

INITIAL STATEMENT OF REASONS

PROBLEM STATEMENT

The purpose of these proposed regulations is to implement the Transportation Network Company Drivers Labor Relations Act (TNC Act). The Legislature established the TNC Act through Assembly Bill 1340 (Stats. 2025, Ch. 335), with an effective date of January 1, 2026. Codified at Chapter 10.7 (Sections 7470–7470.21) of the California Business and Professions Code, the TNC Act establishes a collective bargaining framework wherein transportation network company (TNC) drivers in the State of California are granted the right to form, join, and participate in the activities of TNC driver organizations (i.e., unions) with respect to terms and conditions of work, as well as the right to refrain from doing so.

The TNC Act provides that the Public Employment Relations Board (PERB or Board) is responsible for its administration and enforcement. To fully implement the new law, PERB must amend its existing regulations and adopt new regulations, including a new chapter dedicated to matters under the TNC Act.

The TNC Act brings under PERB's jurisdiction individuals and entities unlikely to have familiarity with PERB proceedings. Moreover, the collective bargaining framework established by the TNC Act is unique among the statutes already administered by PERB. For the benefit of PERB and its constituents alike, it is essential to ensure that there are clear processes and procedures in place for PERB's administration and enforcement of the TNC Act. While the TNC Act is detailed and explicitly references certain existing PERB regulations that apply, it does not prescribe comprehensive procedures. Rather, the act delegates authority to the Board to promulgate regulations as necessary for implementation.

PERB has designed this proposed regulatory package to promote clarity and efficiency in administering the TNC Act. Toward these ends, the proposed regulatory package creates a new Chapter 11 applicable only to matters under the TNC Act. This proposed chapter clearly explains relevant procedures and requirements governing TNC Act matters. It also specifies which of PERB's existing regulations apply to the TNC Act, thereby avoiding confusion. Notably, PERB's existing representation regulations contained in Subchapter 6 of Chapter 1, which are generally applicable to PERB's other labor relations statutes, are made explicitly inapplicable to TNC Act matters. Representation procedures under the TNC Act are distinct from those under other statutes administered by PERB. By creating TNC Act-specific representation regulations in proposed Chapter 11, PERB is able to address

nuances specific to the TNC Act while avoiding confusion as to which set of procedures apply.

The proposed regulations also amend existing regulations as needed to extend their applicability to the TNC Act and for clarity and readability.

Below are the proposed regulatory changes required for PERB to implement its responsibilities under the TNC Act.

ANTICIPATED BENEFITS OF THE PROPOSED REGULATIONS

Implementing the TNC Act will impact hundreds of thousands of TNC drivers, their representative driver organizations, and approximately 14 TNCs operating in the State of California.

The purposes of the TNC Act include: promoting the right of TNC drivers to organize and designate representatives of their own choosing to negotiate terms and conditions of their work, or to refrain from doing so; facilitating the prevention or prompt resolution of disputes between TNCs and TNC drivers; and improving the working conditions of TNC drivers, which would, in turn, improve the vital services they provide to the general public.

The proposed regulatory changes will further the purposes of the TNC Act. The proposed regulations bring clarity to procedures governing representation matters under the TNC Act, thereby ensuring prompt and efficient recognition of the collective bargaining rights afforded to TNC drivers and driver organizations. By establishing case processing procedures for alleged TNC Act violations, the proposed regulations facilitate the prompt resolution of disputes between TNCs and TNC drivers, and promote labor peace. Ultimately, the proposed regulations will safeguard the procedural and substantive rights provided by the TNC Act to TNC drivers, TNC driver organizations, and TNCs, which will benefit California residents by promoting stable collective bargaining and dispute resolution.

SECTION-BY-SECTION EXPLANATION FOR ADOPTION & AMENDMENT

A. Adoption of New Sections

Proposed Section 32042 adopts a definition of “TNC Act” as “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).” This

proposed definition reflects the common usage of this term and is necessary for clarity throughout PERB's regulations.

Proposed Section 32043 defines terms applicable to matters arising under the TNC Act. Specifically, this proposed section provides that the terms "transportation network driver organization" and "TNC driver organization" may each be interpreted to include two or more TNC driver organizations that jointly file a petition or request. This proposed section is necessary to clarify that two or more driver organizations may jointly file a petition or request and to maintain consistency in PERB's processing of representation matters across its various labor relations statutes.

Proposed Section 32710 clarifies that representation and certification proceedings arising under the TNC Act are governed by proposed Chapter 11, which sets forth regulations (proposed Sections 110100–110650) pertaining specifically to the TNC Act. This proposed section further clarifies that Subchapter 6 of Chapter 1 of PERB's regulations (Sections 32700–32804), which generally governs representation proceedings, does not apply to TNC Act matters. Given that PERB's regulations, as proposed, contain both general and TNC Act-specific representation provisions, this proposed section is necessary to provide clarity as to which set of representation regulations apply to the TNC Act.

Proposed Chapter 11, entitled "Transportation Network Company Drivers Labor Relations Act," sets forth regulations (proposed Sections 110100–110650) pertaining specifically to the TNC Act. The proposed adoption of this new chapter is necessary to provide clarity concerning procedures specific to the TNC Act and avoids confusion by adopting TNC Act-specific terminology.

Proposed Subchapter 1 of proposed Chapter 11 for the TNC Act, entitled "TNC Act General Provisions," sets forth provisions generally applicable to TNC Act matters. This proposed subchapter is necessary to provide clarity concerning the processing of TNC Act matters, including specific guidance as to which of PERB's existing case processing procedures apply.

Proposed Section 110100 specifies which of PERB's general regulations are applicable to TNC Act matters. Proposed subsection (a) lists the general case processing regulations in Chapter 1 of PERB's regulations that apply to TNC Act matters. Proposed subsection (b) provides notice that additional existing regulations that apply specifically to unfair practice charges under the TNC Act are listed in proposed Section 110220. This proposed section is necessary to clarify which of PERB's existing case processing procedures apply to matters under the TNC Act, and to alert parties to additional applicable regulations specific to unfair practice charges.

