) days of the service of the subpoena, file a petition in writing to revoke with the commission and serve a copy on the party applying for the subpoena. The commission shall revoke the subpoena if, in its opinion, the evidence, the production of which is required, does not relate to any matter under investigation or in question in the proceedings or the subpoena does not describe with sufficient particularity the evidence which is required, or if for any reason sufficient in law the subpoena is otherwise invalid. Absent special circumstances, failure to timely produce evidence pursuant to a subpoena shall not be grounds for granting any extension of time, except with the written approval of the party at whose request the subpoena was granted.

Section 2673.8. Any party shall have the right to appear at any hearing in person, by counsel, or by other representative, and any party and the commission shall have the power to call, examine, and cross-examine witnesses and to introduce into the record documentary and other evidence. Witnesses shall be examined orally under oath. The rules of evidence prevailing in courts of law or equity shall not be controlling. Stipulations of fact
CHAPTER 3. EMPLOYEE RIGHTS

Section 2674. Agricultural employees shall have full freedom of association, self-organization and designation of representatives of their own choosing and shall be free from the interference, restraint or coercion of employers, their agents, and other persons in the designation of such representatives, in self-organization or in other concerted activities.

CHAPTER 4. SECRET BALLOT ELECTIONS

Section 2675. Petitions for elections pursuant to this chapter shall be filed during the season of peak agricultural employment, shall be signed by the petitioner under penalty of perjury and shall allege:

(a) That the number of agricultural employees currently employed by the employer named therein, as determined from his payroll immediately preceding the filing of the petition, is not less that 50 percent of his peak agricultural employment for the current calendar year. Such peak employment shall be determined from past employment records, current crop data, and such other relevant evidence as may be available;

(b) That no valid election pursuant to this chapter has been conducted among the agricultural employees of the employer named in the petition within the twelve (12) months immediately preceding the filing thereof;

(c) That no labor organization is currently certified as
the exclusive collective bargaining representative of the
agricultural employees of the employer named in the
petition.

(d) That the petition is not barred by an existing
collective bargaining agreement;

(e) That in the case of a petition pursuant to this
chapter, the labor organization named therein has not,
within the twelve (12) months immediately preceding
the filing of the petition, discriminated against any
member or prospective member thereof who is engaged
in agriculture on the basis of race, color, national origin,
religion, sex or any other arbitrary or invidious
classification: provided, that a finding of reasonable cause
to believe that such labor organization has violated any
provision of Subchapter VI, Chapter 21, of Title 42 of the
United States Code, made by the United States Equal
Employment Opportunities Commission pursuant to 42
U.S.C. § 2000(e)(5), or a finding that such labor
organization has engaged in an unlawful employment
practice as defined in Part 4.5, Division 2, of the
California Labor Code, made by the State Fair
Employment Practices Commission pursuant to Section
1426 of the California Labor Code, shall be prima facie
evidence of such discrimination. Any issue of
discrimination under this subdivision may be determined
by the commission at a hearing following an election held
pursuant to this part. If the commission determines that
such discrimination has occurred, it shall, as the case may
be, either (1) refuse to certify the labor organization if
the labor organization receives a majority of the votes
cast and has not yet been certified by the commission, or
(2) decertify the labor organization if it had certified the
labor organization pursuant to Section 2675.5.

Section 2675.1. Whenever a petition shall have been
filed in accordance with procedures hereinafter
prescribed by an employee or group of employees, or any
individual or labor organization acting on their behalf
supported by:

(i) Authorization cards signed by a majority of the
employees in the bargaining unit and designating a labor
organization to act as their representative, or
(ii) Signed by a majority of employees in the bargaining unit asserting that the labor organization which has been certified or is being currently recognized by their employer, is no longer their representative, the commission shall investigate the allegations of such petition, and, if it finds reasonable cause to believe that such allegations are true, it shall within seven (7) days of the filing of the petition and upon at least forty-eight (48) hours notice to the parties conduct a secret ballot election in the bargaining unit, as such term is defined in subdivision (d) of Section 2672. However, if the agricultural employees of the employer are employed in two or more noncontiguous geographical areas, the commission shall determine the appropriate unit or units of agricultural employees in which such a secret ballot election shall be conducted.

