

**STATE OF CALIFORNIA  
AGRICULTURAL LABOR RELATIONS BOARD**

**BOARD MEETING MINUTES**

**Board Conference Room  
915 Capitol Mall, 3<sup>rd</sup> Floor  
Sacramento, CA 95814**

**March 27, 2002**

Time: 10:00 a.m.  
Members Present: Chairwoman Shiroma, Board Members Barrios and Mason.  
Staff Present: Executive Secretary Barbosa, Board Counsel Wender and Heyck, Board Staff Nuño, Analyst Massie.  
Others Present: Chief Administrative Law Judge Sobel  
Absent: Board Counsel Levy and Murray.

**OPEN SESSION**

1. **APPROVAL OF MINUTES:** The Board approved minutes for March 19, 2002, 3-0 with minor changes.
2. **PUBLIC COMMENT:** None.
3. **BOARD MEMBER COMMENT:** None.
4. **ANNOUNCEMENTS:**

The United States Supreme Court, in a precedent setting decision, held that federal immigration policy, as expressed by Congress in IRCA, foreclosed the NLRB from awarding backpay to an undocumented alien who has never been legally authorized to work in the United States. Slip Opinion No. 00-1595, March 27, 2002.

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:**  
**Sonoma Cutrer Vineyards, Inc., 02-RC-1-SAL**

The UFW filed its objections to the election on March 22, 2002. The objections are being screened by the Executive Secretary. The challenged ballot investigation is underway. The Regional Director advised the parties that their positions on the 51 challenges are due on April 12, 2002. The matter is pending the parties positions and Regional Director's challenged ballot report.

**Albert Goyenette Dairy, 02-RC-1-VI**

The Regional Director issued his challenged ballot report on March 8, 2002. The employer filed exceptions to the report on March 15, 2002. The matter is now pending decision by the Board.

**COMPLAINT REPORT:**

Two new complaints have issued.

**Dan Tudor and Sons, 01-CE-72-VI (March 22, 2002)**

The complaint alleges that the employer unlawfully interfered with union access taking and interfered with and threatened workers with termination and harassment for exercising their rights, refused to recall a crew and workers because of their support for the union, and unlawfully suspended employees.

**Pete Vanderham Dairy, Inc., 01-CE-996-EC (R) (March 22, 2002)**

The complaint alleges that the employer unlawfully interrogated, threatened, disciplined, implemented new employee rules and discharged workers because they supported the union.

No Pre-hearing conferences have been held:

Two cases pending post-hearing briefs and ALJ decision:

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

**McCaffrey Goldner Roses, 00-CE-92-VI.**

Eight cases on calendar:

**Long Family Partners, Ltd. LP, 01-CE-19-SAL**

Pre-hearing conference March 27, 2002

Hearing April 9, 2002.

**California Redi-Date, Inc., 00-CE-25-EC**

Pre-hearing conference (completed)

Hearing April 23, 2002.

**Pacific Sod and Pacific Earth Resources, 01-CE-588-EC(OX)**

Pre-hearing conference May 7, 2002

Hearing May 21, 2002.

**Cameiro Heifer Ranch, Inc.**, 01-CE-638-EC  
Pre-hearing conference June 4, 2002  
Hearing June 18, 2002.

**California Redi- Date**, 00-CE-336-EC  
Pre-hearing conference July 9, 2002  
Hearing July 23, 2002.

**Rivera Vineyard**, 01-CE-317-EC(R)  
Pre-hearing conference August 13, 2002  
Hearing August 27, 2002.

**Cocopah Nurseries, Inc.**, 00-CE-399-EC  
Pre-hearing conference September 17, 2002  
Hearing September 24, 2002.

**Desert Citrus Properties, Inc.**, 01-CE-178-EC(R)  
Pre-hearing conference October 16, 2002  
Hearing October 29, 2002.

No new cases transferred to the Board for decision.

**SETTLEMENTS:**

**BLT Farms, Inc.**, 01-CE-501-EC(OX)  
The parties reached a private party settlement agreement and the matter was taken off calendar March 22, 2002.

**Jasmine Vineyards, Inc.**, 00-CE-110-VI  
The parties reached an informal bilateral agreement and the matter was taken off calendar March 26, 2002.

**BOARD DECISIONS:** No new cases issued.

**Coastal Berry Company**, 99-CE-1-SAL

On March 13, 2002, the Board issued an order to show cause why the Board should not conduct an in camera inspection of declarations filed in case nos. 98-RC-1-SAL, and 99-RC-4-SAL. The General Counsel's response was received on March 26, 2002. The matter is now pending the filing of replies, if any.

**COURT LITIGATION:**

**Turco Desert Co., Inc.**, E030125 (27 ALRB No. 4): The matter is pending notification from the court on the need for oral argument.

**Cieniga Farms, Inc.**, B152844 (27 ALRB No. 5): Petitioner filed its opening brief on

February 26, 2002. The Board filed a motion seeking a 30-day extension of time to file its response brief. The motion was granted, and the brief is now due April 26, 2002.

**COMPLIANCE:** No new activity to report.

**6. BUDGET AND ADMINISTRATION:**

- (a) **Information Technology and Web Site Development Project :** Analyst Massie reported that she is following up on software licensing agreements.
- (b) **Regulations:** Board Counsel Wender reported that he has prepared the rulemaking file for the set of proposed amendments first noticed in December 2001. The documents will be filed with the Office of Administrative Law shortly.
- (c) **Budget:** Update – No new activity to report.
- (d) **Policies and Procedures:** Update- No new activity to report.
- (e) **Needs Assessment-** the Board agreed to review the needs assessment spreadsheet at a later date.
- (f) **Regional Directors' Quarterly Meeting-** The Board discussed several changes to the agenda for the meeting scheduled for April 17, 2002.
- (g) **Labor and Workforce Development Agency-** The Board discussed a narrative description of the ALRB's activities prepared in response to a request from the Department of Industrial Relations. The description is due April 29, 2002.
- (h) **Annual Report-** The General Counsel submitted her revised statement for the annual report which has been submitted to the Board offices.

**7. OUTREACH PROJECT:** Novela - Staff and Board will meet on March 27, 2002 at 1:30 p.m. to review the changes to the Novela. Once the review is complete, Mr. Barbosa will return the draft to Mr. Javier Juarez for editing. The draft will then be distributed to the ad hoc advisory committee for additional review.

**8. LEGISLATION:** Board Counsel Wender reported that Senate Bill 1236, which had been a spot bill, was amended on March 21, 2002. It now contains substantive provisions creating and delineating the authority of a Labor and Workforce Development Agency.

**9. PERSONNEL:** No new activity to report.

**10. COMPLIANCE:** No new activity to report.

**11. FUTURE AGENDA REVIEW:** None.

**PUBLIC MEETING ADJOURNED AT: 10:50 a.m.**

**WHEREUPON THE BOARD ENTERED INTO CLOSED SESSION**