Proposed Section 110120 concerns security of data obtained pursuant to the TNC Act. Proposed subsection (a) provides that the Board shall disclose data pertaining to TNC drivers only to the extent necessary under the TNC Act or as otherwise required by law. The TNC Act requires the Board to handle personal information regarding TNC drivers. Proposed subsection (a) is necessary to provide assurance that the Board's disclosure of this information is limited to the extent required by law. This is consistent with various provisions in the TNC Act promoting the safeguarding of TNC driver data. Proposed subsection (b) describes the circumstances under which a TNC driver organization, TNC, or multicompany committee will need to notify PERB's Office of the General Counsel of an actual or suspected data breach pertaining to TNC driver information. This provision will assist PERB in safeguarding TNC driver data by ensuring that PERB is apprised of significant data breaches or threats.

Proposed Section 110147 sets forth procedures for expediting TNC Act matters before the Board. This proposed section incorporates the substantive elements of existing Section 32147, which governs expediting matters under all other statutes administered by PERB, but adapts the text to apply specifically to the TNC Act.

Proposed subsection (a) generally governs motions to expedite. Proposed subsection (a)(1) specifies the divisions in which a motion to expedite may be filed. Proposed subsection (a)(2) requires parties to clearly label a motion to expedite and file it as a standalone document. It further requires the motion to state with specificity the criteria upon which the motion is based. Proposed subsection (a)(3) provides that a party may file a response and specifies that no reply briefs may be filed unless otherwise ordered. Proposed subsection (a)(4) permits a party to renew a motion to expedite after denial, unless otherwise ordered. Proposed subsection (a)(5) provides that the various divisions of PERB may expedite any case on their own motion. As a whole, proposed subsection (a) is necessary to provide clarity on the procedures governing expedited matters and promote efficiency.

Proposed subsection (b)(1) provides for automatic expediting in certification, representation, or election matters, or in cases where a representation or certification process or procedure has been stayed pending resolution. Proposed subsection (b)(2) sets forth the criteria to be considered in determining whether a case should be expedited. Proposed subsection (b) is necessary to ensure critical representation proceedings are handled promptly and to provide parties guidance as to the circumstances under which a motion to expedite may be granted. Such guidance would tend to discourage the filing of non-meritorious motions to expedite and therefore preserve administrative resources.

Proposed subsection (c) specifies required procedures for expedited cases. Proposed subsection (c)(1) provides that cases subject to automatic expediting will be given priority and decided in a manner determined to be appropriate by PERB's division heads or the Board itself. Proposed subsection (c)(2) requires that any document filed in an expedited case prominently display the words "EXPEDITED CASE" on the document's first page. Proposed subsection (c)(3) specifies the limited circumstances under which an abeyance may be granted in an expedited case. Proposed subsection (c) is necessary to ensure prompt processing of expedited matters.

Proposed Section 110164 describes the process for a TNC, TNC driver, TNC driver organization, or multicompany committee to file an application for joinder under the TNC Act. This proposed section incorporates the substantive elements of existing Section 32164, which governs joinder applications under all other statutes administered by PERB, but adapts the text to apply specifically to the TNC Act.

Proposed subsection (a) provides that a TNC, TNC driver, TNC driver organization, or multicompany committee may file an application for joinder as a party in a case. Proposed subsection (b) specifies the contents of a joinder application and allows each party an opportunity to oppose the application. Proposed subsections (c) and (d) set forth the criteria that will be considered in determining whether to order joinder, whether by application or on the Board's own motion. These proposed provisions are necessary to provide clarity on the procedures governing joinder applications and guidance as to the criteria that will be applied. Such guidance would tend to discourage the filing of non-meritorious applications and therefore preserve administrative resources.

Proposed subsection (e) requires that a TNC driver organization that seeks to become a certified driver bargaining organization through joinder must satisfy all relevant requirements, including proof of support requirements under Business and Professions Code section 7470.8, subdivisions (b)(2)(A) or (d)(1)(B). This proposed provision is necessary to ensure TNC driver organizations seeking joinder are apprised of all the requirements that must be satisfied.

Proposed Subchapter 2 of proposed Chapter 11 for the TNC Act, entitled "Unfair Practice Proceedings Under the TNC Act," sets forth regulations pertaining to unfair practice proceedings under the TNC Act. This proposed subchapter is necessary to provide clarity to the parties concerning how unfair practice charges under the TNC Act will be processed, including clarity regarding which of PERB's existing unfair practice procedures apply.

Proposed Section 110200 describes who may file an unfair practice charge and which entities an unfair practice charge may be filed against under the TNC Act. This proposed section is necessary to provide guidance to parties filing a charge under the TNC Act.

Proposed Section 110210 specifies that the applicable limitations period for unfair practice charges under the TNC Act is six months from when the charging party knew or should have known of the alleged violation. This proposed section is necessary to ensure parties have certainty regarding the limitations period and is consistent with the limitations period applied across all statutes under PERB's jurisdiction.

Proposed Section 110220 lists the sections of Subchapter 5 of Chapter 1 of PERB's regulations that apply to unfair practice proceedings under the TNC Act. This proposed section is necessary to provide clarity as to which of PERB's existing unfair practice procedures apply to matters under the TNC Act.

Proposed Subchapter 3 of proposed Chapter 11 for the TNC Act, entitled "Certification and Representation Proceedings Under the TNC Act," sets forth regulations governing representation matters under the TNC Act. This proposed subchapter is necessary to provide clarity regarding representation matters detailed in the TNC Act, which are unique among the statutes PERB administers.

Proposed Subchapter 3, Article 1 of proposed Chapter 11 for the TNC Act, entitled "Proof of Support from TNC Drivers," sets forth regulations relevant to proof of support and public data reporting. This proposed article is necessary to clearly define rules relevant to organizing under the TNC Act.

