

**STATE OF CALIFORNIA
AGRICULTURAL LABOR RELATIONS BOARD**

BOARD MEETING MINUTES

**Visalia Regional Office
711 North Court Street, Suite H
Visalia, CA 93291**

October 24, 2001

Time: 9:00 a.m.
Members Present: Chairwoman Shiroma, Board Members Ramos Richardson, Barrios and Mason.
Staff Present: Executive Secretary Barbosa, Board Counsel Murray, Heyck, and Board Staff Nuño.
Others Present: General Counsel Turner, Regional Directors Donnell, Capuyan, and Alderete, and Field Examiner Gonzales
Absent: Chief of Administration Arviso, Board Counsel Wender and Levy, and Analyst Massie.

OPEN SESSION

- 1. APPROVAL OF MINUTES:** None.
- 2. PUBLIC COMMENT:** None.
- 3. BOARD MEMBER COMMENT:** None.
- 4. ANNOUNCEMENTS:**

1. Executive Secretary Barbosa reminded those present that the 20th Annual Agribusiness Management Conference would be held on Thursday, October 25, 2001 at the Radisson Hotel and Conference Center in Fresno.
2. Board Member Shiroma announced that the Board will participate in the Sacramento Food Bank's annual holiday food drive, and that a container will be placed in the office for donations.
3. Regional Director Donnell announced that there will be an Agriculture Summit in Coachella on November 15, 2001.
4. Regional Director Donnell announced that the annual Farmworkers'

Breakfast will be held on Friday, December 7, 2001 in El Centro.

5. WEEKLY STATUS REPORT ON ELECTIONS, UNFAIR LABOR PRACTICE COMPLAINTS, HEARINGS AND COURT LITIGATION:

ELECTIONS REPORT:

NOTICE OF INTENT TO TAKE ACCESS AND NOTICE OF INTENT TO ORGANIZE: No new filings reported.

Election petitions:

Hure Brothers, 01-RC-3-VI

The United Farm Workers Union filed a representation petition on October 19, 2001 with the Visalia Regional Office seeking an election. The employer is located in Delano and is involved in the production of table grapes.

COMPLAINT REPORT:

One new complaint issued:

Jasmine Vineyards, Inc. 00-CE-110-VI

Respondent allegedly gave employees disciplinary notices because the employees filed charges and were engaged in Board processes.

One case pending parties' post-hearing briefs:

The Elmore Company, 00-CE-306-EC.

Briefs due October 29, 2001.

Five cases on calendar:

Pictsweet Mushroom Farms, 01-CE-620-EC(OX).

Request for continuance was granted. Hearing is now October 30, 2001.

Excelsior Farming, LLC, 01-CE-46-VI.

Hearing November 6, 2001.

Pictsweet Mushroom Farms, 00-CE-332-EC(OX).

Hearing December 12, 2001.

Seaview Growers, Inc., 00-CE-15-EC (OX).

Pre-hearing January 15, 2002

Hearing January 29, 2002.

BLT Farms, Inc., 01-CE-501-EC(OX)

Pre-hearing March 12, 2002

Hearing March 26, 2002.

SETTLEMENTS: no changes to report.

BOARD DECISIONS: No changes to report.

COURT LITIGATION:

Coastal Berry Company, H021585 (26 ALRB No. 3): Oral argument was held October 17, 2001 in the Sixth Appellate District Court of Appeal in San Jose, CA. The Court's decision is pending.

Cieniga Farms, Inc., B152844 (27 ALRB No. 5): The petitioner's opening brief is due October 31, 2001.

Turco Desert Co., Inc., E030125 (27 ALRB No. 5): The petitioner's opening brief is due November 16, 2001.

COMPLIANCE:

Los Altos Farms, 00-C-09-SAL

The case was closed as the respondent satisfactorily met all the terms and conditions of the informal settlement agreement.

6. BUDGET AND ADMINISTRATION:

(a) Information Technology and Web Site Development Project:

Board Counsel Heyck read a report prepared by Analyst Massie that indicated the following:

- The reformatting of Board decisions on the ALRB web site is complete. Please let Analyst Massie know of any incorrect information or links.
- The Annual Report and Executive Summary of the 1999-2000 Annual Report are now on both the English and Spanish portions of the ALRB web site. A link to the Spanish version of Acrobat Reader is provided on the web site.
- Staff is aware of some discrepancies in the Spanish translation of the Agricultural Labor Relations Act that is posted on the web site. Staff is in the process of having the Act translated again.
- Staff is continuing to work with Capitol Data and Pacific Bell to resolve problems with the office internet connection as well as problems with office e-mail.
- An auto attendant feature has been activated on the General Counsel's telephone to address the problem of misdirected calls. The greeting on the auto attendant explains briefly what the ALRB does and gives telephone numbers for other agencies the caller may need. Callers who

wish to speak to someone in the General Counsel's office may stay on the line.

- The agency has finalized (but has not authorized) its maintenance agreement with Capitol Data. The agreement includes regular monthly and quarterly scheduled maintenance of the servers in the Regional Offices.

(b) Administration:

Budget Update: Two Executive Orders issued from the Governor's Office regarding the State budget situation and hiring freeze on October 24, 2001 were circulated. Board Members discussed likely challenges that will be faced by the agency in light of the situation, and began to discuss possible strategies to address those challenges.

- (c) Policies and Procedures, Update:** Board Member Barrios and Board Counsel Heyck circulated a memo prepared by Board Counsel Levy summarizing current progress on the ALRB Policies and Procedures manual. The memo also outlined the process for circulating new sections of the manual for review as they are completed. Once the Regional Directors receive new sections, they will have two weeks to review them and submit comments. Board Member Barrios indicated that the Board would like to provide a training for the Regional Offices on agency policies and procedures when the manual is complete.

- (d) Regulations, Update:** Executive Secretary Barbosa announced that Board Counsel are preparing recommendations addressing the concerns raised by Board members at the previous Board meeting regarding the proposed regulatory package. The Board is scheduled to finalize the regulatory proposals for the purposes of submitting them to the formal rulemaking process at the Board meeting scheduled for October 31, 2001. Proposed regulations concerning the implementation of Senate Bill 1198 (Agricultural Employee Relief Act) will not be included in the current package. Regulations concerning this new legislation will be addressed in early 2002.

- 7. OUTREACH PROJECT:** Board Member Ramos Richardson asked the Regional Directors whether they had any suggestions or comments regarding existing and/ or new outreach brochures. The Regional Directors indicated that they did not have any changes to suggest.

8. LEGISLATION:

Executive Secretary Barbosa circulated a report from Board Counsel Wender indicating that Senate Bill 25 (Establishment of Labor and Civil Rights Agency) was vetoed by the Governor, and that Assembly Bill 856 (Horse racing backstretch employees), Senate Bill 1198 (Agricultural Employee Relief Act), and Assembly Bill 192 (open meetings) were signed by the Governor.

9. PERSONNEL: None.

10. FUTURE AGENDA REVIEW: None.

PUBLIC MEETING ADJOURNED AT: 12:10 p.m.