

STATE OF CALIFORNIA

AGRICULTURAL LABOR RELATIONS BOARD

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)	
POINT SAL GROWERS AND)	
PACKERS,)	
)	
Respondent,)	Case Nos. 77-CE-1-SM
)	77-CL-1-SM
and)	77-RC-1-SM
)	
UNITED FARM WORKERS OF)	5 ALRB No. 7
AMERICA, AFL-CIO,)	
)	
Charging Party.)	
)	

DECISION AND ORDER

On January 31, 1978, Administrative Law Officer (ALO) Leonard M. Tillem issued the attached Decision in this case, granting the General Counsel's Motion for Summary Judgment and finding that Respondent violated Labor Code Section 1153 (a) by its failure and refusal to submit a list of employees to the ALRB within five days after the United Farm Workers of America, AFL-CIO (UFW) filed a Notice of Intention to Organize, as required by 8 Cal, Admin. Code Section 20910 (c) (1976). On March 6, 1978, the ALO issued the attached Addendum to his Decision in this matter, amending his previous remedial Order in certain respects. Thereafter, Respondent filed exceptions to the ALO's Decision and a brief in support of its exceptions.

Pursuant to the provisions of Labor Code Section 1146, the Agricultural Labor Relations Board has delegated its authority in this matter to a three-member panel.

The Board has considered the record and the attached

Decision in light of Respondent's exceptions and brief and has decided to affirm the rulings, findings, and conclusions of the ALO, and to adopt his recommended Order, as modified herein.

Respondent failed and refused to comply with Section 20910 (c) (1976), by its failure and refusal to supply a list of its employees within five days after April 25, 1977, when the UFW filed a Notice of Intention to Organize. However, on June 16, 1978, the International Union of Agricultural Workers (IUAW) filed a Petition for Certification and the UFW intervened. An election was conducted on June 23, 1978. The IUAW received a majority of the valid votes cast and on December 26, 1978, we certified the IUAW as the exclusive representative of the Respondent's agricultural employees. In light of that certification, we deem the remedies normally ordered in these kinds of violations inappropriate. See Laflin and Laflin, 4 ALRB No. 28 (1978).

ORDER

Respondent, Point Sal Growers and Packers, its officers, agents, successors, and assigns, shall:

1. Cease and desist from:

(a) Failing and refusing to provide the ALRB with an employee list as required by 8 Cal. Admin. Code Section 20910 (c) (1976).

2. Take the following affirmative actions which are deemed necessary to effectuate the policies of the Act:

(a) Sign the Notice to Employees attached hereto. Upon its translation by a Board agent into appropriate languages, Respondent shall reproduce sufficient copies in each language for

2.

the purposes hereinafter set forth.

(b) Post copies of the attached Notice for a period of 90 consecutive days, the period and places of posting to be determined by the Regional Director. Respondent shall exercise due care to replace any Notice which has been altered, defaced, covered or removed.

(c) Provide for a representative of the Respondent or a Board agent to distribute and read the attached Notice in appropriate languages to the assembled employees of the Respondent on company time. The reading or readings shall be at such times and places as are specified by the Regional Director. Following the reading, the Board Agent shall be given the opportunity, outside the presence of supervisors and management, to answer any questions employees may have concerning the Notice or their rights under the Act. The Regional Director shall determine a reasonable rate of compensation to be paid by Respondent to all nonhourly wage employees to compensate them for time lost at this reading and the question-and-answer period.

(d) Notify the Regional Director in writing, within 31 days from the date of the receipt of this Order, what steps have been taken to comply with it. Upon request of the Regional Director, the Respondent shall notify him/her periodically

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thereafter in writing what further steps have been taken to comply with this Order.

Dated: February 1, 1979

RONALD L. RUIZ, Member

ROBERT B. HUTCHINSON, Member

JOHN P. MCCARTHY, Member

NOTICE TO EMPLOYEES

After a trial at which each side had a chance to present its facts, the Agricultural Labor Relations Board has found that we interfered with the right of our workers to freely decide if they want a union. The Board has told us to send out and post this Notice.

We will do what the Board has ordered, and also tell you that:

The Agricultural Labor Relations Act is a law that gives all farm workers these rights:

1. To organize themselves;
2. To form, join, or help unions;
3. To bargain as a group and choose whom they want to speak for them;
4. To act together with other workers to try to get a contract or to help or protect one another; and
5. To decide not to do any of these things.

Because this is true, we promise that:

WE WILL NOT do anything in the future that forces you to do, or stops you from doing, any of the things listed above.

