PUBLIC NOTICE
Regular Business Meeting Agenda
Public Employment Relations Board
November 12, 2025 ~ 10:00 a.m.

LOCATION: Public Employment Relations Board *
1031 18th Street, First Floor, Room 103, Sacramento CA

Please follow the instructions below to attend the meeting remotely.

Attend the meeting via video-conference:
1. In your web browser, go to https://zoomgov.com/
2. Select "Join a Meeting"
3. Enter the Meeting ID: **160 845 4391**
4. Enter your name
5. Enter the Passcode: **3808372756**, then click "continue"

OR

To attend the meeting via teleconference:
1. Dial (669) 254-5252
2. When prompted, enter the meeting id: **160 845 4391#**
3. Press # to skip the participant id
4. When prompted, enter the meeting password: **3808372756#**

A note on public comment:
In advance of the meeting, those who wish to comment during the public comment portion of the agenda or on specific agenda items may request to be added to the queue by emailing PERBInfo@perb.ca.gov. Please be sure to include your name, affiliation if any, and topic in the email.

During the meeting, you can make a request to speak in person, via video or the teleconference line when prompted by the Chair at each appropriate agenda item.

1. Roll Call.

2. Public Comment. This is an opportunity for the public to address the Board on issues not scheduled on today's agenda. The Board cannot act on those items but may refer matters to staff for review and possible Board action at a future, publicly noticed meeting.

**This meeting is accessible to the physically disabled. A person who needs disability-related accommodations or modifications in order to participate in the meeting shall make a request no later than five working days before the meeting to the Board by emailing PERBInfo@PERB.ca.gov , or sending a written request to PERB, 1031 18th Street, Sacramento, California 95811. Requests for further information should also be directed via email to PERBInfo@PERB.ca.gov. Additional information is also available at www.perb.ca.gov*

3. New Business:

A. TNC Act Regulations: The Office of the General Counsel will request Board approval to submit the attached rulemaking package to the Office of Administrative Law to initiate the formal rulemaking process for regulations implementing the Transportation Network Company Drivers Labor Relations Act (TNC Act).

4. Recess to Closed Session. The Board will meet in a continuous closed session each business day beginning immediately upon recess of the open portion of this meeting through December 11, 2025.

The purpose of these closed sessions will be to deliberate on cases listed on the Board's Docket (Gov. Code sec. 11126(c)(3)), personnel (Gov. Code sec. 11126(a)), pending litigation (Gov. Code sec. 11126(c)(1)), and any pending requests for injunctive relief (Gov. Code sec. 11126(e)(2)(c) and 11126(c)(2)(c)).

ATTACHMENT – Agenda Item 3.A

PROPOSED CHANGES TO PERB REGULATIONS RELATED TO THE TRANSPORTATION NETWORK COMPANY DRIVERS LABOR RELATIONS ACT

[Underlining indicates additions, while ~~strikethrough~~ indicates deletions]

CHAPTER 1. PUBLIC EMPLOYMENT RELATIONS BOARD

SUBCHAPTER 2. DEFINITIONS AND GENERAL PROVISIONS

Article 1. Definitions

32042. Transportation Network Company Drivers Labor Relations Act.

"TNC Act" means the Transportation Network Company Drivers Labor Relations Act codified in Chapter 10.7 of Division 3 of the Business and Professions Code (commencing with section 7470).

32043. Definition of Terms Under the TNC Act.

In matters arising under the TNC Act, the terms "transportation network driver organization" and "TNC driver organization" may each be interpreted, where applicable, to include two or more TNC driver organizations that jointly file a petition or request.

32092. Electronic Signature.

(a) "Electronic signature" means an electronic sound, symbol, or process attached to, or logically associated with, an electronic record and executed or adopted by a person with the intent to sign the electronic record. Electronic signatures are permitted only where expressly authorized by statute or these PERB regulations.

(b) When a document to be filed electronically requires a signature of any person, whether under penalty of perjury or otherwise, the document is deemed to have been signed by that person when electronically filed. The filing party, when electronically filing a document, certifies that the document has been properly signed or electronically signed. This subsection (b) shall not apply to proof of support under ~~s~~Sections 32700 and 110300.

Article 2. General Provisions

32110. Electronic Filing Requirements.

(a) Except as otherwise provided by this Chapter, electronic filing is mandatory when filing documents with PERB. For the initial filing of a case, the filing party shall serve all parties pursuant to Section 32140, subsection (a), and electronically file with PERB the initial filing and a proof of service. After the initial filing of a case, service of documents shall occur automatically through e-PERB, except for unrepresented individuals not utilizing ~~ePERB~~e-PERB, in which case the filing party must serve the documents by personal delivery, mail, or with another delivery service properly addressed. Electronic filing is not required when submitting documents at formal hearing.

(b) Electronic filing is available but not mandatory for an unrepresented individual. For purposes of this subsection, the term “unrepresented individual” shall mean an individual natural person not represented by an attorney or a union representative. However, an unrepresented individual ~~that~~who files electronically shall be required to electronically file all subsequent documents, and to accept electronic service, unless they provide written notice to all parties that future filings shall occur through a different authorized means.

(c) A party filing a document through e-PERB may use an electronic signature as defined in ~~s~~Section 32092. However, a party submitting proof of support under ~~s~~Sections 32700 or 110300 of these regulations, either through e-PERB or otherwise, may rely on electronic signatures only to the extent permitted under ~~s~~Sections 32700 and 110300.

(d) Documents electronically filed shall be in PDF format and text searchable. However, a party lacking the capacity to make a PDF file text searchable shall file the document in a non-text searchable PDF format, and shall telephonically notify the Board that it has done so. Unless documents are compressed (in a zip file format), the maximum size of any single document that can be electronically filed is 25 MB. For documents larger than 25 MB, the filer shall separate them into multiple parts so that each part is no larger than 25 MB.

(e) Each document shall be filed individually. Attachments and exhibits are part of the document to which they are associated. Where a document exceeds the size limit specified under subsection (d), the document must be split into parts and each filed individually. When a document is filed in multiple parts, each part must be identified as

part of the document, e.g., unfair practice charge part 1, unfair practice charge part 2, etc.

(f) Filers may electronically file a document through e-PERB at any time. However, all documents electronically filed after 11:59 p.m. on a business day, or at any time on a non-business day, will be deemed filed the next regular PERB business day. This section shall not apply to requests for injunctive relief whose filing requirements are governed by Ssections 32450 and 32455.

32115. Location to File Representation Matters.

(a) This regulation applies to documents that are not electronically filed. Except as provided for in subsections (b), (c), (d), (e) and (f), the appropriate location for filing documents in representation matters shall be the regional office ~~which~~ that serves the county in which the principal office of an employer is located, as described in Section 32075 of these regulations.

