

STATE OF CALIFORNIA  
AGRICULTURAL LABOR RELATIONS BOARD

GIUMARRA VINEYARDS	)	
CORPORATION AND GIUMARRA	)	
FARMS INC.,	)	Case No. 05-RC-7-VI
	)	
Employer,	)	31 ALRB No. 5
	)	(October 31, 2005)
and	)	
	)	
UNITED FARM WORKERS OF	)	
AMERICA, AFL-CIO,	)	
	)	
<u>Petitioner.</u>	)	

DECISION AND ORDER ON CHALLENGED BALLOTS

On August 25, 2005,<sup>1</sup> the United Farm Workers of America, AFL-CIO (UFW) filed a petition seeking to represent a bargaining unit of all the agricultural employees of Giumarra Vineyards Corporation and Giumarra Farms Inc. (Giumarra or Employer). An election was conducted on September 1, 2005, with the initial tally of ballots showing 1121 votes for the UFW, 1246 votes for No Union, and 171 Unresolved Challenged Ballots.

Seventy-five of the 171 challenged ballots were challenged because the prospective voter did not provide an identification document at the time and place of the election. Fifty-eight of the 171 challenged ballots were cast by employees who were challenged because their names did not appear on the eligibility list and two were challenged on the ground that they were not employed in the bargaining unit during the applicable payroll

---

<sup>1</sup> All dates refer to calendar year 2005, unless otherwise indicated.

period. The remaining 34 challenged ballots were cast by employees who were challenged as being statutory supervisors and therefore ineligible to vote.

On October 14, 2005, the Regional Director issued the attached Challenged Ballot Report. The Regional Director's Challenged Ballot Report (Report) recommended that the Agricultural Labor Relations Board (Board) overrule the challenges to 24 of the 75 voters challenged for not presenting an identification document at the polling place. The Report also found 11 voters who were challenged for not being on the eligibility list to in fact have been on the list or, based on an examination of Employer's payroll records, to have been employed during the eligibility period, and recommended that the challenges to their ballots be overruled and their ballots counted. The Report also concluded that six employees who were not on the list were absent because of illness or disability, and recommended that the challenges to their ballots be overruled and that their ballots be counted. The Report also concluded seven challenged voters were ineligible to vote because they had not been employed in the bargaining unit in the eligibility payroll period and recommended that the challenges to their ballots be sustained.

On October 20, 2005, Employer filed a timely Exception to the Regional Director's Report regarding the recommendation to overrule the challenges of 24 voters who did not produce adequate identification at the time of the election. No exceptions to the Report's other recommendations were filed.

The Employer contends that the Board must reject this portion of the Regional Director's Report because it does not provide a "detailed summary of the facts underlying" his recommendation as to the 24 challenges, as required by California Code of Regulations,

title 8, section 20363(a).<sup>2</sup> Specifically, the Employer contends that the Report does not comply with section 20363(a) because the Report does not specify on an individual basis what form or forms of identification each voter presented. Employer contends that without the information as to the identification provided by each individual voter, it is unable to challenge the Regional Director's conclusions as to the eligibility of each voter. Employer further contends that the failure to specify which form of identifying document each of the 24 challenged voters in this group provided therefore violates the voter identification requirements in section 20355(c) of the Board's regulations and would permit contamination of the Board's voting procedures.

Section 20355(c) provides:

Prospective voters, including those whose names appear on the eligibility list, must present identification in order to vote. Identification may be in the form of an employer-provided identification card, a payroll check stub of that employer, driver's license, "green card," social security card, or any other identification which the Board agent, in his or her discretion, deems adequate. The Board agent will challenge any prospective voter who fails to supply identification as required above, or any prospective voter concerning whom the Board agent concludes there is a substantial question of identity.

The Report states that the Region's staff interviewed employees who were challenged because they failed to present an identification document at the time of the election. As the Report points out, it is undisputed that each of the 24 challenged voters' names appeared on the eligibility list provided by Employer. The Report states that the 24 employees in their post-election interviews "provided identification through several means,

---

<sup>2</sup> The Board's regulations are codified at Title 8, California Code of Regulations, section 20100, et seq.

including social security numbers which corresponded with [E]mployer's records, paycheck stubs from the [E]mployer, company picture identification forms, and health insurance cards, to the satisfaction of the Board agents." Accordingly, the Regional Director's Report concluded that the 24 named voters in this group were eligible voters and recommended that the challenges to their ballots be overruled and that their ballots be opened and counted.

