

**STATE OF CALIFORNIA  
AGRICULTURAL LABOR RELATIONS BOARD**

**BOARD MEETING MINUTES**

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

**August 14, 2002**

Time: 11:00 a.m.  
Members Present: Chairwoman Shiroma, Board Members Barrios and Mason.  
Staff Present: Executive Secretary Barbosa; Board Counsels Levy, Wender, Heyck and Murray.  
Others Present: Stephen J. Smith, Acting Secretary, Labor and Workforce Development Agency  
Absent:

**OPEN SESSION**

- 1. APPROVAL OF MINUTES:**  
The Board approved minutes for August 7, 2002, 3-0.
- 2. PUBLIC COMMENT:**  
Acting Secretary of the Labor and Workforce Development Agency, Stephen J. Smith, informally addressed the meeting. He indicated his desire to become better acquainted with the ALRB and to visit at least one of the regional offices in addition to his headquarters visit. He also outlined several ideas for working within the new structure that would help the ALRB work within its limited budget.
- 3. BOARD MEMBER COMMENT:**  
Chairwoman Shiroma welcomed Secretary Smith and introduced him to the other Board members, the Executive Secretary, Board counsels and headquarters staff.
- 4. ANNOUNCEMENTS:**  
The United Farm Workers (UFW) yesterday announced a 150-mile, 10-day march from Merced to Sacramento seeking Governor Gray Davis' signature on Senate Bill 1736. The march will begin August 15, 2002 when farm workers will also vigil and fast on the State Capitol grounds.

**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 have been reported.

**Election Petitions:**

**Mushroom Farms, Division of Spawn Mate, Inc., 02-RD-2-SAL**

Agricultural employee Martin Lopez filed a decertification petition with the Salinas Regional Office on August 8, 2002, seeking to oust United Food and Commercial Workers (UFCW) Local 1096 as the employees' exclusive bargaining representative. The election is tentatively set for August 16, 2002.

**Milky Way Dairy, 02-RC-2-VI**

On August 9, 2002 the UFCW Local 1096 filed a representation petition seeking an election at Milky Way Dairy in Visalia. The election is scheduled for August 16, 2002.

**Ventura Coastal Corporation, 02-RC-2-EC(R)**

The Executive Secretary's review of the parties' election objections is ongoing.

**Robert R. Hall, 02-UC-1-EC (SD)**

The Employer's motion to dismiss the complaint is pending before the Regional Director.

**COMPLAINT REPORT:**

No new complaints have issued.

One complaint has been dismissed as respondent fully complied with the informal settlement agreement:

**California Redi-Date, Inc. 00-CE-25-EC**

The Order dismissing the complaint issued August 9, 2002.

No pre-hearing conferences have been held.

No new cases have been set for hearing:

Nine cases are on calendar:

**Tsukiji Farms, 96-CE-182-SAL**

The pre-hearing conference is set for August 20, 2002.  
A settlement conference is set for August 30, 2002.  
The hearing is set for September 9, 2002.

**Cocopah Nurseries, Inc., 00-CE-399-EC**

The pre-hearing conference is set for September 17, 2002.  
The hearing is set for September 24, 2002.

**Colendich and Vukasovich Vegetable Farms, Inc.,**

The pre-hearing conference is set for September 19, 2002.  
The hearing is set for October 16, 2002.

**Desert Citrus Properties, Inc., 01-CE-178-EC(R)**

The pre-hearing conference is set for October 10, 2002.  
The hearing is set for October 29, 2002.

**Fresh Pic Harvest, 01-CE-52-EC (R)**

The pre-hearing conference is set for November 13, 2002.  
The hearing is set for November 19, 2002.

**Pete Vanderham Dairy, Inc., 01-CE-996-EC(R)**

The pre-hearing conference is set for December 10, 2002  
The hearing is set for December 17, 2002.

**Gourmet Veg-Paq, Inc., 01-CE-1004-EC**

The pre-hearing conference is set for February 5, 2003.  
The hearing is set for February 19, 2003.

**Rivera Vineyard, 01-CE-317-EC(R)**

The pre-hearing conference is set for March 11, 2003.  
The hearing is set for March 25, 2003.

