

TITLE 8. PUBLIC EMPLOYMENT RELATIONS BOARD

NOTICE OF PROPOSED RULEMAKING

The Public Employment Relations Board (PERB or Board) proposes to adopt and amend the regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Board proposes to adopt proposed new sections 32042, 32043, 32710, 110100, 110120, 110147, 110164, 110200, 110210, 110220, 110300, 110350, 110400, 110410, 110420, 110430, 110435, 110440, 110445, 110450, 110460, 110470, 110520, 110525, 110530, 110540, 110550, 110620, 110630, 110640, and 110650; and amend sections 32092, 32110, 32115, 32120, 32135, 32140, 32150, 32155, 32325, 32380, 32615, 32661, and 32700.

PUBLIC HEARING

The Board has not scheduled a public hearing for this proposed action. However, a hearing will be held if a written request is received from any interested person or their authorized representative. Such requests must be submitted no later than 15 days before the close of the written comment period to:

Sara Kang Rhee, Senior Regional Attorney
Public Employment Relations Board
Los Angeles Regional Office
425 W. Broadway, Suite 400
Glendale, CA 91204

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. Comments may also be submitted by facsimile (FAX) at (916) 327-6377 or by e-mail to sara.kang@perb.ca.gov. The written comment period closes on November 3, 2026, which is 46 days after the publication of this notice. The Board will only consider comments received at the Board offices by that date and time. Submit written comments to:

Sara Kang Rhee, Senior Regional Attorney
Public Employment Relations Board
Los Angeles Regional Office
425 W. Broadway, Suite 400
Glendale, CA 91204

AUTHORITY AND REFERENCE

A. Authority

The Board is vested with the authority to determine questions concerning employee or worker representation and to adopt such rules and regulations as may be necessary to carry out the provisions and to effectuate the purposes and policies of the labor relations statutes within its jurisdiction, pursuant to the following statutory authority: Business and Professions Code sections 7470.4(b) and 7470.4(c); Government Code sections 3509(a), 3513(h), 3524.52(a), 3541.3(g), 3551(a), 3555.5(c), 3563(f), 3599.52(a), 71639.1(b) and 71825(b); Public Utilities Code sections 28849(b), 40122.1(a), 98160.5(b), 98162.5, 99561(f), 100301, 100309(b), 102399(b) and 102403; and Welfare and Institutions Code section 10421(e).

B. Reference

The proposed regulations and amended regulations below reference the following:

Business and Professions Code sections 7470, 7470.1, 7470.2, 7470.2(k), 7470.3(a), 7470.4(b), 7470.4(c), 7470.4(d), 7470.5(c), 7470.6, 7470.6(b), 7470.7, 7470.8, 7470.8(a)(1), 7470.8(b), 7470.8(b)(2), 7470.8(c), 7470.8(d), 7470.8(d)(1)(B), 7470.8(e)(2), 7470.9(c), 7470.9(e)(2), 7470.14(c), 7470.14(d)(1), 7470.14(d)(4), 7470.14(e)(2), 7470.14(e)(3)(B), 7470.14(e)(3)(H), 7470.14(e)(3)(I), 7470.14(e)(3)(J), 7470.15(c)(4), 7470.15(c)(6), 7470.17, 7470.18 and 7470.18(c);

Government Code sections 3502.5, 3505.4, 3505.8, 3506.5, 3509, 3509.5, 3513, 3513(h), 3514.5, 3514.5(c), 3515.7, 3515.7(d), 3519, 3519.5, 3520, 3520.5, 3523, 3524, 3524.50, 3524.52(a), 3524.55, 3524.55(c), 3524.59, 3524.71, 3524.72, 3524.73, 3524.74, 3524.78, 3541.3, 3541.3(c), 3541.3(d), 3541.3(f), 3541.3(g), 3541.3(h), 3541.3(i), 3541.3(k), 3541.3(l), 3541.3(m), 3541.3(n), 3541.5, 3541.5(c), 3542, 3543.5, 3543.6, 3544, 3544.1, 3544.3, 3544.5, 3544.7, 3546, 3546.5, 3547, 3547.5, 3551(a), 3555.5(c), 3558.8, 3563, 3563(g), 3563(j), 3563(m), 3563.2, 3563.3, 3564, 3571, 3571.1, 3571.3, 3573, 3574, 3575, 3576, 3577, 3584, 3585.5, 3587, 3589, 3595, 3599.52, 3599.52(a), 3599.52(d), 3599.55, 3599.55(c), 3599.56, 3599.69, 3599.70,

