

**STATE OF CALIFORNIA
AGRICULTURAL LABOR RELATIONS BOARD**

BOARD MEETING MINUTES

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

March 13, 2003

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

OPEN SESSION

1. **APPROVAL OF MINUTES**

The Board voted 3-0 to approve minutes from March 4 and 5, 2003.

2. **BOARD MEMBER COMMENT**

On behalf of the Board members and staff, Chairwoman Shiroma extended congratulations to Member Rivera on the confirmation of her appointment yesterday. She also asked General Counsel Turner to convey the Board's thanks to the regional staff for their efforts on the Gallo election.

3. **PUBLIC COMMENT**

None.

4. **ANNOUNCEMENTS**

"Agriculture Day" will be held on the State Capitol grounds on March 19, 2003 from 11:00 a.m. to 3:00 p.m. A sign up sheet has been circulated to organize who will staff the ALRB's booth during the day.

Next week's Board meeting will be held on Tuesday March 18, 2003 at 10:00 am.

Counsel Wender will make a presentation on the new mediation law at the March 14, 2003, luncheon meeting of the Alternative Dispute Resolution (ADR) section of the Sacramento County Bar Association.

Counsel Levy reported that she attended an excellent symposium on "Workers and International Economic Organizations" held at King Hall, the UC Davis School of Law.

It was announced that the schedule for the Senate pre-hearing had been changed to March 26, 2003 at 9 a.m. The hearing is set for April 3, 2003.

Member Barrios circulated a flyer on the Cesar Chavez Day march in Sacramento on March 29, 2003.

5. **WEEKLY STATUS REPORT ON ELECTIONS, UNFAIR LABOR PRACTICE COMPLAINTS, HEARINGS AND COURT LITIGATION:**

ELECTION REPORT:

NOTICE OF INTENT TO TAKE ACCESS AND NOTICE OF INTENT TO ORGANIZE:

None.

PENDING ELECTION MATTERS:

Milky Way Dairy, 02-RC-2-VI

The hearing on challenged ballots closed on Thursday, February 20, 2003. The matter is pending the filing of post-hearing briefs. Review of the objections to the election will take place after the conclusion of the challenged ballot proceedings.

Ventura Coastal Corporation aka Rancho Val Nies and Desert Citrus Properties, Inc., and Bob Nies, 02-UC-2-EC (R)

The petitioner contacted the El Centro regional office on March 10, 2003 and requested that the unit clarification petition be withdrawn without prejudice. The Regional Director thereafter informed the parties that the matter was closed. The Executive Secretary has issued an order taking the case off calendar.

Gallo Vineyards, Inc., 03-RD-1-SAL

A Petition to decertify the UFW was filed at Gallo Vineyards, Inc. Sonoma, County on March 6, 2003. The Salinas Regional Director

determined that the decertification petition met the statutory requirements for timeliness and showing of interest. The election is scheduled to take place on March 13, 2003. However, after a preliminary investigation into related pending unfair labor practice charges, the Regional Director determined that the ballots should be impounded pending resolution of the charges.

COMPLAINT REPORT

No new complaints have issued.

PREHEARING OR SETTLEMENT CONFERENCES SCHEDULED:

Rivera Vineyard, 01-CE-317-EC

The pre-hearing conference was held on March 11, 2003.

NEW CASES SET FOR HEARING: None.

SEVEN CASES ON CALENDAR:

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

The hearing is set for March 25, 2003.

UFW (L.E. Cooke), 00-CL-1-VI

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

The hearing is set for April 1, 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.

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

The pre-hearing conference is set for May 13, 2003.

The hearing is set for May 28, 2003.

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

The pre-hearing conference is set for June 17, 2003.

The hearing is set for June 24, 2003.

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

The pre-hearing conference is set for July 15, 2003.

The hearing is set for August 5, 2003.

Sierra Packing Co., Inc., 02-CE-40-EC.

The pre-hearing conference is set for September 16, 2003.

The hearing is set for September 30, 2003.

CASES PENDING EXCEPTIONS/REPLY:

Maria G. Duran Farm Labor Contractor, 01-CE-606-EC(R)

A motion for default judgment was filed on January 16, 2003. The ALJ granted the motion on February 6, 2003. Exceptions were due March 3, 2003. None were received. An order making the ALJ's ruling final was issued by the Executive Secretary's office on March 10, 2003.

Arturo Saikon, 01-CE-993-EC

A motion to make the allegations in the backpay specifications true and for a default judgment was filed on January 16, 2003. The ALJ granted the default motion on February 6, 2003. Exceptions were due March 5, 2003. None were received. An order making the ALJ's ruling final was issued by the Executive Secretary's office on March 10, 2003.

CASES SETTLED OR RESOLVED: None.

COMPLIANCE CASES CLOSED: None.

NEW CASES TRANSFERRED TO BOARD FOR DECISION: None

BOARD DECISIONS: None

COURT LITIGATION:

McCaffrey Goldner Roses, F041479

The matter is now pending oral argument or a decision by the court.