Proposed Section 110300 governs proof of support requirements in representation proceedings under the TNC Act. This proposed section incorporates the substantive elements of existing Section 32700, which governs proof of support requirements in representation proceedings under other statutes administered by PERB, but adapts the text to apply specifically to the TNC Act and encompasses key differences set forth in the TNC Act. This proposed section is necessary to implement Business and Professions Code section 7470.8, subdivision (c)(1), which affords driver organizations the right to submit proof of support under the standards set forth in PERB Regulation 32700.

Proposed subsection (a) provides that proof of support for a TNC driver organization must 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.

Proposed subsection (b) provides that proof of support for decertification petitions must clearly demonstrate that TNC drivers do not wish to be represented by the certified driver bargaining organization or wish to be represented by the petitioning TNC driver organization for the purpose of bargaining on terms and conditions of work.

Proposed subsection (c) provides that proof in opposition to representation must clearly demonstrate that TNC drivers do not wish to be represented by any TNC driver organization for the purpose of bargaining on terms and conditions of work.

Proposed subsections (a) through (c) are necessary to provide valuable guidance to parties regarding the language a valid proof of support must include depending on what the submitting party seeks. These proposed subsections are also necessary to implement Business and Professions Code section 7470.8, subdivision (c)(1), which affords driver organizations the right to submit proof of support under the standards set forth in PERB Regulation 32700.

Proposed subsection (d) requires that proof of support submitted under proposed subsections (a), (b), or (c) indicate each TNC driver's name and lists other categories of validating personal information that may aid the Board in determining to what extent proof reflects the wishes of active TNC drivers. This proposed subsection provides that the Board shall rely on proof if the Board can ascertain by a preponderance of the information provided that the name matches an active TNC driver. This proposed subsection is necessary to provide parties with valuable guidance on the information contained in proof of support and the legal standard that applies to the Board's validation process.

Proposed subsection (e) provides that a joint petitioner may meet the required percentage of proof of support by combining the total of the proof for each of the TNC driver organizations making up the joint petitioner. This proposed subsection ensures uniformity in PERB's processing of proof of support across all statutes administered by PERB that provide for representation proceedings.

Proposed subsection (f)(1) describes the various permissible forms of proof of support. Proposed subsection (f)(2) states that proof is valid for two years and places the burden on the submitting party to demonstrate the validity of proof that does not specify a date. Proposed subsection (f)(3) provides that proof remains valid even if the TNC driver demonstrates support for more than one TNC driver organization. Proposed subsection (f) is necessary to implement Business and Professions Code section 7470.8, subdivision (c)(1), which affords driver organizations the right to submit proof of support under the standards set forth in PERB Regulation 32700.

Proposed subsection (g) provides that proof of support is confidential and shall not be disclosed by the Board to any party. This proposed subsection is necessary to make clear PERB's longstanding recognition that proof of support is confidential and ensures consistent treatment of proof of support across all statutes administered by PERB that provide for representation proceedings. This proposed subsection is also necessary to implement Business and Professions Code section 7470.8, subdivision (c)(1), which affords driver organizations the right to submit proof of support under the standards set forth in PERB Regulation 32700.

Proposed subsection (h) sets forth a procedure by which an interested party may contend that proof of support from a TNC driver contains a non-genuine signature or was obtained through fraud or coercion. This proposed subsection is necessary to allow substantiated allegations of fraud or coercion to be investigated by the Board, thereby maintaining the integrity of representation procedures under the TNC Act. This proposed subsection is also necessary to implement Business and Professions Code section 7470.8, subdivision (c)(1), which affords driver organizations the right to submit proof of support under the standards set forth in PERB Regulation 32700.

Proposed subsection (i) explains that proposed Section 110300, which has the same substantive elements as existing Section 32700, clarifies applicable language while effectuating provisions of the TNC Act that do not specify the nature of the proof required. This proposed subsection is necessary to explain why PERB has created a TNC Act-specific regulation governing proof of support, and to implement Business and Professions Code section 7470.8, subdivision (c)(1), which affords driver organizations the right to submit proof of support under the standards set forth in PERB Regulation 32700.

Proposed Section 110350 provides that, within 10 days after the Board prepares a list of active TNC drivers pursuant to Business and Professions Code section 7470.6, subdivision (b), PERB's Office of the General Counsel will post the median number of rides completed in the past six months and the number of active TNC drivers on PERB's website. This information is necessary to assist parties in accurately assessing levels of proof of support, thereby allowing for the timely filing of representation requests, petitions, or objections. This will promote the rights of TNC drivers to join or not join a TNC driver organization and will foster administrative efficiency by minimizing the chance that parties file repeated, inadequately supported petitions, which would require PERB to repeatedly re-check proof of support.

Proposed Subchapter 3, Article 2 of proposed Chapter 11 for the TNC Act, entitled "TNC Act Applications, Petitions, and Requests Regarding Certification and Representation," provides for the filing of various applications, petitions, and requests

related to certification and representation under the TNC Act. This proposed article is necessary to provide clarity regarding filing requirements and procedures governing such matters.

Proposed Section 110400 provides for the filing of an application for designation as a TNC driver organization (Business and Professions Code section 7470.7). Proposed subsection (a) requires that the applicant submit a signed form and specifies the contact information and relevant evidence that must be included. Subsection (b) provides that service and proof of service are not required. This proposed section is necessary to provide clarity to TNC driver organizations regarding the procedures for filing an application and to ensure PERB has all information necessary to process the application.

Proposed Section 110410 provides for the filing of a request for a determination as to whether a TNC driver organization is authorized by at least 10 percent of active TNC drivers (Business and Professions Code section 7470.8, subdivision (a)(1)). Proposed subsection (a) requires that the requesting party submit a signed form and specifies the contact information and relevant evidence that must be included. Proposed subsection (b) requires submission of 10 percent proof of support of active TNC drivers. Proposed subsection (c) requires service on covered TNCs and any multicompartment committee, but specifies that copies of proof of support shall not be served. Proposed subsection (d) permits a TNC driver organization, covered TNC, or multicompartment committee to respond with evidence of coercion or fraud consistent with proposed Section 110300, subsection (h).