Section 2675.2. Eligibility to vote in a secret ballot representation election among the agricultural employees of an employer shall be accorded:
(a) To all agricultural employees of the employer who appear on his payroll for the period immediately preceding the filing of the petition for such election: provided, that no agricultural employee of the employer hired subsequent to the commencement of a strike or work stoppage at his agricultural operations shall be entitled to vote in such election if the strike or work stoppage is still in progress on the date thereof;
(b) To all agricultural employees who have left the employment of the employer pursuant to a strike or work stoppage at his agricultural operations and have not accepted permanent employment elsewhere; and
(c) To all agricultural employees previously on the payroll of the employer whose employment was terminated either wholly or partially as the result of an unfair election practice. The commission shall not be barred from considering unfair practices, which affect or tend to affect the outcome of the election, occurring prior to the filing of the petition and any dismissal subsequent to the initiation of organizational activities is presumed to
be an unfair election practice within the meaning of this part absent clear and convincing proof to the contrary.

Section 2675.3. Any party to an election conducted pursuant to this chapter, or any agent of the board, may challenge for good cause the eligibility of any person to vote in the election. Such challenges shall be made at the time of the balloting and shall specify the reasons therefor. Any challenged ballots shall immediately be impounded by the board.

Section 2675.4. In the event that any ballots challenged pursuant to Section 2675.3 of this part are insufficient in number to affect the results of an election, and no objections are filed pursuant to Section 2680 of this part, the commission shall immediately issue to the parties a certification of the results of the election as provided below.

Section 2675.5. If any labor organization receives a majority of the votes cast it shall be certified by the commission as the exclusive collective bargaining representative of the agricultural employees among whom the election was conducted for a period of twelve (12) months. If no representative receives a majority of the votes cast in such an election, the commission shall so specify in its certification of the results thereof.

Section 2675.6. In any election pursuant to this chapter where the ballot provides for three (3) or more choices, and none of the choices receives a majority of the votes cast, the commission shall within three (3) days of the certification of results therein conduct a runoff election in which the ballot provides for a selection between the two choices receiving the largest and second largest number of votes cast. Any agricultural employee eligible to vote in the first election shall be eligible to vote in the runoff election provided that on the date thereof he meets the requirements of Section 2675.2 above. Challenges to the eligibility of any person to vote in a runoff election shall be made in accordance with Section 2675.3 above.

Section 2675.7. A collective bargaining agreement executed by an employer and a labor organization
certified as the exclusive bargaining representative of his agricultural employees pursuant to this chapter shall be a bar to any petition for an election among such employees, for a period not exceeding three (3) years provided that:

(a) It is in writing and executed by all the parties thereto;

(b) It is ratified in open meeting by a majority of such employees; and

(c) It incorporates all of the substantive terms and conditions of the employment of such employees. Any employee or group of employees or any individual or labor organization acting on their behalf may file a petition for an election pursuant to the provisions of this part by filing a petition more than sixty (60) days and less than ninety (90) days prior to the expiration of said contract.

Section 2675.8. Once a petition for an election has been filed, any labor organization qualified to appear on the ballot shall have the right to communicate peacefully with the employees at their residences or dwelling places or on the property of the employer during nonworking hours, including meal and rest periods or other breaks: provided said labor organization or its agents shall not interfere with the performance of work in the exercise of rights guaranteed by this section. Such right shall be specifically enforceable in a court of competent jurisdiction.

Section 2675.9. A labor organization shall be qualified to appear on the ballot if it presents authorization cards signed by at least ten (10) percent of maximum seasonal employment in the bargaining unit to the commission at least forty-eight (48) hours prior to the election, and files an affidavit stating that it is in compliance with the provisions of Section 2675. (e).

Section 2675.10. Any labor organization qualified to participate in an election may file with the commission any symbol or trademark it wishes to appear on the ballots used by the commission. The ballots of the commission shall then contain the symbols of the labor
organizations qualified to appear on the ballot. The
commission shall make available at any election ballots
printed in English and Spanish and upon request of any
qualified labor organization, the commission shall make
available ballots printed in any other language.

