

1 representations from Respondent that there were job classifications other than
2 tomato pickers – dumpers, ticket persons, and shuttle truck drivers – that would
3 have been covered under any applicable collective bargaining agreement, and
4 Respondent provided estimated daily wage rates for those classifications during
5 the bargaining makewhole period. The prehearing conference report does not
6 reflect that Respondent provided any basis for those estimated daily wage rates.
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8 The United Farm Workers of the America (“UFW” or “Union”) did not dispute
9 the existence of such employees but declined to stipulate as to their pay rates,
10 based on lack of knowledge. In addition, there is no evidence in the record as to
11 the number of employees in each of these classifications or whether those
12 classifications corresponded to similar classifications in the 1998 San Joaquin
13 Tomato Growers contracts in terms of duties.
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17 Therefore, the Board hereby directs Respondent to provide a
18 declaration under penalty of perjury as to the following:

- 19 1) The basis for its representation that dumpers were paid \$60 per
20 day, ticket persons paid \$45 per day, and shuttle truck drivers paid
21 \$80 per day during the bargaining makewhole period, the
22 existence or non-existence of documents supporting this
23 representation, and copies of such documents if indeed they exist;
- 24 2) The classifications in the 1998 San Joaquin Tomato Growers
25 contract to which the classifications of dumper, ticket person, and
26 shuttle truck driver, or any other non-picker agricultural
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period would have corresponded, the basis for the assertion, the existence or non-existence of documents in support thereof, and copies of such documents if indeed they exist; and

- 3) The number of dumpers, ticket persons, shuttle truck drivers, and any other non-picker agricultural employees in the bargaining unit employed during the bargaining makewhole period, the existence or non-existence of documents in support thereof, and copies of such documents if indeed they exist.

The Union is directed to provide a declaration under penalty of perjury as to the existence or non-existence of documents in its possession relating to the items listed above, and copies of any such documents in its possession.

Declarations shall be filed within ten (10) calendar days of this order.

By Direction of the Board

Dated: November 23, 2009



MARK R. SOBLE
Acting Executive Secretary, ALRB