

STATE OF CALIFORNIA

AGRICULTURAL LABOR RELATIONS BOARD

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	)	
SAM ANDREWS' SONS,	)	
	)	
Respondent,	)	Case Nos . 81-CE-260-D
	)	81-CE-261-D
and	)	81-CE-121-EC
	)	81-CE-127-EC
UNITED FARM WORKERS	)	
OF AMERICA, AFL-CIO,	)	
	)	
Charging Party.	)	15 ALRB No. 1
	)	(10 ALRB No. 11)

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SUPPLEMENTAL DECISION AND REVISED ORDER

Following our Decision in Sam Andrews' Sons (1984) 10 ALRB No. 11, the Court of Appeal, Second Appellate District, issued a decision vacating portions of our Order and remandine the case to us for the purpose of rewording other portions of our Order in accordance with the court's decision. The California Supreme Court thereafter granted the petitions of the Agricultural Labor Relations Board (Board or ALRB) and the United Farm Workers of America, AFL-CIO, (UFW) for review of the Court of Appeal decision. Subsequently, the Supreme Court issued a decision affirming the primary holdings of the Court of Appeal -- striking the award of attorney's fees and costs, uoholding the unfair labor practice findings, and vacating the labor camp access order as overbroad. However, the Supreme Court reversed those portions of the Court of Appeal's judgment which vacated the specially compensated, one-hour field access provision of the Board's Order and which directed the Board to establish specific limitations on labor camp access. The Supreme Court held that the owner or

operator of a labor camp is the proper entity to make reasonable time, place and manner restrictions on labor camp visitation. The Supreme Court affirmed the Court of Appeal's remand of the case to the Board for rewording of the Board's Order.

In accordance with the Court of Appeal decision, as modified by the Supreme Court decision, herein, we hereby vacate the Order in 10 ALRB No. 11, substituting therefor the following Revised Order, which deletes the provision relating to attorneys fees and costs and acknowledges Respondent's right to establish reasonable time, place and manner restrictions on labor camp access. We also substitute the attached revised Notice to Employees in place of the original Notice to Employees in 10 ALRB No, 11.

REVISED ORDER

By authority of Labor Code section 1160.3, the Agricultural Labor Relations Board (Board) hereby orders that Respondent Sam Andrews' Sons, its officers, agents, successors, and assigns, shall:

1. Cease and desist from:

( a ) Preventing, limiting or restraining any union organizers or agents from entering and remaining on the premises of Respondent's labor camps for the purpose of contacting, visiting, or talking to any agricultural employees on the premises, except in accordance with regulations promulgated by Respondent establishing reasonable time, place and manner restrictions on such visitation.

( b ) Denying United Farm Workers of America, AFL-CIO

( UFW ) , representatives access to bargaining unit employees, at reasonable times, on the property or premises where they are employed, for purposes related to collective bargaining between Respondent and the UFW.

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

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

( a ) At a time to be determined by the Regional Director, provide the UFW with access to its employees for one hour during regularly scheduled work time, for the purpose of talking with the employees about matters related to collective bargaining between Respondent and the UFW. Access may be taken by two UFW representatives for every fifteen employees in each of Respondent's work crews. After conferring with both the UFW and Respondent, the Regional Director shall determine the manner and most suitable time for the special access. During the one-hour access period, no employee shall be required to be involved in the access activities. All employees shall receive their regular pay for the time away from work. The Regional Director shall determine an equitable payment to be made to nonhourly wage earners for their lost productivity.

( b ) Permit UFW representatives to meet and talk with Respondent's agricultural employees on the property or premises where they are employed, at times agreed to by Respondent or , in

the absence of such an agreement, at reasonable times, for purposes related to collective bargaining between Respondent and the UFW.

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

( d ) Post copies of the attached Notice, in all appropriate languages, in conspicuous places on its property for 60 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.

( e ) 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 agricultural 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 a 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.

( f ) 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 28, 1989

BEN DAVIDIAN, Chairman

JOHN P. McCARTHY, Member

GREGORY L. GONOT, Member

IVONNE RAMOS RICHARDSON, Member

JAMES L. ELLIS, Member

NOTICE TO AGRICULTURAL EMPLOYEES

After investigating charges that were filed in the Delano Regional Office, the General Counsel of the Agricultural Labor Relations Board (Board) issued a complaint which alleged that we had violated the law. After a hearing at which each side had an opportunity to present evidence, the Board found that we did violate the law by denying representatives of the United Farm Workers of America, AFL-CIO, (UFW) reasonable access to our labor camps in November and December 1981 and to our fields in December 1981 and January 1982. The Board has told us to post and publish this Notice. We will do what the Board has ordered us to do.

We also want to tell you that the Agricultural Labor Relations Act is a law that gives you and all other farm workers in California these rights:

1. To organize yourselves;
2. To form, join, or help unions;
3. To vote in a secret ballot election to decide whether you want a union to represent you;
4. To bargain with your employer about your wages and working conditions through a union chosen by a majority of the employees and certified by the Board;
5. To act together with other workers to help and protect one another; and
6. To decide not to do any of these things.

Because it is true that you have these rights, we promise that:

WE WILL allow the UFW to take reasonable access to our labor camps or fields and WILL NOT otherwise interfere with the legitimate efforts of the UFW to communicate with our employees.

Dated:

SAM ANDREWS' SONS

By: \_\_\_\_\_  
Representative Title

If you have a question about your rights as farm workers or about this Notice, you may contact any office of the Agricultural Labor Relations Board. One office is located at 319 Waterman Avenue, El Centro, California 92243. The telephone number is ( 6 1 9 ) 353-2130

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

Sam Andrews' Sons  
(UFW)

15 ALRB No. 1  
Case No. 81-CE-260-D  
81-CE-261-D  
81-CE-121-D  
81-CE-127-EC  
(10 ALRB No. 11)

CASE SUMMARY

The Board issued a supplemental decision and revised order in accordance with the Court of Appeal and California Supreme Court remand of 10 ALRB No. 11. In conformity with the court decisions, the Board retained its previous unfair labor practice findings, but struck the award of attorney's fees and costs and revised its labor camp access order, acknowledging the Employer's right to establish reasonable time, place and manner restrictions on labor camp access.

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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.

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