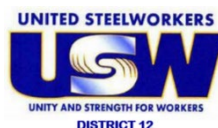




A Union of Educators & Classified Professionals



June 23, 2025

Senator Thomas Umberg
Chair, Senate Judiciary Committee
1021 O Street, Room 3240
Sacramento, CA 95814

RE: **AB 288 (McKinnor) – SUPPORT**

Dear Senator Umberg:

The undersigned organizations support AB 288 (McKinnor), which will authorize the state to step in and use its police powers to protect workers within its borders by preserving their fundamental and constitutional rights to free speech and free association; and by ensuring that they may meaningfully and effectively associate, organize, and bargain in pursuit of collective workplace goals.

The right for workers to join a union and bargain collectively is essential to economic security and human dignity. The right to free assembly, to organize, to form a union, to collectively bargain, and to take collective action to improve wages and working conditions are codified under the National Labor Relations Act (NLRA) for private sector workers and the National Labor Relations Board (NLRB) is the independent federal agency tasked with enforcing the NLRA and protecting workers' rights under the law. Workers also have rights under the First Amendment to the United States Constitution and the California State Constitution, to control the labor that they provide and to freely join with their coworkers to achieve improvements.

California law has also codified workers' fundamental and constitutionally protected rights as part of its public policy, stating in Section 923 of the Labor Code that "[workers] have full freedom of association, self-organization, and designation of representatives of his own choosing, to negotiate the terms and conditions of his employment, and that he shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection."

Despite our laudable public policy, employers continue to use delays in government processes to their advantage by squelching worker organizing efforts and otherwise violating workers' rights with impunity. Even when California workers are successful in unionizing despite the obstacles that employers put in their way, they are often forced to wait for years to have their right to meet their employer at the bargaining table vindicated. Such delays in getting remedial relief not only incentivize employers to refuse to bargain in good faith with workers' chosen collective-bargaining representatives, but it prevents workers from getting improved negotiated wages and benefits in a timely manner, thereby contributing to increased workplace conflict and instability.

Workers are irreparably harmed by these delays as they are often forced to abandon their efforts to act collectively to improve their circumstances, leaving them trapped in exploitative working conditions. Such a failure to protect workers' rights also opens the door to the kind of industrial unrest and violence against workers that plagued labor relations in our country prior to 1935.

While the National Labor Relations Act codified some of these worker rights, these rights do not arise only from the National Labor Relations Act. These rights are much more fundamental and are ingrained in workers' ability to control their own labor and their livelihoods. On top of that, although the National Labor Relations Board has long been the primary vehicle for protecting worker rights, this federal scheme is failing to adequately protect them.

The authority of the NLRB is currently threatened by legal challenges filed by numerous corporations. SpaceX and Amazon have both filed numerous lawsuits alleging that the NLRB is unconstitutional. Those lawsuits are just a few among more than two dozen challenges to the legitimacy of the NLRB by employers.

Even before these legal challenges, the [NLRB has struggled to provide effective relief](#) for workers seeking to organize. The recent surge in union organizing resulted in an increase in election filings that has more than doubled since 2021 and went up 27% from 2023 to 2024. The increase in election cases filed has also increased unfair labor practices cases, which were up 22% from 2023 to 2024. The surge in activity, however, resulted in fewer resolved cases, with 46% more cases unresolved in 2024 than 2023. At the same time as cases skyrocket, the NLRB continues to be underfunded and understaffed. Since the early 2000s, staffing in field offices has shrunk by 50% and in 2011, when there was a similar surge in cases filed, the NLRB had 62% more field staff.

The impact on workers is profound. [The Economic Policy Institute](#) did a case study of union drives at Starbucks, Amazon, and Trader Joes, and found that corporate union busting and delay tactics have a powerful chilling effect on workers who are intimidated out of supporting the union or cannot afford to wait years for a first contract. Even with hundreds of unfair labor practice charges, workers are still thwarted by the lack of enforcement and progress on their unionization drives. An understaffed NLRB is no match for the [nearly \\$400 million corporations](#) spend every year on "union avoidance" consultants and anti-union campaigns.

California cannot and must not sit idly by as California workers are exploited and chilled from exercising their rights. The state's power is at its zenith when it is exercising its police power to protect its populace's physical, social, and economic well-being, and we must exercise that right. As the Supreme Court has long recognized, "[i]n dealing with the relation of employer and employed, [a state] legislature has necessarily a wide field of discretion in order that there may be suitable protection of health and safety, and that peace and good order may be promoted through regulations designed to insure wholesome conditions of work and freedom from oppression."

