



4-1-2023

Working Hard and Hardly Earning: AB 2932 and the Need to Empower Labor

Adam D. Nir

Follow this and additional works at: <https://scholarlycommons.pacific.edu/uoplawreview>



Part of the [Law Commons](#)

Recommended Citation

Adam D. Nir, *Working Hard and Hardly Earning: AB 2932 and the Need to Empower Labor*, 54 U. PAC. L. REV. 284 (2023).

Available at: <https://scholarlycommons.pacific.edu/uoplawreview/vol54/iss2/11>

This Legislative Review is brought to you for free and open access by the Journals and Law Reviews at Scholarly Commons. It has been accepted for inclusion in University of the Pacific Law Review by an authorized editor of Scholarly Commons. For more information, please contact mgibney@pacific.edu.

Working Hard and Hardly Earning: AB 2932 and the Need to Empower Labor

*Adam D. Nir**

Code Sections Affected

Labor Code § 510

AB 2932 (Low and Garcia) (as amended but not enacted)

TABLE OF CONTENTS

I. INTRODUCTION.....	267
II. LEGAL BACKGROUND.....	269
A. <i>Experimentation with a Four-Day Work Week</i>	270
B. <i>Choosing Profits Over People: How Did Things Get So Unequal?</i> ...	271
C. <i>The Real Fix: Strength in Numbers</i>	272
III. AB 2932.....	273
IV. ANALYSIS.....	274
A. <i>Much Ado About AB 2932: The Pros and Cons of the Bill</i>	275
B. <i>Unions Work for Workers</i>	276
1. <i>The Benefits of Collective Bargaining</i>	277
2. <i>Shaving Labor’s Teeth: The Decline of Unions</i>	278
3. <i>Learning from the Past: Re-Empowering Labor</i>	280
V. CONCLUSION	281

* J.D. Candidate, University of the Pacific, McGeorge School of Law, to be conferred May 2024; B.A. History, Florida State University, 2020. I would first like to thank my friends and loved ones for their invaluable support and guidance throughout the writing process. I also thank Caitlin Voorhees, the drafter of this bill, for her time and insight and the entire Law Review Staff for their advice and encouragement. This article would not have been possible without their help. I additionally want to express my sincerest admiration for all the workers of the world. Without labor, nothing is possible.

I. INTRODUCTION

Cate Lindemann was a partner at a law firm for years when she finally decided to quit.¹ Legal work was a constant stressor, and she even had to take medical leave due to depression.² Ms. Lindemann panicked; she had no source of income, and this added another level of worry to her already-stressful life.³ While driving home from an afternoon out, she felt an excruciating tightness in her chest: she was having a heart attack at the age of forty-one.⁴ While Ms. Lindemann's situation may appear to be an outlier, her experience is all too common as work-related stress is an epidemic in America.⁵ Over 120,000 Americans die each year due to how employers manage the workforce.⁶ In fact, stress and overwork has made the workplace the fifth leading cause of death in America.⁷

Yet, many Americans have no ability to quit these stressful jobs or negotiate with their bosses to make their working conditions more accommodating.⁸ Employment is the only avenue many Americans have to access essential services such as healthcare.⁹ Due to limited employment options, employees are at the mercy of their employers.¹⁰ The limited options cause employees to over-exert themselves because the alternative—their employer replacing and stripping them

1. See Better Life Lab, *American Karoshi—the Problem with Work Stress*, SLATE (Mar. 17, 2022), <https://podcasts.apple.com/us/podcast/better-life-lab/id1386944144?i=1000555581922> (on file with the *University of the Pacific Law Review*) (describing the stress and nonstop work Ms. Lindemann faced as an attorney, and how it led her to take leave because it negatively affected her mental state).

2. *Id.*

3. *Id.*

4. *Id.*

5. *Id.*; see also Bryan Robinson, *The Work Stress Epidemic: 7 Steps You Must Take to Sustain Career Success*, FORBES (Nov. 10, 2022), <https://www.forbes.com/sites/bryanrobinson/2021/04/01/the-work-stress-epidemic-7-steps-you-must-take-to-sustain-career-success/> (on file with the *University of the Pacific Law Review*) (explaining that eighty percent of American workers suffer from stress in the modern neoliberal economy); Bill Chappell, *Overwork Killed More Than 745,000 People In A Year, WHO Study Finds*, NPR (May 17, 2021), <https://www.npr.org/2021/05/17/997462169/thousands-of-people-are-dying-from-working-long-hours-a-new-who-study-finds> (on file with the *University of the Pacific Law Review*) (explaining that overwork puts people at a much higher risk for heart disease and stroke, and kills up to 745,000 people a year).

6. See Joel Goh et al., *The Relationship Between Workplace Stressors and Morality and Health Costs in the United States*, 62 MGMT. SCI. 1, 20 (2016) (attributing the deaths of 120,000 employees and 5 to 8 percent of healthcare costs annually to how workforces are managed in the US).

7. Better Life Lab, *supra* note 1.

8. See DAVID MADLAND ET AL., CTR. FOR AM. PROGRESS ACTION FUND, UNIONS HELP THE MIDDLE CLASS, NO MATTER THE MEASURE 2 (2016) (reasoning that unions help workers attain a level playing field with their employers, and without this bargaining power, face an extreme disadvantage).

9. See Mara Eleina Conway, *Karoshi: Is It Sweeping America?*, 15 UCLA PAC. BASIN L.J. 352, 365 (1997) (discussing how losing a job means more in America than in other developed nations as social standing and benefits are tied with a person's job status); see also Vaughn Himer, *Employer-Sponsored Health Insurance Statistics: What The Data Tells Us*, EHEALTH, <https://www.ehealthinsurance.com/resources/small-business/how-many-americans-get-health-insurance-from-their-employer> (last updated Oct. 20, 2022) (on file with the *University of the Pacific Law Review*).

