

STATE OF CALIFORNIA

AGRICULTURAL LABOR RELATIONS BOARD

In the Matter of:)
)
UEKI RANCH,)
)
Employer) No. 75-RC-78-F
)
and)
) 2 ALRB No. 63
)
UNITED FARM WORKERS OF)
AMERICA, AFL-CIO.,)
)
Petitioner.)
)
_____)

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 29, 1975, the United Farm Workers of America, AFL-CIO (hereinafter "UFW") filed two Petitions for Certification seeking to represent agricultural workers at the Ueki Ranch, in Fresno, California. One petition, describing the employer as Jim Hutchings, was withdrawn by the UFW, without prejudice, upon the request of the Board agent and the Regional Director. Pursuant to the remaining petition, naming Ueki Ranch as the employer, an election was conducted on October 3, 1975 in Fresno. ^{1/}

The tally of ballots was issued on October 7, 1975, and on October 10, 1975, the employer duly filed objections to the election.

^{1/}The tally of the votes: For UFW - 37; for No Union - 0; with 5 unresolved challenged ballots.

On December 12, 1975, the Board issued a Notice of Hearing and Order of Partial Dismissal in response to the aforementioned objections, and a hearing was convened on January 15, 1976.

The issues presented for hearing were limited to: (1) whether William Ueki was an agricultural employer or a joint agricultural employer within the meaning of Labor Code Section 1140.4(c), (2) whether the UFW interfered with the election by engaging in electioneering within a short distance of the polling area; (3) whether the UFW interfered with the election by providing to potential voters sample ballots, which were exact duplicates of the official ballots, and which contained an "X" in the box designated for the United Farm Workers Union; (4) whether the Board provided sufficient information, such as notices or sample ballots, to properly inform the voters as to the voting procedure; (5) whether the Board-provided sufficient notice of the election.

As the result of our resolution of this case we need not consider objections (2) through (5) above.

Our review of the record in this matter reveals that the Regional Director erred in recommending the withdrawal of the petition directed against Jim Hutchings. We therefore decline to certify the results of the election and dismiss the petition without prejudice to the rights of any person to file a new petition when appropriate under Labor Code Section 1156.3, et seq.

Dated: December 14, 1976

Roger M. Mahony, Member

Richard Johnsen, Jr., Member

Ronald L. Ruiz, Member