(b) The appropriate location for filing documents in representation matters under the Court Interpreter Act shall be as follows: in the case of Regions 1 and 4, the Los Angeles Regional Office; for Region 2, the San Francisco Regional Office; and for Region 3, the Sacramento Regional Office.

(c) The Sacramento Regional Office shall be the appropriate location for filing all documents in representation matters relating to the State of California, TNCs, the Assembly Committee on Rules, or the Senate Committee on Rules.

(d) The San Francisco Regional Office shall be the appropriate location for filing documents in representation matters relating to the Judicial Council, the University of California or University of California College of the Law, San Francisco (formerly known as Hastings College of the Law).

(e) The Los Angeles Regional Office shall be the appropriate location for filing documents in representation matters relating to the California State University.

(f) The Sacramento Regional Office shall be the appropriate location for filing all documents with SMCS in PUC transit representation matters.

(g) Notwithstanding the above, documents filed through e-PERB shall be deemed filed at the appropriate location.

32120. Filing Contracts with Board.

Each employer entering into a written agreement or memorandum of understanding with an exclusive representative pursuant to a labor relations act administered by PERB~~the PEDD, PECC, Trial Court Act, Court Interpreter Act, TEERA, MMBA, EERA, Ralph C. Dills Act, JCEERA, HEERA, OCTDA, SFBART Act, or Sacramento RTD Act~~, if requested by the Board, shall file one copy of the agreement and any amendments thereto with the Board within 15 days of the request.

32135. Non-Electronic Filing.

The following rules shall apply to parties authorized to file documents by a mail delivery service or in person:

(a) All documents not filed through e-PERB shall be considered "filed" when the originals are actually received by the appropriate PERB office, as stated in Section 32115 of these regulations, during a regular PERB business day. All documents, except for proof of support as described in Sections 32700 and 110300, must also be accompanied by proof of service pursuant to Section 32140.

(b) Documents must be scan-ready, which means that documents must not be stapled or otherwise bound. Parties may submit two-sided documents.

32140. Service.

(a) All documents referred to in these regulations requiring "service," except subpoenas, shall be considered "served" by the Board or a party when personally delivered, when deposited in the mail or with a delivery service properly addressed, or when sent by electronic service, as defined by Section 32093, and authorized in subsection (b) of this section. All documents required to be served shall include a "proof of service" declaration signed under penalty of perjury which contains the following information: (1) ~~T~~the name of the declarant; (2) the county and state in which the declarant is employed or resides; (3) a statement that the declarant is over the age of 18 years; (4) the address of the declarant; (5) a description of the documents served; (6) the method of service and a statement that any postage or other costs were prepaid; (7) the name(s), address(es) and, if applicable, e-~~lectronic~~ mail address(es) used for service on the party(ies); and (8) the date of service.

(b) Electronic service of a document is authorized only when a party has agreed to accept service electronically in that action. A party indicates that the party agrees to accept electronic service by:

(1) Serving a notice on all parties that the party accepts electronic service and filing the notice with the Board. The notice must include the e-~~lectronic~~ mail address at which the party agrees to accept service; or

(2) Electronically filing any document with the Board. The act of electronic filing is evidence that the party agrees to accept service at the e-~~lectronic~~ mail address the party has furnished to the Board.

(c) Whenever “service” is required by these regulations, service shall be on all parties to the proceeding and shall be concurrent with the filing in question.

(d) Whenever a document is required to be “filed” or “served” with any of the below listed entities, the proper recipient shall be:

(1) The Board: the appropriate or designated regional office (see, e.g., Section 32075) unless the headquarters office is specified, or the document is filed through e-PERB;

(2) The Board itself: only at the headquarters office unless the document is filed through e-PERB;

(3) An employer

(A) in the case of a public school employer: the superintendent, deputy superintendent, or a designated representative of a school district; or other public school employer under the Board's jurisdiction; or to the school board at a regular or extraordinary meeting;

(B) in case of a state employer: The Governor or the Governor’s designated representative on behalf of the State of California;

(C) in the case of a higher education employer:

(i) If the employer is the Regents of the University of California, the Office of the General Counsel of the University;

(ii) If the employer is the Directors of the University of California College of the Law, San Francisco (formerly known as Hastings College of the Law), the Office of the General Counsel of the University of California College of the Law, San Francisco;

(iii) If the employer is the Trustees of the California State University for unfair practice proceedings, service shall be on the Office of the General Counsel of the California State University; for representation proceedings, filing or service shall be on the Office of the Director of Employee Relations.

(D) in the case of a public agency employer as defined in Government Code section 3501(c): the chief executive officer, chief legal counsel, or individual whose job responsibilities includes receiving official documents on behalf of the chief executive officer, governing board, or chief legal counsel.

(E) in the case of a transit district employer as defined in Public Utilities Code section 99560.1(g), any person authorized to act on behalf of the employer.

(F) in the case of a trial court employer as defined in Government Code section 71601(k) or 71801(k): the individual designated to receive service or the executive officer.

(G) in the case of a regional committee employer as defined in Government Code section 71801(h) and 71807: the individual designated to receive service or the chair of the regional committee.

(H) in the case of the Judicial Council: the Administrative Director of the Courts or the Administrative Director's designated representative.

(I) in the case of a PUC transit district employer as defined in Public Utilities Code sections 28848(a), 40122.1(a), 98160(a), 100011, and 102011;~~,~~ any person authorized to act on behalf of the employer.

(J) in the case of the Assembly Committee on Rules: the Chief Administrative Officer of the Assembly or their designated representative;

(K) in the case of the Senate Committee on Rules: the Secretary of the Senate or their designated representative.

(4) A multicompany committee or TNC as defined in TNC Act section 7470.2, subdivisions (f) and (i), respectively: an individual designated to receive service, chief executive officer, chief legal counsel, or individual whose job responsibilities include receiving official documents on behalf of the chief executive officer, or chief legal counsel. Upon the request of a Board agent, a TNC or multicompany committee shall provide the name, mailing address, and e-mail address of at least one individual designated to receive service of documents related to the TNC Act.

(5) An employee organization: the individual designated to receive service or to the president or if there is no president, an officer of the organization.

(6) A TNC driver organization: an individual designated to receive service, the organization's chief officer, or an individual whose job responsibilities include receiving official documents on behalf of the chief officer. Upon the request of a Board agent, a TNC driver organization shall provide the name, mailing address, and e-mail address of at least one individual designated to receive service of documents related to the TNC Act.

(~~5~~7) An individual: to the named person or to their representative of record.

(e) Documents filed electronically with PERB will be deemed to have been served with the appropriate recipient, except: (1) all initial filings with PERB must be served by personal delivery, mail or through another delivery service properly addressed, and (2) electronic service shall not qualify as sufficient for service on an unrepresented individual party who has declined to use e-PERB as permitted by Section 32110 of these regulations.

