

Oxnard, California

STATE OF CALIFORNIA

AGRICULTURAL LABOR RELATIONS BOARD

OCEANVIEW PRODUCE COMPANY,	)	
A DIVISION OF DOLE FRESH	)	Case No. 94-RC-1-EC(OX)
VEGETABLES COMPANY, INC.,	)	
	)	
Employer,	)	20 ALRB No. 10
	)	(July 18, 1994
and	)	
	)	
UNITED FARM WORKERS OF	)	
AMERICA, AFL-CIO,	)	
	)	
Petitioner.	)	
	)	

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DECISION ON CHALLENGED BALLOTS

On May 12, 1994,<sup>1</sup> the United Farm Workers of America, AFL-CIO (UFW) filed a petition for certification seeking to represent the agricultural employees of Oceanview Produce Company, a Division of Dole Fresh Vegetables Company, Inc. (Employer). On May 18, a representation election was conducted pursuant to the provisions of Labor Code section 1156.3(a) among the Employer's agricultural employees, and the official Tally of Ballots showed the following results:

UFW. . . . .	.275
No Union. . . . .	.231
Challenged Ballots. . . . .	<u>. 87</u>
Total. . . . .	.593

As the challenged ballots were sufficient in number to determine the outcome of the election, the Regional Director conducted an investigation and issued the attached Report on Challenged Ballots on June 23. The Regional Director

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<sup>1</sup> All dates herein are in 1994, unless otherwise stated.

recommended that 70 of the challenges be overruled and counted, that the challenges to 15 ballots be sustained, and that the challenges to two voters alleged to have been discharged in an outstanding complaint be consolidated for disposition in the unfair labor practice proceeding on their discharges, if their ballots remained determinative of the outcome of the election. The Employer timely filed exceptions to the Challenged Ballot Report, a supporting brief and exhibits. The Employer excepted only to the Regional Director's recommendations that the challenges to eight voters for not providing identification and to four voters as supervisors be sustained.

In the absence of exceptions, under Section 20363(b) of the Board's Regulations (Cal.Code of Regs., tit. 8, sec. 20363(b)), the Regional Director's recommendations become final. The Regional Director's recommendations to which no exceptions were taken are hereby adopted by the Board. Accordingly, we shall direct that the ballots of 70 challenged voters found eligible be opened and counted and the ballots of three others remain sealed, and that resolution of the ballots of the two alleged discriminatees be resolved in the unfair labor practice proceeding if they are determinative.

#### I. Suroueros Challenged as Supervisors

The ballots of Amparo Saenz, Jose Guadalupe Vasquez, Jose Jesus Magana and Marcos Ponce were challenged by the UFW on the ground that they were supervisors. All four are employed by the Employer as "surgueros," or assistants to foremen or

forewomen of strawberry crews. The Regional Director's Report states that the Employer utilizes three strawberry harvesting crews, each consisting of approximately 30 employees and headed by a foreman or forewoman. Each foreman has three surqueros, each of whom oversees the work of a third of the crew.

The UFW submitted declarations to the Regional Director during the investigation. The Employer submitted no evidence. Based on the evidence received in the investigation, the Regional Director found that the surqueros spent their work day observing the strawberry pickers assigned to them and that the surqueros exercised independent judgment in disciplining, transferring and rewarding employees on the Employer's behalf. Noting that the criteria of section 1140.4(j) of the Agricultural Labor Relations Act (ALRA or Act) are stated disjunctively, the Director found that their supervisory status had been established and recommended that the challenges to their ballots be sustained.

The Employer excepted, asserting that the surqueros exercised none of the statutory indicia of supervisory status the Regional Director had found. In support of its exceptions, the Employer furnished declarations from the surqueros in which, among other things, they deny that they have any independent authority to transfer employees between crews, give employees their initial assignments, require them to re-pick rows, or to hold them out of work, but at most recommend such actions to the foreman, who conducts an independent investigation before taking

any action.

Based on the Employer's declarations, it appears that there are material issues of fact as to the findings relied on by the Regional Director in concluding that the surqueros were supervisors and recommending that the challenges to their ballots be sustained.

As noted above, we have directed that 70 challenged ballots be opened and counted and three challenged ballots be sustained. Because the Employer's exceptions as to the surqueros raise material issues of fact, if, upon the issuance of the revised tally, the remaining challenged ballots are still determinative, we will direct that the issues raised by the challenges to the four surqueros' ballots be set for hearing before an investigative hearing examiner.