Especially:

WE WILL NOT fail or refuse to provide the Agricultural Labor Relations Board with a current list of employees when the UFW or any union has filed its "Intention to Organize" the employees at this ranch.

Dated: POINT SAL GROWERS AND PACKERS

By: _____
 Representative Title

This is an official Notice of the Agricultural Labor Relations Board, an agency of the State of California.

DO NOT REMOVE OR MUTILATE.

CASE SUMMARY

Point Sal Growers and Packers

5 ALRB No. 7

Case Nos. 77-CE-1-SM

77-CL-1-SM, 77-RC-1-SM

ALO DECISION

On January 31, 1978, the Administrative Law Officer (ALO) issued his Decision in this case, granting the General Counsel's Motion for Summary Judgment and finding that Respondent violated Labor Code Section 1153 (a) by its failure and refusal to submit a list of employees to the ALRB within five days after the United Farm Workers of America, AFL-CIO (UFW) filed a Notice of Intention to Organize. On March 6, 1978, the ALO issued an Addendum to his Decision.

Respondent contended that the question of whether its failure to comply with Board Regulations Section 20910 constitutes an unfair labor practice was rendered moot by the action of the ALRB in collecting a list of Respondent's employees on May 12, 1977, and by Respondent's own action on May 13, 1977, in supplying a list of its employees to the Board. However, Respondent's action in supplying the May 13 list was, by its own admission, a response to the filing of a Petition for Certification by the International Union of Agricultural Workers (IUAW) on May 11, 1977, and not a response to the filing of a Notice to Organize by the UFW on April 25, 1977.

Noting that Respondent had challenged the validity of Section 20910, the ALO found that its failure or refusal to comply with that section's requirements would be likely to recur. The ALO found: that the ALRB has the authority to require a pre-petition employee list; that Section 20910 does not violate Respondent's employees' right to privacy; and that failure to provide a pre-petition list is a per se unfair labor practice in that it interferes with and restrains employees in the exercise of their rights guaranteed by Section 1152 of the Act.

The ALO ordered Respondent to cease and desist from refusing to provide a list to the ALRB, and to mail, post, and read a Notice to Employees. The ALO also granted, in his addendum, expanded access remedies.

BOARD DECISION

The Board found that Respondent failed and refused to comply with Section 20910 (c) (1976), by its failure and refusal to supply a list of its employees within five days after April 25, 1977, when the UFW filed a Notice of Intention to Organize. However, on June 16, 1978, the IUAW filed a Petition for Certification and the UFW intervened. An election was conducted on June 23, 1978. The IUAW received a majority of the valid votes cast and on December 26, 1978, the Board certified the IUAW as the exclusive representative of Respondent's agricultural employees. In light of that certification, the Board held that the remedies normally ordered to correct this type of violation was not warranted.

REMEDIAL ORDER

The Board ordered Respondent to cease and desist from failing and refusing to provide the ALRB with an employee list, and to sign, post, distribute and read a Notice to Employees.

* * *

This Case Summary is furnished for information only and is not an official statement of the case, or of the ALRB.

* * *

1 STATE OF CALIFORNIA

2 AGRICULTURAL LABOR RELATIONS BOARD



3
4 In the Matter of

5 INTERNATIONAL UNION OF AGRICULTURAL
6 WORKERS and/or FOOD PACKERS, PROCES-
7 SORS, WAREHOUSEMAN, AND HELPERS
8 LOCAL UNION 865, aka TEAMSTERS
9 LOCAL UNION 865, (POINT SAL GROWERS AND
10 PACKERS),

NO. 77-CE-1-SM

11 Respondent,

12 UNITED FARM WORKERS OF AMERICA,
13 AFL-CIO,

DECISION RE
MOTION FOR
SUMMARY JUDGMENT

14 Charging Party

15 _____/

16 I

17 STATEMENT OF THE CASE

18 Leonard M. Tillem, Administrative Law Officer: This
19 case arises from an unfair labor practice charge filed by the
20 United Farmworkers of America, AFL-CIO (hereafter "U.F.W.") against
21 the Respondent, Point Sal Growers and Packers, on May 13, 1977.
22 On June 9, 1977, a Complaint based on that charge was filed and
23 served by mail by the Salinas Regional Office of the Agricultural
24 Labor Relations Board (hereafter "Board") on behalf of the General
25 Counsel. The Complaint alleged that the Respondent, Point Sal
26 Growers and Packers, engaged in an unfair labor practice under
27 Section 1153 (a) of the Agricultural Labor Relations Act ("Act")
28 in that Respondent failed and refused to supply the U.F.W. with
a list of its employees in accordance with Section 20910(c) of
the Regulations of the Board upon the filing on April 25, 1977 by

1 the U.F.W. of a Notice to Organize. The Complaint further alleged
2 that said conduct continues to interfere with, restrain and coerc
3 agricultural employees in the exercise of their rights guaranteed
4 in Section 1152 of the Act.