10. Luke Telford & Daniel Briggs, *Targets and Overwork: Neoliberalism and the Maximization of Profitability from the Workplace*, 46 CAP. & CLASS 59, 68 (2022).

of their work benefits—is much worse.¹¹ Employers know this is a dilemma that workers face, and utilizing this knowledge, often overwork their employees.¹² For a time, employees could use labor unions as a tool to combat this rampant exploitation.¹³

However, union membership began to decrease in the 1970s and, as a result, employees have significantly less bargaining power than they did forty years ago.¹⁴ This unequal bargaining power coupled with inflation has contributed to the stagnation of wages across most occupations leaving Americans working more hours for less money than prior generations.¹⁵

AB 2932 is a solid first step in reversing the damage that capital has inflicted on the working class over the last fifty years.¹⁶ AB 2932 is a piece of California legislation aiming to cut the work week down to thirty-two hours from the current forty-hour standard.¹⁷ The bill mandates that any work above thirty-two hours a week would constitute overtime and require enhanced pay.¹⁸ AB 2932 thus provides workers with more time off to rest.¹⁹ Alternatively, this bill gives a worker the option to work a forty-hour work week and earn larger wages.²⁰ AB 2932 is a positive first step towards improving the material conditions of the working class.²¹

11. *See id.* (describing how the neoliberal economy makes employees easily replaceable by moving away from a goal of full employment and thus creating a pool of reserve employees).

12. *Id.*

13. MADLAND & ROWELL, *supra* note 8, at 2.

14. Tayyab Mahmud, *Debt and Discipline: Neoliberal Political Economy and the Working Classes*, 101 KY. L.J. 1, 16, 18–19 (2012); Lawrence Mishel et al., *Explaining the Erosion of Private-Sector Unions*, ECON. POL’Y INST. (Nov. 18, 2020), <https://www.epi.org/unequalpower/publications/private-sector-unions-corporate-legal-erosion/> (on file with the *University of the Pacific Law Review*).

15. *See* Telford & Briggs, *supra* note 10, at 60 (explaining how falling wages means employees must work overtime to obtain sufficient income); *see also* Diane Whitmore Schanzenback et al., *Where Does All the Money Go: Shifts in Household Spending Over the Past 30 Years*, HAMILTON PROJECT (June 2, 2016), https://www.hamiltonproject.org/papers/where_does_all_the_money_go_shifts_in_household_spending_over_the_past_30_y (on file with the *University of the Pacific Law Review*) (charting the average expenditures of consumers of low and middle-income households between 1984 and 2014—spending on basic necessities has increased for low-income households in this time); Professor Richard Wolff, *Capitalism Hits the Fan*, Lecture 5 (2009) (transcript available with the Media Education Foundation).

16. AB 2932, 2022 Leg., 2021–2022 Sess. (Cal. 2021) (as amended on Mar. 24, 2022, but not enacted); Mahmud, *supra* note 14, at 17–22.

17. AB 2932, 2022 Leg., 2021–2022 Sess. (Cal. 2021) (as amended on Mar. 24, 2022, but not enacted).

18. AB 2932, 2022 Leg., 2021–2022 Sess. (Cal. 2021) (as amended on Mar. 24, 2022, but not enacted).

19. *See* Mayer Sng et al., Abstract, *Effectiveness of a Four-Days/Eight Hour Work Week*, EMBRY-RIDDLE AERONAUTICAL UNIV. SCHOLARLY COMMONS 1, 11 (2021) (explaining how the four-day workweek benefits employees by lowering burnout and fatigue).

20. *See* AB 2932, 2022 Leg., 2021–2022 Sess. (Cal. 2021) (as amended on Mar. 24, 2022, but not enacted) (explaining that if an employee works over thirty-two hours, further pay will be one and one-half times their original hourly pay rate—meaning more money is taken home).

21. AB 2932, 2022 Leg., 2021–2022 Sess. (Cal. 2021) (as amended on Mar. 24, 2022, but not enacted) (describing the result the bill would have on workers).

However, AB 2932 should also include provisions that bolster employees' ability to unionize, as collective bargaining is historically how workers have improved their working conditions and wages.²²

II. LEGAL BACKGROUND

AB 2932 is unique both in substance and legislative history.²³ Despite the bill's unprecedented scope, its proposal is a result of COVID-19's impact on the labor market, which prompted a modern labor movement for work-week reform.²⁴ A greater number of workers are attempting to band together in unions to demand a fair share.²⁵ During the pandemic, the media and public characterized service and retail employees as "essential workers" as these workers kept the economy running during state-mandated quarantines.²⁶ Yet, despite this branding and their sacrifice, employers still mistreated their essential workers.²⁷ Section A discusses why businesses have begun experimenting with four-day work weeks since the onset of the COVID-19 pandemic.²⁸ Section B highlights the neoliberal shift that America took in the late 1970s and early 1980s, and how it led to the need for AB 2932.²⁹ Section C discusses how the best method of raising wages was squashed in this time period, prompting the need for a legislative wage increase.³⁰

22. See Lawrence Mishel & Ross Eisenbrey, *How to Raise Wages: Policies That Work and Policies That Don't*, 45 STETSON L. REV. 43, 60 (2015) (explaining how the greatest factor suppressing wage growth for middle-income earners has been the decaying of union prevalence).

23. See Telephone Interview with Caitlin Voorhees, Legis. Assistant, Off. of Assemb. Member Evan Low (June 9, 2022) (notes and recording on file with the *University of the Pacific Law Review*) (discussing how Low's office knew the bill would not pass in the session but wanted to run it while the topic of four-day work weeks were still in the public discourse) [hereinafter *Voorhees Interview*]; see also *id.* (noting that Caitlin Voorhees worked to draft AB 2932).

24. *Id.*; see also Melissa Daniels, *How Starbucks Workers' Unionizing Efforts Are Leading a National Groundswell*, MODERNRETAIL (July 5, 2022), <https://www.modernretail.co/retailers/how-starbucks-workers-unionizing-efforts-are-leading-a-national-groundswell/> (on file with the *University of the Pacific Law Review*) (describing how the pandemic highlighted how poorly many service workers are treated in the U.S., leading to higher numbers of union elections across the country to improve conditions).

25. Daniels, *supra* note 24.

26. Abigail Johnson Hess, *How the Coronavirus Pandemic May Be Causing Support of Labor Unions to Rise*, CNBC (Jan. 29, 2021), <https://www.cnbc.com/2021/01/29/support-of-labor-unions-is-at-65percentheres-whats-behind-the-rise.html> (on file with the *University of the Pacific Law Review*).

27. See *id.* (explaining how the pandemic displayed the precarious situation workers are in, in fact, many employees were unable to get protective equipment such as masks without union assistance).

28. *Infra* Section II.A.

29. *Infra* Section II.B.

30. *Infra* Section II.C.

