

**STATE OF CALIFORNIA
AGRICULTURAL LABOR RELATIONS BOARD**

BOARD MEETING MINUTES

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

April 25, 2002

Time: 10:00 a.m.
Members Present: Chairwoman Shiroma, Board Members Barrios and Mason.
Staff Present: Executive Secretary Barbosa; Board Counsel Wender, Levy, Murray and Heyck, Analyst Massie, and Board Staff Nuño.
Others Present: Chief Administrative Law Judge Sobel
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:**
Executive Secretary Barbosa reported that the City of Modesto, Parks and Recreation and Neighborhoods Department, has inquired whether the Board is interested in staffing an informational booth for the city's Cinco de Mayo Celebration on Saturday, May 4, 2002, from noon to 5:00 p.m.

Mr. Barbosa also reported that a contingent of farm workers was in Sacramento on April 23, 2002 for the planting of the Cesar Chavez rose at the State Capitol. While in town, the group visited the ALRB Headquarters office and inquired about the status of several cases.
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:**Sonoma Cutrer Vineyards, Inc., 02-RC-1-SAL**

The UFW filed its objections to the election on March 22, 2002. The objections are being screened by the Executive Secretary. The matter is pending the Regional Director's Challenged Ballot Report. The regional director plans to meet with his staff today and tomorrow to see if further investigation is warranted. The Executive Secretary's review of election objections will follow.

Albert Goyenette Dairy, 02-RC-1-VI

An investigative hearing on the one challenge was conducted on April 17 and 18, 2002. The matter is pending decision by the Investigative Hearing Examiner.

Ventura Coastal Corporation, 01-RC-2-EC

The election was held April 5, 2002 with the following tally:

UFW	0
No Union	0
UCB's	141
Total	141

The unresolved challenged ballots are outcome determinative. The Regional Director's investigation of the challenges is underway. Both the UFW and Employer filed objections to the election, and they are under review.

COMPLAINT REPORT:

No new complaints have issued.

No pre-hearing conferences held.

No ALJ decisions have issued.

One Case Pending Investigative Hearing Examiner Decision:
Goyenette Dairy Farms, 02-RC-1-VI.

No new cases set for hearing.

Two cases pending post-hearing briefs and ALJ decision:
Pictsweet Mushroom Farms, 00-CE-332-EC(OX).
McCaffrey Goldner Roses, 00-CE-92-VI.

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.

No new cases transferred to the Board for decision.

One new settlement:
Cameiro Heifer Ranch, Inc., 01-CE-638-EC,
Regional Director approved informal settlement agreement 4/15/02.

BOARD DECISIONS: No new decisions have issued.

COURT LITIGATION:

Turco Desert Co., Inc., E030125 (27 ALRB No. 4): The matter is pending notification from the court on the need for oral argument.

Cieniga Farms, Inc., B152844 (27 ALRB No. 5): Petitioner filed its opening brief on February 26, 2002. The Board's response brief was mailed to the court on April 25, 2002. The matter is pending receipt of the petitioner's reply brief.

COMPLIANCE: No new activity to report.

6. BUDGET AND ADMINISTRATION:

(a) **Information Technology and Web Site Development Project** – Analyst Massie circulated bids from Capital Datacorp for an upgrade of the Microsoft Windows operating system and an upgrade of the cabling in the Headquarters office. The Board agreed to proceed with the cabling upgrade, but decided to put off the upgrade of Windows. Ms. Massie also reported that she received a bid for the installation of a separate "T1" line for the phone system. Board members agreed to discuss this item further at a later date.

(b) **Regulations** – No new activity to report.

- (c) **Budget** – Review of Regional Office Budget Requests- Executive Secretary Barbosa circulated a "wish list" of supplies and equipment needed in the Regional Offices. The Board will discuss these items further at the Board meeting on May 1, 2002, and asked that General Counsel Turner attend the meeting to join the discussion.
- (d) **Policies and Procedures** – Update – No new activity to report.
- (e) **The Labor and Workforce Development Agency** – Executive Secretary Barbosa attended the April 18, 2002 planning meeting of the Labor Agency Task Force. Participant agencies presented an overview of their agency and answered questions from other attendees. Strategic planning meetings are scheduled for the coming weeks, including a follow up meeting on April 30, 2002 and a two day workshop on May 19 and 20, 2002.
- (f) **Hoffman Plastic Compounds, Inc. v. NLRB** – The Board discussed the formation of an internal committee to conduct an ongoing discussion about the potential impact of the *Hoffman* decision on the agency, and to monitor any developments with regard to how other agencies or courts approach the decision. Member Barrios suggested that the committee could begin by exploring whether agency outreach materials will need to be edited in light of the of the *Hoffman* decision.

7. **OUTREACH PROJECT:** Novella – The project is pending receipt of the revised novella following Board edits.

8. **LEGISLATION:** Board Counsel Wender reported the following:

- 1) Senate Constitutional Amendment 7 (would make access to public records a right under the state constitution): the hearing set for April 23, 2002 before the Senate Governmental Organization Committee was cancelled at request of the author and has not been rescheduled.
- 2) Senate Bill 1236 (Labor and Workforce Development Agency): was amended on April 23, 2002 , to add that funding for the new agency would be achieved from reallocation of existing resources currently allocated to the various entities that would form the agency, rather than new expenditures of General Fund monies, except that no funds would be provided by the Agricultural Relations Board. The bill was re-referred to the Committee on Appropriations, and
- 3) Senate Bill 1736 (Binding arbitration in agricultural employer-employee disputes): was re-referred to Committee on Appropriations, and a hearing is set for May 6, 2002.

The Board discussed a letter from Senator Michael Machado's office requesting information in light of Senate Bill 1736. Chief Administrative Law Judge Sobel is preparing a response to the letter, and the Board will meet to discuss the response on April 30, 2002 at 10:00 a.m.

9. **PERSONNEL:** No new activity.
10. **COMPLIANCE:** Board Counsel Murray reported that he will follow up with Phil Martin and check when we might expect his completed report on a methodology for determining make whole remedies.
11. **FUTURE AGENDA REVIEW:** None.

PUBLIC MEETING ADJOURNED AT: 11:30 a.m.

WHEREUPON THE BOARD ENTERED INTO CLOSED SESSION.