(f) Upon request by a person or entity subject to the TNC Act, PERB's Office of the General Counsel shall provide information in its possession regarding individuals designated to receive service of documents on any TNC, multicompany committee, or TNC driver organization for a filing under the TNC Act.

32150. Subpoenas.

(a) Definitions

(1) "Testimonial subpoena" means a subpoena that solely requires a witness to appear at a Board hearing.

(2) “Records subpoena” means a subpoena that requires production of documents, electronically stored information, video records, audio records, or other records or things, either at a Board hearing or at a time and location in advance of such a hearing. A records subpoena may also require a witness to appear at a Board hearing to testify.

(3) “Declaration of materiality” means a declaration signed under penalty of perjury, submitted by the requesting party or that party’s representative, which:

(A) Describes the requested items; and

(B) Explains why the requested items are relevant to the issues involved in the case.

(4) “Consumer or employee notice” means a notice provided to a non-party consumer or employee as set forth in Code of Civil Procedure sections 1985.3 and 1985.6. <u>For purposes of Section 32150 of these regulations, “consumer or employee” shall include TNC drivers.</u>

(b) Geographic Coverage of Subpoenas: Testimonial and records subpoenas issued shall extend to all parts of the State of California.

(c) Requests to Shorten or Lengthen Timelines: A Board agent has discretion to alter the timelines under subsections (d), (e), (f), (g) and (i).

(d) Procedures for Obtaining Subpoenas: After the Board notifies the parties that an evidentiary hearing has been scheduled, and before the hearing is complete, any party may obtain signed testimonial and records subpoenas from the assigned Board agent (typically an Administrative Law Judge or hearing officer) or designee by using the following procedures:

(1) Blank subpoena forms may be obtained at each of the Board’s offices as well as on the Board’s website. A party or party representative shall fill out the blank form and provide it to the Board agent for review and signature.

(2) When filling out a blank records subpoena, a requesting party shall specify the records requested, and shall specify a production date that complies with subsection (f) below.

(3) When submitting a records subpoena to a Board agent for signature, a party or party representative must include a declaration of materiality.

(4) The Board agent has discretion to require a requesting party to serve a consumer or employee notice if a records subpoena seeks confidential personal records of a natural person who is not a party, an agent of a party, ~~or~~ an employee exclusively represented by a party, or a TNC driver represented by a certified driver bargaining organization.

(e) Procedures for Serving Subpoenas: After obtaining a signed subpoena from a Board agent or designee, a party or party representative shall serve the subpoena by using the following procedures.

(1) Method of service: For a subpoena to be effective, it must be (A~~a~~) personally served on the witness; or (B~~b~~) if a subpoena is being served on a party or an agent of a party, it is permissible to serve a representative who is designated in a notice of appearance or who has signed a filing in the matter on behalf of the party, unless that representative no longer represents the party.

(2) Time of service: If a testimonial subpoena is served fewer than ten (10) days before the date on which the witness must testify, or if a records subpoena is served fewer than twenty (20) days before the records must be produced, then the person or entity subject to the subpoena may request that the subpoena be revoked or limited for insufficient notice. The Board agent shall have discretion to find that the amount of notice was sufficient under the circumstances and the subpoena is therefore effective, to declare the subpoena ineffective, or to adjust, as may be appropriate under the circumstances, the scope, timing, methods, or other details regarding the testimony or records requested.

(3) Service of the declaration of materiality: The declaration of materiality must be served together with the corresponding records subpoena.

(4) Witness fee and mileage reimbursement: A witness who is neither a party nor an agent of a party may demand, at the time of service, a witness fee of $35.00 and a mileage reimbursement of $0.20 per mile, round-trip, for travel required to testify. If such a demand is made, the requesting party must provide the requested fee and reimbursement at the time of service.

(5) Service of the consumer or employee notice: If the Board agent has required a consumer or employee notice, such notice must be served, together with a copy of

the records subpoena and the declaration of materiality, on the non-party consumer, ~~or~~ employee, or TNC driver. Such service must be made at least ten (10) days prior to the production date.

(f) Production Schedule for Records Subpoenas

(1) The requesting party shall specify in the records subpoena the date, time, and location for production of requested items. The requested production date may be a hearing date. If the responding witness, entity, or party has at least twenty (20) days to respond following service of the records subpoena, then the requested production date may be a non-hearing date. The requested production date may not be later than the last scheduled day of hearing, unless otherwise ordered by the Board agent.

(2) The responding person or entity shall produce the requested items as specified in the records subpoena unless agreed otherwise or the Board orders otherwise. The responding person or entity need not produce items covered by a motion to revoke or limit a subpoena filed pursuant to subsection (h), pending resolution of the motion.

(3) If a records subpoena specifies a requested production date that is not a hearing date, and requires both records production and witness testimony, then the subpoena shall be deemed to require such testimony at the next scheduled hearing date, unless agreed otherwise or the Board orders otherwise.

(g) Motion to Extend Records Production Date: If a scheduled records production date is prior to the next scheduled hearing date, the responding person or entity with good cause may file a written motion to extend the requested production date by up to an additional ten (10) days or to the date of the scheduled formal hearing, if less than ten (10) days. The motion must be filed and served at least seven (7) days before the scheduled records production date.

(h) Motion to Revoke or Limit a Testimonial Subpoena: A motion to revoke a testimonial subpoena may be filed and served on the requesting party in writing or made orally at the scheduled formal hearing. The Board agent may grant or deny the motion, limit a witness's testimony, or grant a protective order in light of the arguments presented by the parties.

(i) Motion to Revoke or Limit a Records Subpoena: A responding person or entity may file a written motion to revoke or limit a records subpoena pursuant to the following procedures:

(1) The motion must be filed and served no later than twelve (12) days following service of the subpoena. The requesting party must submit any opposition no later than six (6) days after the responding person or entity serves such a motion. There shall be no reply briefs unless the Board agent directs otherwise.

(2) In resolving any dispute regarding a records subpoena, the Board agent may exercise discretion to set prehearing conferences, other formal hearings, or otherwise order other production dates. The Board agent may revoke or limit a records subpoena to the extent items requested to be produced are not relevant to any matter under consideration in the proceeding or are protected by an applicable privilege, or the subpoena is otherwise invalid. When the Board agent resolves such a dispute at a prehearing conference and orders production of certain items covered by the motion, the Board agent shall direct the date, format, and means of producing such items. When the Board agent resolves such a dispute on or after the first day of hearing and orders production of certain items covered by the motion, all such items shall be produced within 24 hours of the Board agent's ruling. The Board agent is also empowered to resolve any objections filed by a consumer, ~~or~~ employee, or TNC driver resulting from a consumer or employee notice regarding subpoenaed records.

. . .

