Santa Maria, California

STATE OF CALIFORNIA

AGRICULTURAL LABOR RELATIONS BOARD

TOMOOKA FARMS, INC., Petitioner,	)	Case No. 82-UC-3-OX(SM)
and	)	
FOOD PACKERS, PROCESSORS AND WAREHOUSEMEN'S UNION, LOCAL 865,	)	
and	)	9 ALRB No. 48
MELITON ALBANA, aka UNIVERSAL WORKER'S UNION	)	

DECISION AND ORDER CLARIFYING BARGAINING UNIT

On November 6, 1979, Meliton Albana, aka Universal Worker's Union, was certified by this Board as the exclusive bargaining representative for the agricultural employees of Tomooka Farms Inc., the Employer herein. On December 28, 1982, the Employer filed a unit clarification petition, asking that certain of its employees, referred to as driver-stitcher-loaders, be included in the unit of agricultural employees certified on November 6, 1979.

In a report issued on March 7, 1983, the Regional Director for the Oxnard Region found that the driver-stitcher-loaders are engaged solely in activities incidental to farm work and are therefore agricultural employees under Labor Code section 1140.4(b) and 29 U.S. Code 203(f). She therefore recommended that the driver-stitcher-loader employees be included in the unit certified on November 6, 1979. The Food Packers, Processors

and Warehousemen's Union, Local 865 filed timely exceptions to the Regional Director's recommendation.

Pursuant to Labor Code section 1146, the Agricultural Labor Relations Board (Board) has delegated its authority in this case to a three-member panel.

The Board has considered the record, and the attached Regional Director's recommendation, in light of the exceptions and briefs and has decided to adopt the Regional Director's recommendation.

ORDER

It is hereby ordered that the unit of all the agricultural employees of Tomooka Farms, Inc. is clarified to include any employees referred to as driver-stitcher-loaders.

Dated: September 1, 1983

JEROME R. WALDIE, Member

JORGE CARRILLO, Member

PATRICK W. HENNING, Member

CASE SUMMARY

Tomooka Farms, Inc.

9 ALRB No. 48
Case No. 82-UC-3-OX(SM)

Regional Director's Report and Recommendation

After investigating the Employer's petition for unit clarification, the Regional Director (RD) determined that a class of employees known as "driver-stitcher-loaders" were agricultural employees, included in the unit of all the Employer's agricultural employees certified by the ALRB.

Board Decision

The Board adopted the RD's report and recommendation in its entirety.

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This case summary is furnished for information only and is not an official statement of the case, or of the ALRB.

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