Section 2675.11. Any contract entered into on or
after the effective date of this part between the employer
and a labor organization not certified pursuant to the
provisions of this part shall be void and unenforceable
and contrary to public policy. An employer who, on or
after the effective date of this part, recognizes a labor
organization which has not been certified pursuant to the
provisions of this part shall be liable to make restitution
to each of the employees for any dues paid by said
employees to said labor organization. Upon application
by any person the commission shall within 30 days
determine whether a labor organization recognized by
the employer within the preceding year on or after the
effective date of this part was not certified pursuant to
the provisions of this part. If the commission finds the
labor organization was not so certified, it shall issue an
order determining the amounts due, the employees
eligible, and shall prescribe the method for effectuating
restitution. Within 60 days of the order the employer shall
render full accounting to the commission setting forth all
the facts establishing compliance with the commission's
order. If the commission has reason to believe a good faith
effort to comply with the order has not been made, it shall
petition a court of competent jurisdiction for an order
compelling compliance. Provided: Where an address for
the employee entitled to restitution is available, good
faith shall require an attempt at restitution by certified
mail, return receipt requested.

Furthermore, any employer who willfully enters into
an agreement in violation of this section shall, in addition
be liable to suit by any person who is injured thereby. Said
injured person shall recover the damages sustained by
him, attorney's fees, and the costs of the suit. He shall also
obtain appropriate equitable relief.

2675.12. Except as provided in this section and
Section 2682.1, nothing in this part shall affect any contract in effect on the effective date of this act. However, in any case in which a collective bargaining agreement has been entered into prior to the effective date of this act and exists after such date, a petition meeting the requirements of subdivision (a) of Section 2675 may be filed with the commission requesting that a secret ballot election be conducted among the agricultural employees in the bargaining unit subject to such agreement to determine if any labor organization is the bargaining representative of such employees. If such a petition is filed with the commission, the commission shall pursue the same course under this chapter as if a petition had been filed under Section 2675. Nothing in this section shall be construed to grant certification to a labor organization acting pursuant to any such agreement entered into prior to the effective date of this part.

CHAPTER 5. ELIGIBILITY; SEASONAL EMPLOYEES

Section 2676. It is hereby recognized that agriculture is a seasonal occupation for the great majority of agricultural employees. To provide the fullest scope for their enjoyment of the rights provided herein, no labor organization shall be deemed to have been selected pursuant to the provisions of this part if at the time the representation petition, or petition to decertify is filed, or at the inception of a recognitional strike, fifty (50) percent of the peak agricultural employment for the current calendar year is not on the payroll for the period immediately preceding the filing of the petition.

In this connection the peak agricultural employment for the prior season shall alone not be a basis for such determination, but rather the commission shall estimate the peak employment on the basis of acreage and crop statistics which shall be applied uniformly throughout the State of California, and upon all other relevant data.

Section 2676.1. The employer shall make the payroll list available to the commission and any labor
organization qualified to appear on the ballot forty-eight (48) hours prior to any election or verification. In the event the employer is unable to compile a full and accurate list within the requisite time period, the commission shall proceed to determine eligibility on the basis of such other evidence as is available to it at that time. Where an employer willfully supplies the commission with an inaccurate list, or otherwise willfully fails to perform its obligations under this section, the petitioning union shall be certified by the commission as the selected representative of the employer's employees.

Section 2676.2. At the conclusion of an election conducted pursuant to this part, the board shall immediately tally the unchallenged ballots cast therein and supply the results of such tally to the parties to the election.

Section 2676.3. Under no circumstances shall any of the time periods specified in this part for the conduct of an election or verification of a recognitional strike be extended.

CHAPTER 6. RECOGNITIONAL STRIKE

Section 2677. Whenever a majority of the agricultural employees in a bargaining unit engage in a bona fide recognitional strike and an employee or group of employees or any individual or labor organization acting on their behalf makes a demand upon the employer that he recognize a labor organization, the employees shall be deemed to have selected said labor organization as their bargaining representative.

Section 2677.1. Within forty-eight (48) hours of the initiation of such strike the employer or any person, individual or labor organization may make upon the commission a demand that it verify that a majority of the employees of the employer employed on the date of the strike are engaged in a recognitional strike. The commission shall immediately upon receipt of said demand proceed to make such verification and certify the results thereof. If the commission finds that a majority
Chapter 7. Collective Bargaining Representative

Section 2678. The representative selected for collective bargaining purposes by the majority of the employees in the bargaining unit pursuant to this part shall be the exclusive representative of all the employees in such unit for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment, and other conditions of employment. The methods of selecting representatives prescribed in this part shall be exclusive.

