

STATE OF CALIFORNIA

AGRICULTURAL LABOR RELATIONS BOARD

MARIO SAIKHON, INC.,	)	Case Nos. 79-CE-70-EC
	)	79-CE-170-EC
Respondent,	)	79-CE-178-EC
	)	79-CE-248-EC
and	)	79-CE-248-1-EC
	)	80-CE-39-EC
UNITED FARM WORKERS	)	80-CE-110-EC
OF AMERICA, AFL-CIO,)	
	)	17 ALRB No. 10
Charging Party.	)	(17 ALRB No. 6)
_____	)	(8 ALRB No. 88)

SUPPLEMENTAL DECISION AND ORDER

On May 2, 1991, the Agricultural Labor Relations Board (ALRB or Board) issued its Supplemental Decision and Order in Mario Saikhon, Inc. (1991) 17 ALRB No. 6.¹ In that Decision, the Board remanded the matter to the Regional Director of the El Centre Regional Office of the ALRB (Regional Director) for recalculation, according to the findings and conclusions of the Board, of the net amount of backpay owed to each discriminatee. On August 16, 1991, the Regional Director submitted to the Board his revised calculations pursuant to the Board's remand.

The Board has reviewed the Regional Director's revised calculations and finds that they accurately apply the rulings, findings and conclusions of the Board in 17 ALRB No. 6. We therefore adopt the calculations as correct, and will order Respondent Mario Saikhon, Inc. to pay the amounts specified therein.

¹ That Decision is now under review in the Fourth District Court of Appeal, Division One (Dock. No. D014538).

ORDER

Pursuant to Labor Code section 1160.3, the Agricultural Labor Relations Board (ALRB or Board) hereby orders that Respondent Mario Saikhon, Inc. (Respondent or Saikhon), its officers, agents, successors and assigns shall:

1. Pay to the discriminatees listed in Attachment A to this Decision the total backpay amounts listed next to their respective names, plus interest thereon in accordance with the Board's Decision in E. W. Merritt Farms (1988) 14 ALRB No. 5.

2. Pay to the Regional Director of the El Centro Regional Office (Regional Director) on behalf of the nine discriminatees listed in Attachment B to this Decision the total backpay amounts listed next to their respective names, plus interest as provided above, to be held in an escrow account for two years on the discriminatees' behalf, pursuant to the Board's Decision in Mario Saikhon, Inc. (1991) 17 ALRB No. 6. Said escrow period shall begin either upon Respondent's compliance by payment of the backpay and interest for deposit into escrow, or upon the date this Supplemental Decision and Order become final, including court enforcement thereof, whichever is later.

3. (a) Offer to Richard Sanchez Betancourt (Soc. Sec. #566-58-5691) immediate reinstatement to his former or a substantially equivalent position, without prejudice to his seniority or other employment rights and privileges.

(b) Pay to Richard Sanchez Betancourt (Soc. Sec. #566-58-5691), in addition to the amount stated in Attachment A,

backpay from August 9, 1991 until the date of Respondent's said offer of reinstatement, plus interest thereon computed in accordance with the Board's Decision in E. W. Merritt Farms, supra.

4. If a discriminatee is deceased, pay the amount stated in Attachment A to the legal administrator of the discriminatee's estate or to any person authorized to receive such payment under applicable California law.

DATED: September 12, 1991

BRUCE J. JANIGIAN, Chairman²

IVONNE RAMOS RICHARDSON, Member

JIM ELLIS, Member

JIM NIELSEN, Member

**NOTE TO WEBSITE USER:
Attachment is not included on Website**

² The signatures of Board Members in all Board decisions appear with the signature of the Chairman first, if participating, followed by the signatures of the participating Board members in order of their seniority.

CASE SUMMARY

Mario Saikhon, Inc.
(UFW)

17 ALRB No. 10
Case Nos. 79-CE-70-EC
79-CE-170-EC
79-CE-178-EC
79-CE-248-EC
79-CE-248-1-EC
80-CE-39-EC
80-CE-110-EC
(17 ALRB No. 6)
(8 ALRB-No. 88)

Board Decision

In Mario Saikhon, Inc. (1991) 17 ALRB No. 6, the Board reviewed the ALJ's decision regarding backpay owing to 201 discriminatees whom Respondent had discriminatorily discharged and refused to reinstate. The Board made its own rulings concerning such issues as the appropriate backpay formula for each discriminatee, the proper method for deducting interim expenses, the sufficiency of each discriminatee's search for interim employment, and the escrow period for missing discriminatees' backpay. The Board remanded the case to the regional office for recalculation, in accordance with the Board's rulings, findings and conclusions, of the net amount of backpay owed to each discriminatee.

On August 16, 1991, the regional office's revised calculations were submitted to the Board. The Board reviewed the revised calculations and found that they accurately applied the rulings, findings and conclusions of the Board in 17 ALRB No. 6. The Board therefore adopted the recalculations as correct and ordered Respondent to pay the amounts specified therein.

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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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