

STATE OF CALIFORNIA

AGRICULTURAL LABOR RELATIONS BOARD

HILLVIEW DAIRY FARM,)	
)	
Employer,)	Case No. 87-RC-5-VI
)	
and)	
)	
)	14 ALRB No. 3
UNITED FARM WORKERS OF)	
AMERICA, AFL-CIO,)	
)	
Charging Party.)	
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DECISION AND ORDER ON CHALLENGED BALLOTS
and CERTIFICATION OF RESULTS OF ELECTION

Following a Petition for Certification filed by the United Farm workers of America, AFL-CIO (UFW or Union) with the Visalia Regional Office on August 31, 1987^{1/}, a representation election was held among all agricultural employees of Hillview Dairy Farm (Employer) on September 4. The official Tally of Ballots showed the following results:

UFW.	13
No Union	10
Challenged Ballots	<u>10</u>
Total	33

Since the number of challenged ballots was sufficient to affect the outcome of the election, the Regional Director (RD) conducted an investigation and issued his Report on Challenged Ballots on November 30, in which he recommended overruling six of

^{1/} All dates refer to 1987, unless otherwise indicated.

the challenged ballots and sustaining the four remaining challenged ballots. As no party excepted to the RD's recommendation to overrule the challenges to the six ballots, the Executive Secretary directed the RD to open and count these ballots. On March 9, 1988, the RD issued a Revised Tally of Ballots, which showed the following results:

UFW.	14
No Union	15
Challenged Ballots	<u>4</u>
Total.	33

The Employer timely filed exceptions to the RD's recommendation that the challenges to the four remaining ballots^{2/} be sustained.^{3/} However, the Employer withdrew its exceptions on March 17, 1988.^{4/} Consequently, the Board hereby adopts proforma (emphasis added) the RD's findings and his recommendation that the challenges to the four remaining ballots be sustained.

CERTIFICATION OF ELECTION RESULTS

It is hereby certified that a majority of the valid ballots were cast for "no union" in the representation election

^{2/} The UFW did not file any exceptions to these four ballots.

^{3/}The RD recommended sustaining these challenges because the names of the voters were not on the eligibility list and the voters were not employees during the relevant payroll period. (See Lab. Code § 1157.) The Employer excepted to the RD's determination of the relevant payroll period.

^{4/} The Employer had timely filed an objection to the conduct of the election. However, this objection was also withdrawn on March 17, 1988.

conducted on September 4, 1987, among the agricultural employees of Hillview Dairy Farm in the State of California.

Dated: April 19, 1988

BEN DAVIDIAN, Chairman^{4/}

JOHN P. McCARTHY, Member

GREGORY L. GONOT, Member

IVONNE RAMOS-RICHARDSON, Member

WAYNE R. SMITH, Member

^{4/}The signatures of Board Members in all Board Decisions appear with the signature of the Chairman first, if participating, following by the signatures of the participating Board Members in order of their seniority.

Hillview Dairy Farm
(UFW)

14 ALRB No. 3
Case No. 87-RC-5-VI

REGIONAL DIRECTOR'S REPORT

On August 31, 1987, the United Farm Workers of America, AFL-CIO (UFW), filed a Petition for Certification in which it sought to represent all agricultural employees of Hillview Dairy Farm (Employer). Following an election held on September 4, the initial Tally of Ballots revealed 13 votes for the UFW, 10 votes for No Union, and 10 Challenged Ballots. As the challenges were sufficient in number to affect the results of the election, the Regional Director conducted an investigation and issued a Report on Challenged Ballots in which he recommended that four of the challenges be sustained but the remaining six ballots be opened and counted. Although the Employer excepted to the recommendation that the four challenges be sustained, no party excepted to the Regional Director's recommendation that six ballots be opened and counted. Accordingly, by direction of the Board, the six ballots were counted and a Revised Tally of Ballots issued demonstrating 14 votes for the UFW, 15 votes for No Union, and four Challenged Ballots, which the Regional Director had previously recommended be sustained. On the basis of the Revised Tally, the Employer withdrew its prior exceptions to the Regional Director's recommendation, thereby enabling the Board to certify the results of the election in which the No Union designation on the ballot received a majority of the valid votes cast.

BOARD DECISION

Since the Employer withdrew its exceptions to the four ballots which the Regional Director had recommended sustaining, the Board adopted, pro forma, the Regional Director's finding and recommendations with respect to the four ballots.

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