Riverside County, California

STATE OF CALIFORNIA

AGRICULTURAL LABOR RELATIONS BOARD

TENNECO WEST, INC., Employer, and UNITED FARM WORKERS OF AMERICA, AFL-CIO, Petitioner.	)	Case Nos. 77-CE-2-C, 77-CE-16-C, 77-CE-21-C, 77-RC-6-C, 77-CE-51-C 6 ALRB No. 13 (3 ALRB No. 92, 4 ALRB No. 16)

SUPPLEMENTARY DECISION
AND REVISED ORDER

In accordance with the remand order of the Court of Appeal for the Fifth Appellate District, dated December 14, 1979, 5 Civ. No. 3836, 3 ALRB No. 92, and 5 Civ. No. 4014, 4 ALRB No. 16, we have reconsidered in their entirety the records in those cases, including the hearing transcripts, the Administrative Law Officers' Decisions, and the briefs and exceptions filed by the parties.

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

We take administrative notice that the United Farm Workers of America, AFL-CIO (UFW), won a representation election conducted among Respondent's agricultural employees on April 21, 1977, and that this Board certified the UFW as the collective bargaining representative of all of Respondent's agricultural employees on April 16, 1979, in Tenneco West, 5 ALRB No. 27.

As several of the remedial provisions of our Orders in

Tenneco West, Inc., 3 ALRB No. 92 (1977) and 4 ALRB No. 16 (1978) were designed to offset the impact of Respondent's unfair labor practices on the UFW's organizing campaign among Respondent's employees, the UFW's election victory and subsequent certification have rendered such remedies unnecessary. Accordingly, we shall revise the Orders by deleting those provisions. See Laflin and Laflin, et. al, 4 ALRB No. 28 (1978), where we similarly modified the Order we had issued in Henry Moreno, 3 ALRB No. 40 (1977). We shall retain the provisions of our original Orders which were designed to remedy other effects of Respondent's illegal conduct and to prevent such misconduct in the future.

REVISED ORDER

By authority of Labor Code Section 1160.3, the Agricultural Labor Relations Board hereby orders that Respondent Tenneco West, Inc., its officers, agents, successors, and assigns shall:

1. Cease and desist from:

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

(b) Interrogating employees concerning their union affiliation or sympathy or their participation in protected activities.

2. Take the following affirmative action which is deemed necessary to effectuate the policies of the Act:

(a) Post copies of the attached Notice for a period of ninety consecutive days to be determined by the Regional Director at places to be determined by the Regional Director.

Copies of the Notice shall be furnished by the Regional Director in appropriate languages. Respondent shall exercise due care to replace any Notice which has been altered, defaced, or removed.

(b) Mail copies of the attached Notice in all appropriate languages, within twenty days from receipt of this Order, to all employees employed in the time period during which the unfair labor practices continued, e.g., from January 4, 1377, to February 3, 1977.

(c) A representative of the Respondent or a Board agent shall 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 non-hourly 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 twenty 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

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periodically thereafter in writing what further steps have been taken in compliance with this Order.

Dated: February 28, 1980

GERALD A. BROWN, Chairman

HERBERT A. PERRY, Member

JOHN P. McCARTHY, Member

NOTICE TO EMPLOYEES

After a trial where 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;

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 ask you whether or not you belong to any union, or do anything for any union, or how you feel about any union.

WE WILL NOT 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: TENNECO WEST, INC.

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

Tenneco West, Inc. (UFW)

6 ALRB No. 13
(3 ALRB No. 92;
4 ALRB No. 16)
Case Nos. 77-CE-2-C
77-CE-16-C
77-CE-21-C
77-RC-6-C
77-CE-51-C

BOARD DECISION

In its Decision in Tenneco West, 3 ALRB No. 92, issued December 16, 1977, the Board upheld findings by ALO Mark Merin that Respondent violated Section 1153 (a) by interrogating its employees as to their union support and by failing to submit to the Board a complete pre-petition employee list in accordance with 8 Cal. Admin. Code Sections 20310 (a) (2) and 20910 (c). In its Decision in Tenneco West, 4 ALRB No. 16, issued April 5, 1978, the Board upheld findings by ALO Matthew Goldberg, based on the same events, that Respondent violated Section 1153(a) by failing to submit to the Board a complete pre-petition employee list.

REMEDY

In Tenneco West, 3 ALRB No. 92, the Board ordered Respondent to cease and desist from interrogating its employees. In both of the above cases the Board ordered the posting, mailing, and reading of a remedial Notice to Employees. It also ordered Respondent to provide the ALRB and the UFW with an employee list and to permit the UFW to take access to its employees in greater numbers and for more time than ordinarily permitted by 8 Cal. Admin. Code Section 20900(e).

COURT REMAND

On December 14, 1979, the Court of Appeal for the Fifth Appellate District consolidated the above cases and granted the Board's motion for remand for reconsideration of certain remedial provisions of the Orders.

SUPPLEMENTARY DECISION AND REVISED ORDER

In its Supplementary Decision and Revised Order the Board took administrative notice that the UFW won a representation election conducted among Respondent's agricultural employees on April 21, 1977, and was certified as the collective bargaining representative of Respondent's agricultural employees on April 16, 1979. The Board therefore revised its Orders in the above cases by deleting those provisions which were designed to offset the effects of Respondent's unfair labor practices on the UFW's organizing campaign. The Board's Revised Order required Respondent to cease and desist from refusing to provide the ALRB with an employee list as required by 8 Cal. Admin Code Section 20910(c), and from interrogating its employees. The Revised Order also provided for the posting, mailing, and reading of a remedial Notice to Employees.

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

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