

STATE OF CALIFORNIA
AGRICULTURAL LABOR RELATIONS BOARD

In the Matter of:)	
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RALPH SAMSEL COMPANY)	CASE NO. 75-RC-41-M
)	
Employer,)	
)	2 ALRB No. 10
and)	
)	
Western Conference of Teamsters)	
)	
Petitioner,)	
)	
and)	
)	
United Farm Workers of America,)	
AFL-CIO)	
)	
Intervenor.)	
)	
_____)	

Following a certification election held on September 12, 1975, in which the Western Conference of Teamsters ("Teamsters") obtained a majority of the votes cast,^{1/} the United Farm Workers of America, AFL-CIO ("UFW"), as intervenor, filed a Petition of Objections to Certification pursuant to Section 1156.3(c) of the Labor Code.

^{1/}The official tally of ballots shows: 35 voters for the Western Conference of Teamsters; 20 for the United Farm Workers; 4 votes for No Union; 1 Challenged ballot; and 3 Void ballots.

The objections raised in the UFW petition and set for hearing by the Board were:

1. That the posting of security guards at the entrance to the election site, where they remained throughout the period of the election, established an intimidating company presence at the election affecting its outcome.

2. That the decision by the agent of the ALRB to hold the election on the property of the farm, where the workers were accustomed to company control, was taken without proper consideration of the workers' desires, and improperly affected the outcome of this election.

3. That the Board agent failed to adequately police the polling site by permitting the stationing by the company of a security guard at the entrance to the company property.^{2/}

These objections are overruled and we certify the election.

Objections one and three raise, in substance, the

^{2/}Additional allegations of objections were dismissed by the Board and the UFW appealed their dismissal to the ALRB. In an order dated December 3, 1975 the ALRB denied the UFW request for review of the dismissal.

In addition, at the opening of the hearing on objections the UFW tried to raise an objection involving the wrongful inclusion and voting by company truck drivers in this election. This issue was not raised in the UFW objections petition and is therefore barred by the limitations imposed by Labor Code §1156.3 (c). We note in any event that prior decisions of the Board have refused to overturn elections where, as here, the number of truck drivers who voted in the unit could not have affected the outcome of the election. See *Interharvest, Inc.*, 1 ALRB No. 2 (1975); *Salinas Marketing Cooperative*, 1 ALRB No. 26 (1975).

same objection. The UFW objection on this point has two branches. First, the UFW objects to the exclusion from the farm property of one of its organizers by the security guards. This exclusion prevented the organizer from attending the setting up of the polling site. The evidence on this issue indicates that the barred UFW organizer had arrived at the site some forty minutes after the Board agent had been scheduled to arrive. Prior to the organizer's arrival, the employer and his observers, the ALRB Board agent, UFW organizers and observers, and Teamster organizers and observers had all met at the entrance to the farm and proceeded together to the election site to set up the polling area. The area on which the polling area was established was some seven-tenths of a mile down the road. The UFW had both organizers and election observers present when the ALRB agent gave instructions at the polling site to the election observers for all parties. After these instructions, which took about five minutes, the representatives of all parties were asked to and did leave the election area. The UFW organizer who had been barred entry had been waiting at the entrance site for only four minutes when these other representatives returned. No allegation is raised as to any irregularity in the actual arrangements made in setting up of the polling area or in the actual conducting of the election. The objection on this point is not sustained.

The second branch of the UFW's objection alleges that the presence of such security guards had an intimidating affect on the free and unfettered exercise of the voting rights of

the workers. However, the facts reveal that no such intimidation occurred in this case. The record establishes that the agricultural employees began working at half past six in the fields, and that the security guards did not arrive at the entrance to the farm property until seven o'clock. The evidence further establishes that the guards posted at the ranch entrance could not be seen by either the workers in the field, or those voting at the polls. No evidence was introduced into the record that any of the workers even knew of presence of the guards.^{3/} Consequently, this objection is likewise rejected.

The union additionally objects to the holding of this election on the farm property. It was the union's position both at the pre-election conference and at the hearing on objections that the workers are accustomed to the notion of company control on the farm property and consequently the holding of the election on such property would improperly affect the outcome of this election. Both the employer and the petitioner agreed at the pre-election conference to holding the election on the farm property. It was the grower's position that an election on the farm would be free of any outside influence. The Teamsters

^{3/}The UFW objected to the delays in time from the holding of this election to the convening of the objections hearing. It appears that at the time of the objections hearing most of the workers had left the area for the harvest season in the Imperial Valley. It also objected to the dismissal of certain allegations, On the allegations remaining, it agreed to proceed and those are the subject of this decision. The UFW did not move nor request a continuance or resetting the hearing at another place.

maintained that holding the election on the farm would involve the least loss of job time to the workers. The UFW proposed that the election be held at the employer's farm labor camp.^{4/}

Regulations §20350 (a) provides:

"All elections shall be conducted under the supervision of the Board or the Regional Director. All elections shall be by secret ballot and shall be conducted at such time and places as may be ordered by the Board or the Regional Director. Reasonable discretion shall be allowed to the agent supervising the election to set the exact times and places to permit the maximum participation of the employees eligible to vote." 8 Cal. Admin. Code §20350 (a).

All sides had an opportunity to present their arguments as to the location for the election to the Board agent who conducted the pre-election conference. At the hearing on objections the UFW offered no specific evidence to establish why holding this election on the farm site would be or was intimidating to the voting rights of the employees. Since the regulation provides that the Board agent shall have reasonable discretion in setting

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^{4/}The evidence indicates that 15% of the company's workers live in this farm labor camp.

the place for election, and the UFW has failed to present evidence to demonstrate an abuse of this discretion, we find this objection to be unsubstantiated.

Conclusion

Based on the above we hereby certify the results of this election.

Dated: January 16, 1976



ROGER M. MAHONY, CHAIRMAN



JOE C. ORTEGA

LEROY CHATFIELD



JOSEPH R. GRODIN



(RICHARD JOHNSEN, JR.