

Summary Analysis of S.B. 1002

As introduced, S.B. 1002 would repeal the "Agricultural Employment Relations Act" or the "Farm Labor Act" which was enacted in 1972 as Chapter 137, H.B. 2134. This law established the Agricultural Employment Relations Board (AERB) with powers and duties aimed at assisting in the settlement of agricultural labor disputes. The law defines the rights of agricultural employees and their employers, and it prescribes the procedures through which a party to an agricultural labor dispute may seek assistance of the board and the courts in settling such a dispute.

The board's seven members were appointed by the Governor on August 14, 1972, and during the following months of October and November, the AERB administrative office was established with the appointment of the Executive Secretary and the General Counsel. This office presently employs six permanent staff members, including the Executive Director, the General Counsel, two field investigators, and two secretaries.

While a total of \$200,000 was appropriated for the agency during fiscal year 1972-73, total expenditures amounted to only \$54,300, \$33,700 of which was spent on salaries and the remainder on travel, capital outlay, employee related expenditures, and other operating expenditures. The remaining \$145,700 of unused funds reverted to the General Fund.

Under the provisions of the Farm Labor Act, a party to an agricultural labor dispute may go directly to Superior Court to obtain injunctive relief or file charges of unfair labor practices with the AERB, or both. According to the AERB Executive Secretary, Mr. Jack P. Williams, the four charges filed since the establishment of the board (one by Safeway and three by growers) have all been filed directly through the courts, reportedly because this is the quickest method of obtaining relief. (Safeway also simultaneously filed a charge with the AERB.)

No charges of unfair labor practices have been filed by agricultural employees or their labor unions. According to spokesmen from the AERB and the United Farm Workers (UFW is the predominant labor organization representing Arizona's agricultural employees), the UFW does not officially recognize the existence of the AERB. The AERB also reports that no union representatives attended the public hearings on the board's rules and regulations.

To date, no hearings on unfair labor practices have been held by the board and there have been no requests for the board to conduct secret ballot elections or to determine appropriate units for collective bargaining purposes. However, Mr. Williams expects that the activity of the board will increase when the Teamsters Union becomes more active in the farm labor movement in Arizona. He indicated that the Teamsters, unlike the UFW, recognize the AERB as a legitimate arbiter of farm labor disputes.

Mr. Williams further notes that thus far the AERB and its staff have established rules and regulations and election and hearings procedures. In addition, an internal operations manual has been completed and the staff has been continually monitoring farm labor-related court cases.

With regard to the impact of the Farm Labor Act, the AERB Annual Report indicates that "we have been fortunate in Arizona that the disputes here have not contained the element of violence found in similar confrontations in California. We would, of course, like to be able to credit our law and Board as being the difference in the two situations. In truth, however, we must recognize the number and size of the growers as being the distinguishing feature, plus the lack of Teamsters activity in this state."

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