[No further proposed changes to Section 32150]

SUBCHAPTER 4. DECISIONS OF THE BOARD ITSELF

32325. Remedial Power of the Board.

The Board shall have the power to issue a decision and order in an unfair practice case directing an offending party to cease and desist from the unfair practice and to take such affirmative action, including but not limited to the reinstatement of employees (or reinstatement or reactivation of TNC drivers) with or without make-whole relief~~back pay~~, as will effectuate the policies of the applicable statute.

32380. Limitation of Appeals.

The following administrative decisions shall not be appealable:

(a) A decision by a Board agent regarding the mechanics of an election provided the decision does not affect standing of a party to appear on a ballot.~~;~~

(b) Except as provided in Section 32200, any interlocutory order or ruling on a motion.

(c) A decision by a Board agent pursuant to Section 32793 regarding the existence of an impasse.

(d) A decision by a Board agent pursuant to Sections 110620 or 110630.

SUBCHAPTER 5. UNFAIR PRACTICE PROCEEDINGS

32615. Contents of Charge.

(a) A charge may be filed alleging that an unfair practice or practices have been committed. The charge shall be in writing, signed under penalty of perjury by the party or its agent with the declaration that the charge is true, and complete to the best of the charging party's knowledge and belief, and contain the following information:

(1) The name and address of the party alleged to have engaged in an unfair practice;

(2) The name, address, and telephone number of the charging party;

(3) The name, address, and telephone number of an authorized agent of the charging party to be contacted;

(4) The statutory provision(s), regulatory provision(s), or local rule(s)~~sections of the Government Code, the applicable local rules, or the sections of the Public Utilities Code, or the Welfare and Institutions Code,~~ alleged to have been violated;

(5) A clear and concise statement of the facts and conduct alleged to constitute an unfair practice; and

(6) A statement of the remedy sought by the charging party.

(b) A charge filed under MMBA, Article 3 of the Trial Court Act, the Court Interpreter Act, or OCTDA alleging a violation of local rules must also contain a copy of the applicable rule(s).

(c) Service and proof of service on the respondent pursuant to Section 32140 are required.

32661. Repugnancy ~~Claims~~.

(a) ~~An unfair practice charge concerning conduct subject to Government Code Section 3505.8, 3514.5(a)(2), 3524.55(a)(2), or 3541.5(a)(2), or subject to final and binding arbitration pursuant to a collective bargaining agreement for parties governed by the TEERA, HEERA, Trial Court Act, Court Interpreter Act, OCTDA, SFBART Act, or Sacramento RTD Act may be filed~~A charging party may oppose post-arbitration deferral to arbitration based on an assertion ~~claim~~ that ~~the~~a settlement, ~~or~~ arbitration award, or arbitration process is repugnant to the applicable Act.

(b) ~~The charge shall comply with the requirements of Section 32615. It shall allege with specificity the facts underlying the charging party's claim that the arbitrator's award is repugnant to the purposes of the applicable Act.~~The party asserting repugnancy must file a charge alleging both the facts showing a violation of the applicable labor relations act and the facts supporting repugnancy. In cases in which the Board has placed an unfair practice charge in abeyance based on pre-arbitration deferral pursuant to Section 32620, subsection (b)(6) of these regulations, the charging party may allege facts supporting repugnancy as part of an amended charge.

~~(c) In reviewing the charge to determine whether a complaint shall issue, the Board agent shall have all of the powers and duties specified in Sections 32620, 32630, and 32640. A Board agent's issuance of a complaint under this section shall not be appealable to the Board itself except as provided in Section 32360.~~

~~(d) The Board itself may, at any time, direct that the record be submitted to the Board itself for decision.~~

SUBCHAPTER 6. REPRESENTATION PROCEEDINGS

Article 1. General Provisions

32700. Proof of Support.

. . .

(g) Proof of support under the TNC Act is governed by Section 110300 of these regulations.

32710. Representation and Certification Matters Under the TNC Act

Representation and certification proceedings arising under the TNC Act are governed by Chapter 11 of these regulations. No part of Subchapter 6 of Chapter 1 of these regulations shall apply to such matters.

CHAPTER 11. TRANSPORTATION NETWORK COMPANY DRIVERS LABOR RELATIONS ACT

SUBCHAPTER 1. TNC ACT GENERAL PROVISIONS

110100. Application of General Regulations to the TNC Act.

(a) The following sections of these regulations shall apply to administration and enforcement of the TNC Act: Sections 31001 (Meetings), 31100 (General Provisions), 32020 (Board), 32030 (Board Itself), 32040 (Executive Director), 32050 (General Counsel), 32055 (Chief Administrative Law Judge), 32056 (State Mediation and Conciliation Service), 32060 (Headquarters Office), 32075 (Regional Office), 32080 (Day), 32090 (e-PERB), 32091 (Electronic Filing), 32092 (Electronic Signature), 32093 (Electronic Service), 32094 (Filed), 32105 (Severability), 32110 (Electronic Filing Requirements), 32115 (Location to File Representation Matters), 32120 (Filing Contracts with Board), 32125 (Filing Confidential Documents), 32130 (Computation of Time), 32132 (Extension of Time), 32135 (Non-Electronic Filing), 32136 (Late Filing), 32140 (Service), 32143 (Abeyances), 32145 (Waiver of Time Periods), 32149 (Investigative Subpoenas), 32150 (Subpoenas), 32155 (Recusals), 32162 (Confidentiality of Board Investigations), 32168 (Conduct of Hearing), 32169 (Depositions), 32170 (Authority of Board Agent Conducting a Hearing), 32175 (Rules of Evidence: Representation Cases), 32176 (Rules of Evidence: Unfair Practice Cases), 32178 (Burden of Proof: Unfair Practice Cases), 32180 (Rights of Parties), 32185 (Ex Parte Communications), 32190 (Motions), 32200 (Appeal of Rulings on Motions and Interlocutory Matters), 32205 (Request to Continue a Formal Hearing), 32206 (Production of Statements of Witnesses After Direct Testimony), 32207 (Hearings), 32209 (Correction of Transcript), 32210 (Informational Briefs and Arguments), 32212 (Briefs and Oral Argument), 32215 (Proposed Decision), 32220 (Contemptuous Conduct), 32230 (Refusal of Witness to Testify), 32295 (Ex Parte Communications), 32300 through 32315 (Regarding Exceptions to Proposed Decisions), 32320 (Decision of the Board Itself), 32325 (Remedial Power of the Board), 32350 through 32380 (Regarding Administrative Appeals), 32400 through 32410 (Regarding Requests for

Reconsideration), 32450 through 32470 (Regarding Requests for Injunctive Relief), and 32980 (Compliance).

(b) Section 110220 of these regulations lists additional sections that apply to unfair practice charges under the TNC Act.

110147. Expediting TNC Act Matters.

(a) Motions to Expedite

(1) A motion to expedite proceedings within a single division of the Board shall be filed with the General Counsel, Chief Administrative Law Judge, Director of State Mediation and Conciliation Services, or the Board itself, as appropriate. A motion to expedite proceedings at all divisions shall be filed with the Board itself.