5 On June 21, 1977 the Respondent, Point Sal Growers and
6 Packers, filed an Answer to the above-referenced Complaint, ad-
7 mitting that it had failed to furnish the employee list specified
8 in Section 20910 (c), but denying that the failure or refusal to
9 furnish such a list constituted an unfair labor practice within
10 the meaning of the Act.

11 On July 26, 1977, a Motion for Summary Judgment was filed
12 and served by mail on behalf of the General Counsel. The Re-
13 spondent filed a Response on August 9, 1977, requesting a dis-
14 missal of the Complaint. Since there was no conflict in the
15 evidence presented by the parties, as provided by Section 20260
18 of the Regulations of the Board no hearing was held in the
17 matter. I propose granting the Motion for Summary Judgment based
18 upon the following discussion of facts and conclusions of law:

19 II

20 DISCUSSION OF FACTS

21 A. Jurisdiction

22 The Respondent, Point Sal Growers and Packrs, was
23 alleged and admitted to being an agricultural employer within
24 the meaning of Section 1140.4(c) of the A.L.R.A., and I so find.
25 The U.F.W. was alleged to be a labor organization within the
26 meaning of Section 1140.4 (f) of the A.L.R.A., and I so find.

27 B. The Alleged Unfair Labor Practice

28 The Respondent, Point Sal Growers and Packers, has

1 admitted its failure and refusal to supply the U.F.W. with a list
2 of its employees upon the filing by the U.F.W. of a Notice of In-
3 tent to organize the Respondent's employees. Since the action
4 of the Respondent which the General Counsel contends constitutes
5 the unfair labor practice in this case, is admitted by the Re-
6 spondent, the only issue remaining for resolution is the
7 validity of the Respondent's affirmative defenses as set forth
8 in its Answer and in its Response to the General Counsel's
9 Motion for Summary Judgment.

10 III

11 CONCLUSIONS OF LAW

12 A. Appropriateness of Summary Judgment Remedy

13 According to Code of Civil Procedure Section 437 (c),
14 a Motion for Summary Judgment shall be granted if there is no
15 triable issue as to any material fact ... and the moving party
16 is entitled to judgment as a matter of law." Because the parties
17 are in agreement as to all of the material facts upon which the
18 instant Complaint is based, there are no triable issues of
19 material fact and the matter is an appropriate one for summary
20 judgment.

21 Authority for the Board to consider motions for
22 summary judgment may be found in the National Labor Relations
23 Act, the applicable precedents of which the Board has been di-
24 rected to follow by Section 1148 of the Act.^{1/} The propriety of
25 the application of the summary judgment procedure by the N.L.R.B.

26 ^{1/} Section 102.24 of the N.L.R.B. Regulations provides that
27 [a]ll motions for summary judgment made prior to hearing
28 shall be filed in writing with the Board pursuant to the
provisions of section 102.50." 29 C.F.R. 102.24.

1 has been upheld in N.L.R.B. v. Union Brothers Inc., 405 F.2d 883,
2 887 (4th Cir. 1968) . Finally, in Teamsters Local 865, 3 ALRB No.
3 6, the Board acted to grant a Motion for Summary Judgment.

4 B. The Question of Whether the Respondent's Failure
5 and Refusal to Comply with Section 20910 Constitutes an unfair
6 Labor Practice Under the A.L.R.A. is not a Moot Issue

7 The Respondent, Point Sal Growers and Packers, con-
8 tends that the question of whether its failure to comply with
9 Section 20910 constitutes an unfair labor practice was rendered
10 moot by the action of the A.L.R.B. in collecting a list of the
11 Respondent's employees on May 12, 1977, and by the Respondent's
12 own action on May 13, 1977, in supplying a list of its employees
13 to the Board. However, the Respondent's action in supplying the
14 May 13th list was, by its own admission, a response to the filing
15 of a petition for certification by the I.U.A.W. on May 11, 1977,
16 and not a response to the filing of a Notice to Organize by the
17 U.F.W. on April 25, 1977. Because the Respondent challenges the
18 validity of Section 20910, its refusal to comply with the section
19 requirements is likely to recur. While in the instant case the
20 U.F.W. was able to obtain a list of the Respondent's employees,
21 it was only subsequent to the filing of a petition for certifi-
22 cation that the sought-after information was made available.

