

Overview of Agricultural Collective Bargaining Statutes in Other States

State	Employer Size	Types of Employees Covered	Types of Employees Not Covered	Subjects for Bargaining	Unit Determination	Union Certification	Dispute Resolution	Oversight Body
Arizona	6 or more employed for 30 days during last 6 months	Employed in growing or harvesting crops, or packaging crops in the field	Immediate Family Independent Contractors Supervisory Confidential Clerical Guard Executive, professional, or technical Quit or discharged Tenant or sharecropper Hauling and stitching		Temp workers Perm workers All workers	Secret ballot	Strike ¹	Agricultural Employment Relations Board
California		Employed in agriculture		Wages Hours Conditions of employment	Possibility of geographically separate units	Secret ballot Majority support ²	Mediation ³ Strike	Agricultural Labor Relations Board
Colorado	8 or more employees	Employed in agriculture	Independent contractor Immediate family	Terms and conditions of employment		Secret ballot	Mediation Arbitration Strike ⁴	Division of Labor Standards and Statistics
Hawaii	2 or more employees	Employed in agriculture	Independent contractor Parent or Spouse Supervisor	Terms and conditions of employment		Secret ballot Majority support	Mediation Arbitration Strike ⁵	Hawaii Labor Relations Board
Kansas	6 or more employees for 20 or more days in any calendar month in past 6 months	Employed in agriculture	Under 16 Independent contractor Supervisory, professional, or technical Tenant or sharecropper	Terms and conditions of employment		Secret ballot	Mediation Board hearing Strike ⁶	Agricultural Labor Relations Board
Kentucky				Terms and conditions of employment			Strike	Education and Labor Cabinet
Louisiana		Employed in agriculture		Terms and conditions of employment				

¹ Employer may obtain court order stopping a strike for 10 days if employer agrees to binding arbitration. May also obtain an injunction stopping an illegal strike or a strike that “will result in the prevention of production or the loss, spoilage, deterioration or reduction in grade, quality or marketability of an agricultural commodity or commodities for human consumption” with a market value of at least \$5,000.00. A.R.S. § 23-1393(b).

² Petition for election or majority support can only be filed if current employment by farmer is at least 50% of peak agricultural employment. Cal. Labor Code § 1156.4.

³ Mediator may establish terms of collective bargaining agreement, subject to review by Agricultural Labor Relations Board, if the mediation fails. Cal. Labor Code §§ 1164 & 1164.3.

⁴ Employees must give the Division 30 days’ notice of a strike if the strike “would tend to cause the destruction or serious deterioration of” an agricultural product. Upon receiving notice, the Division Director must notify the employer and must attempt to mediate the dispute or convince the parties to submit the dispute to arbitration. C.R.S.A. § 8-3-113(3).

⁵ Employees must give Board 10 days’ notice of a strike if the strike “would tend to cause the destruction or serious deterioration of” an agricultural product. Upon receiving notice, the Board must notify the employer. HRS § 377-12.

⁶ Strikes are prohibited during “periods of marketing of livestock or during a critical period of production or harvesting of crops.” K.S.A. § 44-828(c)(6).

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Massachusetts	4 or more permanent employees	Employed in agriculture		Pay, wages, hours, and conditions of employment		Secret ballot Majority authorization	Mediation Fact finding Arbitration ⁷ Strike	Labor Relations Commission
Nebraska				Wages, hours, and conditions of employment		Secret ballot	Mediation Fact finding Determination by Commission Strike	Commission of Industrial Relations
New Jersey		Employed in agriculture						State Board of Mediation ⁸
New York		Employed in agriculture	Immediate family	Pay, wages, hours of employment, or other conditions of employment		Majority dues deduction authorization Secret ballot	Mediation Arbitration ⁹	Public Employment Relations Board
Oregon		Employed in agriculture by the employer for at least six calendar days		Terms and conditions of employment			Strike ¹⁰	
Washington		Employed in agriculture		Terms and conditions of employment			Strike	
Wisconsin		Employed in agriculture		Terms and conditions of employment		Secret ballot	Strike ¹¹	Employment relations commission
Maine*	5 or more agricultural employees	Employed in agriculture	Confidential employees	Wages Hours Conditions of employment		Secret ballot Majority sign-up	Mediation Arbitration	Maine Labor Relations Board

⁷ In the event that a labor dispute threatens public health or safety, the Governor may order parties to appear before a moderator who can mediate the dispute or endeavor to convince the parties to submit the dispute to arbitration. Alternatively, the Governor may request that the parties submit their dispute to a fact-finding board. M.G.L.A. 150B § 3.

⁸ Pursuant to court order.

⁹ Agricultural workers are specifically prohibited from engaging in a “strike or other concerted stoppage of work or slowdown.” N.Y Labor Law § 703, 704-b. New York also prohibits agricultural employers from locking out their workers. N.Y Labor Law § 704-b.

¹⁰ It is unlawful to picket a farm, ranch, or orchard when perishable agricultural crops are being harvested unless the individual picketing was an employee of the farm immediately prior to picketing. O.R.S. § 662.815.

¹¹ Employees must give the Commission 10 days’ notice of a strike if the strike “would tend to cause the destruction or serious deterioration of” an agricultural product. Upon receiving notice, the Commission must notify the employer and must attempt to mediate the dispute or convince the parties to submit the dispute to arbitration. W.S.A. § 111.15(3).