A. Experimentation with a Four-Day Work Week

During the pandemic, employee stress levels were extremely high.³¹ To combat this, companies began modifying their work-week schedules.³² For example, Primary, an online retailer of children's clothes, decided to give its employees Fridays off in May 2020.³³ By December of that year, Primary permanently implemented a four-day work week due to its success.³⁴ Under this new model, no employee took a pay cut and productivity improved; staff often returned to work on Monday refreshed and recharged.³⁵ Other companies began to follow Primary's lead, with big names such as Shake Shack, Kickstarter, and Unilever's New Zealand unit pursuing experimentation with a four-day work week.³⁶

As evidence of the positive effects mount, the four-day work week experiment continues to expand into new jurisdictions.³⁷ In June 2022, the United Kingdom launched their own four-day work week experiment, involving 3,300 workers from seventy different companies.³⁸ It is the most expansive four-day work week trial yet.³⁹ The study was inspired by the results of a prior four-year experiment in Iceland, where employers shortened employee work weeks from forty hours to thirty-five to thirty-six hours.⁴⁰ As a result, worker well-being increased while productivity improved for most workplaces.⁴¹ Upon publication of the final report, eighty-six percent of Iceland's workers were on contracts with shortened hours or had contracts with the option to reduce them.⁴²

31. See Kevin J. Delaney, *Viewpoint: Why More Companies Are Embracing a 4-Day Workweek*, SHRM (Dec. 6, 2021), <https://www.shrm.org/resourcesandtools/hr-topics/employee-relations/pages/viewpoint-why-more-companies-are-embracing-a-4-day-workweek.aspx> (on file with the *University of the Pacific Law Review*) (explaining how the stress of the pandemic, on top of already existing job stressors, could have led to greater burnout—prompting Primary to eliminate Fridays from the workweek).

32. *Id.*

33. *Id.*

34. *Id.*

35. See *id.*; see also Gabriela Miranda, *Employees in Iceland Starting Working 4 Days a Week. It Didn't Hurt Productivity, Researchers Say*, USA TODAY (July 6, 2021), <https://www.usatoday.com/story/money/2021/07/06/iceland-worker-study-four-day-work-week-productivity/7871364002/> (on file with the *University of the Pacific Law Review*) (referencing a four-day work week experiment in Iceland which, in some instances, saw employee output increase compared to their normal output in a five-day work week).

36. Delaney, *supra* note 31.

37. Anna Cooban, *The World's Biggest Four-Day Work Week Pilot Begins*, CNN (June 6, 2022), <https://www.cnn.com/2022/06/06/business/four-day-week-trial-uk> (on file with the *University of the Pacific Law Review*).

38. *Id.*

39. *Id.*

40. Miranda, *supra* note 35.

41. *Id.*

42. *Id.*

B. Choosing Profits Over People: How Did Things Get So Unequal?

In the early 1970s, the Keynesian economic philosophy appeared to be in its terminal phase.⁴³ This was at least the consensus among large business-backed organizations which lobbied to build a policy surrounding “market-based solutions.”⁴⁴ This mindset of using privatization to fix societal problems birthed the concept of neoliberalism.⁴⁵ Neoliberalism is an economic and political ideology basing its philosophy on the wealthy maximizing their capital by depressing wages while the government cuts social programs in turn.⁴⁶ President Ronald Reagan ushered in neoliberal policies, and they have remained a mainstay in American politics ever since.⁴⁷

The mentality of maximizing profits over all else prompted massive layoffs and offshoring, essentially selling out the American workforce.⁴⁸ This new exploitative employment market caused remaining workers to compete for their jobs and accept lower wages as they became replaceable.⁴⁹ Millions of blue-collar workers were laid off *en masse*, and for white-collar workers, job stability decreased as increased competition made them more replaceable.⁵⁰ As permanent employment declines, there is a corollary rise of “contingent” labor, which consists of mainly temporary, low-wage jobs that lack benefits.⁵¹ As of 2010, forty percent of the workforce held these “contingent” jobs.⁵²

43. See Mahmud, *supra* note 14, at 10–12 (describing Keynesian economic philosophy as focusing on attaining full employment, raising wages, higher taxation, and greater social spending, resulting in better lives for the working class).

44. See Livia Gershon, *Why Ronald Reagan Became the Great Deregulator*, JSTOR DAILY (Feb. 9, 2017), <https://daily.jstor.org/why-reagan-became-the-great-deregulator/> (on file with the *University of the Pacific Law Review*) (describing “market-based” solutions as the approach to solving societal and economic issues in the free market, rather than by government intervention, despite the fact the market will always need correction by government); see also *id.* (explaining that these groups, such as the American Enterprise Institute, began producing studies contributing the stagnant inflation of the era to environmental and labor regulations—deregulation was necessary).

45. Mahmud, *supra* note 14, at 12–13.

46. *Id.* at 13, 21.

47. See Gershon, *supra* note 44 (explaining that President Reagan’s economic policy was based on drastically slashing taxes and granting billion-dollar subsidies to wealthy corporations).

48. Mishel et al., *supra* note 14 (starting in the 1970s, the American economy shifted towards financialization, emphasizing cheaper manufacturing overseas and stripping millions of jobs from Americans—resulting in low-paying opportunities).

49. See Telford & Briggs, *supra* note 10, at 68 (explaining that employees are doing more than ever before for meager wages).

50. See William Lazonick, *Profits Without Prosperity*, HARV. BUS. REV., Sept. 2014, at 4, 5 (describing how the norm of white-collar workers remaining with the same companies throughout their careers was eliminated in this era).

51. See Mahmud, *supra* note 14, at 36 (explaining how the corporate drive towards a flexible labor market has resulted in an increase of independent contractors, leased employers, part-time employees, and temporary employees, thereby making it difficult for employees to unionize).