This proposed section is necessary to provide clarity to TNC driver organizations regarding the procedures for filing a request; ensure PERB has all information necessary to process the request; ensure the confidentiality of proof of support; and maintain the integrity of representation procedures under the TNC Act.

Proposed Section 110420 provides for the filing of a petition for certification based on majority proof of support (Business and Professions Code section 7470.8, subdivision (b)). Proposed subsection (a) requires that the petitioner submit a signed form and specifies the contact information and relevant evidence that must be included. Proposed subsection (b) requires submission of majority proof of support of active TNC drivers. Proposed subsection (c) requires service on covered TNCs and any multicompartment committee, but specifies that copies of proof of support shall not be served. Proposed subsection (d) permits a TNC driver organization, covered TNC, or multicompartment committee to respond with evidence of coercion or fraud consistent with proposed Section 110300, subsection (h).

This proposed section is necessary to provide clarity to TNC driver organizations regarding the procedures for filing a petition; ensure PERB has all information necessary to process the petition; ensure the confidentiality of proof of support; and maintain the integrity of representation procedures under the TNC Act.

Proposed Section 110430 provides for the filing of a petition for a representation election based on a showing of at least 10 percent proof of support but less than 30 percent proof of support (Business and Professions Code section 7470.8, subdivision (d)). Proposed subsection (a) requires that a petitioner submit a signed form and specifies the contact information and relevant evidence that must be included. Proposed subsection (b) requires service on covered TNCs and any multicompany committee, but specifies that copies of proof of support shall not be served.

This proposed section is necessary to provide clarity to TNC driver organizations regarding the procedures for seeking a representation election based on a showing of at least 10 percent proof of support, and ensures that PERB has all information necessary to process the petition.

Proposed Section 110435 provides for the submission of proof of support of at least 10 percent of active drivers by a TNC driver organization that wishes to appear on the ballot in a representation election resulting from a petition filed pursuant to proposed Section 110430 (Business and Professions Code section 7470.8, subdivision (d)(1)(B)). Proposed subsections (a) and (b) specify the contact information and relevant evidence that the submitting party must provide. Proposed subsection (c) requires the Board to provide notice of the submission to the TNC driver organization that filed the petition pursuant to proposed Section 110430, as well as covered TNCs or any multicompany committee. Proposed subsection (d) permits parties to respond with evidence of coercion or fraud consistent with proposed Section 110300, subsection (h).

This proposed section is necessary to provide clarity regarding the relevant procedures for submitting proof of support; ensure PERB has all information necessary to process the proof of support; and maintain the integrity of representation procedures under the TNC Act.

Proposed Section 110440 provides for the filing of a petition for certification based on at least 30 percent but less than majority proof of support (Business and Professions Code section 7470.8, subdivision (b)(2)). Proposed subsection (a) requires that the petitioner submit a signed form and specifies the contact information and relevant evidence that must be included. Proposed subsection (b) requires submission of at least 30 percent proof of support of active TNC drivers. Proposed subsection (c)

requires service on covered TNCs and any multicompany committee, but specifies that copies of proof of support shall not be served. Proposed subsection (d) permits a TNC driver organization, covered TNC, or multicompany committee to respond with evidence of coercion or fraud consistent with proposed Section 110300, subsection (h).

This proposed section is necessary to provide clarity to TNC driver organizations regarding the procedures for filing a petition; ensure PERB has all information necessary to process the petition; ensure the confidentiality of proof of support; and maintain the integrity of representation procedures under the TNC Act.

Proposed Section 110445 provides for the submission of proof of support in response to a petition filed by proposed Section 110440, indicating that at least 30 percent of active TNC drivers either support another TNC driver organization or do not wish to be represented by any TNC driver organization (Business and Professions Code section 7470.8, subdivision (b)(2)). Proposed subsections (a) and (b) specify the contact information and relevant evidence that the submitting party must provide. Proposed subsection (c) requires the Board to provide notice of the submission to the TNC driver organization that filed a petition pursuant to proposed Section 110440, as well as covered TNCs or any multicompany committee. Proposed subsection (d) permits interested parties to respond with evidence of coercion or fraud consistent with proposed Section 110300, subsection (h).

This proposed section is necessary to provide clarity regarding the relevant procedures for submitting proof of support; ensure PERB has all information necessary to process proof of support; and maintain the integrity of representation procedures under the TNC Act.

Proposed Section 110450 provides for the filing of a petition for amendment of certification by a certified driver bargaining organization in the event of a change such as a merger, amalgamation, affiliation, or transfer of jurisdiction. Proposed subsection (a) describes the types of changes for which a certified driver bargaining organization may file a petition. Proposed subsection (b) requires that the petitioner submit a signed form and specifies the contact information and relevant evidence that must be included. Proposed subsection (c) requires service and proof of service of the petition. Proposed subsection (d) permits a covered TNC or any multicompany committee to respond to the petition within 15 days.

This proposed section is necessary to provide clarity regarding the relevant procedures for amending a certification and ensure that PERB has all information necessary to process the petition.

Proposed Section 110460 provides for the filing of a petition for decertification of a certified driver bargaining organization (Business and Professions Code section 7470.8, subdivision (e)(2)). Proposed subsection (a) requires that the petitioner submit a signed form and specifies the contact information and relevant evidence that must be included. Proposed subsection (b) requires 30 percent proof of support of active TNC drivers. Proposed subsection (c) requires service of the petition on the incumbent certified driver bargaining organization, covered TNCs, and any multicompany committee, but specifies that copies of proof of support shall not be served. Proposed subsection (d) permits the incumbent certified driver bargaining organization, a covered TNC, or a multicompany committee to respond within ten days.

