

**STATE OF CALIFORNIA
AGRICULTURAL LABOR RELATIONS BOARD**

BOARD MEETING MINUTES

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

March 18, 2003

Time: 10:00 a.m.
Members Present: Chairwoman Shiroma, Board Members Barrios and Rivera,
Staff Present: Executive Secretary Barbosa, Board Counsels Wender, Levy,
and Heyck, Analyst Massie.
Others Present: Javier Juarez
Absent: Counsel Murray

OPEN SESSION

1. **APPROVAL OF MINUTES**

The Board voted 3-0 to approve minutes from March 13, 2003.

2. **BOARD MEMBER COMMENT**

None.

3. **PUBLIC COMMENT**

None.

4. **ANNOUNCEMENTS**

The United California State Employees' Campaign awarded the ALRB the Golden and Platinum Awards for its leadership and participation levels.

Assemblyman Darrell Steinberg has chosen Chairwoman Genevieve Shiroma as the "Woman of the Year" for the 9th Assembly District.

The Senate Committee on Labor & Industrial Relations is conducting a Special Joint Hearing today on "The Underground Economy: Its Effects on Workers, Business, and the State Economy".

Counsel Laura Heyck will be attending the Grape and Tree Fruit League Association meeting on March 24, 2003 in Santa Barbara and participating in a panel discussion on mandatory mediation and conciliation.

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.

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

An election was held on March 13, 2003. The ballots were impounded pending investigation of charges filed by both the employer and the incumbent union.

COMPLAINT REPORT

No new complaints have issued.

PREHEARING OR SETTLEMENT CONFERENCES SCHEDULED: None.

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: None.

CASES SETTLED OR RESOLVED: None.

COMPLIANCE CASES CLOSED:

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

The Informal Bilateral Settlement Agreement has been fully complied with: reinstatement for the four employees has been waived and back pay of \$14,057 has been paid.

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 parties stipulated to an extension of time to April 25, 2003 for filing a response.

6. **BUDGET AND ADMINISTRATION**

- (a) **Information Technology and Web Site Development Project:**
Analyst Massie reported on upgrading the server. She continues to work on linking the online Case Digest to Board Decisions.

- (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.

The Board and its Ad Hoc Committee will meet with Micki Callahan, Director of the State Mediation and Conciliation Service on March 25, 2003. The purpose of the meeting is to discuss the efficacy of a voluntary training seminar in agriculture for neutrals interested in acting as mediators under the new mandatory mediation and conciliation law.

- (c) **Budget:**
In response to the Office of Emergency Services Management Memo 02-09, the Board has designated Executive Secretary Antonio Barbosa as the person who should be issued the OES pager.
- (d) **Policies and Procedures:** None.
- (e) **Labor and Workforce Development Agency:**
The ALRB continues to work with EDD on development of a case tracking system.

(f) **Annual Reports for 2000/2001 and 2001/2002:**
Work on the Annual Report is ongoing.

(g) **Strategic Plan:**
Work on the Strategic Plan is ongoing.

7. **OUTREACH PROJECT:**
Novela and Brochures:

The Board discussed its changes to the novella with Mr. Javier Juarez who will incorporate the changes into a new draft. He will return to meet with the Board at its April 2, 2003 meeting.

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:**
Members Barrios and Rivera reported on the results of law student interviews that they had held. The Board authorized contacting four students who expressed an interest in a summer internship.
10. **COMPLIANCE:** No report.
11. **FUTURE AGENDA REVIEW:** None.

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

WHEREUPON THE BOARD ENTERED INTO CLOSED SESSION