**Grimmway Enterprises, Inc., 02-CE-3-EC (R)**

The pre-hearing conference is set for April 22, 2003.  
The hearing is set for April 29, 2003.

One case is pending exceptions and/or reply:

**Pictsweet Mushroom Farms, 00-CE-332-EC (OX)**

The ALJ decision has issued. Exceptions are due on or before  
August 16, 2002. The reply is due on or before August 29, 2002.

One case is now final as no exceptions were filed:

**Arturo Saikhon, 01-CE-993-EC**

The Order making ALJ decision final issued August 13, 2002.

One case is pending Board decision:

**McCaffrey Goldner Roses, 00-CE-92-VI**

The ALJ decision has issued. Exceptions were filed June 20, 2002.

Replies were received July 9, 2002.

No new cases have been transferred to the Board for decision.

**BOARD DECISIONS:**

**Coastal Berry Company, 99-CE-1-SAL**

The Board decision issued July 22, 2002.

The Petition for writ of review, if any, is due August 21, 2002.

**COURT LITIGATION:**

**The Elmore Company, D040054 (28 ALRB No. 3)**

The briefing has been completed. The case is now awaiting possible oral argument and a decision from the Court.

**6. BUDGET AND ADMINISTRATION:**

**a) Information Technology and Web Site Development Project**

The Board approved the new contract with Capitol Data maintenance contract

Analyst Massie reported on the status of the cabling project. She also reported that the host for the ALRB web site has changed.

The Board approved the ALRB response to Executive Order D-59-02 and Management Memo 02-15. Executive Secretary Barbosa will send the Response to the Department of Finance with a copy to the Labor and Workforce Development Agency. The report provides that the ALRB does not have any major or sensitive projects that require oversight at the Agency level. Therefore, project and procurement oversight functions are not required at this time.

**b) Regulations**

There was nothing new to report.

**c) Budget**

The Board discussed the impact on the ALRB of the Budget Reduction Plan for Fiscal Year 2003/04.

**d) Policies and Procedures:**

The Board approved two Policies and Procedures which had been Revised: the Discrimination Complaint Procedure and the Affirmative Action Policy.

**e) Labor and Workforce Development Agency –**

Executive Secretary Barbosa. The Board has received instructions on the preparation of the Week-Ahead Report. A proposed report has been circulated for approval. The report is due by close of business August 14, 2002.

A welcome message from Secretary Smith was circulated to all ALRB employees on Tuesday, August 13, 2002.

Executive Secretary Barbosa is working with the Labor and Workforce Development Agency (Agency) on the utilization of sister labor facilities for ALRB hearings, particularly for hearings held in remote rural areas.

**f) Impact of *Hoffman Plastic Compounds v. NLRB* on the ALRB**

There was no new activity to report.

**g) Salinas Lease**

There was no new activity to report.

**h) Delegation of Authority in the Absence of a Board Quorum**

The Board approved, by a 3-0 vote, a delegation of authority effective August 20, 2002 and continuing until there is a Board quorum (at least three members). The authority delegated includes all of those functions which are legally delegable, such as day to day administrative matters. These matters are delegated to the Chair and the Executive Secretary. Counsel will prepare a formal document memorializing the Delegation.

**7. OUTREACH PROJECT**

Executive Secretary Barbosa reported that responses have been received from Ad Hoc Committee members Rob Roy and the UFW as well as from the El Centro Regional Office. The suggestions and responses will be tabulated and consolidated into one document.

**8. LEGISLATION:**

Board Counsel Wender presented the legislation report.

**SB 1236 (LABOR AGENCY)**

On August 7, 2002, the bill was placed on the suspense file. On August 12, 2002, Joint Rule 61(b) suspended.

**SB 1736 (BINDING ARBITRATION)**

On August 8, 2002, the Senate voted to concur in the Assembly amendments. The Bill is now in enrollment.

**SB 1818 (BACKPAY AWARDS)**

On August 6, 2002 the bill was read for the second time then moved to third reading.

**9. PERSONNEL:**

There was no new activity to report.

**10. COMPLIANCE:**

There was no new activity to report.

**11. FUTURE AGENDA REVIEW:**

**PUBLIC MEETING ADJOURNED AT: 12:15 p.m.**

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