

STATE OF CALIFORNIA

AGRICULTURAL LABOR RELATIONS BOARD

DOLE BERRY NORTH,)	Case No. 2013-RD-001-SAL
)	
Employer,)	
)	
and)	
)	ORDER SETTING SCHEDULE
JOSE AGUILAR,)	FOR RESOLUTION OF
)	CHALLENGED BALLOTS
Petitioner,)	
)	
and)	
)	Admin. Order No. 2013-51
UNITED FARM WORKERS)	
OF AMERICA,)	
)	
<u>Certified Bargaining Representative.</u>)	

On October 25, 2013, an election was held in the above-titled matter and the ballots were impounded. California Code of Regulations title 8, section 20363 of the Agricultural Labor Relations Board's (Board) regulations, which addresses post-election determination of challenged ballots, contemplates a tally of ballots revealing that unresolved challenged ballots are sufficient in number to affect the outcome prior to the regional director forwarding to the Board challenged ballot declarations and other evidence relevant to eligibility. The regulation does not address a situation where ballots are impounded.

Pursuant to our authority under Labor Code section 1142, subdivision (b) and in order to parallel as closely as possible Section 20363 of the Board's regulations,

we direct the Regional Director to forward to the Board and serve on all parties to the election all challenged ballot declarations and all other evidence in her possession relevant to the eligibility of the challenged voters by November 22, 2013.

Notwithstanding the absence of a tally of ballots, the remaining provisions of Section 20363 of the Board's regulations are to be complied with. Specifically: 1) Within ten (10) days of service of the challenged ballot declarations and other evidence, the parties may file with the Executive Secretary, as agent of the Board, and serve on all other parties to the election, declarations and/or documentary evidence in support of their positions as to the eligibility of the challenged voters, accompanied by argument explaining their positions and the relevance of the proffered evidence; and 2) within five (5) days of service of the other parties' evidence and argument, any party may file argument in response.

Dated: November 8, 2013

GENEVIEVE A. SHIROMA, Chair

CATHRYN RIVERA-HERNANDEZ, Member

HERBERT O. MASON, Member