52. Kate Bahn, *New Data on Contingent Workers in the United States*, EQUITABLE GROWTH (June 5, 2018), <https://equitablegrowth.org/new-data-on-contingent-workers-in-the-united-states/> (on file with the *University of the Pacific Law Review*); see also Josh Bivens et al., *How Today’s Unions Help Working People*,

Neoliberalism and trickle-down economics' goal of maximizing profitability and expansion helped the rich but destroyed the American working class.⁵³ The top one percent now holds more wealth than the middle sixty percent of American income earners, and this inequality is still widening with no end in sight.⁵⁴ While politicians may continuously boast about how they are helping their constituents as the stock market continues to rise and unemployment falls, this is not the full picture.⁵⁵ The workers that take low-wage jobs—and allow corporations to operate and enlarge profits—face extreme financial hardship.⁵⁶ This hardship is ultimately what prompted legislators to draft AB 2932.⁵⁷ Assembly Member Evan Low recognized wage increases were necessary to fight this inequality.⁵⁸ He suggested a workaround since upfront minimum wage increases were untenable: raise wages by cutting hours and increasing overtime pay.⁵⁹

C. The Real Fix: Strength in Numbers

In reality, the primary and time-tested method to bridge this inequality is collective bargaining and unionization.⁶⁰ However, the assault on collective bargaining in the U.S. began in 1979, when the Federal Reserve raised interest rates to lessen inflation.⁶¹ In doing so, the Federal Reserve allowed government-

ECON. POL'Y INST. (Aug. 24, 2017), <https://www.epi.org/publication/how-todays-unions-help-working-people-giving-workers-the-power-to-improve-their-jobs-and-unrig-the-economy/> (on file with the *University of the Pacific Law Review*) (explaining that, as a result of this shift, sixty-three percent of Americans say that the average worker has less job security today than they did twenty or thirty years ago).

53. See Lazonick, *supra* note 50, at 4–5 (explaining that as corporations and executives raked in greater amounts of profits, job stability and wages floundered and declined, leading to an unequal and broken economy); see also Mahmud, *supra* note 14, at 21 (describing how corporations favored buybacks as opposed to reinvestment as executives earned more, meaning wages would not rise to necessary levels, matching productivity and living expenses).

54. Alexandre Tanzi & Mike Dorning, *Top 1% of U.S. Earners Now Hold More Wealth Than All of the Middle Class*, BLOOMBERG (Oct. 8, 2021), <https://www.bloomberg.com/news/articles/2021-10-08/top-1-earners-hold-more-wealth-than-the-u-s-middle-class> (on file with the *University of the Pacific Law Review*).

55. See Lazonick, *supra* note 50, at 4 (showing that executives will artificially boost earnings per share via buybacks to earn more compensation, which is tied up with these stock prices—seemingly a legal racket); see also Christine Idzelis & William Watts, *Dow Ends at Record High as Rising Yields Hit Tech-Heavy Nasdaq in Choppy Trade*, MARKETWATCH (Jan. 4, 2022), <https://www.marketwatch.com/story/u-s-stock-futures-point-to-further-wall-street-records-as-key-manufacturing-report-looms-11641297344> (on file with the *University of the Pacific Law Review*) (reporting the rises in the stock market).

56. See Lazonick, *supra* note 50, at 5 (declining purchasing power and real per-hour wages are the worker's reward for the labor they provide to corporations and executives who see continuous record profits).

57. See Voorhees Interview, *supra* note 23 (describing how the bill is effectively a wage increase for hourly employees as prices are rising, but wages remain the same).

58. Voorhees Interview, *supra* note 23.

59. Voorhees Interview, *supra* note 23.

60. MADLAND & ROWELL, *supra* note 8, at 1.

61. See Mahmud, *supra* note 14, at 13; see also Dylan Matthews, *How the Fed Ended the Last Great American Inflation—and How Much It Hurt*, VOX (July 13, 2022), <https://www.vox.com/future-perfect/2022/7/13/23188455/inflation-paul-volcker-shock-recession-1970s> (on file with the *University of the Pacific Law Review*) (explaining how raising interest rates reduces inflation as it leads to less spending, therefore reducing prices of goods).

backed securities to become safe investments and allowed the dollar become global currency.⁶² Heightened rates further entrenched the U.S. in a recession, which led to greater unemployment.⁶³ Worse so, the Federal Reserve raised interest rates prior to major union contract negotiations, prompting employers to cut and save rather than negotiate.⁶⁴ President Reagan further weakened labor by breaking the air traffic controller strike in 1981, sending a clear message that the U.S. government supported union busting.⁶⁵

The benefits of unions are clear.⁶⁶ According to a National Bureau of Economic Research (NBER) study spanning the past eight decades, unions fostered a ten-to-twenty-percent-wage increase for their members in comparison to non-members.⁶⁷ Unions also provide workers with greater chances of attaining benefits such as healthcare and retirement plans.⁶⁸ Additionally, while non-union members may not receive the same income as members, unions raise average wages for the entire industry, benefitting all workers from the industry.⁶⁹

However, as union membership declined, income inequality in the United States grew.⁷⁰ The decay of unions, and therefore labor power in the United States, can be directly attributable to the economic environment that prompted AB 2932's conception.⁷¹ The bill has a lot of ground to cover.⁷²

III. AB 2932

California State Assembly Members Evan Low and Cristina Garcia introduced AB 2932 to change the California work week and the rate of overtime compensation.⁷³ The bill amends Section 510 of the Labor Code, cutting the work

62. Mahmud, *supra* note 14, at 14.

63. Mahmud, *supra* note 14, at 14; *see also* Matthews, *supra* note 61 (explaining that with raised interest rates, businesses were less inclined to expand and take out business loans, leading to a tightened economy).

64. Mahmud, *supra* note 14, at 15.

65. *See* Mahmud, *supra* note 14, at 16–17 (discussing how Reagan's breaking of the strike made union busting appear patriotic and American—meaning unions were un-American in the new neoliberal U.S.).

66. MADLAND & ROWELL, *supra* note 8, at 1.

67. Henry S. Farber et al., *Unions and Inequality Over the Twentieth Century: New Evidence from Survey Data 1* (Nat'l Bureau of Econ. Rsch., Working Paper No. 24587, 2021) (on file with the *University of the Pacific Law Review*).

68. MADLAND & ROWELL, *supra* note 8, at 3.

69. *Id.* at 2.

70. Lazonick, *supra* note 50, at 4; *see also* Tanzi & Dorning, *supra* note 54 (showing growth of the 1% since 1989 compared to that of the middle class, it is no coincidence that union membership was in decline during these decades).