Western Growers Association, et al., 03AS00987

The summons and complaint were served on the Board Members and Executive Secretary on February 25, 2003. The matter is pending the submission of a response to the complaint. The response is presently due on March 27, 2003.

6. **BUDGET AND ADMINISTRATION**

- (a) **Information Technology and Web Site Development Project:**
Analyst Massie reported that she met with a vendor who provides web and print design services. The vendor will submit a quote for its services.
There was discussion about the difficulties in using the ALRB search engine for research purposes. Analyst Massie will explore adding links to decisions in Case Digest.
- (b) **Regulations – Board Regulations Implementing Agricultural Employer-Employee Collective Bargaining and Mediation Law (Senate Bill 1156 and Assembly Bill 2596):**
On March 7, 2003, a notice of changes to the original text of the proposed regulatory action was sent out, providing for an additional 15-day comment period. The notice included amendments made to proposed sections 20406 and 20407. Written comments on the proposed changes must be received by March 24, 2003. The matter is scheduled for Board action on March 26, 2003.
- (c) **Budget:**
Executive Secretary Barbosa provided an update on the status of the MOU with EDD for two loaned positions.
- (d) **Policies and Procedures:**
The Board voted 3-0 to approve policies and procedures on Nepotism and Ergonomics.
- (e) **Labor and Workforce Development Agency:**
The Strategic Planning Labor Enforcement Committee Meeting was held Tuesday March 11, 2003 at 10:00 AM. Board Counsel Heyck attended on behalf of Board Member Rivera.
- (f) **Annual Reports for 2000/2001 and 2001/2002:**
Board Counsel Heyck gave Analyst Massie final changes to the Annual Report. There is one final change to language on compliance matters that Board Counsel Murray is finalizing.
- (g) **Strategic Plan:**
A meeting to discuss the Strategic Plan has been scheduled at 1:30 p.m. on March 13, 2003.

7. **OUTREACH PROJECT:**

Novela and Brochures:

Final changes to the text of the novela were circulated and approved by the Board last week. Javier Juarez has been given the final changes to review. He is scheduled to next week's Board meeting to discuss the changes.

ALRB Fact Sheet: Member Barrios circulated revisions to the ALRB Fact Sheet.

8. **LEGISLATION:**

Board Counsel Wender had nothing new to report on the following pending legislation:

Senate Bill 75 (Burton)-- Agricultural Labor Relations

This bill would require the Board, by July 1, 2004, to compile a list of all certified labor organizations that have not obtained a collective bargaining agreement with the employer of the agricultural employees represented by the labor organization and to post the list, along with specified information, on the board's Web site. This bill would further require the board, by July 1, 2004, to advise each labor organization on the list and each respective employer of their rights and responsibilities under those provisions of the Labor Code providing for mandatory mediation to achieve a collective bargaining agreement. The bill has been set for hearing on March 26, 2003.

AB 1722 (Committee on Labor and Employment)

This bill was introduced on February 27, 2003. It would require the Governor to appoint two legal advisors for each ALRB board member upon recommendation of that board member, to serve at the pleasure of the recommending board member and to receive a salary to be fixed by the board with the approval of the Department of Personnel Administration.

Senate Bill X1 1(Poochigian)--State Economy: Suspension of Statutes

Various statutes enacted in the 2001-02 Regular Session of the Legislature, relating to workers' compensation, labor standards, and agricultural labor relations, will take effect on January 1, 2003. This bill would provide that these statutes shall not become operative until the date the Governor issues a proclamation declaring that the California economy has fully recovered from the recession that began in 2000. Among the affected statutes would be Senate Bill 1156 and Assembly Bill 2596 which created the Mandatory Mediation Law as to which the

Board has issued proposed regulations. This bill would declare that it is to take effect immediately as an urgency statute.

Senate Constitutional Amendment 1 (Burton)--Access to government information.

This measure would provide that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state. It would provide that, except as otherwise provided in the California Constitution, the people have a right to attend, observe, and be heard in the meetings of elected and appointed public bodies, and to inspect and obtain copies of records made or received in connection with the official business of any public body, agency, officer, or employee, or anyone acting on behalf of a public body, agency, officer, or employee. This measure also would provide that nothing in its provisions supersedes the right to privacy guaranteed by the California Constitution, or limits the ability of the Legislature to provide by statute, or the Judicial Council to provide by rule not inconsistent with statute, for the protection of personal privacy.

AB 556 (Strickland) State boards and commissions: salaries: suspension.

This bill would specify that members appointed to specified state boards and commissions shall receive no salary for the 2003-04, 2004-05, and 2005-06 fiscal years, except that they may receive a per diem payment set pursuant to these provisions during that time.

9. **PERSONNEL:**
Member Barrios reported that she had scheduled interviews with several law Students who were interested in summer internships with the ALRB. Interviews are scheduled for March 13, 14 and 17, 2003.
10. **COMPLIANCE:** No report.
11. **FUTURE AGENDA REVIEW:** None.

PUBLIC MEETING ADJOURNED AT: 11:10 p.m.

WHEREUPON THE BOARD ENTERED INTO CLOSED SESSION