(2) A motion to expedite a case must be clearly labeled as a motion to expedite. The motion may not be part of or combined with any other document other than a brief or declarations supporting the motion. The motion shall state with specificity why one or more of the criteria in subsection (b)(2) are satisfied.

(3) Any other party to the proceeding may file a response to a motion to expedite within 7 days of service of the motion. No reply briefs shall be filed unless otherwise ordered.

(4) Denial of any motion to expedite, in whole or in part, shall be without prejudice to a party's ability to renew its motion, unless otherwise ordered.

(5) The General Counsel, Chief Administrative Law Judge, Director of State Mediation and Conciliation Services, or the Board itself may expedite any case on its own motion.

(b) Applicable Criteria

(1) All divisions must expedite cases from initial filing to conclusion, without any motion or order, if they involve an application, petition, or request under Chapter 11, Subchapters 3 or 4 of these regulations, or if a representation or certification process or procedure has been stayed pending resolution of the case.

(2) In all cases not subject to mandatory expedited processing under subsection (b)(1), the following criteria shall be considered in determining whether a case should be expedited:

(A) whether expedited processing is necessary to preserve the Board's ability to issue an effective remedy;

(B) whether the case involves alleged conduct that would irreparably harm the exercise of rights that the TNC Act protects;

(C) whether the case involves an important and unresolved question of law;

(D) whether the case arises from or relates to a representation or certification dispute;

(E) whether a court injunction is in place pending resolution of the case;

(F) the number of TNC drivers affected, the size of any potential monetary remedy, or the nature, scope, or importance of any potential non-monetary remedy; and

(G) any compelling circumstances showing that expedited processing is warranted.

(c) Required Procedures for Expedited Cases

(1) In all cases falling under subsection (b)(1), and in other cases after an order expediting the matter has issued, the case shall be given priority and decided on an expedited basis in a manner determined to be appropriate by, as applicable, the General Counsel, Chief Administrative Law Judge, Director of State Mediation and Conciliation Services, or the Board itself.

(2) Any document filed in a case falling under subsection (b)(1), or in any other case if the document is filed in a division in which the case has been expedited, shall prominently display the words “EXPEDITED CASE” on the document's first page.

(3) In any expedited case, an abeyance may only be granted if all parties agree. An extension of time to file any document, or a request to continue a formal hearing, may be granted only when:

(A) the parties mutually agree to the extension of time or continuance;

(B) the continuance is necessary to mitigate prejudice caused by an amended pleading; or

(C) the party requesting the extension of time or continuance demonstrates extraordinary circumstances that outweigh any prejudice to other parties.

110164. Joinder of Parties Under the TNC Act.

(a) Any TNC, TNC driver, TNC driver organization, or multicompany committee may file with the Board agent an application for joinder as a party in a case. Service and proof of service of the application pursuant to Section 32140 are required.

(b) The application for joinder shall be in writing, signed by the applicant or representative filing it, and contain a statement of the extent to which joinder is sought and a statement of all the facts upon which the application is based. The Board shall allow each party an opportunity to oppose the application.

(c) The Board may allow joinder if it determines that the applicant has a substantial interest in the case or will contribute substantially to a just resolution of the case and will not unduly impede the proceeding.

(d) The Board may order joinder of a TNC, TNC driver, TNC driver organization, or multicompany committee, subject to its jurisdiction, on application of any party or its own motion if it determines that:

(1) In the absence of the TNC, TNC driver, TNC driver organization, or multicompany committee, as a party, complete relief cannot be afforded; or

(2) The TNC, TNC driver, TNC driver organization, or multicompany committee has an interest relating to the subject of the action and is so situated that the disposition of the action in their absence may:

(A) As a practical matter impair or impede their ability to protect that interest; or

(B) Leave any of the parties subject to a substantial risk of incurring double, multiple, or otherwise inconsistent obligations by reason of said interest.

(e) In a representation case, the Board shall grant a TNC driver organization's application for joinder if it satisfies the criteria set forth in subsection (c); provided, however, that if a TNC driver organization seeks through its joinder application to be the certified driver bargaining organization, then the Board must apply all requirements set forth in sections 7470.8(b)(2)(A) or 7470.8(d)(1)(B) of the TNC Act, as applicable, and shall deny joinder if those requirements are not met.

SUBCHAPTER 2. UNFAIR PRACTICE PROCEEDINGS UNDER THE TNC ACT

110200. Parties to an Unfair Practice Charge Under the TNC Act.

(a) Unfair practice charges alleging violations of the TNC Act may be filed by a TNC, multicompany committee, TNC driver, or TNC driver organization.

(b) Unfair practice charges alleging violations of the TNC Act may be filed against a TNC, multicompany committee, or TNC driver organization.

110210. Statute of Limitations for Unfair Practice Charges Under the TNC Act.

An unfair practice charge under the TNC Act shall be filed within six months from when the charging party knew, or should have known, of the conduct giving rise to the charge.

110220. Application of General Unfair Practice Regulations to the TNC Act.

The following sections of these regulations shall apply to unfair practice proceedings under the TNC Act: Sections 32616 (Venue), 32615 (Contents of Charge), 32620 (Processing of Case), 32621 (Amendment of Charge), 32625 (Withdrawal of Charge), 32630 (Dismissal/Refusal to Issue a Complaint), 32635 (Review of Dismissals), 32640 (Issuance of a Complaint), 32644 (Answer), 32645 (Non-prejudicial Error), 32647 (Amendment of Complaint Before Hearing), 32648 (Amendment of Complaint During Hearing), 32649 (Answer to Amendment), 32650 (Informal Conference), and 32661 (Repugnancy).

SUBCHAPTER 3. CERTIFICATION AND REPRESENTATION PROCEEDINGS UNDER THE TNC ACT

Article 1. Proof of Support from TNC Drivers

110300. Proof Requirements.

(a) Proof Supporting a TNC Driver Organization: In all contexts in which the TNC Act references proof of support for a TNC driver organization, or proof that a sufficient number of active TNC drivers have authorized a TNC driver organization to act as their bargaining representative, such proof shall clearly demonstrate that TNC drivers wish to be represented by the TNC driver organization for the purpose of bargaining on terms and conditions of work.

(b) Petitions for Decertification:

(1) In all contexts in which the TNC Act references proof of support for a decertification petition, such proof shall clearly demonstrate that active TNC drivers do not wish to be represented by the certified driver bargaining organization for the purpose of bargaining on terms and conditions of work.

(2) When a TNC driver organization seeks to decertify and replace the certified driver bargaining organization, proof of support shall clearly demonstrate that active TNC drivers wish to be represented by the petitioning TNC driver organization for the purpose of bargaining on terms and conditions of work, but such proof need not otherwise demonstrate that the TNC drivers do not wish to be represented by the certified driver bargaining organization.