Section 20355(c) requires only that voters present identification deemed adequate by the Board agent and lists five examples of adequate identification documents. The regulation thus vests Board agents with discretion in determining the adequacy of proof of identification. The Report indicates that the 24 voters contacted after the election presented one or more of the specified forms of identification documentation and that the documentation provided by the listed 24 voters was sufficient to satisfy the Board agents as to the voters' identity.

The Employer has made no claim that one or more of the types of documents listed in the Report is inherently deficient. In the absence of such a claim, listing the documents submitted by each voter would add no further factual basis for challenging the Regional Director's conclusions. Therefore, we see no purpose in requiring the Regional Director to amend his Report to list which documents were submitted by each of the 24 voters. Further, the listed forms of identity documentation relied on by the Regional Director are the same as or reasonably comparable to those specified in section 20355(c) and we find no reason to question their adequacy. Therefore, we find that the report reflects a proper exercise of the discretion given to Board agents to resolve questions regarding the identity of voters.

## ORDER

In accordance with the discussion above, we adopt the Regional Director's recommendations as set forth in his Challenged Ballot Report. The Regional Director shall open and count the 41 overruled challenged ballots and thereafter issue a revised tally of ballots. If, after the issuance of the revised tally of ballots, a determinative number of challenged ballots remains, the Regional Director shall issue a further report or reports on challenged ballots until a determinative result is reached.

DATED: October 31, 2005

GENEVIEVE A. SHIROMA, Chairwoman

CATHRYN RIVERA-HERNANDEZ, Member

DANIEL ZINGALE, Member

## **CASE SUMMARY**

### **GIUMARRA VINEYARDS CORP.**

(United Farm Workers of America,  
AFL-CIO)

Case No. 95-RC-7-VI

31 ALRB No. 5

### **Background**

On August 25, 2005, the United Farm Workers of America, AFL-CIO (UFW) filed a petition seeking to represent a bargaining unit of all the agricultural employees of Giumarra Vineyards Corporation and Giumarra Farms Inc. (Giumarra or Employer). An election was conducted on September 1, 2005, with the initial tally of ballots showing 1121 votes for the UFW, 1246 votes for No Union, and 171 Unresolved Challenged Ballots.

Seventy-five of the 171 challenged ballots were challenged because the prospective voter did not provide identification at the time and place of the election. Fifty-eight of the 171 challenged ballots were cast by employees who were challenged because their names did not appear on the eligibility list and two were challenged on the ground that they were not employed in the bargaining unit during the applicable payroll period. The remaining 34 challenged ballots were cast by employees who were challenged as being statutory supervisors and therefore ineligible to vote.

### **Regional Director's Challenged Ballot Report:**

On October 14, 2005, the Regional Director (RD) issued his Challenged Ballot Report. The Regional Director's Challenged Ballot Report (Report) recommended that the Board overrule the challenges to 24 of the 75 voters challenged for not presenting identification at the polling place. The Report also recommended that the challenges to the ballots of 11 voters who were challenged for not being on the eligibility list be overruled and their ballots counted. The Report concluded that six additional employees who were not on the list were absent because of illness or disability, and recommended that the challenges to their ballots be overruled and that their ballots be counted. The Report also concluded seven challenged voters were ineligible to vote because they had not been employed in the bargaining unit in the eligibility payroll period and recommended that the challenges to their ballots be sustained.

### **Employer's Exception to the Challenged Ballot Report:**

On October 20, 2005, Employer filed a timely Exception to the Regional Director's Report regarding the recommendation to overrule the challenges of 24 voters who did not produce adequate identification at the time of the election. No exceptions to the Report's other recommendations were filed. The Employer contended that the Report did not comply with Section 20363(a) of the Board's

regulations because the Report does not specify on an individual basis what form or forms of identification each voter presented.

**Board Decision and Order:**

The Board found that the Report reflected a proper exercise of the discretion given to Board agents to resolve questions regarding the identity of voters. Section 20355(c) of the Board's regulations requires only that voters present identification deemed adequate by the Board agent and lists five examples of adequate identification documents. The Report indicated that the 24 voters contacted after the election presented one or more of the specified forms of identification documentation and that the documentation provided by the listed 24 voters was sufficient to satisfy the Board agents as to the voters' identity. The Board found that the Employer made no claim that one or more of the types of documents listed in the Report was inherently deficient. The Board concluded that in the absence of such a claim, listing the documents submitted by each voter would add no further factual basis for challenging the Regional Director's conclusions.

The Board adopted the Regional Director's recommendations as set forth in his Report. The Board ordered the Regional Director to open and count the 41 overruled challenged ballots and issue a revised tally of ballots. The Board further ordered that if, after the revised tally of ballots, a determinative number of challenged ballots remains, the Regional Director shall issue a further report or reports on challenged ballots until a determinative result is reached.

