

STATE OF CALIFORNIA
AGRICULTURAL LABOR RELATIONS BOARD

BOARD MEETING MINUTES

Board Conference Room
915 Capitol Mall
Sacramento, CA 95814

September 20, 2000

Time - 10:00 a.m.

Members Present - Chairwoman Shiroma; Board Members
Richardson, Barrios and Mason
Staff Present - Executive Secretary Barbosa; Board
Counsel Demaris, Levy, Wender, and
Starkey; Chief of Administration Arviso;
Analyst Massie; Board Staff Torres
Others Present - General Counsel Turner
Absent -

OPEN SESSION

1. **APPROVAL OF MINUTES.** The Board approved the minutes for September 6 and 12, 2000, 4-0.
2. **PUBLIC COMMENT.** None.
3. **GENERAL COUNSEL COMMENT.** General Counsel Turner informed the Board that a request for injunctive relief request might be forthcoming. She also noted that she and Regional Directors will be meeting next week in Sacramento.
4. **BOARD MEMBER COMMENT.** Chairwoman Shiroma commented generally on the recent Roundtable Discussions (Merced, Bakersfield, and Coachella), and noted a very positive response to the Board's efforts. In connection with the upcoming Roundtable Discussions in Petaluma next week, Member Richardson reported confirmation of a tour of the Gallo Sonoma winery operation for Monday, September 25, 2000, at 2 p.m.

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

NOTICE TO TAKE ACCESS or ORGANIZE: Per report from Regional Director Alderete, the United Farm Workers (UFW) have filed three Notices to Take Access (NA) and three Notices to Organize (NO) with the Visalia Regional Office.

Tri-Duncan, a Partnership, 00-NA-2-VI
Organic Choice, 00-NA-3-VI
Cal-Organic Farms, 00-NA-4-VI

Tri-Duncan, a Partnership, 00-NO-1-VI
Organic Choice, 00-NO-2-VI
Cal-Organic Farms, 00-NO-3-VI

ELECTIONS:

Vinifera, Inc., 00-RC-2-SAL
Post-hearing briefs are due October 10, 2000, with the Investigative Hearing Examiner (IHE) decision to follow.

COMPLAINT REPORT:

No new complaints have issued.

No new cases have been set for hearing.

One case has been continued for two weeks to allow the parties to execute a bilateral settlement agreement:

CJJ Farming, Inc., 99-CE-27-SAL

One case is pending exceptions and reply:

Grewal Enterprises, Inc., 98-CE-162-EC
Exceptions are due October 13, 2000

HEARINGS: None in progress.

COURT LITIGATION:

Coastal Berry Company, H021585

The Board's response brief is due October 18, 2000.

6. BUDGET AND ADMINISTRATION.

- (a) **Board Regulations:** In connection with current regulatory activity, Regional Directors will be offered an opportunity to suggest regulatory amendments. Also, Regional Directors will be asked for input concerning earlier drafted proposed regulations concerning the subjects of settlement agreements and filing and processing of charges. After this additional input from the Regional Directors, the Board may consider augmenting the proposed regulation package, which currently covers the subjects of authorization cards and confidentiality of declarations in challenged ballot proceedings.
- (b) **Information Technology and Web Site Development:** Analyst Massie reported that she has contacted the website contractor to ensure that changes to the website, including format changes, are made only with prior Board authorization. She reported that the network server migration process has been completed. She will follow up on concerns that the connection appears to be slow, despite the completion of the migration. She reported that software for the 800-number has been ordered, and she is continuing to work on concerns about access to that system.
- (c) **Budget:** Chief of Administration Arviso reported that she is working with the General Counsel on general review of the budget and related issues. In other administrative matters, Ms. Arviso reported that she is coordinating with the building manager on tenant security concerns in the building and a survey to staff will follow; she has informed management by e-mail concerning the current buy-back policy; she is also working on implementation of a pre-tax parking benefit.

and will survey staff. Per direction of the Executive Secretary, Ms. Arviso will follow up on notification from the California Integrated Waste Management Board to submit a waste management plan within the next 30 days.

- (d) **Strategic Plan:** After discussion of the status of the Roundtable Discussions and the opportunities for public comment, and upon review of deadlines for submission of its report, the Board agreed to maintain its established schedule for public comment as set out in the public meeting notices concerning the Roundtable Discussions. Noting the time frame for completion of the report, Chairwoman Shiroma established a working sub committee (General Counsel Turner, Executive Secretary Barbosa, Counsel Starkey, and herself) to help keep the Board on schedule. The Board discussed and finalized its itinerary for the Petaluma Roundtable Discussion (September 25).

- (e) **Compliance Project:** General Counsel Turner reported that a uniform reporting format for compliance has been developed for the regional offices. Also, Deputy General Counsel Blanco is working on a summary of compliance matters. Noting the possible use of a pilot training project in coordination with the Attorney General's Office, Member Barrios requested that each Regional Office identify an appropriate case for compliance enforcement, with emphasis on collection. She also expressed interest in having a flow chart developed to help track case closure and compliance. It is anticipated that a motion to close case will issue in *Borchard*.

- (f) **ALRA 25th Conference:** Update: Chairwoman Shiroma announced that Labor Commissioner Art Lujan will be in attendance. She noted with regret that NLRB Solicitor John Higgins, Jr. will be unable to attend. Chairwoman Shiroma repeated her hope that as many staff as possible will attend this event. She also announced that there will be an "open house" at the ALRB headquarters office on the following morning (October 5). Ms. Arviso

reported that artwork for conference items, such as shirts, has been submitted to the printer.

7. **OUTREACH PROJECT.** No change. See Strategic Plan, above.
8. **LEGISLATION.** No report.
9. **ANNOUNCEMENTS.** El Centro Regional Director Donnell will be attending the Ag Seminar 2000 on September 28, 2000, in Calexico, sponsored by the Employment Development Department. The following presentations are scheduled: 1) Health & Safety for Agricultural Employers and Workers, Elizabeth Lopez-Manzo, Cal OSHA; 2) An Overview of Labor Standards, Henry P. Huerta, Labor Commissioner-Bureau of Field Enforcement; and 3) Farm Labor Laws under MSPA and FLSA-Ag, Alfred O. Varela, Department of Labor.

The next regular luncheon meeting of the Industrial Relations Association of Northern California (IRANC) on September 26, 2000, concerns the topic: The Pro's and Con's of School Vouchers.

Jackson & Perkins Company has invited the Board to attend the debut and blessing of the Our Lady of Guadalupe Rose on September 21, 2000, in Los Angeles. Remarks to be provided by Cardinal Roger Mahoney, Nancy L. Tait, Executive Vice President of Jackson & Perkins Co., Arturo S. Rodriguez, UFW President, and Adam Chavarria, National Director of Hispanic College Fund, Inc.

The 18th Annual Meeting of the Labor and Employment Law Section will be held on October 27-29, 2000, at the Claremont Resort & Spa in Oakland.

Board staff sent flowers to Alice Justice's mother, who was recently hospitalized.

10. **PERSONNEL.** Leave buy-back forms for fiscal year 2000-01 were circulated last week. Requests can be made now through December 31, 2000.
11. **FUTURE AGENDA REVIEW.** None.

The public session was closed in memory of Isabel Hernandez Serna, recently deceased, wife of former Sacramento Mayor Joe Serna, with heartfelt condolences expressed to the Serna Family.

PUBLIC MEETING ADJOURNED AT: 12:00 Noon