This proposed section is necessary to provide clarity regarding the relevant procedures for filing a petition; ensure that PERB has all information necessary to process the petition; and ensure the confidentiality of proof of support.

Proposed Section 110470 provides for the filing of a petition by a covered TNC to be exempted from a monthly notification requirement upon the certification of a certified driver bargaining organization (Business and Professions Code section 7470.9, subdivision (e)(2)). Proposed subsection (a) requires such petitions to be signed and specifies the contact information and relevant evidence that must be included. Proposed subsection (b) requires service on all other covered TNCs and any multicompany committee, as well as the certified driver bargaining organization. Proposed subsection (c) permits the certified driver bargaining organization to respond.

This proposed section is necessary to provide clarity regarding the relevant procedures for filing a petition and ensure PERB has all information necessary to process the petition.

Proposed Subchapter 3, Article 3 of proposed Chapter 11 for the TNC Act, entitled “Elections Under the TNC Act,” sets forth regulations governing the conduct of representation elections under the TNC Act. This proposed article is necessary to provide clarity to parties regarding election procedures.

Proposed Section 110520 provides for the Board’s supervision of secret ballot elections under the TNC Act and specifies that, if the Board engages a vendor to assist with an election, the Board must supervise the vendor and ensure compliance with all applicable legal requirements. This proposed section is necessary to clarify that the Board retains ultimate authority over the conduct of representation elections

under the TNC Act even when the Board chooses to contract with a vendor for certain election services.

Proposed Section 110525 provides for the issuance of directed election orders, except to the extent the parties reach an approved consent election agreement, and also provides that “No Representation” shall appear as a choice on each ballot in all elections other than a runoff election. This proposed section is necessary to clarify procedures governing election logistics.

Proposed Section 110530 clarifies the timelines within which various TNC Act elections must commence and describes the circumstances under which the Board may stay an election. Proposed subsections (a), (b), (c), and (d) provide that, where the TNC Act requires a representation election to be held within a certain number of days, this means that the voting period must begin but need not end within that number of days. These proposed subsections are necessary because the TNC Act requires electronic elections, which typically allow for voting over a specified period of time. These provisions resolve any ambiguity as to compliance with the statutory timeframes.

Proposed subsections (e) and (f) describe the circumstances under which the Board may stay an election. These proposed subsections are necessary to clarify the standards and procedures governing stays of elections.

Proposed Section 110540 governs the tally of ballots in a TNC Act election. Proposed subsection (a) permits each party to a representation election to station an agent, in-person or remotely, to observe the announcement of the tally of ballots. Proposed subsection (b) requires the Board to serve a tally of ballots on each party within five days of the announcement of the tally of ballots. This proposed section is necessary to clarify how the results of a representation election will be announced and the rights of all parties to observe the announcement.

Proposed Section 110550 governs the filing and processing of objections to the conduct of an election under the TNC Act. Proposed subsection (a) permits a party to an election to file objections to the conduct of an election within ten days following service of the tally of ballots. Proposed subsection (b) specifies the information an objection must include and the grounds upon which an election may be set aside. Proposed subsections (c) and (d) govern responses to objections filed by other parties. Proposed subsection (e) prohibits a party from citing its own conduct as grounds for setting aside an election. Proposed subsection (f) provides that a Board agent shall determine whether further investigation or a hearing is needed before issuing a ruling. Proposed subsection (g) provides that the Board agent’s ruling on

objections may be appealed to the Board itself. This proposed section is necessary to clarify the procedures for objecting to an election.

Proposed Subchapter 4 of proposed Chapter 11 for the TNC Act, entitled “Bargaining and Impasse Resolution Under the TNC Act,” sets forth regulations governing mediation, arbitration, and approval of sectoral agreements under the TNC Act. This proposed subchapter is necessary to clarify the procedures governing such matters.

Proposed Section 110620 provides for the filing of a petition to refer a bargaining dispute to mediation (Business and Professions Code section 7470.14, subdivision (d)). Proposed subsection (a) requires a signed petition, specifies the required contact information, and requires service and proof of service. Proposed subsection (b) permits a response to be filed within ten days. Proposed subsection (c) provides that a Board agent’s determination is not appealable to the Board itself. This proposed section is necessary to clarify procedures governing requests for mediation and to preserve administrative resources by alerting parties that the Board agent’s determination is not appealable to the Board itself.

Proposed Section 110630 provides for the filing of a petition to refer a bargaining dispute to arbitration (Business and Professions Code section 7470.14, subdivision (e)(2)). Proposed subsection (a) requires a signed petition, specifies the required contact information, and requires service and proof of service. Proposed subsection (b) permits a response to be filed within ten days. Proposed subsection (c) provides that a Board agent’s determination is not appealable to the Board itself. This proposed section is necessary to clarify procedures governing requests for arbitration and to preserve administrative resources by alerting parties that the Board agent’s determination is not appealable to the Board itself.

Proposed Section 110640 provides for the filing of a petition to apportion the share of mediation or arbitration costs among covered TNCs based on market share (Business and Professions Code section 7470.14, subdivision (e)(3)(B)). Proposed subsection (a) requires a signed petition, specifies the required contact information, and requires service of the petition. Proposed subsection (b) permits a response to be filed within ten days. This proposed section is necessary to clarify procedures governing petitions for apportionment.

Proposed Section 110650 provides for the filing of a petition for Board approval of a sectoral bargaining agreement (Business and Professions Code section 7470.17, subdivision (a)). This proposed section requires a signed petition, specifies the contact information that must be included, and requires service and proof of service.

This provision is necessary to clarify procedures governing petitions to approve a sectoral bargaining agreement.