(c) Proof of Opposition to Representation: In all contexts in which the TNC Act references proof that a sufficient number of active TNC drivers do not wish to be represented by any TNC driver organization, such proof shall clearly demonstrate that the TNC drivers do not wish to be represented by any TNC driver organization for the purpose of bargaining on terms and conditions of work.

(d) Validating Personal Information: Proof under subsections (a), (b), or (c) shall indicate each TNC driver's name. To aid the Board in determining to what extent such proof reflects the wishes of active TNC drivers, proof may also contain other validating information personal to a TNC driver, including one or more of the following: driver's license number (or last four digits thereof); e-mail address; local residence address; mailing address; cellular telephone number; the TNC platform(s) the TNC driver has joined; and the TNC driver's first date(s) joining such platform(s). Although the Board shall accept otherwise valid proof that contains no validating information personal to a TNC driver other than the TNC driver's name, the Board shall not rely on such proof

unless the Board can ascertain by a preponderance of the information provided that the name matches an active TNC driver.

(e) Joint Petitioners: For purposes of determining whether sufficient proof has been submitted, a joint petitioner may meet the required percentage by combining the total of the proof for each of the TNC driver organizations which make up the joint petitioner.

(f) Forms of Proof:

(1) Proof of support may consist of any one of the following or a combination thereof:

(A) Original dues deduction authorization forms signed by TNC drivers, or proof of dues payments by TNC drivers, if the proof supports a petition described in subsections (a) or (b)(2);

(B) Original membership applications signed by TNC drivers, if the proof supports a petition described in subsections (a) or (b)(2);

(C) Original authorization cards or original petitions signed by TNC drivers, provided that in the case of a petition, the purpose of the petition shall be clearly stated on each page thereof;

(D) A list of TNC drivers who have signed or electronically signed proof, or provided a PDF, screenshot, or image demonstrating their signatures on such proof. To validate such a list, the submitting party must provide the Board with a sample of such proof and must establish by sworn declaration that for each TNC driver listed, the submitting party maintains for inspection by the Board, if the Board finds it necessary to request such inspection, one of the following:

(i) Original proof pursuant to subsections (f)(1)(A), (f)(1)(B), or (f)(1)(C);

(ii) Records showing that the TNC driver organization obtained an electronic signature in compliance with the California Civil Code provisions collectively known as the Uniform Electronic Transactions Act, codified at Title 2.5 (commencing with Section 1633.1) of Part 2 of Division 3 of the California Civil Code; or

(iii) Records showing that a TNC driver organization obtained proof via a process that qualifies as an electronic signature by virtue of including each of the following elements: the proof contains the TNC driver's name and a cellular phone number, e-mail address, or mailing address; the TNC driver organization sent a confirmation transmission to the cellular phone number, e-mail address, or home address provided, indicating the language to which the TNC driver agreed; and the TNC driver organization has submitted to the

Board any responses to such confirmation transmissions that the TNC driver organization received by the time of submission.

(E) Other evidence as determined by the Board, provided that such evidence is consistent with the principles underlying this subsection (f)(1).

(2) No proof shall be valid to support a petition or request if the TNC driver executed the proof more than two years prior to the date of the petition or request. If proof does not show the date on which it was obtained, the submitting party shall have the burden of establishing by other means that the proof remained valid as of the time the relevant petition or request was first submitted.

(3) Any proof meeting the requirements of this section shall be valid even if the TNC driver demonstrated support for more than one TNC driver organization.

(g) Confidentiality: Documents, records, and information submitted to the Board as proof pursuant to this section, including but not limited to documents, records, and information submitted pursuant to subsection (f)(1)(D)(iii), shall remain confidential, shall not be disclosed by the Board to any other party, and shall be used only to determine whether the proof is sufficient.

(h) Fraud, Coercion, or Non-Genuine Signatures: Any interested party contending that proof from a TNC driver contains a non-genuine signature or was obtained by fraud or coercion, shall file evidence in the form of declarations under penalty of perjury supporting such contention within ten (10) days after the filing of the relevant petition or request. The Board shall not consider late-filed evidence, absent a showing of good cause. If the Board receives timely, prima facie evidence of fraud, coercion, or non-genuine signatures, the Board shall investigate the matter further and issue a remedy tailored to any issues that the investigation substantiates, which may include dismissing an application, petition, or request.

(i) Clarification of Purpose: Section 7470.8(c)(1) of the TNC Act specifies that a TNC driver organization submitting proof of support under sections 7470.8(a)-(b) may submit proof of support that complies with Section 32700 of these regulations. This Section 110300, which has the same substantive elements as Section 32700, clarifies applicable language while effectuating both section 7470.8(c)(1) of the TNC Act and other TNC Act provisions that do not specify the nature of the proof required.

Article 2. TNC Act Applications, Petitions, and Requests Regarding Certification and Representation

110400. Application for Designation as a Transportation Network Company Driver Organization.

(a) An application for designation as a TNC driver organization or an application for renewal of designation as a TNC driver organization shall be filed on a form provided by the Board and signed or electronically signed by an authorized agent of the applicant. Such an application shall include:

(1) The name, address, e-mail address, and telephone number of the applicant, and the name, address, e-mail address, and telephone number of the agent to be contacted; and

(2) Evidence of each characteristic set forth in section 7470.2(k) of the TNC Act.

(b) Service and proof of service of the application are not required.

110410. Request for Determination Whether TNC Driver Organization is Authorized by at Least 10 Percent of Active TNC Drivers.

(a) A request pursuant to TNC Act section 7470.8(a)(1)(A) shall be filed on a form provided by the Board and signed or electronically signed by an authorized agent of the requesting party. Such a request shall include:

(1) The name, address, e-mail address, and telephone number of the requesting party, and the name, address, e-mail address, and telephone number of the agent to be contacted; and

(2) A statement that the request is supported by at least 10 percent proof of support of active TNC drivers.

(b) The request shall be supported by at least 10 percent proof of support of active TNC drivers in compliance with Section 110300 of these regulations.

(c) The requesting party shall serve covered TNCs and any multicompany committee with a copy of the request but shall not serve copies of records evidencing proof of support.

(d) A TNC driver organization, covered TNC, or multicompany committee may respond with evidence pursuant to Section 110300, subsection (h) of these regulations. The deadline for response is set forth in Section 110300, subsection (h). Service and proof of service pursuant to Section 32140 are required.

110420. Petition for Certification Based on Majority Proof of Support.

(a) A petition pursuant to TNC Act section 7470.8(b)(3) shall be filed on a form provided by the Board and signed or electronically signed by an authorized agent of the petitioner. Such a petition shall include:

(1) The name, address, e-mail address, and telephone number of the petitioner, and the name, address, e-mail address, and telephone number of the agent to be contacted; and

(2) A statement that the petition is supported by proof of majority support of active TNC drivers.