71. Bivens et al., *supra* note 52.

72. *Id.*

73. Hayley Smith, *Proposed Bill Would Shorten California Workweek to 32 Hours. Here's What You Need to Know*, L.A. TIMES (Apr. 8, 2022) <https://www.latimes.com/california/story/2022-04-08/proposed-bill-could-make-california-the-first-state-to-implement-a-4-day-workweek> (on file with the *University of the Pacific Law Review*).

week from forty hours down to thirty-two.⁷⁴ AB 2932 mandates employers pay an overtime compensation of one and one-half times the employee's regular pay when an employee works more than thirty-two hours a week.⁷⁵ The workday will remain at eight hours, and overtime pay rates will remain at the same level.⁷⁶ Additionally, AB 2932 still entitles workers a doubled pay rate for continuous shifts of twelve hours or more.⁷⁷ Further, an employee's compensation rate would match the previous rate under the forty-hour work week.⁷⁸ To prevent circumvention of pay increases, the bill also guarantees an employer shall not reduce an employee's regular pay rate because of the work week reduction.⁷⁹

AB 2932 provides some exemptions for a limited class of employers and employees.⁸⁰ Employers with less than 500 employees are exempt from AB 2932; exempt employees will still have forty-hour work weeks.⁸¹ However, overtime pay must still meet the rates the bill lays out.⁸² In addition, the bill also contains other exemptions, including exemptions for computer software employees and licensed physicians or surgeons.⁸³ AB 2932 also exempts course or laboratory instructors at independent institutions of higher education and teachers at private or secondary academic institutions.⁸⁴

IV. ANALYSIS

Certain factions in the Capitol, including Assembly Member Low's office, understand the Legislature must stay ahead of the curve and pass legislation to rectify growing income inequality.⁸⁵ Despite the foresight, AB 2932 in its current form may fail to eliminate this widening gap as it does not address the cause of the problem.⁸⁶ Section A discusses the positive aspects of AB 2932 and how these aspects may fall short.⁸⁷ Section B argues the Legislature should bolster unions to provide a more permanent solution to the problems AB 2932 attempts to address.⁸⁸

74. AB 2932, 2022 Leg., 2021–2022 Sess. (Cal. 2021) (as amended on Mar. 24, 2022, but not enacted).

75. *Id.*

76. *Id.*

77. *Id.*

78. *Id.*

79. *Id.*

80. Cal. AB 2932.

81. *Id.*

82. *Id.*

83. See Chris Micheli, *AB 2932 Proposes Mandated Four-Day Workweek*, CAL. GLOB. (Apr. 16, 2022), <https://californiaglobe.com/fr/ab-2932-proposes-mandated-four-day-workweek/> (on file with the *University of the Pacific Law Review*) (listing parties exempt from overtime under Sections 515.5 and 515.6 of the Labor Code).

84. See *id.* (listing parties exempt from overtime under Sections 515.7 and 515.8 of the Labor Code).

85. See *Voorhees Interview*, *supra* note 23 (explaining how politicians must draft legislation facing today's issues, this includes income inequality).

86. See MADLAND & ROWELL, *supra* note 8, at 1 (explaining that a one-time wage increase cannot address stagnant inflation, workers must attain greater power to address income inequality).

87. *Infra* Section IV.A.

88. *Infra* Section IV.B.

A. Much Ado About AB 2932: The Pros and Cons of the Bill

AB 2932 has the ability to benefit many Californian workers.⁸⁹ For hourly workers, the bill can be a much-needed wage increase.⁹⁰ With consumer prices rising, and a minimum wage raise unlikely to occur, AB 2932 is seen as a way to benefit lower-wage earners.⁹¹ By giving employers the decision to either pay employees more or give them greater time off, AB 2932 will force employers to address income or overwork issues.⁹² Ultimately, the bill is an important piece of legislation as it shows the Legislature is cognizant of the problems American workers face.⁹³

However, while AB 2932 is symbolically important and may benefit some workers, the bill barely scratches the surface of what the Legislature must address.⁹⁴ Workers need continuous raises to match the rising cost of living—a one-time wage increase is not adequate.⁹⁵ Additionally, if the Legislature fails to implement AB 2932 with proper regulatory adjustments to the Labor Code, it could harm more workers than it helps.⁹⁶ Additionally, our current economy, operating on neoliberal philosophy, makes employees highly dispensable as employers do not have any ethical obligations to them.⁹⁷ As AB 2932 will inevitably lead to increased operational costs, rather than reworking the balance sheet, employers will cut hours and simply give another worker more hours.⁹⁸ Shifting the hours is most likely cheaper than paying an employee time and a half for greater work done, especially if the employee does not have a defined benefit plan.⁹⁹ Moreover, the

89. *Voorhees Interview*, *supra* note 23.

90. *Voorhees Interview*, *supra* note 23.

91. *Voorhees Interview*, *supra* note 23; *see also* Matthews, *supra* note 61 (explaining that price increases are reaching levels not seen since the 1980s, meaning food and gas prices are becoming out of reach for many).

92. *See Voorhees Interview*, *supra* note 23 (explaining that this is a wage increase, however, if employers do not want to increase their pay, then employees will have more time off); *see also* Telford & Briggs, *supra* note 10, at 60 (2022) (describing how lesser wages cause overwork as employees must work longer to earn enough, and AB 2932 will address both of these fundamental issues of neoliberalism at once).

93. *See Voorhees Interview*, *supra* note 23 (explaining that Low's office wants to address issues of income inequality as well as work to modify laws to adopt to a more tech-based economy); *see also id.* (discussing how the bill was drafted in a post-pandemic economy, which saw numerous companies and jurisdictions experiment with four-day work weeks, AB 2932 continues this momentum).

94. *See Voorhees Interview*, *supra* note 23 (describing that the bill was intended to increase wages, however, in its current implementation, it appears that it will fall short of this goal).

95. Matthews, *supra* note 61; *see also* Lazonick, *supra* note 50, at 4 (analyzing the ever-widening gap between real per-hour wages and change per hour of productivity; a one-time wage increase may create a short-term reduction, but not much more).

96. *See Voorhees Interview*, *supra* note 23 (discussing how the bill was originally meant to cover only white-collar workers because of the problem of employers cutting hourly workers' hours).

97. Telford & Briggs, *supra* note 10, at 62; Mimi Abramovitz, *Economic Crises, Neoliberalism, and the US Welfare State: Trends, Outcomes and Political Struggle*, GLOBAL SOCIAL WORK 225, 225 (2014).

98. *See Voorhees Interview*, *supra* note 23 (explaining Low's office is aware employers may cut hours to bypass the law, and in this economy, workers have become replaceable); *see also* Telford & Briggs, *supra* note 10, at 69 (2022) (highlighting how neoliberal ideology aims to maintain an unemployed population so employers have a 'pool' of workers to draw from, maintaining employer leverage over employees, prompting overwork).