## II. VOTERS CHALLENGED FOR INSUFFICIENT IDENTIFICATION

The Regional Director recommended sustaining the challenges to the eight voters<sup>2</sup> challenged by Board agents at the election because they did not provide identification.

Section 20355(c) provides that prospective voters must present identification in order to vote, and explicitly states that any identification acceptable in the Board agent's discretion will satisfy the identification requirement.

The Regional Director's Report recommends sustaining the challenges because the voters failed to provide any

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<sup>2</sup> Jacinto Tapia, Nicolas Orozco, Ausena Alejandri, Berta Orozco, Melchor Navarro Gutierrez, Leticia s. Canales, Cresenciano Vergara and Cirilo Aguilar.

identification and neither the parties nor the challenged voters came forward with any further evidence. On May 20, the Region sent a letter to the Employer and the UFW requesting that they provide their "position regarding the eligibility of each challenged voter as well as any evidence and arguments to support" their position. The Region also requested that they "submit documents, such as payroll records and declarations from witnesses." On June 3, the Region sent a letter to each of the challenged voters requesting that they provide information regarding their eligibility to vote or that they contact the assigned field examiner to discuss the matter. As of June 23, 1994, when the Regional Director issued his report, no evidence had been received.

Delay in resolving challenged ballots may in some cases hamper the Board and Executive Secretary in screening objections, thereby delaying the process of certification from the start. We make no findings at this time as to the justification for the delay here, but leave the issue open in the event it is later claimed that the Employer's conduct in the post election proceedings had a purpose of delaying the certification.

Since the adequacy of voter identification is within the discretion of the Board agent, and the Employer failed to satisfy the Board agent's or Regional Director's concerns about the identity of these voters, we sustain the challenges to their ballots.

ORDER

It is hereby ordered that the challenged ballots of the voters named in Appendix A be opened and counted as soon as possible following the issuance of this Order. The challenges to the ballots of Luis Nieto Flores, Miguel R. Rodriguez, Javier Gonzalez, and of the eight employees challenged for lack of identification are sustained and it is ordered that those ballots remain sealed. It is ordered that the ballots of the four surqueros challenged as supervisors remain sealed until after a revised tally of ballots issues. If, after the revised tally issues, these votes remain outcome determinative, a hearing on eligibility of these voters will be conducted before an investigative hearing examiner. If the ballots of the two employees who allegedly were discharged discriminatorily prior to the eligibility period remain determinative following the disposition of the ballots of the surqueros, their eligibility shall be determined in the unfair labor practice proceeding.

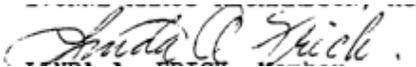
DATED: July 18, 1994



BRUCE J. JAMTGIAN, Chairman



IVONNE RAMOS RICHARDSON, Member



LINDA A. FRICK MEMBER

APPENDIX A

Marta Ambriz  
Ramiro Gomez Nateras  
Misael Saavedra  
Isidro Morales Garcia  
Eduardo Garcia  
Carlos Vergara Lozano  
Francisco Orta Navarette  
Alejandro Floras  
Jose Luis Cornejo  
Luis Manuel Vasquez  
Blanco Estela Mateo  
Enrique Hernandez  
Otilio C. Juarez  
Rafael Corin Nunez  
Abel Corda Herrea  
Andres Sanchez Hernandez  
Lucio Cortez Sanchez  
Luis Paniagua Ayala  
Salvador Maya Cisneros  
Amado Berumen  
Ramiro Hurtado  
Juan Perez Gonzales  
Jorge Garcia Hurtado  
Fernando Nava  
Jose Garcia Centero  
Luis Camacho H.  
Diego Tapia T.  
Israel Larranaga  
Lucia G. Mateo  
Jose Manuel Nieto Lopez  
Tomas Lopez Zavala  
Aureliano Gonzalez  
Jose M. Arreola H.  
Juan Carlos Ramos E.  
Adan Escobedo Avalos  
Quirino Vargas Ortiz  
Maria Torres Dolores  
Maria Dolores Serrato  
Jose de Jesus Quiroz  
Miguel Marquez  
Ruben Rodriguez Orozco  
Jose de Jesus Aguilar  
Samuel Robledo Lopez  
Humberto Rangel Martinez  
Armando de Luna  
Francisco Perez, Sr.  
Daniel Santana Marquez  
Jose A. Arreola Sr.  
Juan Peralta Ortiz  
Maria A. Gusman

