

STATE OF CALIFORNIA
AGRICULTURAL LABOR RELATIONS BOARD

BOARD MEETING MINUTES

Board Conference Room
915 Capitol Mall
Sacramento, CA 95814

November 1, 2000

Time - 10:00 a.m.
Members Present - Chairwoman Shiroma; Board Members Barrios, and Mason.
Staff Present - Executive Secretary Barbosa; Board Counsel Demaris, Levy, Wender, and Starkey; Analyst Massie; Board Staff Torres
Others Present -
Absent - Member Richardson, General Counsel Turner, and Chief of Administration Arviso

OPEN SESSION

1. **APPROVAL OF MINUTES.** The Board approved the minutes for October 25, 2000, 3-0, with Member Richardson absent.
2. **PUBLIC COMMENT.** None.
3. **GENERAL COUNSEL COMMENT.** None.
4. **BOARD MEMBER COMMENT.** None.
5. **WEEKLY STATUS REPORT ON ELECTIONS, UNFAIR LABOR PRACTICE COMPLAINTS, HEARINGS AND COURT LITIGATION.**

ELECTIONS:

NOTICE TO TAKE ACCESS (NA)
NOTICE OF INTENT TO ORGANIZE (NO)

Cocopah Nurseries, Inc. 00-NA-2-EC
Cocopah Nurseries, Inc. 00-NO-2-EC

Notices (NA, NO) filed October 25, 2000. Cocopah Nurseries is a date palm tree company with

operations in Riverside, San Diego and Imperial Counties. The petitioner, United Farm Workers (UFW), met the showing of interest and the employee list was turned over. To date, no representation petition has been filed.

ELECTION PETITIONS

Pictsweet Mushrooms, 00-RD-1-EC(OX)

On October 31, 2000, agricultural employee Benjamin Villanueva filed a petition for decertification with the El Centro Regional Office seeking to decertify the UFW as the exclusive bargaining representative. Pictsweet is a mushroom operation with approximately 306 employees located in Ventura, California. The matter is under investigation.

Vinifera, Inc., 00-RC-2-SAL

The matter is pending the Investigative Hearing Examiner (IHE) decision.

COMPLAINT REPORT:

Four new complaints and one specification issued this week:

Anthony Vineyards, Inc., 00-CE-31-VI

On October 23, 2000, the Visalia Regional Director issued a complaint alleging that the employer discharged and refused to rehire 10 employees because they engaged in protected concerted activities.

Balletto Ranch, Inc., 99-CE-18-SAL

On October 24, 2000, the Salinas Regional Director issued a complaint alleging that the employer failed to furnish the union with requested information relevant to collective bargaining and materially changed its agricultural operations without notice to or bargaining with the exclusive bargaining representative.

Mt. View Farming, Inc., 00-CE-63-VI

On October 24, 2000, the Visalia Regional Director issued a complaint alleging that the

employer failed and refused to reinstate an employee because she engaged in protected concerted activity.

Turco Desert Company, Inc., 00-CE-29-EC

On October 30, 2000, the El Centro Regional Director issued a complaint alleging that the employer discharged and failed to reemploy an employee because he engaged in protected concerted activity.

Sunrise Mushrooms, Inc., 93-CE-43-SAL (22 ALRB No. 2) On October 27, 2000, the Salinas Regional Director issued a Notice of Hearing and Third Amended Backpay Specification. The case concerns a single discriminatee with a total net backpay award with interest of \$31,363.97.

No new cases have been set for hearing.

No cases pending reply:

Grewal Enterprises, Inc., 98-CE-162-EC

The reply was due October 26, 2000, and no reply was filed.

HEARINGS: None in progress.

El Centro Monthly Activity Report

As of October 31, 2000, the El Centro caseload was as follows:

ULP cases = 359
Compliance cases = 15
Election cases = 3
TOTAL CASES = 377

Three complaints issued. (**Cieniga Farms, Pictsweet Mushrooms & Turco Desert Co.**)

Salinas Monthly Activity Report

As of October 31, 2000, the Salinas caseload was as follows:

ULP cases = 53
Compliance cases = 7
Election cases = 1
TOTAL CASES = 61

One complaint (**Balletto Ranch**) and one specification (**Sunrise Mushrooms**) issued.

Visalia Monthly Activity Report

As of October 31, 2000, the Visalia caseload was as follows:

ULP cases = 108
Compliance cases = 4
Election cases = 0
TOTAL CASES = 112

Two complaints issued (**Anthony Vineyards** and **Mt. View**) and one complaint is pending setting for hearing. (**Wilgenburg Dairy Farm.**)

COURT LITIGATION:

Coastal Berry Company, H021585

The Board's response brief was filed October 16, 2000. The employer's reply brief is due November 6, 2000.

Vincent B. Zaninovich & Sons, Inc., F034095

The Fifth Appellate District Court of Appeal summarily denied the employer's petition for writ of review of the Board's order in 25 ALRB No. 4. In that case, the Board issued a cease and desist order with standard remedies after finding that the employer implicitly threatened employees with discharge if they again sought assistance from a union when the employer told them, "Well, if the Union is so powerful, then let them give you a job."

6. BUDGET AND ADMINISTRATION.

- (a) **Board Regulations:** Discussion tabled pending input from Regional Directors.
- (b) **Information Technology and Web Site Development Project:** Ms. Massie reported that the intranet has been updated with a new appearance and additional features. Ms. Massie also reported that a number of staff from headquarters and the regional offices in Visalia and El Centro held a real time discussion via internet to test a potential resource for online communication and training.
- (c) **Administration - Update:** No report for this meeting.
- (d) **Strategic Plan - Update:** Board Counsel Starkey stated that he will have a draft report with revised recommendations to the Board for review within the next week. The Board requested that Ms. Arviso be contacted to research potential costs for professional formatting of the final report.
- (e) **Compliance Project - Update:** Board Counsel Wender distributed a memorandum discussing suggested changes for administration of compliance matters. The Board directed that the memorandum be sent to the General Counsel and the Regional Directors for review and input.

7. OUTREACH PROJECT. No discussion.

8. LEGISLATION. No report for this meeting. Chairwoman Shiroma requested that legislative directories be obtained for the Board members.

9 ANNOUNCEMENTS.

Executive Secretary Barbosa reported that information for the ALRB 1999-2000 Annual Report is being collected.

The Governor's Office for Innovation in Government and the Department of Information Technology (DOIT) is

sponsoring a forum on e-government. Executive Secretary Barbosa and Ms. Massie will be attending.

10. **PERSONNEL.** The Board is seeking a bi-lingual (Spanish) receptionist for the headquarters office, whose duties, among others, will include appropriate routing of incoming telephone calls from the agency's toll free number.

Board Counsel Wender circulated information concerning the recently negotiated criteria for the Attorney IV classification (Bargaining Unit 2).

11. **FUTURE AGENDA REVIEW.**

After discussion, the Board agreed to review existing agency documents for format and presentation. Member Barrios and Board Counsel Starkey will obtain style guides from other agencies for sample formats.

PUBLIC MEETING ADJOURNED AT: 11:05 a.m.

WHEREUPON THE BOARD ENTERED INTO CLOSED SESSION.