99. *See* MADLAND & ROWELL, *supra* note 8, at 3 (explaining that many workers do not have defined benefit

drafter of AB 2932 is working on amendments aimed at preventing employers from firing current employees in order to hire new ones for cheaper pay.¹⁰⁰ Meanwhile, AB 2932 may better the lives of salaried employees with benefits, as they are not as easy to replace.¹⁰¹ The increase in white-collar pay will create an even greater divide between the incomes of white- and blue-collar workers.¹⁰² AB 2932's drafter's office is well aware of pay inequality being a potential issue and plans on addressing it, but current corporate operations may make the increase in wealth inequality inevitable.¹⁰³

Additionally, while AB 2932 is a wage increase bill, much of this increased income would go towards expenses that are publicly available in other developed nations, like healthcare.¹⁰⁴ Neoliberal philosophy aims to privatize and slash social spending, so California's prescription should be to invest in Californians to reverse the inhumanity and inequality neoliberalism brings.¹⁰⁵ For AB 2932 to better achieve its goal of helping workers, the Assembly should pair it with other reforms, like AB 1400 (CalCare), which recently failed to pass.¹⁰⁶ CalCare's authors, Assembly Members Ash Kalra, Alex Lee, and Miguel Santiago, intended to guarantee universal healthcare to every Californian.¹⁰⁷ This pairing would put more money in the pockets of lower- and middle-income earners to save or spend on necessities.¹⁰⁸

B. Unions Work for Workers

Rather than combat corporate exploitation in a one-time piece of legislation, AB 2932 should empower employees to negotiate wages and work hours for themselves.¹⁰⁹ Wages and working hours need to adequately adapt with rising inflation.¹¹⁰ Cost of living continues to rise, and while AB 2932 may provide a temporary boost to some wages, this wage increase is a short term-solution to a

packages due to a lack of union representation—an example of why AB 2932 needs to include pro-union provisions).

100. *Voorhees Interview*, *supra* note 23.

101. *Id.*

102. *Id.*

103. *See id.* (explaining how further expanding inequality was a problem encountered when drafting the bill and that Low's office are working to amend the labor code to address this concern).

104. *See Schanzenback et al.*, *supra* note 15 (explaining that healthcare costs have risen 60% for middle-income families since 1984, and 28% for low-income households); *see also id.* (contrasting this reality for Americans, in most other developed nations, healthcare costs do not play a role in family budgets as it is publicly available).

105. Telford & Briggs, *supra* note 10, at 62; Abramovitz, *supra* note 15, at 225.

106. AB 1400, 2022 Leg., 2021–2022 Sess. (Cal. 2021) (as amended on Jan. 20, 2022, but not enacted).

107. *Id.*

108. *See Schanzenback et al.*, *supra* note 15 (highlighting how spending has changed for Americans).

109. *See Bivens et al.*, *supra* note 52 (asserting that unions give employees the ability to bargain for change, so AB 2932 should embolden employees to organize and demand the changes they want).

110. *See Mathews*, *supra* note 61 (describing how inflation is driving the price of goods higher very quickly, even with gas and food taken out of the equation, prices rose by 5.9% from 2021).

long-term trend.¹¹¹ Subsection 1 covers the benefits that collective bargaining can provide to workers, including raised wages, better working hours, and increased benefits.¹¹² Subsection 2 highlights how collective bargaining was suppressed over the latter half of the 20th century, creating the need for greater union protection to reduce income inequality.¹¹³ Subsection 3 discusses what AB 2932 and other legislation can do to enable more workers to organize and regain a seat at the bargaining table.¹¹⁴

1. The Benefits of Collective Bargaining

The freedom to unionize and collectively bargain is a fundamental human right.¹¹⁵ Even the United States Constitution protects this freedom.¹¹⁶ Unions strengthen democracy as they give workers a say in the policies that affect their lives.¹¹⁷ Unions raise the wages of both union and non-union workers for several reasons.¹¹⁸

Firstly, unions prevent against wage theft as they inform their workers on their rights and can better communicate violations to government enforcement agencies.¹¹⁹ Secondly, the collective power of workers bargaining together allows for regular wage increases, which set industry-wide standards when union density is high enough.¹²⁰ In fact, unions have historically transformed low-wage jobs into employment with living wages and provide opportunity for advancement.¹²¹ In Houston, Texas, 5,300 janitors received a forty-seven percent pay increase and gained greater weekly hours of work after entering into a union contract.¹²² This contract accomplished what Assembly Member Low designed AB 2932 to do.¹²³ However, since these janitors can collectively bargain, they will also be able to attain wage increases in the future.¹²⁴

111. See Bivens et al., *supra* note 52 (displaying how productivity has continued to rise since the early 1980s, while real wages have failed to keep up, and this gap is only widening).

112. *Infra* Subsection IV.B.1.

113. *Infra* Subsection IV.B.2.

114. *Infra* Subsection IV.B.3.

115. Bivens et al., *supra* note 52.

116. See *id.* (explaining that the First Amendment protects Americans' freedom of speech and ability to protest peacefully, and this is exactly what organizing and striking for better working conditions is).

117. See *id.* (explaining that business owners and executives consistently organize to advance their economic interests; unions give the 'little guy' the ability to do so as well).

118. See MADLAND & ROWELL, *supra* note 8, at 1 (stating that unions increase economic mobility, limit income inequality, and increase wages and benefits).

119. Bivens et al., *supra* note 52.

120. MADLAND & ROWELL, *supra* note 8, at 2.

121. See Bivens et al., *supra* note 52 (showing that in Las Vegas, unionized dishwashers in hotels make four dollars than the national average and receive great benefits).

122. *Id.*

123. See Voorhees Interview, *supra* note 23 (explaining how AB 2932 was intended to raise wages).

124. Bivens et al., *supra* note 52.

Unions also give their workers a greater likelihood of attaining employer-provided health insurance.¹²⁵ Ninety-four percent of union workers have access to these health benefits as opposed to sixty-seven percent of non-union workers.¹²⁶ Eighty-five percent of union workers have access to paid sick days as well while only sixty-two percent of non-union workers have this luxury.¹²⁷ When workers lack paid sick days, they must choose between income or personal health as many live paycheck-to-paycheck.¹²⁸ Unions also afford their workers security for after retirement.¹²⁹ It is no surprise unions are so popular with Americans while faith in other institutions, such as the United States Congress and the Supreme Court, continues to decline.¹³⁰ Yet, union membership rates continue to dwindle in America.¹³¹

2. Shaving Labor's Teeth: The Decline of Unions

Union membership in terms of percentages peaked in 1954 at around thirty-five percent of all workers in the US.¹³² As of 2021, the total percentage of workers belonging to unions stands at a staggering ten percent.¹³³ The decline of union membership and their power is due to employers' long-term, concerted effort to strip labor of its power in order to maximize profits.¹³⁴ In addition, employers have continuously worked to weaken U.S. labor law via litigation in front of the National Labor Relations Board (NLRB) and the Supreme Court.¹³⁵

125. MADLAND & ROWELL, *supra* note 8, at 3.

126. Bivens et al., *supra* note 52.

127. MADLAND & ROWELL, *supra* note 8, at 3.

128. Bivens et al., *supra* note 52.

129. *See id.* (explaining that ninety percent of workers under a union contract participate in retirement plans compared to seventy-five percent of non-union workers).