Roberto Magana Tovar  
Rafael Ortega  
Gloria S. Barragan  
Maria Solorio Campos  
Carolina R. Barrera  
Diocelina Barrera  
Maria Elena C. Alfaro  
Manuel Vasquez Sandoval  
Jaime L. Villagomez  
Esperanza Herrera  
Felicitas Bibiano  
Jose S. Estrada  
Carlos P. Fernandez  
Enrique A. Fernandez  
Zeferino G. Fernandez  
Leopoldo P. Figueroa  
Esther T. Gonzalez  
Olga Quintana  
Lucila G. Sanchez  
Salvador Valerio

CASE SUMMARY

Oceanview Produce Company,  
A Division of Dole Fresh  
Vegetables, Inc. (UFW)

20 ALRB No. 10  
Case No. 94-RC-1-BC(OX)

Regional Directors Report

The initial tally of ballots showed 275 votes for UFW, 231 no votes, and 87 challenged ballots. The Regional Director's Report recommended that challenges to 70 ballots be overruled, fifteen be sustained, and that two challenges to individuals named as discriminatees in an outstanding unfair labor practice complaint be resolved in the unfair labor practice hearing should they be determinative at the time of the hearing.

Board Decision

The Employer filed exceptions to the Regional Director's Report only as to its recommendations to sustain challenges to the eight voters challenged for not providing identification and four challenged as supervisors (surqueros) . The Board adopted the Regional Director's recommendations not excepted to, and directed that the Regional Director count the overruled challenges and issue a revised tally as soon as possible.

The Board found that the declarations filed with it exceptions by the Employer as to the surqueros' supervisory status raised substantial issues of fact, and directed that they be set for hearing before an investigative hearing examiner if they were determinative following the issuance of the revised tally.

The Board adopted the Regional Director's recommendation that the eight challenges for failure to present identification be sustained. The Board noted that the voters had not presented any identification at the election, and had not come forward as requested in a letter directed from the Regional Director requesting that they provide evidence as to their identity. The Regional Director in a May 20, 1994 letter requested that the parties provide evidence. The Employer never provided evidence to the Region. The Board noted that the validity of identification is within the discretion of the Board agent, and that these concerns here had not been satisfied.

\* \* \*

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



to determine the outcome of the election, the Regional Director conducted an investigation of the eligibility of the challenged voters pursuant to Section 20363 (a) of the Board's Regulations. All parties were given an opportunity to present evidence on each of the challenges.

On May 20, 1994 the Region sent a letter to the Employer and the Union requesting that they provide their "position regarding the eligibility of each challenged voter as well as any evidence and arguments to support" their position. The Region also requested that they "submit documents, such as payroll records and declarations from witnesses." On June 3, 1994 the Region sent a letter to each of the challenged voters requesting that they provide information regarding their eligibility to vote or that they contact the assigned field examiner to discuss the matter. The Regional Director has carefully considered all of the evidence submitted by the parties and the challenged voters, and hereby issues the following report.

#### EMPLOYER'S OPERATIONS

Oceanview Produce Company is a division of Dole Fresh Vegetables Company, Inc., a California corporation. The Employer has a business office located in Oxnard, California and grows crops in Ventura County which include celery, broccoli, strawberries, lettuce, cabbage, lima beans, bell peppers, onions, pimentos, tomatoes and sweet corn. The Employer employed between 744 and 860 employees during the eligibility period. The

Employer's workforce included employees hired through labor contractors as well as employees hired directly by the Employer.

ELIGIBILITY PERIOD

Employees who worked for the Employer during the week of April 27, 1994 through May 3, 1994 were eligible to vote in the election.

CHALLENGED BALLOTS

The ballots of 87 voters were challenged on the day of the election. The Union made a group challenge to all of the 59 voters who were employed by labor contractors on the grounds that they were not employed in the appropriate unit during the applicable payroll period (Section 20355 (a) (2) of the Board's Regulations) and/or they were not an agricultural employee of the employer (Section 20355 (a) (7)). 37 of these 59 voters were challenged solely on the grounds that they were employed by labor contractors. There were, however, multiple challenges to some of these 59 voters. 14 of the 59 voters were also challenged by a Board agent because their names did not appear on the eligibility list (Section 20355 (a) (8)) . 8 of the 59 voters were also challenged by a Board agent because they failed to provide any identification (Section 20355 (c)). 1 of the 59 voters, Miguel R. Rodriguez, was challenged by a Board agent because his name was not on the eligibility list and by the Union because he was a supervisor (Section 20355 (a) (1)).