23 The importance of the provisions of Section 20910
24 have been set forth by the Board in Henry Moreno, 3 ALRB No. 40,
25 pp.8-9 (1977):

26 The process of filing a response to
27 Section 20910 in accordance with
28 Section 20310(a)(2), coupled with
increased contact with an employer's
work force resulting from use of the

1 list itself will bring to light possible
2 disputes over units and voting eligibility
3 'early in the election campaign rather than
4 in the last few days before the election'.

4 The California Supreme Court has ruled that judicial
5 review of a proceeding which may otherwise be deemed moot is
6 possible where necessary to resolve an issue of continuing public
7 interest that is likely to recur in other cases. Daly v. Superior
8 Court, 19 Cal.3d 132, 141 (1977); Gould v. Grubb, 14 Cal.3d 661,
9 666 n. 5 (1975). The importance of Section 20910 to the fair and
10 effective operation of certification elections and the likelihood
11 of the recurrence of similar challenges to the section's validity
12 combine to make the issue in the instant case an appropriate one
13 for resolution here.

14 C. The A.L.R.B. has the Authority to Require a Pre-
15 Petition Employee List Pursuant to Section 20910

16 In Henry Moreno, 3 ALRB No. 40 pp.2-3 (1977), the
17 Board reiterated its authority to enact Section 20910 and its
18 position that Section 20910 is necessary to effectuate the purpose
19 of the Act. The rule making powers of the Board are set forth in
20 Section 1144 of the Act and invest the Board with full rule making
21 authority. Any review of regulations promulgated pursuant to that
22 authority "is limited to determining whether the regulation (1)
23 is' within the scope of the authority conferred'... and (2) is
24 'reasonably necessary to effectuate the purpose of the statute.'" A.L.R.B. v. Superior Court, 16 Cal.Sd 392 (1976).

26 The Respondent's contention that Section 20910 is
27 void because it improperly alters or enlarges the scope of the
28 Act is without merit. The Respondent's first argument in support

1 of its contention that Section 20910 is void is the fact that
2 prior to the regulation's promulgation, the California electorate
3 voted down an initiative measure which would have had the effect
4 of amending Section 1157.3 of the Act to require employers to pro-
5 vide for pre-petition employee lists. However, the rejection of
6 Proposition 14 by the California voters was merely the rejection
7 of a proposal to amend Labor Code Section 1157.3, and did not
8 have the effect of curtailing the powers of the Board already
9 authorized by the Act. The legislative policy set forth in Section
10 1140.0 of the Act was not affected by the negative vote of the
11 California electorate on Proposition 14. Section 20910 is a
12 legitimate exercise of the rule making authority vested by the
13 California Legislature in the Board. A curtailment of the power
14 through the initiative process would require the passage of an
15 initiative measure expressly altering the policy of the Act.

16 The contention of the Respondent, Point Sal Growers
17 and Packers, that Section 20910 is not supported by applicable
18 N.L.R.B. precedent and is therefore void, fails to give effect to
19 the term "applicable" in Section 1148 of the Act. In A.L.R.B. v.
20 Superior Court, 16 Cal.3d 128 (1976), the California Supreme
21 Court noted that from the language of Section 1148 of the Act the
22 Board might fairly infer that "the Legislature intended to select
23 and follow only those federal precedents which are relevant to the
24 particular problems of labor relations on the California scene."
25 The conditions prevailing in the agricultural field create unique
26 problems requiring the application of solutions which may not be
27 utilized by the N.L.R.B. Section 20910's requirement that em-
28 ployers submit pre-petition employee lists is an attempt at a

1 solution to the difficulties faced by workers in the field in receiving
2 communication from labor organizers about the merits of self-
3 organization. Henry Moreno, 3 ALRB No. 40, p. 4 (1977). Such
4 communication difficulties are founded in the seasonal and often
5 migratory nature of much of the work done by agricultural workers;
6 characteristics peculiar to the California agricultural scene.

7 Because of the uniqueness of the problems Section 20910 attempts
8 to address, the N.L.R.A. does not provide applicable precedent by
9 which the A.L.R.B. may be guided. Indeed, no instance has been located
10 in which the N.L.R.B. considered the question of whether it should
11 order employer production of pre-certification of employee lists.

