

STATE OF CALIFORNIA

AGRICULTURAL LABOR RELATIONS BOARD

KIRSCHENMAN ENTERPRISES, INC. ,)	
)	
Respondent,)	Case Nos. 84-CE-161-D
)	84-CE-161-1-D
and)	
)	
UNITED FARM WORKERS)	12 ALRB No. 2
OF AMERICA, AFL-CIO,)	
)	
Charging Party.)	
_____)	

DECISION AND ORDER

On June 28, 1985, Administrative Law Judge (ALJ) Arie School issued the attached decision in this matter. Thereafter, Respondent timely filed exceptions to the ALJ's Decision along with a supporting brief, and the General Counsel filed a reply brief.

Pursuant to the provision of Labor Code section 1146,^{1/} the Agricultural Labor Relations Board (Board) has delegated its authority in this matter to a three-member panel.^{2/}

The Board has considered the record and the ALJ's Decision in light of the exceptions and briefs of the parties and has decided to affirm the ALJ's rulings, findings, and conclusions and to adopt his proposed Order.

^{1/} All section references herein are to the California Labor Code unless otherwise specified.

^{2/} The signatures of the Board Members in all Board Decisions appear with the signature of the chairperson first (if participating), followed by the signatures of the participating Board Members in order of their seniority.

ORDER

By authority of Labor Code section 1160.3 the Agricultural Labor Relations Board (Board) hereby orders that Respondent Kirschenman Enterprises, Inc., its officers, agents, successors, and assigns, shall:

1. Cease and desist from:

(a) Discharging, laying off or otherwise discriminating against any of its agricultural employees in regard to hire or tenure of employment because of their resort to the processes of the Board or other protected activities.

(b) In any like or related manner interfering with, restraining, or coercing any agricultural employee in the exercise of the rights guaranteed them by section 1152 of the Act.

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

(a) Offer to Salvador Maldonado immediate and full reinstatement to his former or substantially equivalent position and make him whole for all losses of pay and other economic losses he has suffered as a result of the discrimination against him, such amounts to be computed in accordance with established Board precedents, plus interest thereon computed in accordance with our Decision and Order in Lu-Ette Farms, Inc. (1982) 8 ALRB No. 55.

(b) Preserve and, upon request, make available to this Board and its agents, for examination, photocopying, and otherwise copying, all payroll records, social security payment records, time cards, personnel records and reports, and all other records relevant and necessary to a determination, by the Regional

Director, of the backpay periods and the amounts of backpay and interest due under the terms of this Order.

(c) Sign the Notice to Agricultural Employees attached hereto and, after its translation by a Board agent into appropriate languages, reproduce sufficient copies in each language for the purposes set forth hereinafter.

(d) Mail copies of the attached Notice, in all appropriate languages, within 30 days after the date of issuance of this Order, to all agricultural employees employed by Respondent from January 1, 1984, to January 1, 1985.

(e) Post copies of the attached Notice, in all appropriate languages, in conspicuous places on its property, the days, the period(s) and place(s) of posting to be determined by the Regional Director, and exercise due care to replace any Notice which has been altered, defaced, covered or removed.

(f) Arrange for a representative of Respondent or a Board agent to distribute and read the attached Notice, in all appropriate languages, to all of its employees on company time and property at time(s) and place(s) to be determined 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 the employees may have concerning the Notice or their rights under the Act. The Regional Director shall determine the reasonable rate of compensation to be paid by Respondent to all nonhourly wage employees in order to compensate them for time lost at this reading and during the question-and-answer period.

(g) Notify the Regional Director in writing, within 30 days after the date of issuance of this Order, of the steps Respondent has taken to comply with its terms, and continue to report periodically thereafter, at the Regional Director's request, until full compliance is achieved.

Dated: February 7, 1986

JOHN P. McCARTHY, Member

JORGE CARRILLO, Member

PATRICK W. HENNING, Member