The ballots of 28 voters who were employed directly by the Employer, instead of through labor contractors, were also

challenged. A Board agent challenged 24 of these 28 voters because their names were not on the eligibility list. The Union challenged 4 of these 28 voters because they were a supervisor.

1. The 37 Challenges To Labor Contractor  
Employees

In a letter dated June 10, 1994 from Union attorney Mary Mecartney, the Region was informed that the Union withdrew its group challenge to a voter solely on the grounds that the employee worked for a labor contractor utilized by the Employer during the eligibility period. Since the eligibility of the following 37 challenged voters is no longer being contested, I recommend that their ballots be counted. Capco Management Group Incorporated. (1989) 15 ALRB No. 13.

Marta Ambriz	Amado Berumen
Ramiro Gomez Nateras	Ramiro Hurtado
Misael Saavedra	Juan Perez Gonzales
Isidro Morales Garcia	Jorge Garcia Hurtado
Eduardo Garcia	Fernando Nava
Carlos Vergara Lozano	Jose Garcia Centeno
Francisco Orta Navarette	Luis Camacho H.
Alejandra Flores	Diego Tapia T.
Jose Luis Cornejo	Israel Larranaga
Luis Manuel Vasquez	Lucila G. Mateo
Blanco Estela Mateo	Jose Manuel Nieto Lopez
Enrique Hernandez	Totnas Lopez Zavala
Otilio C. Juarez	Aureliano Gonzalez
Rafael Corin Nunez	Jose M. Arreola H.
Abel Corda Herrea	Juan Carlos Ramos E.
Andres Sanchez Hernandez	Adan Escobedo Avalos
Lucio Cortez Sanchez	Quirino Vargas Ortiz
Luis Paniagua Ayala	Maria Torres Dolores
Salvador Maya Cisneros	

2. The 14 Challenges To Labor Contractor  
Employees Not On The Eligibility List

The payroll records and invoices of the labor contractors utilized by the Employer during the applicable

payroll period were inspected in order to determine if these 14 voters were employed by said labor contractors during the eligibility period. The information contained in the challenged ballot declarations pertaining to the addresses and social security numbers of these 14 voters was compared with the information contained in the aforementioned payroll/invoice records. As a result of this records review, I have concluded that the following 12 voters were employees of labor contractors utilized by the Employer during the eligibility period, and I recommend that the challenges to their votes be overruled and that their ballots be counted: Maria Dolores Serrato, Jose de Jesus Quiroz, Miguel Marquez, Ruben Rodriguez Orozco, Jose de Jesus Aguilar, Samuel Robledo Lopez, Humberto Rangel Martinez, Armando de Luna, Francisco Perez Sr., Daniel Santana Marquez, Jose A. Arreola Sr., Juan Peralta Ortiz.

I have concluded that the following voter was not employed by labor contractors utilized by the Employer during the eligibility period, and I recommend that the challenge to his vote be sustained and that his ballot not be counted: Luis Nieto Flores.

Miguel R. Rodriguez' vote was challenged because his name was not on the eligibility list and because he was a supervisor. My findings and recommendation regarding Mr. Rodriguez are set forth below.

3. The 8 Challenges To Labor Contractor Employees With No Identification\_\_\_\_\_

The Region has not received any evidence regarding the

identification of the following 8 voters. I recommend that the challenges to their votes be sustained and that their ballots not be counted: Jacinto Tapia, Nicolas Orozco, Asusena Alejandri, Berta Orozco, Melchor Navarro Gutierrez, Leticia S. Canales, Cresenciano Vergara and Cirilo Aguilar.

4 . The 1 Challenge To A Labor Contractor  
Supervisor (Micruel R. Rodricruez)\_\_\_\_\_

Miguel R. Rodriguez' vote was challenged because his name was not on the eligibility list and because he was a supervisor. In his challenged ballot declaration, Miguel R. Rodriguez states that he worked for one of the labor contractors used by the Employer during the eligibility period and that he was a supervisor of the employees who worked with the pipes., The Region has not received any evidence contradicting Mr. Rodriguez' statement in his declaration. I have concluded that Miguel R. Rodriguez is a supervisor, and I recommend that the challenge to his vote be sustained and that his ballot not be counted.