3599.71, 3599.72, 3601, 71632.5, 71639.1, 71639.4, 71807, 71814, 71825 and 71825.1;

Public Utilities Code sections 25052, 28849(b), 28850, 28851, 28858, 28859, 28860(b), 30751, 30756, 40120, 40122, 40122.1, 40122.1(a), 50121, 70122, 90300, 95651, 98160.5(b), 98162.5, 99561, 99561(c), 99561(e), 99561(f), 99561(g), 99561(h), 99561(j), 99561(k), 99561(l), 99561(m), 99561.2, 99562, 99563.7, 99563.8, 99564, 99564.1, 99564.2, 99564.3, 99564.4, 99566.1, 99566.3, 99567, 99569, 100301, 100309(b), 101344, 102399(b), 102400, 102401, 102403, 102404, 102405, 102406, 102407, 102408(b)(2), 102414, 103401, 120505, 125521, Appendix 1, Section 4.4 and Appendix 2, Section 13.91;

Welfare and Institutions Code sections 10421(e), 10424, 10427.5, 10427.7, 10428, 10428.3, 10428.5, 10428.5(c) and 10428.5(d);

California Rule of Court 2.257; and

Firefighters Union, Local 1186 v. City of Vallejo (1974) 12 Cal.3d 608; and *Coachella Valley Mosquito and Vector Control District v. Public Employment Relations Board* (2005) 35 Cal.4th 1072.

POLICY STATEMENT OVERVIEW

PERB is a quasi-judicial agency that primarily oversees public sector collective bargaining in California. It currently administers 18 collective bargaining statutes, ensures these laws are applied consistently, and resolves disputes between the parties covered by them.

The laws under PERB's jurisdiction cover a wide range of workers across the state. The Meyers-Milias-Brown Act (MMBA) of 1968, which came under PERB's purview in 2001, established collective bargaining rights for employees of California's cities, counties, and local special districts. The Educational Employment Relations Act (EERA) of 1976 created PERB and extended these rights to employees in public K–12 schools and community colleges. In 1978, the Ralph C. Dills Act (commonly known as the Dills Act) provided bargaining rights for state government employees. A year later, the Higher Education Employer-Employee Relations Act (HEERA) of 1979 brought employees of the California State University system, the University of California system, and the University of California, College of the Law, San Francisco under PERB's coverage.

Additional statutes expanded PERB's role in the years that followed. The Trial Court Employment Protection and Governance Act of 2000, along with the Trial Court Interpreter Employment and Labor Relations Act of 2002, established collective bargaining rights for most trial court employees. The Transit Employer-Employee Relations Act (TEERA) of 2003 granted bargaining rights to supervisory employees of the Los Angeles County Metropolitan Transportation Authority. In 2017, the Judicial Council Employer-Employee Relations Act (JCEERA) created bargaining rights for Judicial Council employees.

Also in 2017, the Public Employee Communication Chapter (PECC) gave PERB jurisdiction over violations of laws related to employee communications. In 2018, PERB gained further authority through the Prohibition on Public Employers Deterring or Discouraging Union Membership (PEDD) to handle violations related to union membership rights. In 2019, the Childcare Provider Act (CCPA), part of the Building a Better Early Care and Education System Act, granted collective bargaining rights to family childcare providers. That same year, the Orange County Transit District Act (OCTDA) expanded PERB's authority to include labor relations at the Orange County Transit District.

In 2020, the San Francisco Bay Area Rapid Transit Act (SFBART Act) placed Bay Area Rapid Transit labor relations under PERB's authority. In 2021, the Sacramento Regional Transit District Act (Sacramento RTD Act) extended PERB's oversight to disputes involving the Sacramento Regional Transit District, but only for those exclusive representatives opting to bring one or more of their bargaining units under PERB's jurisdiction.

Effective January 1, 2023, two new laws further expanded PERB's responsibilities. The Santa Cruz Metropolitan Transit District Act (SC Metro Act) grants PERB the authority to administer and enforce labor relations provisions applicable to employees of the Santa Cruz Metropolitan Transit District. The Santa Clara Valley Transportation Authority Act (VTA Act) grants PERB similar authority over labor relations at the Santa Clara Valley Transportation Authority, but only for exclusive representatives opting to bring one or more of their bargaining units under PERB's jurisdiction.

