

STATE OF CALIFORNIA
 AGRICULTURAL LABOR RELATIONS BOARD

In the Matter of:)	
)	
ANTON CARATAN AND SONS,)	
Employer,)	
and)	
)	
UNITED FARM WORKERS OF AMERICA, AFL-CIO,)	No. 75-RC-42-F
Petitioner,)	2 ALRB No. 62
and)	
)	
WESTERN CONFERENCE OF TEAMSTERS, AGRICULTURAL DIVISION, AND ITS AFFILIATED LOCALS,)	
Intervenor.)	
)	

Pursuant to our authority under Labor Code Section 1146, the decision in this matter has been delegated to a three-member panel of the Board.

On September 9, 1975, an election was conducted among the agricultural employees of the employer, Anton Caratan and Sons. The tally of ballots, served on the parties after the election, indicated that a run-off election would be necessary, such tally showing the following results:

Votes cast for Petitioner	84
Votes cast for Intervenor	71
Votes cast for No Labor Organization	57
Void Ballots	2
Challenged Ballots	42

Because the challenged ballots were sufficient in number to determine the parties to a run-off election, the Regional Director

of the Agricultural Labor Relations Board (Board), Fresno office, conducted an investigation of the challenges and issued a Report o Challenged Ballots, dated February 9, 1976, pursuant to 8 Cal. Admin. Code Section 20365 (e)(i) (repealed and readopted as 8 Cal. Admin. Code Section 20363). The employer and the petitioner both timely filed exceptions to this report, dated February 18, 1976 and February 9, 1976, respectively.^{1/}

On February 6, 1976, due to a now-historic funding crisis, this Board ceased its day-to-day operations. The Board did not become fully operative nor substantially staffed until approximately December 1, 1976. As a consequence, this case remained unresolved and undecided throughout this time.

An examination of the record before us indicates that a resolution of the challenged ballots would require evidentiary hearings, consuming even more time and delaying even further a fin resolution of this case. A run-off election, necessary on the record before us, would appropriately be scheduled for the employer's peak season, or on or about latter August, 1977,^{2/} some two years after the primary election.^{3/} Upon a final tally of ballots, it is quite conceivable that the employer's "Objections to Conduct Affecting the Results of the Election" would require consideration and

^{1/}The employer also filed "Objections to Conduct Affecting the Results of the Election," dated September 15, 1975.

^{2/}During the Board's operative hiatus, a large backlog of cases, motions, and decisions accumulated. Because of this backlog, it is conceivable that this case will not be finally resolved, and the run-off election appropriately held/ until the employer's peak season of 1978.

^{3/}Another question that would have to be resolved is which or wha voter eligibility list to use in a run-off election to be held some two years after the primary election.

resolution, again consuming more time and again delaying final resolution of this case. It appears that the agricultural employees' quest for representation under our Act herein would not be resolved with finality until approximately two years, possibly three years, after the primary election.

The entire tenor of our Act is geared to a speedy resolution of questions of employee representation. See, e.g., ALRA Section 1156.3(4). That has not been and will not be the case herein. Due to the special circumstances attending both the protracted pendency of this case and the operative hiatus of this Board, we find that it will best effectuate the purposes and policies of our Act to take the following action. The Petition for Certification filed by petitioner is hereby dismissed without prejudice to the rights of any person to file a new petition when appropriate under Labor Code Section 1156.3, et seq.

In conclusion, we emphasize that this decision is prompted by the unique time factors involved as measured against the purposes and policies of our Act. Accordingly, this decision is limited to these facts.

Dated: December 14, 1976

Roger M. Mahony, Member

Richard Johnsen, Jr., Member

Ronald L. Ruiz, Member