

BEFORE THE AGRICULTURAL LABOR RELATIONS BOARD

OF THE STATE OF CALIFORNIA

MELCO VINEYARDS aka
MELIKIAN & SONS RANCH,

Employer,

And

WESTERN CONFERENCE OF TEAMSTERS
AGRICULTURAL DIVISION, I . B . T . ,

Petitioner,

and

UNITED FARM WORKERS OF
AMERICA, AFL-CIO

Intervener.

No. 75-RC-62-F

1 ALRB No. 14

The Western Conference of Teamsters, Agricultural

Division, I . B . T . (Teamsters) filed a Petition for Certification

And the United Farm Workers of America (UFW) intervened. Pursuant

To a Direction and Notice of Election, the election was held on

September 19 , 1975,¹ and a majority of the valid ballots was cast

for the Teamsters.

The UFW timely filed a Petition of Objections (Labor

Code Section 1156.3(c)) , and a hearing was held on October 21 ,

1975. Although the petition raised several objections, the only

one on which evidence was introduced at the hearing is the

¹The record does not disclose the actual starting time of the election although there is no indication that the starting time differed from that set in the Direction and Notice of Election. Presumably, the election did not begin earlier than 7:00 a.m.

1 allegation that the Board Agent in charge of the election failed to
2 consider the request made by the UFW to begin the election earlier
3 than 7:00 a.m. so that economic strikers would have an opportunity
4 to vote.

5 The only evidence presented in support of this objection
6 was the testimony of Mr. Frank Ortiz, an organizer for the UFW. Mr.
7 Ortiz testified that he had requested, at the preelection
8 conference, that an earlier starting time be set for the election
9 "because possibly people from the outside would have an opportunity
10 to vote, also, if they were working someplace else." Mr. Ortiz also
11 testified that at the preelection conference "We spent a considerable
12 amount of time . . . to decide where and when it (the election) was
13 going to be at and we argued about . . . the possibility of economic
14 strikers and the times." It appears, therefore, that the UFW
15 request for an earlier starting time was, in fact, considered by the
16 Board Agent in charge of the election although the record is not
17 clear on this point.

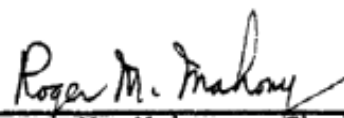
18 In any event, we note that under Section 20350 (a) of the
19 Emergency Regulations the Board Agent supervising an election is
20 allowed "reasonable discretion" in setting the exact time of that
21 election. There is no evidence in the record which would support a
22 claim that the Board Agent here abused that discretion.

23 Moreover, we note that apart from Mr. Ortiz' testimony
24 raising the mere possibility that there were economic strikers who
25 were eligible to vote, the UFW presented no evidence to support the
26 claim that economic strikers were disenfranchised as a result of the
27 time set for the election.

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The objection raised by the UFW to this election is not supported by the evidence. The election is hereby certified, Certification issued.


DATED: November 28, 1975



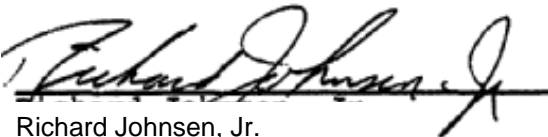
Roger M. Mahony, Chairman



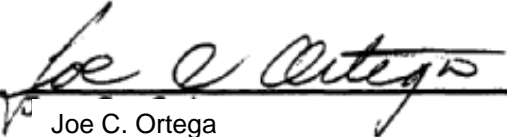
LeRoy Chatfield



Joseph R. Grodin



Richard Johnsen, Jr.



Joe C. Ortega