B. Amendments to the Text of Existing Sections

Section 32092 provides a definition for the term “electronic signatures” and details when documents are deemed to be electronically signed. Subsection (b), which provides that a document is deemed to have been signed when electronically filed, is made expressly inapplicable to proof of support under Section 32700. The proposed amendment updates subsection (b) to provide that it is also inapplicable to proof of support under Section 110300, which governs TNC Act-specific proof of support. This proposed amendment is necessary to ensure the provision is comprehensive in referencing both proof of support provisions under PERB’s regulations, as well as to implement Business and Professions Code section 7470.8, subdivision (c)(1), which affords driver organizations the right to submit proof of support under the standards set forth in PERB Regulation 32700. The proposed amendment to subsection (b) also capitalizes the word “Section” for consistency purposes.

Section 32110 sets forth requirements for the electronic filing of documents with PERB through e-PERB, as that term is defined by Section 32090. Subsection (c) generally allows a party to use an electronic signature on documents filed through e-PERB, but specifies that electronic signatures on proof of support may only be used to the extent permitted under Section 32700. The proposed amendment updates subsection (c) to also limit electronic signatures on proof of support to the extent permitted under proposed Section 110300, which governs TNC Act-specific proof of support. This proposed amendment is necessary to ensure the provision is comprehensive in referencing both proof of support provisions under PERB’s regulations, as well as to implement Business and Professions Code section 7470.8, subdivision (c)(1), which affords driver organizations the right to submit proof of support under the standards set forth in PERB Regulation 32700. The proposed amendment includes other non-substantive edits for readability and consistency purposes.

Section 32115 specifies the locations for filing documents with PERB in representation matters that are not filed electronically. The proposed amendment to subsection (c) extends its application to representation matters filed under the TNC Act. This proposed amendment is necessary to provide clarity to constituents regarding the appropriate PERB regional office for filing representation matters under the TNC Act. The proposed amendment also includes a non-substantive grammatical edit to subsection (a).

Section 32120 provides for the filing of a written agreement or memorandum of understanding under certain specified labor relations statutes with the Board. The proposed amendment to this section deletes the references to specific labor relations statutes and extends the provision's application to agreements entered under all labor relations statutes administered by PERB. This proposed amendment is necessary to extend the applicability of this provision to TNC Act matters. Additionally, replacing the references to specific labor relations statutes promotes efficiency by ensuring that further amendment will not be needed if a new statute is added to PERB's jurisdiction.

Section 32135 concerns filing requirements for non-electronic filings. Subsection (a) exempts proof of support as described in Section 32700 from the requirement that all documents be accompanied by proof of service. The proposed amendment updates subsection (a) to also exempt proof of support as described in proposed Section 110300, which governs TNC Act-specific proof of support. This proposed amendment is necessary to ensure the provision is comprehensive in referencing both proof of support provisions under PERB's regulations, as well as to implement Business and Professions Code section 7470.8, subdivision (c)(1), which affords driver organizations the right to submit proof of support under the standards set forth in PERB Regulation 32700.

Section 32140 addresses the proper recipient for filing or service of documents. The proposed amendment adds subsection (d)(4) to identify the proper recipient on behalf of a TNC or a multicompany committee and (d)(6) to identify the proper recipient on behalf of a TNC driver organization. These proposed amendments are necessary to ensure that all respondents receive proper notice of legal actions against them.

Subsections (d)(4) and (d)(6) also provide that respondents under the TNC Act will provide contact information for at least one individual designated to receive service of documents related to the TNC Act. The proposed amendment also adds subsection (f), which requires PERB, upon request, to provide information in its possession regarding the individuals designated to receive service of documents related to the TNC Act. These proposed amendments are necessary to assist filing parties in determining the proper agent for service. Such information is not always readily available.

The proposed amendment further includes non-substantive edits for readability and consistency purposes.

Section 32150 concerns the issuance of subpoenas. Subsection (a)(4) defines the term "consumer or employee notice" to mean a notice provided to a non-party consumer or employee. The proposed amendment to subsection (a)(4) expands the

definition of “consumer or employee” to include TNC drivers. Subsection (d)(4) grants a Board agent discretion to require a party requesting a records subpoena to serve a consumer or employee notice if it 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. The proposed amendment to subsection (d)(4) expands the application of this subsection to circumstances in which a records subpoena seeks confidential personal records of a TNC driver represented by a certified driver bargaining organization. Subsection (e)(5) provides that, if a Board agent has required a consumer or employee notice, such notice must be served on the non-party consumer or employee. The proposed amendment to subsection (e)(5) expands the application of this subsection to require service on a TNC driver, as applicable. Subsection (i)(2) empowers a Board agent to resolve any objections filed by a consumer or employee resulting from a consumer or employee notice. The proposed amendment to subsection (i)(2) expands the application of this subsection to encompass objections from a TNC driver resulting from a consumer or employee notice. These proposed amendments are necessary to clarify that consumer and employee notice procedures apply to TNC drivers.

The proposed amendment also includes non-substantive edits for consistency purposes.

Section 32155 concerns the circumstances under which a Board agent or Board member will be recused from a case. Subsection (f) provides that a party aggrieved by the Board’s determination regarding a motion for recusal may include the matter in a writ of extraordinary relief authorized by certain specified labor relations statutes, or a writ proceeding in superior court challenging the Board’s refusal to issue a complaint. With respect to the ability to challenge a recusal decision in a writ of extraordinary relief, the proposed amendment to subsection (f) reformulates the text to delete the references to specific statutes and extend the provision’s applicability to any statute that authorizes writs of extraordinary relief from a final decision of the Board itself. This amendment is necessary to extend the applicability of this provision to matters under the TNC Act, and promotes efficiency by ensuring that further amendment will not be needed if a new statute authorizing writs of extraordinary relief is added to PERB’s jurisdiction.

Section 32325 concerns the remedial powers of the Board and lists reinstatement of employees and back pay as examples of available remedies. The proposed amendment to this section lists reinstatement or reactivation of TNC drivers as an example of available relief. The proposed amendment also replaces “back pay” with “make-whole relief.” Make-whole relief is a broader category of relief that encompasses back pay. These proposed amendments are necessary to update the

regulation to include non-employee TNC drivers and to conform PERB regulations to governing appellate and Board precedent.

