

**STATE OF CALIFORNIA
AGRICULTURAL LABOR RELATIONS BOARD**

BOARD MEETING MINUTES

**Board Conference Room
915 Capitol Mall, 3rd Floor
Sacramento, CA 95814**

December 5, 2001

Time: 10:00 a.m.
Members Present: Chairwoman Shiroma, Board Members Ramos Richardson, Barrios and Mason.
Staff Present: Executive Secretary Barbosa, Board Counsel Wender, Levy, Murray, Heyck, Analyst Massie and Board Staff Nuño.
Others Present:
Absent: Chief of Administration Arviso.

OPEN SESSION

1. **APPROVAL OF MINUTES:** The Board approved minutes for November 28, 2001 4-0.
2. **PUBLIC COMMENT:** None.
3. **BOARD MEMBER COMMENT:** None.
4. **ANNOUNCEMENTS:**
 1. The Annual EDD Farmworker Breakfast is scheduled for Friday, December 7, 2001 in Calexico, CA.
 2. The official State Capitol Holiday Tree Lighting Ceremony is scheduled for Tuesday, December 11, 2001 at 4:00 p.m.
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 Visalia Regional Director issued his report on challenged ballots on November 19, 2001. Neither party filed exceptions to his report so the Executive Secretary will be issuing an order making the report final, directing the Regional Director to open and count the ballots and issue a revised tally. The Executive Secretary will also issue his ruling on the objections once a final tally has been obtained.

Peter Vander Ham, 01-RC-3-EC(R)

The election was held November 9, 2001. The tally was:

Dairy Employees Union	2
No Union	0
No Unresolved Ballots	0
Total	2

The employer filed an election objections petition on November 19, 2001. The objections are under review.

COMPLAINT REPORT:

No new complaints have issued.

No prehearing conferences have been held.

No ALJ decisions have issued:

One case is pending post-hearing briefs:

Pictsweet Mushroom Farms, 01-CE-620-EC(OX)
Post-hearing briefs are due December 20, 2001.

One new case is set for hearing:

California Redi-Date, Inc., 00-CE-25-EC
Prehearing Conference – completed.
Hearing April 23, 2002.

Four cases on calendar:

Pictsweet Mushroom Farms, 00-CE-332-EC(OX)
Hearing February 14, 2002.

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

California Redi-Date, Inc., 00-CE-25-EC
Prehearing Conference – completed
Hearing April 23, 2002.

SETTLEMENTS: None.

BOARD DECISIONS: No changes to report.

COURT LITIGATION:

Coastal Berry Company, H021585 (26 ALRB No. 3): The court issued its decision on November 27, 2001. The decision is being reviewed by the Board.

Turco Desert Co., Inc., E030125 (27 ALRB No. 5): The Board's response brief is due December 26, 2002.

Cieniga Farms, Inc., B152844 (27 ALRB No. 5): The petitioner's opening brief was due November 30, 2001. Board Counsel Levy reported that as of December 5, 2001, the petitioner's brief had not been filed with the Court of Appeal. Board staff Nuño will contact the Court for further information on the status of the case.

COMPLIANCE: On December 5, 2001, The Salinas Regional Director filed a motion to close case in Andreas Farms, 96-CE141-SAL. Andreas Farms involved the unlawful discharge of two employees. An ALJ decision issued for which there was no appeal and went final. The matter is now in bankruptcy. The matter is pending assignment to the Board.

6. BUDGET AND ADMINISTRATION:

- (a) **Information Technology and Web Site Development Project:** Approval of Capital Datacorp Proposal re Groupwise Upgrade – Analyst Massie circulated Capital Datacorp's written estimate for upgrading the agency's Groupwise email system. The Board advised Analyst Massie to wait until 2002 to determine whether funds are still available to purchase upgrade software.

Ms. Massie also reported that a new computer virus called the "Goner" virus has been circulating across the country. Ms. Massie reminded all staff to update their virus protection software regularly.

- (b) **Administration - Budget** – Department of Finance (DOF) Request for Further Explanation of Supplement to ALRB’s 1999-00 and 2000-01 General Fund Disencumbrances: Chairwoman Shiroma reported that the additional information requested by DOF had been sent on Friday, November 30, 2001.
- (c) **Policies and Procedures** – Policy on Privacy and Workplace Searches; Code of Conduct Policy: The Board requested that Board Counsel Wender add to the Code of Conduct Policy, cross references to appropriate sections of the Fair Political Practices Commission regulations, ALRB regulations, and the ALRA. Board Counsel Wender reported that the General Counsel had approved the Code of Conduct Policy, and that after he makes the changes requested by the Board, he will give the policy to the Regional Directors for a two-week period to review and comment.

The Board decided to continue the discussion of the Policy on Privacy and Workplace Searches to December 12, 2001.

- (d) **Regulations -Update:**
Board Counsel Wender reported that the Regulation package was sent to the Office of Administrative Law (OAL) and that it will be published December 12, 2001. Executive Secretary Barbosa reported that OAL requested several minor revisions, which have been addressed. Mr. Barboas will circulate the revised package to the Board.

Board Counsel Murray and Wender reported that a preliminary draft of regulations implementing Senate Bill 1198 (Agricultural Employees Relief Fund) will be circulated to the Board soon.

- (e) **Needs Assessment** – Update: No new activity to report.

- 7. **OUTREACH PROJECT** – Novela and Brochures Update; Ad Hoc Committee Update- Executive Secretary Barbosa reported that several representatives from constituent groups have accepted the Board’s invitation to be members of the ad hoc advisory committee. Chairwoman Shiroma requested that the Executive Secretary follow up with others who have not yet responded to the invitation letter and determine whether they have an interest in participating.

Board Member Ramos Richardson reported that the revisions to the outreach brochures are complete. She will circulate copies of the revised brochures for further review.

Board Member Barrios announced that a representative from the ALRB was invited to attend Stanford Law School Career Day on February 14, 2002.

- 8. **LEGISLATION:** No new activity to report.

9. **PERSONNEL:** Executive Secretary Barbosa reported on a memo he received from the Department of Finance regarding positions not affected by the current hiring freeze. The Board requested that staff proceed with an application for an exemption from hiring freeze for selected positions.
10. **COMPLIANCE:** None.
11. **FUTURE AGENDA REVIEW:** Policies & Procedure: Board to discuss Policy on Privacy and Workplace Searches on December 12, 2001

PUBLIC MEETING ADJOURNED AT: 11:00 a.m.

WHEREUPON THE BOARD ENTERED INTO CLOSED SESSION.