12 D. Section 20910 does not Violate Respondent's Employees'
13 Right to Privacy

14 In Excelsior Underwear, Inc., 156 N.L.R.B. 1336
15 (1966) the N.L.R.B. considered the question of whether requiring an
16 employer to furnish the Board with a list of its employees' name and
17 addresses on the occasion of the filing of a petition for certification
18 would unreasonably subject employees to harassment and coercion by
19 Union organizers. The N.L.R.B. in Excelsior decided that the
20 beneficial effects of the rule in promoting an informed electorate and
21 in eliminating the necessity for post election challenges based on lack
22 of knowledge of voter identification far outweighed the dangers of
23 harassment. The privacy issue has also been addressed by the Court of
24 Appeals and found to be an insufficient ground upon which to deny
25 enforcement of the N.L.R.B. requirement of pre-certification employee
26 lists. N.L.R.B. v. J. B. Stevens & Co., 409 F.2d 1207 (4th Cir. 1969);
27 N.L.R.B. v.

1 Q-T Shoe Mftg. Co., 409 F.2d 1247 (3rd Cir. 1969). Finally, the Supreme
2 Court has confirmed the N.L.R.B.'s position that the bene-fits of the
3 rule outweigh its inconvenience to employees when it noted in N.L.R.B.v.
4 Wyman-Gordon, 394 U.S. 759 (1969), that "the mere possibility that
5 employees will be inconvenienced by telephone calls or visits to their
6 homes is far outweighed by the public interest in an informed
7 electorate." 394 U.S. 767.

8 Nor, is Section 20910 violative of the right to
9 privacy guaranteed by the California Constitution. The information
10 sought by Section 20910 is not of the type against which the con-
11 stitutional amendment protects. White v. Davis, 13 Cal.3d 757
12 (1975). The Supreme Court of California has upheld statutory in-
13 cursion into individual privacy where justified by a compelling
14 interest. Loder v. Municipal Court, 17 Cal.3d 859, 864 (1976);
15 Valley Bank of Nevada v. Superior Court, 16 Cal.3d 652 (1975);
16 City of Nevada v. MacMillan, 11 Cal.3d 662 (1976). Section 20910
17 is supported by a compelling interest in the right of agricultur-
18 al employees to freely self-organize and negotiate the terms and
19 conditions of their employment without restraint. Section 20910
20 is essential to the enforcement of that right in the agricultural
21 field.

22 E. Failure to Provide a Pre-Petition Employee List is
23 a "Per Se" Unfair Labor Practice

24 The Respondent's refusal to provide the Board with
25 a pre-petition employee list as required by Section 20910 of the
26 A.L.R.A. Regulations interferes with and restrains its employees
27 in the exercise of their rights guaranteed by Section 1152 of the
28 Act. The Respondent's failure to provide the pre-petition list is

1 an unfair labor practice as defined by Section 1153(a) of the Act.

2 Upon the foregoing findings of fact and conclusions
3 of law, and upon the entire record in this proceeding, and pur-
4 suant to Section 1160.3 of the A.L.R.A., I hereby issue the fol-
5 lowing recommended:

6 ORDER

7 Respondent Point Sal Packers and Growers, its officers,
8 agents, successors, and assigns, shall:

9 1. Cease and desist from:

10 (a) Refusing to provide the A.L.R.B. with an em-
11 ployee list as required by Section 20910 (c) of the Regulations of
12 the 'Agricultural Labor Relations Board.

13 2. Take the following affirmative action which I find
14 is necessary to effectuate the policies of the Act:

15 (a) Post at its premises copies of the attached
16 "Notice to Employees." Copies of said notice, on forms provided
17 by the appropriate Regional Director, after being duly signed by
18 the Respondent, shall be posted by it for a period of 90 consecu-
19 tive days thereafter, in conspicuous places, including all places
20 where notices to employees are customarily posted. Reasonable
21 steps shall be taken by the Respondent to insure that said
22 notices are not altered, defaced or covered by any other material.
23 Such notices shall be in both English and Spanish.

24 (b) Mail a copy of the notice, in both English and
25 Spanish, to each of the employees in the bargaining unit, at his
26 or her last known address, not later than 30 days after the
27 notice is required to be posted on the Respondent's premises.

28 (c) Read a copy of the notice, in both English and

1 Spanish, to gatherings of its bargaining-unit employees, at a time
2 chosen by the Regional Director for the purpose of giving such notice
3 the widest possible dissemination.