5 . The 24 Challenges To Employees Hired Directly  
By The Employer Who Are Not  
On The Eligibility List\_\_\_\_\_

The payroll records, paycheck stubs, letters regarding approved leaves of absences and the eligibility list were • inspected in order to determine if these 24 employees were employed by the Employer during the eligibility period. The information contained in the challenged ballot declarations regarding the addresses and social security numbers of these 24 employees was compared with the information contained in the aforementioned documents. As a result of this document review I

have reached the following conclusions.

A. The following 12 employees are on the eligibility list and I recommend that the challenges to their votes be overruled and that their ballots be counted: Maria A. Gusman, Roberto Magana Tovar, Rafael Ortega, Gloria S. Barragan, Maria Solorio Campos, Carolina R. Barrera, Diocelina Barrera, Maria Elena C. Alfaro, Manuel Vasquez Sandoval, Jaime L. Villagomez, Esperanza Herrera, Felicitas Bibiano.

B. The following 8 employees were on an approved leave of absence or vacation during the eligibility period and I recommend that the challenges to their votes be overruled and that their ballots be counted: Jose S. Estrada, Carlos P. Fernandez, Enrique A. Fernandez, Zeferino G. Fernandez, Leopoldo P. Figueroa, Esther T. Gonzalez, Olga Quintana and Lucila G. Sanchez.

C. The following employee was not employed by the Employer during the eligibility period and I recommend that the challenge to his vote be sustained and that his ballot not be counted: Javier Gonzalez.

D. Ricardo. Garcia and Carlos Garcia Nicolas were not employed by the Employer during the eligibility period. They were discharged from employment with the Employer prior to the eligibility period and their discharges are the subject of unfair labor practice charges which have been filed against the Employer. The Region has not received any evidence indicating that they would not have been employed by the Employer during the

eligibility period if they had not been discharged. I recommend that the challenges to their votes be resolved based on the resolution of the unfair labor practice charges, and that their ballots remained sealed until that time. Karahadian & Sons (1979) 5 ALRB No. 19; Aori-Sun (1987) 13 ALRB No. 19.

E. The vote of Marcos Ponce (Jose Marcos Ponce) was challenged by a Board agent because his name was not on the eligibility list and by the Union because he was a supervisor. An inspection of the eligibility list, the information contained in the challenged ballot declaration of Jose Marcos Ponce and the payroll records provided by the Employer indicates that Jose Marcos Ponce (Jose M. Ponce) was employed by the Employer during the eligibility period. My findings and recommendation regarding the issue of Mr. Ponce's supervisory status is set forth in the next section which deals with supervisors.

6. The 4 Challenges To Supervisory Employees Hired  
Directly By The Employer And To  
Marcos Ponce

The Region did not receive any evidence indicating that Salvador Valerio was a supervisor. I have concluded that he was not a supervisor, and I recommend that the challenge to his vote be overruled and that the ballot of Salvador Valerio be counted.

The Region has received declarations from the Union to support the contention that Amparo Saenz, Jose Guadalupe Vasquez, Jose Jesus Magana and Marcos Ponce are supervisors. The Employer did not provide any declarations to support the contention that

these individuals are not supervisors. None of these individuals responded to the Region's contact letters. The payroll records provided by the Employer have been reviewed.

Saenz, Vasquez, Magana and Ponce are all "surqueros". According to the Employer, a "surquero" performs quality control in the field. The Employer fails, however, to further describe the job duties of a "surquero", but contends that they do not have any supervisory power and that they do not use independent judgment in the direction of employees.

The declarations provided by the Union are from employees who state that they work in the same crew with Saenz, Vasquez, Magana and Ponce. These employees describe the job duties of Saenz, Vasquez, Magana and Ponce as follows.

The Employer has 3 strawberry ranches. At peak season, there are 3 crews working on each ranch. Each crew has about 30 workers. Each ranch has a foreman/forewoman. Each crew has a surquero who supervises the crew and who reports to the ranch foreman. Each foreman has 3 surqueros reporting to him.

The surquero distributes the paychecks to the employees in the crew. According to the employer's payroll records for the eligibility period, Saenz, Vasquez, Magana and Ponce received a higher rate of pay and more hours of work than other employees, except for the foreman/forewoman.