Chapter 8. Unfair Election Practices

Section 2679. The commission of unfair practices which affect or tend to affect the outcome of an election shall be cause for the commission to declare the election invalid.

Section 2679.1. It shall be an unfair practice for an employer or its agents:

(a) To interfere with, restrain, or coerce employees in the exercise of rights guaranteed by Section 2674 of this part;

(b) To dominate or interfere with the formation, selection or administration of any labor organization;

(c) To contribute financial or other support to a labor organization;

(d) To influence or attempt to influence the outcome of a secret ballot election by the loss or threat of loss of
jobs or benefits, or by the conferring of benefits or the
promise of benefits;
(e) To recognize, bargain with, or sign a collective
bargaining agreement with any labor organization not
certified pursuant to the provisions of this part;
(f) To discharge or otherwise discriminate against an
employee because he has invoked the procedures of this
part or otherwise given testimony hereunder;
(g) To interfere, coerce or restrain any labor
organization or its agents in the exercise of the rights
guaranteed by Section 2675.8 of this part.
(h) To interrogate, poll or otherwise inquire into the
views or preferences of any agricultural employee as to
collective bargaining or collective bargaining
representation;
(i) To engage in surveillance or cause the surveillance
of any agricultural employee;
(j) To visit the residence or dwelling place of any
agricultural employee during the pendency of a petition
for an election among his employees pursuant to this part;
(k) To communicate to any agricultural employee,
expressly or impliedly, a preference for recognizing,
bargaining with or otherwise dealing with any particular
labor organization or organizations;
(l) To discriminate in regard to hire or tenure of
employment or any other term or condition of
employment, in a manner tending to discourage or
encourage membership in or other support for any labor
organization: provided, that termination of the
employment of any agricultural employee, subsequent to
the initiation of organizational activities, shall be
presumed to be an unfair labor practice within the
meaning of this subsection absent clear and convincing
proof to the contrary: provided further, that nothing in
this part shall make it an unfair labor practice for an
employer to make an agreement with a labor
organization, which is certified as the exclusive
representative of his agricultural employees, to require as
a condition of employment membership in such labor
organization;
Section 2679.2. It shall be an unfair practice for a labor organization or its agents:
(a) To interfere with, restrain, or coerce employees in the exercise of rights guaranteed by Section 2674;
(b) To influence or attempt to influence the outcome of a secret ballot election by threatening the loss of jobs or benefits;
(c) To solicit or accept financial or other support from an employer. Any violation of this subsection shall be per se grounds for setting aside the election and disqualifying the labor organization from representing the employees of said employer for a period of three (3) years.
(d) To bargain with or sign a collective bargaining agreement with any employer if it has not been certified pursuant to the provisions of this part.
(e) To threaten any agricultural employee, expressly or impliedly, with injury to his person or property or to the person or property of any member of his family in the event that he fails or refuses to join, designate as his collective bargaining representative or otherwise support such labor organization;
(f) To injure or cause injury to the person or property of any agricultural employee, or of any member of his family, in reprisal for his having failed or refused to join, designate as his collective bargaining representative or otherwise support such labor organization;
(g) To cause or attempt to cause any employer to discriminate against any agricultural employee in regard to hire or tenure of employment, or to any other term or condition of employment, in a manner tending to encourage membership in or other support for such labor organization or to discourage membership in or other support for any other labor organization.

CHAPTER 9. CHALLENGE TO CONDUCT OF AN ELECTION

Section 2680. Within three (3) days of the holding of an election, any party may file with the commission objections alleging the commission of unfair practices
affecting or tending to affect the outcome of an election. In the event that any ballots challenged are sufficient in number to affect the results of an election, or objections are filed pursuant to this section, the commission shall investigate such objections or challenges, or both, and issue a report and decision thereon. Such report and decision shall be issued within seven (7) days of the balloting in the election or, in the event of objections, within seven (7) days of the filing thereof. If the commission’s investigation establishes that there are substantial and material issues of fact that can be resolved only after an administrative hearing, it shall direct in its report and decision that such hearing be conducted within seven (7) days thereof, and shall issue a final decision disposing of such challenges or objections within twenty-one (21) days of the conclusion of the hearing. If the commission’s investigation establishes no such issues of fact, it shall make a final disposition of such challenges or objections in its initial report and decision thereon.