130. Juliana Kaplan, *Americans Have Lost Confidence in Everything from Organized Religion to Congress, but Their Faith in Unions Is Staying Strong*, BUS. INSIDER (July 5, 2022), <https://www.businessinsider.com/americans-have-lost-confidence-in-government-religion-but-not-unions-2022-7> (on file with the *University of the Pacific Law Review*).

131. *See Union Members in California—2021*, U.S. BUREAU OF LAB. STAT., https://www.bls.gov/regions/west/news-release/unionmembership_california.htm (last updated Mar. 22, 2022) (on file with the *University of the Pacific Law Review*) (showing that in California alone, the percentage of workers in a union dropped from 16.2% to 15.9% from 2020–2021, almost at near-record lows).

132. Drew DeSilver, *American Unions Membership Declines as Public Support Fluctuates*, PEW (Feb. 20, 2014), <https://www.pewresearch.org/fact-tank/2014/02/20/for-american-unions-membership-trails-far-behind-public-support/> (on file with the *University of the Pacific Law Review*).

133. *Union Members in California—2021*, *supra* note 131; *see also* MADLAND & ROWELL, *supra* note 8, at 6 (displaying how union density is important to raise wages for all workers—without this density the benefits of unions are reduced).

134. *See* Mishel et al., *supra* note 14 (describing how in the 1960s, executives formed what would eventually become the Business Roundtable, which effectively lobbied for deregulation, tax cuts, and rollbacks of worker protection laws).

135. *See id.* (including *Linden Lumber v. NLRB*, 419 U.S. 301 (1974), which ruled that companies could deny recognition to a union, even if a majority of workers supported one); *see also id.* (forcing unions to go through the NLRB election process instead, allowing companies to stall negotiations until the election is decertified after a year).

The first blow to post-New Deal organized labor came in 1947 with the passing of the Taft-Hartley Act, which allowed employers to hold “captive audience” meetings.¹³⁶ In the 1960s, several leaders of America’s largest corporations joined together to push for widespread deregulation.¹³⁷ Eventually by the early 1970s, these collaborative organizations were able to change labor laws through litigation before the NLRB.¹³⁸ With labor laws significantly weakened, Fortune 500 companies began to actively disobey them as violations came with no meaningful penalty or public backlash.¹³⁹

A representative democracy, such as the United States, cannot claim to support free speech while limiting the best way for working Americans to voice their demands.¹⁴⁰ The current abysmal state of labor affairs is a result of policy failure.¹⁴¹ Executives are seeing increased compensation as, the stock market continues to climb, while wages for employees remain slow to grow.¹⁴² It is time for the Legislature to respond and fix this growing inequality with AB 2932.¹⁴³ Even as Amazon employees attempt to unionize and fight together against exploitative management practices, Amazon can continue to hold out, staggering the movement’s momentum.¹⁴⁴ It is unacceptable that workers are fearful to take bathroom breaks as they may fall behind exploitative quotas and lack the right to bargain for a better life.¹⁴⁵

136. *See id.* (explaining that the act allowed employers to make anti-unionization statements as well as hold forced meetings with anti-unionization messaging).

137. *See id.* (including General Electric, Ford, and US Steel).

138. *Id.*

139. *See id.* (explaining how meager fines and a lack of jail time allowed companies to hinder organization illegally due to a lack of fear).

140. Bivens et al., *supra* note 52 (detailing how unions are helpful to working people).

141. Mishel et al., *supra* note 14.

142. *See* Lazonick, *supra* note 50, at 4 (describing the lack of wage growth as opposed to productivity while the top 0.1% pump stock prices higher as their pay is attached to earnings per share).

143. *See* MADLAND & ROWELL, *supra* note 8, at 7 (highlighting how unions can assist the growing income inequality).

144. Telford & Briggs, *supra* note 10, at 63; Josh Eidelson & Matt Day, *Amazon Loses Bid to Stop Certification of NYC Warehouse Union*, BLOOMBERG (Jan. 11, 2023), <https://www.bnnbloomberg.ca/amazon-loses-bid-to-stop-certification-of-nyc-warehouse-union-1.1868972> (on file with the *University of the Pacific Law Review*).

145. *See* Telford & Briggs, *supra* note 10, at 63 (explaining how strict quotas are enforced via data collection—tracking employees’ outputs and docking pay for taking bathroom breaks, leading many to urinate into bottles on the job); *see also* Michael Sainato, *14-Hour Days and No Bathroom Breaks: Amazon’s Overworked Delivery Drivers*, GUARDIAN (Mar. 11, 2021), <https://www.theguardian.com/technology/2021/mar/11/amazon-delivery-drivers-bathroom-breaks-unions> (on file with the *University of the Pacific Law Review*) (describing poor working conditions for Amazon drivers, they cannot stop for bathroom breaks as the delivery contractor is alerted if a truck stops for more than three minutes).

3. Learning from the Past: Re-Empowering Labor

It is statistically clear that unions help reduce income inequality and benefit the bottom- and middle-classes.¹⁴⁶ Recently, studies equipped lawmakers with information on labor reform and the post-pandemic labor shakeup has shifted popular momentum towards labor law reform.¹⁴⁷ Accordingly, the Legislature can supplement AB 2932 by including provisions which protect union elections from predatory corporate interference.¹⁴⁸

Employers hamper unionization efforts with aggression, intimidation, and other illegal tactics such as firings and threatening closing down.¹⁴⁹ This year, Starbucks allegedly illegally fired over twenty employees who helped lead unionization campaigns in their respective store branches.¹⁵⁰ In fact, Starbucks has reportedly committed over 200 federal labor law violations since unionization efforts started in late 2021.¹⁵¹ AB 2932 needs to add provisions which will mandate serious consequences for these kinds of actions.¹⁵² When employers illegally fire organizing employees, they should not only face action from the NLRB, but from the California government as well.¹⁵³

Under California Penal Code section 518, “extortion” occurs when a party uses fear or force to gain another person’s consent to provide property or service.¹⁵⁴ This is the crime that employers commit when they coerce employees into voting against unionizing.¹⁵⁵ Managers and executives who play a role in this intimidation should face felony charges and jail time of up to four years as the penal code

146. MADLAND & ROWELL, *supra* note 8, at 7.

147. Hess, *supra* note 26.

148. See Bivens et al., *supra* note 52 (exposing ways which employers attempt to shift union elections in their favor via threats of job loss and blocking organizers from the worksite).