The surquero assigns the rows to be worked by each worker. Since the employees work on a piece rate basis, the surquero has the power to reward or punish employees by assigning

the rows with more fruit to pick to those being rewarded, and the rows with less fruit to those being punished. The surquero has the authority to send a worker back to re-pick a row thereby depriving the worker of an opportunity to begin picking in a new row with more fruit. The surquero reports an employee's unsatisfactory job performance to the foreman, who has the authority to issue disciplinary notices or to suspend employees from work without pay. The surquero keeps track of the amount of work done by each employee. The surquero can transfer an employee to a slower crew as a punishment without first discussing the transfer with the foreman.' The surquero can punish an employee by stopping the employee from working for 15 minutes or 20 minutes during the day without first discussing the matter with the foreman. Again, since the employees are paid on a piece rate basis, this form of discipline is particularly effective.

The surquero supervises the employees' morning exercises and can have employees disciplined for non-participation by recommending to the foreman that disciplinary action be taken. The surquero is considered to be a supervisor by the employees in the crews.

Section 1140.4 (j) of the Agricultural Labor Relations Act defines a supervisor as follows:

The term "supervisor" means any individual having authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or

the responsibility to direct them, or to adjust their grievances, or effectively to recommend such action, if, in connection with the foregoing, the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

The possession of any one of the enumerated powers is sufficient to establish supervisory status if independent judgment is exercised in the use of said powers. Big Rivers Electric Corporation (1983) 266 NLRB No. 72; Dairy Fresh Products Co. (1977) 3 ALRB No. 70.

According to the declarations of employees who work with Saenz, Vasquez, Magana and Ponce, these 4 surqueros have exercised independent judgment when transferring, assigning/ rewarding, disciplining, or directing employees. They have taken these actions without first consulting with the foreman/ forewoman. Additionally, the declarants indicate that these 4 surqueros can effectively recommended to the foreman/forewoman that disciplinary action be taken against employees.

The fact that Saenz, Vasquez, Magana and Ponce are paid more than their co-workers, distribute paychecks, keep track of each employee's piece rate record and report to the foreman on the job performance of the crew also provides a basis for a finding that they are supervisors. Dairy Fresh Products, Inc. (1977) 3 ALRB No. 70; Perry's Plants. Inc. (1979) 5 ALRB No. 17; Anderson Farms Company (1977) 3 ALRB No. 67.

I have concluded that Amparo Saenz, Jose Guadalupe

Vasquez, Jose Jesus Magana and Marcos Ponce are supervisors, and I recommend that the challenges to their votes be sustained and that their ballots not be counted.

CONCLUSION

The conclusions and recommendations of the Regional Director as set forth in this report shall be final unless exceptions are filed with the Executive Secretary in accordance with Section 20363 of the Board's Regulations.

Respectfully submitted this 23<sup>rd</sup> day of June 1994, in El Centro, California.



Kerry M. Donnell  
Regional Director  
AGRICULTURAL LABOR RELATIONS BOARD  
El Centro Regional Office  
319 Waterman Avenue  
El Centro, CA 92243

STATE OF CALIFORNIA

AGRICULTURAL LABOR RELATIONS BOARD

PROOF OF SERVICE BY MAIL  
(1013a, 2015.5 C.C.P.)

I am a citizen of the United States and a resident of the County of Imperial. I am over the age of eighteen years and not a party to the within entitled action. My business address is: 319 Waterman Avenue. El Centro. CA 92243\_\_\_\_\_

On June 23. 1994 I served the within REGIONAL DIRECTOR'S REPORT ON CHALLENGED BALLOTS. Oceanview Fresh Vegetables Company.\_\_\_\_\_

94-RC-1-BC(OX)\_\_\_\_\_

on the parties in said action, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at El Centro, California, addressed as follows:

CERTIFIED MAIL

Ted Scott, Esq.  
LITTLER, MENDELSON, FASTIFF,  
TICHY & MATHIESON 701 "B"  
Street, Suite 300 San Diego, CA  
92101

REGULAR MAIL

General Counsel, ALRB Executive  
Secretary, ALRB 915 Capitol  
Mall, 3rd Floor  
Sacramento, CA 95814

Marcos Camacho  
A Law Corporation P.O.  
Box 310  
Keene, CA 93531

Executed on June 23. 1994 at El Centro, California.

I certify (or declare), under penalty of perjury that the foregoing is true and correct.

  
\_\_\_\_\_