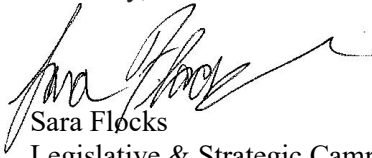
California, therefore, has a right and responsibility to regulate the working conditions of workers within its borders, including preserving workers' fundamental and constitutionally protected rights to free speech, to free association, and to have a real voice at their workplaces.

AB 288 respects the framework of federal labor law and requires workers covered by the NLRA to seek redress first before the NLRB. But if workers are unable to get a timely remedy at the federal level, this bill authorizes the state to step in to vindicate their fundamental rights.

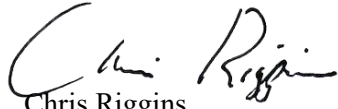
The right for workers to join a union and bargain collectively is essential to economic security and human dignity, and California must do everything possible to protect it. Our ability to fight inequity and injustice depends on the ability of workers to act collectively. Justice delayed is justice denied. California can, and should, step in to protect workers when federal agencies are unable to do so.

For these reasons, we urge you to vote "AYE" on AB 288 (McKinnor) when it comes before you in the Senate Judiciary Committee on Tuesday, July 1, 2025.

Sincerely,



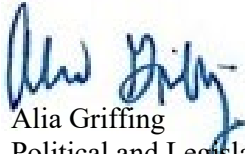
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Legislative & Strategic Campaigns Director
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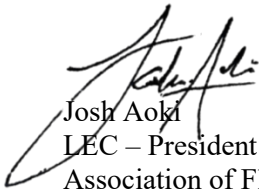
Chris Riggins
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Erin Tsurumoto Grassi
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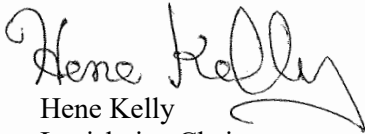
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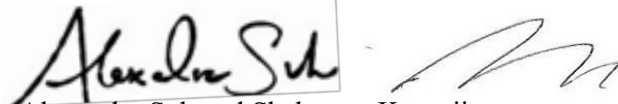
Josh Aoki
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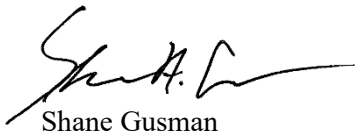
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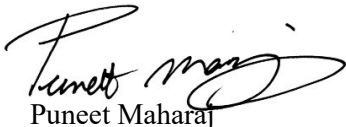
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California Conference of Machinists
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Engineers and Scientists of California, IFPTE, Local 20
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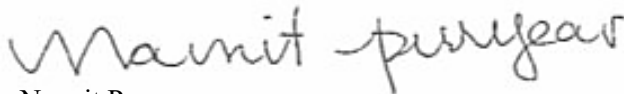
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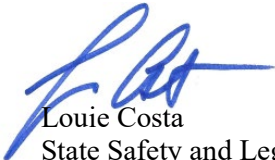
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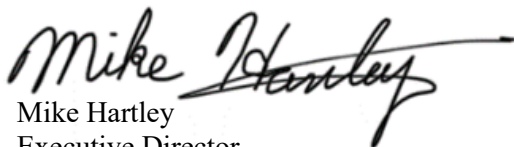
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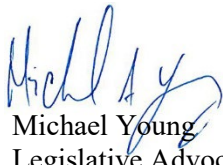
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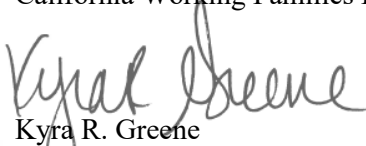
Mike Hartley
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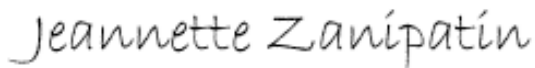
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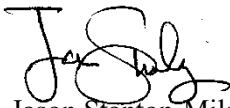
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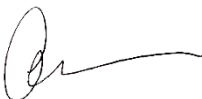
Alor Calderon
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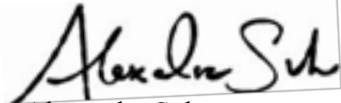
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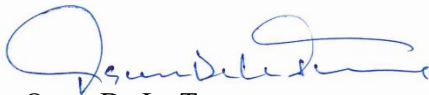
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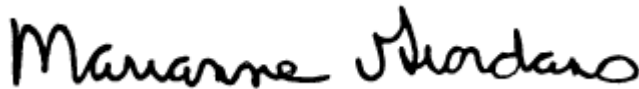
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Anica Walls
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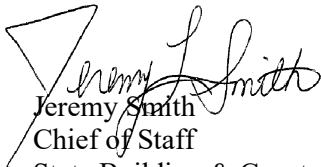
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SMART, Sheet Metal Workers' Union, Local 104



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Jeremy Smith
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Kristina Bas Hamilton
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Mikail H. Hussein
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Assemblymember Tina McKinnor

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