Effective July 1, 2026, the Legislature Employer-Employee Relations Act (LEERA) grants collective bargaining rights to employees of the California State Legislature and grants PERB jurisdiction over related disputes.

The Legislature has now enacted the Transportation Network Company Drivers Labor Relations Act (TNC Act), which went into effect on January 1, 2026. The TNC Act

establishes collective bargaining rights for TNC drivers in the State of California and requires PERB to enforce its provisions.

As explained in more detail in the Informative Digest, the regulatory changes proposed by this notice address PERB's need to implement and clarify rules and procedures regarding representation matters under the TNC Act, including representation requests, petitions, and elections, and requests related to impasse resolution. The regulatory changes proposed by this notice also address PERB's need to implement and clarify the process for resolving disputes arising under the TNC Act, including the filing and processing of unfair practice charges.

INFORMATIVE DIGEST

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)."

Proposed Section 32043 defines terms applicable to matters arising under the TNC Act. Specifically, this proposed section specifies 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.

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) that pertain 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.

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.

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 otherwise required by law. 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 data.

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 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 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.

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.

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.

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.

Proposed Section 110350 requires 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.

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 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 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 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 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 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 Section 110445 provides for the submission of proof of support in response to a petition filed under 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 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 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 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 Section 110520 provides for the Board's supervision of secret ballot elections under the TNC Act.

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.

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 Section 110540 governs the tally of ballots in a TNC Act election.

Proposed Section 110550 governs the filing and processing of objections to the conduct of an election under the TNC Act.

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 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 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 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)).

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. 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. 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. 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, including the TNC Act.

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.

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. Subsections (d)(4) and (d)(6), as proposed, also provide that such entities 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. 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. 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.

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.”

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).

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 rule(s)” alleged to have been violated.

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. 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 to this section deletes subsections (c) and (d).

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.

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.

CONSISTENT AND COMPATIBLE WITH EXISTING STATE REGULATIONS

The Board has determined that the proposed regulatory adoptions and amendments are not inconsistent or incompatible with existing regulations. After conducting a review of all regulations that would relate to or affect this area of California law, the Board has determined that due to PERB's exclusive jurisdiction to implement and enforce the TNC Act, the proposed regulations are the only regulations concerning the implementation of the TNC Act. Therefore, the Board has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

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.

NO EXISTING AND COMPARABLE FEDERAL REGULATION OR STATUTE

During the process of developing these proposed regulatory adoptions and amendments, the Board has conducted a search for any similar federal regulations and statutes on this topic and has determined that there are no existing, comparable federal regulations or statutes that govern matters arising under the TNC Act. These proposed regulatory changes apply solely to labor relations matters among TNC drivers, their representative driver organizations, and TNCs operating in California. Federal labor relations statutes and their corresponding regulations do not cover these individuals or entities. For example, because TNC drivers are classified as independent contractors, the National Labor Relations Board does not exercise jurisdiction over these workers. Therefore, the Board has concluded that these regulations are neither inconsistent nor incompatible with existing Federal regulations or statutes.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Board has made the following initial determinations:

Mandate on local agencies and school districts: The proposed action would not impose any new mandate.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code section 17500 et seq.: The proposed action would not impose any new costs which must be reimbursed.

Other non-discretionary costs or savings imposed upon local agencies: The proposed action would not result in any new costs which must be reimbursed, or savings imposed upon local agencies.

Cost or savings to state agency: The proposed action would not result in any new costs or savings.

Cost or savings in federal funding to the state: The proposed action would not result in any new costs or savings.

Cost impact on private persons or directly affected businesses: The agency is not aware of any cost impacts that a private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states: The proposed action will have no impact on the ability of California businesses to compete with businesses in other states. The proposed regulations are expected to benefit businesses by making PERB's processes clearer, promote prompt resolution of labor disputes, and overall promote stable collective bargaining consistent with the TNC Act.

Significant effect on housing costs: There will be no effect on housing costs.

Business Reporting Requirement: The proposed action will not require a report to be made.

The proposed regulations will apply to small businesses to the extent that any TNCs meet the legal definition in Government Code section 11342.610. However, the proposed regulations are expected to benefit such entities to the extent that they make PERB's processes clearer, promote prompt resolution of labor disputes, and overall promote stable collective bargaining consistent with the TNC Act.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The Board concludes that the adoption of the proposed regulations and amendments will neither create nor eliminate jobs in the State of California, nor result in the creation of new businesses or elimination of existing businesses, or result in the expansion of businesses in the State of California.

