

**STATE OF CALIFORNIA
AGRICULTURAL LABOR RELATIONS BOARD**

BOARD MEETING MINUTES

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

November 20, 2002

Time: 10:00 a.m.
Members Present: Chairwoman Shiroma, Board Members Barrios and Rivera
Staff Present: Executive Secretary Barbosa; Board Counsels Levy, Wender,
Heyck and Murray; Analyst Massie.
Others Present: None.
Absent: None.

OPEN SESSION

1. **APPROVAL OF MINUTES:** None.
2. **BOARD MEMBER COMMENT:**
Chairwoman Shiroma welcomed new Board Member Rivera on behalf of the Board.
3. **PUBLIC COMMENT:** None
4. **ANNOUNCEMENTS:**
---Board Member Barrios announced that the annual Farm Worker Breakfast will be held December 6, 2002 in Calexico.
---The Board will not be holding public meetings on November 27, December 4, and December 11, 2002. The Board will meet on December 10, 2002.
---The Board would like to hold its quarterly meeting with Regional Directors the week of January 13, 2003, preferably on January 15th.
---Agency has invited the Regional Directors to participate in outreach meetings with sister agencies that will be held at various locations.

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.

PENDING ELECTION MATTERS:

Milky Way Dairy, 02-RC-2-VI

On August 9, 2002 the UFCW Local 1096 (FFVW) filed a representation petition seeking an election at Milky Way Dairy in Visalia. The election was held on August 15, 2002, with the following tally of ballots:

FFVW	24
No Union	16
Unresolved CBs	25
Total	65

On August 8, 2002, both the employer and the Fresh Fruit and Vegetable Workers filed election objections. On October 2, 2002, the Regional Director issued his report on the Challenged Ballots. On October 15, 2002 the employer filed exceptions to that report. The matter is now pending before the Board for decision. The Executive Secretary's ruling on election objections will follow.

Desert Spring Growers dba Sun City Growers, 02-RC-3-EC

On October 25, 2002, the UFW filed a representation petition with the El Centro Regional Office seeking to represent the employees of Sun City Growers. An election was held on November 1, 2002 with the following tally of ballots:

UFW	29
No Union	26
Void	2
Unresolved CBs	2
Total	57

The employer filed election objections on November 8, 2002, which were dismissed by the Executive Secretary on November 12, 2002. The employer's request for review, if any, is due November 25, 2002.

Coastal Berry Company, 02-RD-4-SAL

On November 6, 2002 agricultural employee Francisco Cerritos filed a decertification petition with the Salinas Regional Office seeking to decertify the incumbent union, Coastal Berry of CA Farmworker Committee (Comite). The

UFW timely intervened in the election. The election was held on November 13, 2002, with the following tally of ballots:

Comite	16
UFW	182
No Union	98
Unresolved CBs	6
Total	302

Election objections, if any, are due November 20, 2002.

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

The employer's motion to dismiss the complaint is pending before the Regional Director. The employer is no longer in business.

COMPLAINT REPORT:

Four new complaints have issued:

United Farm Workers, 00-CL-1-VI

On September 12, 2002, the Regional Director issued a complaint against the UFW alleging that the union failed to properly present the collective bargaining agreement to various unit employees for ratification.

Coastal Berry of California Farm Workers Committee, 01-CL-3-SAL

On September 25, 2002, the Regional Director issued a complaint against the Comite alleging that the union failed to process a grievance concerning the charging party's suspension and discharge. The charging party brought the grievance to the union pursuant to the collective bargaining agreement.

Northend Equipment, Inc., 02-CE-48-EC

On November 14, 2002 the Regional Director issued a complaint against the Northend Equipment, Inc. alleging that the employer discharged and refused to rehire 14 employees because they engaged in protected concerted activity. The workers allege that the employer failed to allow timely work breaks and to rotate the more difficult work among employees.

Desert Spring Growers dba Sun City Growers, 02-CE-53-EC(R)

On November 12, 2002, the Regional Director issued a complaint against the Desert Spring Growers dba Sun City Growers alleging that the employer unlawfully discharged 12 employees because they engaged in a work stoppage to protest working conditions and wages and because they met with a labor organization shortly after this dispute.

One pre-hearing and settlement conference have been held:
Tsukiji, 96-CE-182-SAL

Two new cases have been set for hearing:

Dan Tudor & Sons, 01-CE-72-VI

The pre-hearing conference is set for November 22, 2002 (Second)
The hearing is set for December 2, 2002.