4 (d) Notify the Regional Director, in writing, within ten
5 (10) days from the date of the receipt of this order, what steps have
6 been taken to comply herewith.

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8 Dated: January 31, 1978.

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11 Leonard M. Tillem
12 Administrative Law Officer
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NOTICE TO EMPLOYEES

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2 As a result of charges filed against us by the United Farm
3 Workers of America, AFL-CIO, the Agricultural Labor Relations Board for
4 the State of California has determined that we violated the
5 Agricultural Labor Relations Act and has ordered us to post this
6 notice. We intend to carry out the order of the Board:

7 The Act gives all employees these rights:

8 To engage in self-organization;

9 To bargain collectively through a representative of
10 their own choosing;

11 To act together for collective bargaining or other
12 mutual aid or protection; and

13 To refrain from any and all these things.

14 WE WILL NOT do anything that interferes with these
15 rights. More specifically:

16 WE WILL NOT interfere with your rights of self-organi-
17 zations, to form, join or assist any labor organization by refusing to
18 provide the A.L.R.B. with a current list of employees when, as in this
19 case, the U.F.W. or any union has filed its "Intention to Organize" the
20 employees at this ranch.

21 WE WILL respect your rights to self-organization, to form,
22 join or assist any labor organization, or to bargain collectively in
23 respect to any term or condition of employment through United Farm
24 Workers of America, AFL-CIO, or any representative of
25 your choice or to refrain from such activity, and WE WILL NOT in-
26 terfere with, restrain or coerce our employees in the exercise of
27 these rights.

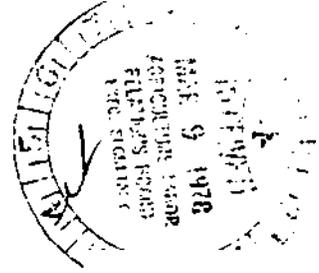
28 You, and all our employees are free to become members of
any labor organization, or to refrain from doing so.

Dated: _____

By _____

STATE OF CALIFORNIA

AGRICULTURAL LABOR RELATIONS BOARD



In the Matter of:
INTERNATIONAL UNION OF AGRICULTURAL
WORKERS and/or FOOD PACKERS, PROCESS-
ORS, WAREHOUSEMEN AND HELPERS LOCAL
UNION 865 aka TEAMSTERS LOCAL UNION
865, (Point Sal Growers and Packers),

NO. 77-CE-1-SM

Respondents,

and

UNITED FARM WORKERS OF AMERICA,
AFL-CIO,

ADDENDUM TO DECISION
RE MOTION FOR SUMMARY
JUDGMENT

Charging Party.

LEONARD M. TILLEM, Administrative Law Officer:

In Henry Moreno, 3 ALRB No. 40, p. 10, the ALRB estab-
lished a policy of granting expanded access as a remedial measure in
instances where an employer refuses to provide the list required in
Section 20910(c) of the Regulations of the ALRB. The ALRB's reasoning was
that such a remedy would "enable organizers to make such contacts with
employees which they might have made in those employees' homes but for the
employer's unlawful conduct." 3 ALRB No. 40, p. 10. The orders of the ALRB
in Yeji Kitagawa, et al., 3 ALRB No. 44, and Tenneco West, Inc., 3 ALRB
No. 92, reflect the policy set forth in Henry Moreno and serve together
with the Board's decision in Henry Moreno as precedent for the following
recommended orders which are added to those submitted by me on January 31,
1978. I hereby issue the following addendum to part two of my previously
recommended:

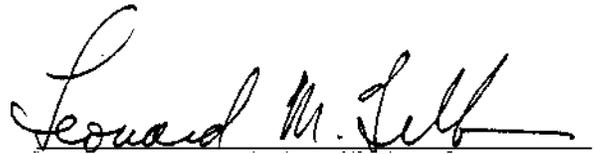
ORDER

2. (e) Provide the A.L.R.B. with an employee list when the 1978 harvest begins and every two weeks thereafter.

(f) During the next period in which the UFW has filed a notice of intent to take access, Respondent shall allow UFW organizers to organize among its employees during the hours specified in 8 Cal. Admin. Code Section 20900 (e) (3) (1976) without restriction as to the number of organizers.

(g) Upon filing a written notice of intent to take access pursuant to 8 Cal. Admin. Code 20900 (e) (1) (B) , the UFW shall be entitled to one access period during the current calendar year in addition to the four periods provided for in 8 Cal. Admin. Code 20900 (e) (1) (A) .

Dated: March 6, 1978


Leonard M. Tillem
Administrative Law Officer