Section 2680.1. Where the commission determines that an objection raises substantial and material issues of fact, requiring a hearing, it shall conduct a rerun election to be held twenty-one (21) days after the original election. The ballots shall be impounded pending the final decision of the commission. Any agricultural employee eligible to vote in the original election shall be eligible to vote in the rerun election provided he meets the requirements of Section 2675.2 above.

Section 2680.2. (a) If the board finds that any objection filed pursuant to Section 2680 of this part has merit, it shall:
(i) Immediately certify the election in question a nullity;
(ii) Tally the unchallenged ballots cast in the rerun election and supply the results of such tally to the parties to the election.
(b) If the board finds that none of the objections filed pursuant to Section 2680 of this part have merit, it shall:
(i) Make a tally of any ballots it finds to have been
CHAPTER 10. DUTY TO BARGAIN

Section 2681. Upon certification or verification by the commission that a labor organization has been selected by a majority of the employees as their bargaining representative, the employer shall have the obligation to bargain collectively with the labor organization as the exclusive representative of its employees.

Section 2681.1. For the purposes of this part, to bargain collectively is the performance of the mutual obligation of the employer and the representative of the employees to meet at reasonable times and confer in good faith with respect to wages, hours and other terms and conditions of employment or the negotiation of an agreement, or any question arising thereunder, and the execution of a written contract incorporating any agreement reached if requested by either party, but such obligation does not compel either party to agree to a proposal or require the making of a concession.

Section 2681.2. Upon the application of any person made not earlier than the ninetieth (90th) day nor later than the sixtieth (60th) day preceding the expiration of a certification year, the commission upon appropriate petition shall determine whether an employer whose employees selected a representative in accordance with this part has bargained in good faith. If the commission shall find that the employer has not so bargained, it shall extend the certification for an additional year, effective

challenged without good cause; and
(ii) Proceed to certify the results of the election in question in accordance with the provisions of this part.

Section 2680.3. Objections and challenges to the rerun election may be made in the same manner and under the same conditions as to the original election, except, that if the commission determines that an objection raises substantial and material issues of fact requiring a hearing, it shall not direct a second rerun election.
Section 2682. Decisions of the commission shall be final. Any person aggrieved by a final decision of the commission granting or denying, in whole or in part, the relief sought, or any person seeking to confirm, in whole or in part, a decision of the commission may obtain a review of such order in any superior court of the State of California in a county or city, in which the commission maintains its principal offices by filing in such court a written petition praying that the decision of the commission be confirmed, modified, or set aside. A copy of such petition shall be forthwith transmitted by the clerk of such court to the commission, and thereupon the commission shall file in the court the record of the proceeding, certified by the commission. Such record shall be certified and filed by the commission within ten (10) days of the clerk’s notice unless such time is extended by the court for good cause shown. The clerk shall give notice to all parties upon the filing of the commission’s record.

The court shall proceed to make and enter a judgment enforcing, modifying, and enforcing as so modified, or setting aside, in whole or in part, the order of the commission. The findings of the commission with respect to questions of fact shall be conclusive if supported by substantial evidence on the record considered as a whole. An order directing an election shall be reviewable in the same manner as provided herein for all other orders of the commission, but an order directing an election shall not be stayed pending review.

Proceedings under this provision shall be in accord with Article I, Chapter 5 of Part 3, Title 9 of the Code of Civil Procedure (commencing with Section 1290) except that the time for service and filing of the response to the petition shall be computed from receipt of the clerk’s notice of filing of the commission’s record as herein...
Section 2682.1. Except as specifically provided, nothing herein shall be construed to limit or impair the right to engage in a lawful strike, lockout, boycott, picket line, or any other lawful concerted activity and any contract executed prior to the enactment of this part shall not impair any such right nor bar an election conducted pursuant to a petition filed under Section 2675.12.

Section 2682.2. If any provision of this part, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this part, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

SEC. 2. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.