Gourmet Veg-Pac, Inc., 01-CE-1004-EC

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

Six cases are on calendar:

Dan Tudor & Sons, 01-CE-72-VI

The pre-hearing conference is set for November 22, 2002.
The hearing is set for December 2, 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.

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

The pre-hearing conference is set for January 14, 2003.
The hearing is set for January 21, 2003.

Gourmet Veg-Pac, 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.

No cases are pending exceptions and/or reply.

Two new cases have been transferred to the Board for decision.

Milky Way Dairy, 02-RC-2-VI

Pending Board decision.

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

Pending Board decision.

Four cases have settled or been resolved:

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

Taken off calendar October 15, 2002. Parties reached informal settlement agreement.

Cocopah Nurseries, Inc., 00-CE=399-EC(R)

Full compliance was obtained on October 17, 2002. Therefore, the Complaint was withdrawn and the case closed.

PH Ranch, Inc., 94-CE-99-VI

Full compliance was obtained on October 23, 2002. Therefore, the case was closed.

Gilbert Gomez, 01-CE-214-EC(R)

Partial Compliance obtained on October 10, 2002 with employer's payment of backpay remedy. The notice remedies are still pending.

BOARD DECISIONS: None.

COURT LITIGATION:

McCaffrey Goldner Roses, F041479

The employer filed its petition for writ of review on September 18, 2002. The Board filed the certified record on September 27, 2002. The employer's opening brief is due November 25, 2002. Our response is due December 26, 2002.

6. BUDGET AND ADMINISTRATION:

Information Technology and Web Site Development Project:

---Analyst Massie reported on her trip to Salinas where she checked all computers for critical updates, anti-virus protection software, and general maintenance.

---Analyst Massie further reported that an election was conducted during her stay in Salinas. She was very favorably impressed with the commitment and hard work of regional staff.

Regulations:

---On November 18, 2002, a letter soliciting input on the new legislation was sent to the ad hoc committee members. Responses are due on November 27, 2002. On December 17, 2002, the Board will meet with the committee members at 10 a.m. at 915 Capitol Mall, Sacramento, CA.

---A Board subcommittee will meet informally with Micki Callahan and invited arbitrators on December 9, 2002 at 10:30 a.m. at the State of California Building, Basement Conference Room #4, 455 Golden Gate Avenue, San Francisco, CA. The purpose of the meeting is to discuss implementation of the new Mediation Law.

Budget:

---Chairwoman Shiroma, on behalf of the Board, expressed gratitude to the Workforce and Development Agency and especially to Acting Director Smith, for protecting the ALRB budget.

Policies and Procedures:

---Board member Barrios reported that she investigated the possibility of the ALRB adopting policies and procedures from sister agencies, especially EDD. She reported that, while everyone wants to be helpful, it will be up to us to cull and review policies and procedures for adoption by the ALRB.

Labor and Workforce Development Agency:

---There was a meeting of the Legislative Representatives today at 11:00 a.m. Course Wender attended on behalf of the ALRB.

---There is a meeting of the Chief Counsels scheduled today at 1:30 p.m. Executive Secretary Barbosa will attend on behalf of the ALRB. The meeting will give us an opportunity to inform Secretary Goode as to how the budget cuts have adversely impacted our ability to provide quality legal work.

--- Member Barrios will attend future case management meetings.

Impact of *Hoffman Plastic Compounds v. NLRB* on the ALRB: No report.

Salinas Lease:

General Counsel Turner provided a written update.

Annual Report Fiscal Years 2000/2001 and 2001/2002: No report

Schedule Next Regional Director's Meeting:

The Board will try to schedule the next meeting for January 15, 2003 at the El Centro Office.

Schedule Board Member Rivera's visit to Regional Offices

Board Member Rivera stated that she looks forward to visiting each regional office as soon as the visits can be scheduled.

7. OUTREACH PROJECT:

Novella and Brochures:

Counsel Levy reported on the status of responses received from Ad Hoc Committee Members on the novella and brochures. She will provide a written summary to the

Board of all comments received.

8. LEGISLATION: No report.

9. PERSONNEL:

There was a brief discussion of the vacancy for chief administrative officer.

10. COMPLIANCE: No report.

11. FUTURE AGENDA REVIEW:

PUBLIC MEETING ADJOURNED AT 12:05 P.M.

WHEREUPON THE BOARD ENTERED INTO CLOSED SESSION.