(b) The petition shall be supported by proof of majority support of active TNC drivers in compliance with Section 110300 of these regulations.

(c) The petitioner shall serve covered TNCs and any multicompany committee with a copy of the petition but shall not serve copies of records evidencing proof of support.

(d) A TNC driver organization, covered TNC, or multicompany committee may respond with evidence pursuant to Section 110300, subsection (h) of these regulations. The deadline for response is set forth in Section 110300, subsection (h). Service and proof of service pursuant to Section 32140 are required.

110430. Petition for a Representation Election Based On At Least 10 Percent But Less Than 30 Percent Proof of Support.

(a) A petition pursuant to TNC Act section 7470.8(d) shall be filed on a form provided by the Board and signed or electronically signed by an authorized agent of the petitioner. Such a petition shall include:

(1) The name, address, e-mail address, and telephone number of the petitioner, and the name, address, e-mail address, and telephone number of the agent to be contacted; and

(2) A statement that the Board has determined that the petitioner has been authorized to act as the bargaining representative by at least 10 percent of active TNC drivers.

(b) The petitioner shall serve covered TNCs and any multicompany committee with a copy of the petition but shall not serve copies of records evidencing proof of support.

110435. Proof That At Least 10 Percent of Active TNC Drivers Support Another TNC Driver Organization.

(a) After a TNC driver organization files a petition pursuant to Section 110430 of these regulations, if another TNC driver organization wishes to submit proof that at least 10 percent of active TNC drivers have authorized it to act as their bargaining representative, such proof shall be submitted by the deadline established under TNC Act section 7470.8(d)(1)(B). The TNC driver organization submitting such proof shall provide the Board with:

(1) The name, address, e-mail address, and telephone number of the TNC driver organization submitting the proof, and the name, address, e-mail address, and telephone number of the agent to be contacted; and

(2) A statement that the TNC driver organization submitting proof pursuant to this section has obtained at least 10 percent proof of support from active TNC drivers.

(b) Proof pursuant to this section shall comply with Section 110300 of these regulations.

(c) Upon receipt of a submission under this section, the Board shall provide notice of the submission to the TNC driver organization that filed a petition pursuant to Section 110430 of these regulations, as well as to covered TNCs and any multicompany committee.

(d) The TNC driver organization that filed a petition pursuant to Section 110430 of these regulations, a covered TNC, or a multicompany committee may respond with evidence pursuant to Section 110300, subsection (h) of these regulations. Any such response must be filed within ten (10) days of notification pursuant to subsection (c) of this section. Service and proof of service of the response pursuant to Section 32140 are required.

110440. Petition for Certification Based On At Least 30 Percent But Less Than Majority Proof of Support.

(a) A petition pursuant to TNC Act section 7470.8(b)(2) shall be filed on a form provided by the Board and signed or electronically signed by an authorized agent of the petitioner. Such a petition shall include:

(1) The name, address, e-mail address, and telephone number of the petitioner, and the name, address, e-mail address, and telephone number of the agent to be contacted; and

(2) A statement that the petition is supported by at least 30 percent proof of support of active TNC drivers.

(b) The petition shall be supported by at least 30 percent proof of support of active TNC drivers in compliance with Section 110300 of these regulations.

(c) The petitioner shall serve covered TNCs and any multicompany committee with a copy of the petition but shall not serve copies of records evidencing proof of support.

(d) A TNC driver organization, covered TNC, or multicompany committee may respond with evidence pursuant to Section 110300, subsection (h) of these regulations. The deadline for such a response is set forth in Section 110300, subsection (h). Service and proof of service pursuant to Section 32140 are required.

110445. Proof That At Least 30 Percent of Active TNC Drivers Support Another TNC Driver Organization or Do Not Wish to Be Represented.

(a) After a TNC driver organization files a petition pursuant to Section 110440 of these regulations, if another TNC driver organization wishes to submit proof that at least 30 percent of active TNC drivers have authorized it to act as their bargaining representative, or a TNC driver wishes to submit proof that at least 30 percent of active TNC drivers do not wish to be represented by any TNC driver organization, such proof shall be submitted by the deadline established under TNC Act section 7470.8(b)(2). The TNC driver organization or TNC driver submitting such proof shall provide the Board with:

(1) The name, address, e-mail address, and telephone number of the TNC driver organization or TNC driver submitting the proof, and the name, address, e-mail address, and telephone number of the agent to be contacted; and

(2) A statement that the TNC driver organization or TNC driver submitting proof pursuant to this section has obtained at least 30 percent proof from active TNC drivers.

(b) Proof pursuant to this section shall comply with Section 110300 of these regulations.

(c) Upon receipt of a submission under this section, the Board shall provide notice of the submission to the TNC driver organization that filed a petition pursuant to Section 110440 of these regulations, as well as to covered TNCs and any multicompany committee.

(d) The TNC driver organization that filed a petition pursuant to Section 110440 of these regulations, a covered TNC, or a multicompany committee may respond with evidence pursuant to Section 110300, subsection (h) of these regulations. Any such response must be filed within ten (10) days of notification pursuant to subsection (c) of this section. Service and proof of service of the response pursuant to Section 32140 are required.

110450. Petition for Amendment of Certification.

(a) A petition for amendment of certification may be filed by the certified driver bargaining organization if the certified driver bargaining organization has undergone a change, such as merger, amalgamation, affiliation, or transfer of jurisdiction.

(b) The petition shall be filed on a form provided by the Board and signed by an authorized agent of the certified driver bargaining organization. Such a petition shall include:

(1) The name, address, e-mail address, and telephone number of the certified driver bargaining organization, and the name, address, e-mail address, and telephone number of the agent to be contacted; and

(2) A clear and concise statement of the desired amendment and reasons for the amendment, including the nature of the merger, amalgamation, affiliation, or change in jurisdiction.

(c) Service and proof of service pursuant to Section 32140 are required.

(d) A covered TNC or multicompany committee may respond within 15 days. Service and proof of service pursuant to Section 32140 are required.

110460. Petition for Decertification.

(a) A petition pursuant to TNC Act section 7470.8(e)(2) shall be filed on a form provided by the Board and signed or electronically signed by an authorized agent of the petitioner. Such a petition shall include:

(1) The name, address, e-mail address, and telephone number of the petitioner, and the name, address, e-mail address, and telephone number of the agent to be contacted;

(2) The name, address, e-mail address, and telephone number of the certified driver bargaining organization, and the name, address, e-mail address, and telephone number of the agent to be contacted; and

(3) A statement that the petition is supported by at least 30 percent proof of support of active TNC drivers.

(b) The petition shall be supported by proof pursuant to Section 110300 of these regulations showing that at least 30 percent of active TNC drivers either:

(1) No longer desire to be represented by the incumbent certified driver bargaining organization; or

(2) Wish to be represented by a TNC driver organization other than the incumbent certified driver bargaining organization.

