

**STATE OF CALIFORNIA  
AGRICULTURAL LABOR RELATIONS BOARD**

**BOARD MEETING MINUTES**

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

**April 17, 2002**

Time: 9:00 a.m.  
Members Present: Chairwoman Shiroma, Board Members Barrios and Mason.  
Staff Present: Executive Secretary Barbosa, Board Counsel Wender, Murray, Levy and Heyck, Analyst Massie, and Board Staff Nuño.  
Others Present: General Counsel Turner, Regional Directors Donnell, Capuyan, and Alderete, Field Examiners Diaz and Galarza, Compliance Officer Blanco, Employment Development Department Representatives Lorna Fong (Information Security Office Chief) and Richard Lopez (Monitor Advocate Office Chief).  
Absent:

**OPEN SESSION**

1. **APPROVAL OF MINUTES:** The Board approved minutes for April 17, 2002, 3-0.
2. **PUBLIC COMMENT:** None.
3. **BOARD MEMBER COMMENT:** None.
4. **ANNOUNCEMENTS:**  
Assembly Bill 1559 is scheduled for hearing in the Senate Committee on Governmental Organization on Tuesday, April 23, 2002. The bill would extend the sunset date for the Department of Information until January 1, 2004.
5. **WEEKLY STATUS REPORT ON ELECTIONS, UNFAIR LABOR PRACTICE COMPLAINTS, HEARINGS AND COURT LITIGATION:**

Executive Secretary Barbosa reported that several cases had been taken off calendar due to settlements, and that there were now four cases on calendar:

**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 10, 2002  
Hearing October 29, 2002.

**6. BUDGET AND ADMINISTRATION:**

(a) **Information Technology and Web Site Development Project** – Analyst Massie circulated a quarterly information technology (IT) report on recommended upgrades to existing equipment and software.

(b) **Regulations** – Board Counsel Wender gave a summary of regulatory activity for the first quarter of 2002. Mr. Wender reported that the package of proposed regulatory changes originally noticed in December 2001 were adopted by the Board on February 6, 2002, and March 13, 2002. The amendments to the regulations were submitted to the Office of Administrative Law (OAL) on March 28, 2002. The OAL has until May 10, 2002 to either approve or reject the amendments.

A proposed regulation to implement Senate Bill 1198 (Agricultural Employee Relief Fund) was published in the Notice Register on March 15, 2002. A public hearing on the proposed regulation is scheduled for May 8, 2002. The period for written comments on the proposal closes on May 1, 2002.

(c) **Budget** – Update – Chairwoman Shiroma reported that the Governor's budget as proposed has passed out of both the Senate and Assembly budget committees. Ms. Shiroma also reported that hiring freeze exemptions are still being pursued to address staff shortages.

(d) **Supreme Court Decision in Hoffman Plastics Inc. v. National Labor Relations Board-** A copy of a memo prepared by Board Counsel Wender regarding the potential impact of the decision on the ALRB was distributed. The Regional Directors indicated that they will be discussing their thoughts with respect to the decision with each other and with General Counsel Turner at a later date.

(e) **The Labor and Workforce Development Agency** – Chairwoman Shiroma reported that Senate Bill 1236, which would create a new Labor and Workforce Agency, had passed out of the Senate Governmental Organization Committee on

April 16, 2002 with an 8-0 vote.

Executive Secretary Barbosa reported that a strategic planning workshop for members of the proposed new agency is in the process of being scheduled. Prior to this workshop, there will be a meeting in which the participants will have an opportunity to pose any questions they would like of the proposed members of the new agency. The meeting is scheduled for Thursday, April 18, 2002 from 1:30 p.m. to 4:30 p.m. Mr. Barbosa will attend the meeting.

7. **OUTREACH PROJECT:** Novela – Executive Secretary Barbosa reported that edits to the first draft of the novela received from the Regional offices and staff have been given to Javier Juarez to incorporate. The project is pending the second draft of the novela.
8. **LEGISLATION:** Board Counsel Wender circulated a quarterly bill tracking report that included a summary of proposed legislation of interest to the ALRB. This included: 1) Assembly Bill 805 (Bilingual Websites): bill was not passed by house of origin by January 31, 2002, and is therefore dead, 2) Senate Constitutional Amendment 7 (would make access to public records a right under the state constitution): set for hearing on April 23, 2002 before the Senate Governmental Organization Committee, 3) Senate Bill 1236 (Labor and Workforce Development Agency): passed out of the Senate Governmental Organization Committee on April 16, 2002 with an 8-0 vote, and 4) Senate Bill 1736 (Binding arbitration in agricultural employer-employee disputes): passed out of the Senate Committee on Labor and Industrial Relations on April 10, 2002 with a vote of 5-3. Re-referred to Committee on Appropriations.
9. **PERSONNEL:** None.
10. **COMPLIANCE:** Lorna Fong, Chief of the Information Security Office of the Employment Development Department (EDD), and Richard Lopez, Chief of the Monitor Advocate Office of EDD, were present to discuss ways in which their respective offices could assist ALRB staff in more effectively locating missing discriminatees owned monies as a result of Board Orders, settlements, etc. Follow up meetings with appropriate EDD staff will be scheduled.

Board Counsel Murray reported that work is under way on examining comparable contract issues.

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

**PUBLIC MEETING ADJOURNED AT:** 1: 15 p.m.

**WHEREUPON THE BOARD ENTERED INTO CLOSED SESSION.**