Section 32380 specifies administrative decisions that are not appealable. The proposed amendment adds subsection (d) to include decisions by a Board agent pursuant to proposed Sections 110620 or 110630 (governing requests for referral to mediation or arbitration). A Board agent's duties under these statutes are ministerial. This proposed amendment is necessary to alert the parties that such decisions are not appealable and helps preserve administrative resources by avoiding improper appeals.

Section 32615 specifies the required contents of an unfair practice charge. Subsection (a)(4) requires the charging party to provide the sections of the Government Code, the Public Utilities Code, the Welfare and Institutions Code, or applicable local rules alleged to have been violated. The proposed amendment to subsection (a)(4) replaces this language to require the "statutory provision(s), regulatory provision(s), or local rules(s)" alleged to have been violated. This proposed amendment is necessary to provide clarity through more readable language. It further promotes efficiency, as deletion of the specific references to statutes ensures that further amendment will not be needed if a new statute is added to PERB's jurisdiction.

Section 32661 concerns the filing of repugnancy claims for unfair practice charge cases that were deferred to arbitration because the parties' written agreement covered the dispute. Subsection (a) allows a party to file an unfair practice charge based on a claim that a settlement or arbitration award is repugnant to the applicable labor relations statute. The proposed amendment to subsection (a) removes references to the filing of an unfair practice charge and replaces it with text providing that a charging party may oppose post-arbitration deferral based on an assertion that the settlement, arbitration award, or arbitration process is repugnant to the applicable labor relations statute. Subsection (b) describes the required contents of an unfair practice charge alleging repugnancy. The proposed amendment to subsection (b) replaces this description with text clarifying that a party asserting repugnancy must file a charge alleging both the facts showing a violation of the applicable statute and facts supporting repugnancy. The proposed amendment to subsection (b) further addresses situations in which an unfair practice charge has been placed in abeyance based on pre-arbitration deferral, and for those cases requires that the charging party allege facts supporting repugnancy as part of an amended charge. These proposed amendments are necessary to ensure consistency with PERB decisional law, which clarifies that repugnancy is an argument against deferral rather than a standalone violation giving rise to an unfair practice charge by itself.

Subsection (c) provides that the Board agent reviewing the charge shall have all the powers and duties specified in Sections 32620, 32630, and 32640, and that the issuance of a complaint is not appealable to the Board itself except as provided in Section 32360. Subsection (d) provides that the Board itself may, at any time, direct that the record be submitted to the Board itself for decision. The proposed amendment deletes subsections (c) and (d). This deletion avoids unnecessary duplication of unfair practice procedures.

Section 32700 concerns the requirements for valid proof of employee support in representation proceedings. The proposed amendment to this section adds subsection (g), which provides that proof of support under the TNC Act is governed by proposed Section 110300. This proposed amendment is necessary to direct parties to proposed Section 110300 for proof of support under the TNC Act, thereby ensuring that parties do not mistakenly rely on Section 32700.

C. Amendments Only to the Authority and Reference Citations of Existing Regulations

Section 31001 provides for meetings of the Public Employment Relations Board.

Section 32020 provides a definition for the term “Board.”

Section 32030 provides a definition for the term “Board itself.”

Section 32040 provides a definition for the term “Executive Director.”

Section 32050 provides a definition for the term “General Counsel.”

Section 32055 provides a definition for the term “Chief Administrative Law Judge.”

Section 32060 provides a definition for the term “headquarters office.”

Section 32075 provides a definition for the term “regional office.”

Section 32080 provides a definition for the term “day.”

Section 32090 provides a definition for the term “e-PERB.”

Section 32091 provides a definition for the term “electronic filing.”

Section 32093 provides a definition for the term “electronic service” where authorized or required by statute or within PERB’s regulations.

Section 32094 provides a definition for the term “filed” as the term is used for the formal submission of documents with PERB.

Section 32105 provides for the severability of PERB’s regulations.

Section 32125 describes the filing requirements for documents with confidential information.

Section 32130 addresses the computation of time for filings with PERB.

Section 32132 concerns the requirements for an extension of time in which to file documents with the Board.

Section 32136 describes the circumstances under which a late filing may be excused.

Section 32143 concerns the placement of PERB cases in abeyance.

Section 32145 concerns the waiver of time period requirements to expedite a matter.

Section 32149 concerns the issuance of investigative subpoenas.

Section 32161 establishes rules governing participation in PERB proceedings and the recording, photographing, or broadcasting of PERB proceedings.

Section 32162 concerns the confidentiality of Board investigations.

Section 32168 concerns the conduct of hearings.

Section 32169 concerns the taking of depositions.

Section 32170 concerns the powers and authority of a Board agent conducting a hearing.

Section 32175 concerns the rules of evidence in representation cases.

Section 32176 concerns the rules of evidence in unfair practice cases.

Section 32178 concerns the burden of proof in unfair practice cases.

Section 32180 concerns the “rights of parties” to representation including self-representation.

Section 32185 concerns ex parte communications with Board agents.

Section 32190 concerns filings and rulings on motions.

Section 32200 concerns the appeal of rulings on motions and other interlocutory matters.

Section 32205 concerns requests to continue a formal hearing.

Section 32206 concerns the production of statements of witnesses after testimony.

Section 32207 concerns stipulation of facts for purposes of hearing.

Section 32209 concerns the procedure for correction of hearing transcripts.

Section 32210 concerns the filing of informational briefs and oral argument.

Section 32212 concerns briefs and oral argument.

Section 32215 concerns issuance of proposed decisions.

Section 32220 concerns contemptuous conduct by a party or a party’s agent.

Section 32230 concerns the refusal of a witness to testify.

Section 32295 concerns ex parte communications with members of the Board itself or legal advisers to Board members.