149. See *id.* (explaining that about one-third of employers will fire workers during organization campaigns, disrupting the process and intimidating others from voting to unionize).

150. Michael Sainato, *Revealed: Starbucks Fired Over 20 US Union Leaders in Recent Months*, GUARDIAN (May 19, 2022), <https://www.theguardian.com/business/2022/may/19/starbucks-fired-over-20-us-union-leaders> (on file with the University of the Pacific Law Review) (noting that while the NLRB has filed complaints over these firings, these cases will come before an administrative law judge to make a final determination regarding illegality).

151. *Id.*

152. See *id.* (explaining how the NLRB is investigating Starbucks, however, it is clear that more ramifications are necessary as the company continuously racks up violations).

153. See Mishel et al., *supra* note 14 (describing one policy choice that can make unionizing easier and less risky—holding employers accountable for their illegal interference in unionization efforts).

154. CAL. PENAL CODE § 518.

155. *Id.*; see also Bivens et al., *supra* note 52 (explaining how employers commit extortion by forcing employees to ignore their constitutional right to organize and demand more to avoid the loss of their income and benefits).

prescribes.¹⁵⁶ A lack of meaningful consequences emboldens employers to illegally interfere in union elections and organizing efforts, thus it is time for change.¹⁵⁷

Private Attorney General Actions (PAGA) are also helpful to employees, as these actions allow workers to file their own suits for labor law violations.¹⁵⁸ However, California should create a board similar to the NLRB to investigate these matters more thoroughly.¹⁵⁹ The Governor should appoint a five-person board with the ability to hear cases and suggest sanctions or penalties for violations.¹⁶⁰ Additionally, the California Legislature should work to form an investigative agency that deals solely in monitoring union elections and ensuring fairness.¹⁶¹ All of these implementations—along with serious sanctions and jail time as punishment for violations—should send a message that California will not tolerate worker exploitation.¹⁶² It is time for California’s Assembly Members to worry less about their opposition labeling them as “anti-business” and worry more about the millions of California’s workers.¹⁶³

V. CONCLUSION

AB 2932 is a good step forward to combat the erosion of labor power over the last half-century.¹⁶⁴ Though AB 2932 may not provide the broad-sweeping wage reform needed to combat the record-level income inequality our society faces, it is a start.¹⁶⁵ Since the neoliberal turn of the late 1970s, America’s workers have been dehumanized, overworked, and underpaid.¹⁶⁶ The drafting of the bill shows

156. *California Penal Code § (Section) 518 – Extortion*, KANN CAL. LAW GRP., <https://www.kannlawoffice.com/Extortion> (Sept. 3, 2022) (on file with the *University of the Pacific Law Review*).

157. Mishel et al., *supra* note 14.

158. *See Latest Supreme Court Ruling Clamps Down on PAGA Actions in California . . . or Does It?*, MCKAGUE ROSASCO, LLP (June 17, 2022), <https://www.mckaguerosasco.com/2022/06/17/5688/latest-supreme-court-ruling-clamps-down-on-paga-actions-in-california-or-does-it/> (on file with the *University of the Pacific Law Review*) (explaining that PAGA allows for wronged employees to bring civil actions against their employers on their own behalf, allowing them the opportunity to recover for labor violations).

159. *See id.* (detailing the current status of private suits under PAGA).

160. *See* Mishel et al., *supra* note 14 (explaining that the NLRB consists of five members and is appointed by the president, and it can be recreated in California ensure that labor violations are punished).

161. *Id.*

162. *Id.*

163. *See Voorhees Interview*, *supra* note 23 (explaining how Low’s office isn’t paying attention to the negative press surrounding AB 2932 and is focused on passing legislation).

164. Lazonick, *supra* note 50, at 4–5 (highlighting the gap between worker productivity and wages which began to occur in the late 1970s and early 1980s).

165. MADLAND & ROWELL, *supra* note 8, at 1; *see also* AB 2932, 2022 Leg., 2021–2022 Sess. (Cal. 2021) (as amended on Mar. 24, 2022, but not enacted) (failing to include provisions which strengthen unionizing).

166. Telford & Briggs, *supra* note 10, at 60; Lazonick, *supra* note 50, at 4.

legislators, such as Assembly Member Low, are aware of these issues plaguing the working class.¹⁶⁷ The California Legislature is attempting to use the post-pandemic shakeup of the labor market to push out pro-labor legislation.¹⁶⁸

However, AB 2932 is more symbolism than substance.¹⁶⁹ Without labor pushback, corporations can solely work to maximize short-term profits and shrink their responsibilities to society.¹⁷⁰ California's Legislature must embolden unions through better protection via policy.¹⁷¹ Unions were, and always will be, the best way for workers to flex their muscles and have their voices heard.¹⁷²

167. *Voorhees Interview*, *supra* note 23.

168. *Id.*

169. *See id.* (describing the goals of the bill, however, as it currently stands the bill will not be able to achieve them without a focus on labor organization).

170. Klaus Schwab & Peter Vanham, *What Is Stakeholder Capitalism?*, WORLD ECON. F. (Jan. 22, 2021), <https://www.weforum.org/agenda/2021/01/klaus-schwab-on-what-is-stakeholder-capitalism-history-relevance/> (on file with the *University of the Pacific Law Review*); Josh Bivens et al., *How Today's Unions Help Working People*, ECON. POL'Y INST. (Aug. 24, 2017), <https://www.epi.org/publication/how-todays-unions-help-working-people-giving-workers-the-power-to-improve-their-jobs-and-unrig-the-economy/> (on file with the *University of the Pacific Law Review*).

171. Mishel et al., *supra* note 14.

172. Bivens et al., *supra* note 52.

* * *