(c) The petitioner shall serve the incumbent certified driver bargaining organization, covered TNCs, and any multicompany committee with a copy of the petition but shall not serve copies of records evidencing proof of support.

(d) The incumbent certified driver bargaining organization or a covered TNC or multicompany committee may respond within ten (10) days. Service and proof of service pursuant to Section 32140 are required.

110470. Petition by Covered TNC to be Exempted from Monthly Notification Requirement.

(a) A petition filed pursuant to TNC Act section 7470.9(e)(2) shall be signed or electronically signed by an authorized agent of the petitioner. Such a petition shall include:

(1) The name, address, e-mail address, and telephone number of the petitioner, and the name, address, e-mail address, and telephone number of the agent to be contacted; and

(2) A clear and concise statement of the undue cost burden that would be imposed by the monthly notification requirement.

(b) The petitioner shall serve all other covered TNCs and any multicompany committee, as well as the certified driver bargaining organization, with a copy of the petition.

(c) The certified driver bargaining organization may respond within ten (10) days. Service and proof of service pursuant to Section 32140 are required.

Article 3. Elections Under the TNC Act

110520. Board Supervision of TNC Act Elections.

(a) All elections required under the TNC Act shall be conducted by secret ballot under the supervision of the Board.

(b) If the Board engages a vendor to assist with an election, the Board shall supervise the vendor and ensure compliance with all applicable legal requirements.

110525. Ballot Wording.

(a) The Board shall determine all ballot wording and the order of voting choices.

(b) “No representation” shall appear as a choice on each ballot, other than in a runoff election held after “no representation” did not receive the highest or second highest number of votes cast in the original election.

110530. Scheduling of TNC Act Elections; Stay of TNC Act Elections.

(a) TNC Act section 7470.8(b)(2), which states that under specified conditions the Board "shall within 60 days hold a representation election," means that the voting period must begin within 60 days but need not end within 60 days.

(b) TNC Act section 7470.8(d)(1), which states that under specified conditions the Board "shall schedule a representation election to take place within 45 days," means that the voting period must begin within 45 days but need not end within 45 days.

(c) TNC Act section 7470.8(d)(3), which states that a runoff election "shall be held within 30 days of the determination that no choice received a majority of valid votes," means that the voting period must begin within 30 days but need not end within 30 days.

(d) TNC Act section 7470.8(e)(2), which states that the Board shall "schedule" a decertification election "within 30 days" of determining that a decertification petition is adequately supported, means that the voting period must begin within 30 days but need not end within 30 days.

(e) The Board may stay an election pending the resolution of an unfair practice charge upon a finding that alleged unlawful conduct would so affect the election process as to prevent TNC drivers from exercising free choice. Any such stay will toll the deadlines referenced in subsections (a), (b), (c), and (d). Any determination to stay an election made by a Board agent pursuant to this section may be appealed to the Board itself in accordance with the provisions of Chapter 1, Subchapter 4, Article 3 of these regulations.

(f) If a stay of election is in place, at the conclusion of the unfair practice proceedings giving rise to the stay, the Board shall apply governing Board precedent to effectuate the TNC Act's purposes.

110540. Tally of Ballots in a TNC Act Election.

(a) Each party shall be allowed to station an authorized agent, in-person or remotely, to observe the announcement of the tally of ballots.

(b) Within five (5) days after the announcement of the tally of ballots, the Board shall serve a tally of the ballots on each party.

110550. Objections to a TNC Act Election.

(a) Within ten (10) days following service of the tally of ballots, any party to the election may file objections to the conduct of the election. Any objections must be filed within the 10-day time period irrespective of whether a runoff election is necessary. Service and proof of service of the objections pursuant to Section 32140 are required.

(b) The statement of the objections must allege specific facts which, if true, would establish that the election result should be set aside based on one or both of the following grounds:

(1) The conduct complained of materially interfered with TNC drivers' free choice; or

(2) The conduct complained of constituted a serious irregularity in the conduct of the election.

(c) Any party wishing to respond to objections must do so within 10 days from the date of service of the objections. Service and proof of service of responses to objections pursuant to Section 32140 are required.

(d) Any response to objections shall address the allegations with specificity.

(e) No party may allege as grounds for setting aside an election its own conduct or the conduct of its agents.

(f) Upon receipt of objections and any responses thereto, the Board agent shall determine whether further investigation or an evidentiary hearing may be needed before issuing a ruling.

(g) A Board agent's ruling on objections, including the Board agent's determination whether to set aside an election result, shall be appealable to the Board itself in accordance with Chapter 1, Subchapter 4, Article 3 of these regulations.

SUBCHAPTER 4. BARGAINING AND IMPASSE RESOLUTION UNDER THE TNC ACT

110620. Petition for Referral to Mediation.

(a) A petition for a Board order referring the certified driver bargaining organization and covered TNCs to mediation shall be signed or electronically signed by an authorized

agent of the petitioner(s), and include the name, address, e-mail address, and telephone number of the petitioner(s), and the name, address, e-mail address, and telephone number of the agent(s) to be contacted. Service and proof of service of the petition pursuant to Section 32140 are required.

(b) Any response shall be filed within ten (10) days. Service and proof of service pursuant to Section 32140 are required.

(c) A Board agent's determination pursuant to this Section 110620 shall not be appealable to the Board itself.

110630. Petition for Referral to Arbitration.

(a) A petition for the Board to refer a bargaining dispute to arbitration shall be signed or electronically signed by an authorized agent of the petitioner(s), and include the name, address, e-mail address, and telephone number of the petitioner(s), and the name, address, e-mail address, and telephone number of the agent(s) to be contacted. Service and proof of service of the petition pursuant to Section 32140 are required.

(b) Any response shall be filed within ten (10) days. Service and proof of service pursuant to Section 32140 are required.

(c) A Board agent's determination pursuant to this Section 110630 shall not be appealable to the Board itself.

110640. Petition to Apportion TNCs' Share of Mediation or Arbitration Costs.

(a) A petition to apportion mediation or arbitration costs among TNCs based on market share shall be signed or electronically signed by an authorized agent of the petitioner, and include the name, address, e-mail address, and telephone number of the petitioner, and the name, address, e-mail address, and telephone number of the agent to be contacted. The petitioner shall serve covered TNCs and any multicompany committee with a copy of the petition.

(b) A covered TNC or multicompany committee may respond within ten (10) days. Service and proof of service pursuant to Section 32140 are required.

110650. Petition for Board Approval of Sectoral Bargaining Agreement.

A petition for Board approval of a sectoral bargaining agreement (or approval of a later amendment or modification thereto) shall be signed or electronically signed by an authorized agent of the petitioner(s), and shall include the name, address, e-mail address, and telephone number of the petitioner(s), and the name, address, e-mail address, and telephone number of the agent(s) to be contacted. Service and proof of service of the petition pursuant to Section 32140 are required.