Section 32300 concerns the filing of exceptions to Board agent decisions.

Section 32305 provides that proposed decisions become final if no timely exceptions are filed.

Section 32310 provides for the filing of responses to exceptions.

Section 32312 provides for the filing of reply briefs in support of exceptions.

Section 32315 concerns oral argument on exceptions.

Section 32320 concerns issuance of decisions by the Board itself.

Section 32350 provides for a definition of administrative decisions.

Section 32360 concerns requirements for appeals of administrative decisions.

Section 32370 concerns requests for a stay following an appeal.

Section 32375 provides for responses to administrative appeals.

Section 32400 provides that a motion for reconsideration is not required to exhaust administrative remedies.

Section 32410 provides for the filing of requests for reconsideration.

Section 32450 concerns the filing of requests for injunctive relief.

Section 32455 concerns the investigation of requests for injunctive relief.

Section 32460 provides for recommendations by the General Counsel concerning requests for injunctive relief.

Section 32465 provides for decisions by the Board itself concerning requests for injunctive relief.

Section 32470 concerns the authority of the General Counsel regarding requests for injunctive relief where a quorum of the Board itself is unavailable.

Section 32616 specifies in which regional office unfair practice charge filings should be made.

Section 32620 concerns the processing of unfair practice charges by Board agents.

Section 32621 concerns the amending of unfair practice charges.

Section 32625 concerns the withdrawal of unfair practice charges.

Section 32630 concerns the dismissal of unfair practice charges.

Section 32635 provides for the appeal of dismissals of unfair practice charges.

Section 32640 concerns the issuance of complaints in unfair practice charge cases.

Section 32644 provides for the filing of an answer in unfair practice charges where a complaint issues.

Section 32645 concerns non-prejudicial errors in unfair practice charges and related documents.

Section 32647 concerns amendments to complaints in unfair practice charge cases before hearing.

Section 32648 concerns amendments to complaints in unfair practice charge cases during a hearing.

Section 32649 concerns the filing of answers to amendments to complaints in unfair practice charge cases.

Section 32650 concerns the conduct of settlement conferences in unfair practice charge cases.

Section 32980 concerns enforcement of compliance with final decisions of the Board.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS RELIED UPON

PERB did not rely upon any other technical, theoretical, or empirical studies, reports or documents in proposing the adoption of these regulations.

ECONOMIC IMPACT ASSESSMENT (Government Code section 11346.3(b))

As a result of the enactment of Assembly Bill 1340 (Stats. 2025, Ch. 335), effective January 1, 2026, PERB is responsible for the administration and enforcement of the Transportation Network Company Drivers Labor Relations Act (TNC Act), which is codified at Chapter 10.7 (commencing with Section 7470) of Division 3 of the Business and Professions Code. The proposed regulations implement procedures for PERB's administration and enforcement of the TNC Act, thereby protecting the procedural and substantive rights of TNC drivers, their representative driver organizations, and TNCs.

In accordance with Government Code section 11346.3, subdivision (b), PERB has made the following assessments regarding the proposed regulations:

Creation or Elimination of Jobs Within the State of California

The TNC Act confers collective bargaining rights upon TNC drivers within the State of California and establishes a collective bargaining framework. These proposed regulations set forth the necessary procedures for PERB's administration and enforcement of the TNC Act, primarily governing the filing, processing, and resolution of unfair practice charges and representation matters. Clarifying and interpreting the TNC Act through these regulations will have no impact on job creation or elimination in California.

Creation of New Businesses or Elimination of Existing Businesses Within the State of California

The TNC Act confers collective bargaining rights upon TNC drivers within the State of California and establishes a collective bargaining framework. These proposed regulations set forth the necessary procedures for PERB's administration and enforcement of the TNC Act, primarily governing the filing, processing, and resolution of unfair practice charges and representation matters. Clarifying and interpreting the TNC Act through these regulations is not expected to create or eliminate any new businesses in California, nor will it impact the ability of California businesses to compete with those in other states.

Expansion of Businesses Within the State of California

The TNC Act confers collective bargaining rights upon TNC drivers within the State of California and establishes a collective bargaining framework. These proposed regulations set forth the necessary procedures for PERB's administration and enforcement of the TNC Act, primarily governing the filing, processing, and resolution of unfair practice charges and representation matters. Clarifying and interpreting the TNC Act through these regulations is projected to have no impact on the expansion of existing California businesses.

PERB will continue to investigate the potential for economic impact throughout this rulemaking process.

Benefits of the Regulations to the Health and Welfare of California Residents, Worker Safety, and the State's Environment

The proposed regulations establish the necessary procedures for the filing, processing, and resolution of unfair practice charges and representation matters under the TNC Act. This regulatory action furthers the policies of the TNC Act by ensuring

prompt and efficient recognition of the rights afforded to parties and facilitating the prompt resolution of disputes between TNCs and TNC drivers, which will promote labor peace. It will not adversely affect the health and welfare of California residents, worker safety, or the State's environment. Rather, the regulatory action will promote stable collective bargaining and prompt dispute resolution, allowing California residents to benefit from the continuous delivery of vital services provided by the TNCs and their drivers to California's communities.

INFORMATION RELIED UPON TO SUPPORT PERB'S INITIAL DETERMINATION THAT THE PROPOSED REGULATORY ACTION WILL NOT HAVE A SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

The proposed regulations establish the necessary procedures for the filing, processing, and resolution of unfair practice charges and representation matters under the TNC Act. Because the proposed regulatory action implements and clarifies requirements already established by the TNC Act, PERB has preliminarily determined that the proposed regulatory action will not result in a significant adverse economic impact on businesses.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS

PERB has not identified any adverse impacts on small businesses resulting from these proposed regulations. Consequently, no alternatives to mitigate such impacts have been identified or proposed.

MANDATED USE OF SPECIFIC TECHNOLOGIES OR EQUIPMENT

PERB's proposed regulations do not mandate the use of any specific technologies or equipment.