Benefits to health and welfare of California residents, worker safety, and the state's environment: The regulations will make the Board's processes clearer and more efficient when disputes arise under the TNC Act, providing essential guidance to all parties. Ultimately, this enhanced clarity and efficiency in dispute resolution will promote stable collective bargaining and the continuous delivery of vital rideshare services that TNC drivers provide to California communities, thereby benefiting the welfare of all California residents.

There are no anticipated benefits or effects on the health of California residents, worker safety, or the state's environment.

BENEFIT ANALYSIS

The adoption of these proposed regulations will implement and clarify procedures for PERB's administration and enforcement of the TNC Act. This will significantly benefit TNC drivers, their representative driver organizations, and TNCs, as well as the broader community by facilitating the expedient resolution of labor disputes under the TNC Act. The regulations will make the Board's processes clearer and more efficient, providing essential guidance to all parties. Ultimately, this enhanced clarity and efficiency in dispute resolution will promote stable collective bargaining and the continuous delivery of vital rideshare services that TNC drivers provide to California communities, thereby benefiting the welfare of all California residents.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subsection (a)(13), the Board must determine that no reasonable alternative considered by the agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Any questions or suggestions regarding the proposed action should be directed to:

Sara Kang Rhee, Senior Regional Attorney
Public Employment Relations Board
425 W. Broadway, Suite 400
(818) 696-6346
E-mail: sara.kang@perb.ca.gov

The backup person for these inquiries is:

James Coffey, Principal Attorney Supervisor
Public Employment Relations Board
1031 18th Street
Sacramento, CA 95811
(916) 584-5676
E-mail: james.coffey@perb.ca.gov

Please direct requests for copies of the proposed text (the “express terms”) of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based, to Sara Kang Rhee at the above address.

PRELIMINARY ACTIVITIES

On November 12, 2025, PERB held a special public meeting wherein the public was given the opportunity to provide comments regarding the implementation of the TNC Act and the proposed text of the regulations. Comments were received from four constituent entities prior to the meeting. In response to this feedback, the Board agreed at the public meeting to modify the proposed text and present it at the next public meeting for further comment.

On February 12, 2026, the Board held a public meeting wherein the public was given the opportunity to provide comments regarding the modified proposed rulemaking package. Comments were received from two constituent entities prior to the meeting.

The Board considered the comments and, at the public meeting, proceeded to approve the proposed regulatory text and the commencement of the formal rulemaking process.

PERB has also relied upon the Economic Impact Assessment identified in this notice in proposing regulatory action.

AVAILABILITY OF STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, AND RULEMAKING FILE

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the California Regulatory Notice Register, the rulemaking file consists of this notice, the express terms of the proposed regulations, the initial statement of reasons, and documents relied on in promulgating this rulemaking package. The express terms of the proposed regulations as well as all related documents upon which the proposed regulations are based (rulemaking file), are on file and available for public review from the agency representatives listed above. Copies of these documents may be obtained by contacting Sara Kang Rhee at the above address. The Notice of Proposed Action, Initial Statement of Reasons, and express terms of the proposed text are also available on the Board's website at <https://perb.ca.gov/laws-and-regulations/rulemaking/rulemaking-transportation-network-company-drivers-labor-relations-act/>.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding a hearing, if one is requested, and considering all timely and relevant comments, the Board may adopt the proposed regulations substantially as described in this notice. If the Board makes modifications that are sufficiently related to the originally proposed text, the modified text with changes clearly indicated shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulations as revised. Requests for copies of any modified regulations and/or the final statement of reasons should be sent to the attention of Sara Kang Rhee at the above address. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the final statement of reasons may be obtained by contacting Sara Kang Rhee at the above address.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of this notice of proposed action, the initial statement of reasons, and the text of the proposed regulations in underline and strikeout, can be accessed through PERB's website at www.perb.ca.gov throughout the rulemaking process. Written comments received during the written comment period will also be posted on PERB's website. The final statement of reasons or, if applicable, notice of a decision not to proceed will be posted on PERB's website following the Board's action. These documents may be viewed on PERB's website at the following address:
<https://perb.ca.gov/laws-and-regulations/rulemaking/rulemaking-transportation-network-company-drivers-labor-relations-act/>.