\* \* \*

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

BEFORE THE  
AGRICULTURAL LABOR RELATIONS BOARD  
OF THE STATE OF CALIFORNIA

In the Matter of:

UNITED FARM WORKERS OF	)	CASE NO. 05-RC-7-VI
AMERICA,	)	
	)	<u>CHALLENGED BALLOT REPORT</u>
Petitioner,	)	
and	)	
	)	
GIUMARRA VINEYARDS CORPORATION	)	
and GIUMARRA FARMS, INC.,	)	
	)	
Employer.	)	
	)	

Pursuant to a Petition for Certification filed August 25, 2005, an election was held under my direction and supervision on September 1, 2005, among the employees of the Employer in the appropriate unit consisting of all agricultural employees of the Employer in the State of California.

After the election, the parties were furnished with a tally of ballots, a copy of which is attached hereto as Exhibit A, which showed that of the 3048 workers set forth on the Employer's list of eligible employees, 2573 cast ballots. There were 33 void ballots. Of the 2540 valid ballots cast, 1121 were cast for the Petitioner and 1246 were cast for "No Union." There were 171 unresolved challenged ballots.

Because the number of challenged ballots was sufficient to effect the outcome of the election, the undersigned, pursuant to Section 20363(a) of the Regulations of the Agricultural Labor Relations Board, after reasonable notice to all parties to present relevant evidence, has completed an investigation of the challenged ballots, duly considered all evidence submitted by



the parties and otherwise disclosed by the investigation and issues this report thereon.

I THE CHALLENGED BALLOTS

Challenges to the ballots were as follows:

No Identification

75 challenges were made on the basis that the prospective voter provided no identification:

Felicitas Rodriguez (Crew 29)  
Jorge Lopez Garcia (Crew 45)  
Ana Luisa Ayan Garcia  
Evangelina Herrera  
Arnoldo Herrera Nevarez  
Fidel Orozco  
Margarita Parra  
Maria Arias  
Virginia Mulato Bacilio  
Salvador Julian Salinas  
Amalia Ortiz Gutierrez  
Paulina Felipe Elias  
Lilia Vargas  
Alitalia Esteban  
Maria de Jesus Ortiz  
Margarita Vargas  
Ivan Benito Felipe  
Agustin Corona Rocha  
Esaval Jimenez Rafael  
Rafael Vargas Sanchez  
Leonila Z. Benito (Crew 64)  
Francisco Sanchez Mendez Crew 45)  
Manuel de Jesus Lopez (Crew 45)  
Filiberto Ramos Arellano (Crew 4)  
Rigoberto Zazuelta Castillo (Crew 4)  
Carlos Solis (Crew 4)  
Francisco Castro (Crew 4)  
Juan Soto Hernandez (Crew 4)  
Jose Ramoz Cerna (Crew 4)  
Leticia Hernandez (Crew 15)  
Tuana Arreda  
Regina Vargas (Crew 6)  
Bertha Corona (Crew 33)  
Irma Rafaela Avila (Crew 33)  
Cesar Felix (Crew 33)  
Lourdes Remo Arzola (Crew 44)  
Raul Ceja (Crew 44)

Alfredo Molina (Crew 44)  
Evangelino Garcia (Crew 44)  
Gilberto Ramirez Martinez (Crew 44)  
Juana Ayala Veja (Crew 44)  
Alejandro Ramirez Martinez (Crew 44)  
Rogelio Garcia (Crew 44)  
Angelica Morales (Crew 44)  
Griselda Abarca (Crew 44)  
Arturo Hernandez (Crew 56)  
Carlos Gutierrez (Crew 56)  
Lorenzo Martinez (Crew 56)  
Victor Guerrera (Crew 56)  
Ana Maria Lara (Crew 57)  
Israel Garcia (Crew 57)  
Ramon Hernandez Lara (Crew 57)  
Teresa Tirado (Crew 57)  
Rene Hernandez Garcia (Crew 57)  
Samuel Gallardo Kozo (Crew 57)  
Enrique A. Jimenez (Crew 9)  
Hilario Santana (Crew 9)  
Jose Guadalupe Munoz (Crew 9)  
Ricardo Garcia Arias (Crew 67)  
Miguel Vasquez (Crew 67)  
Heriberto Herrera (Crew 16)  
Arturo Cruz Martinez (Crew 8)  
Delfina Galvan (Crew 45)  
Tomas Galvan Cruz (Crew 45)  
Jorge Lopez Garcia (Crew 45)  
Josafat Amriz (Crew 51)  
Luis Martin Velasquez (Crew 51)  
Armando Maravel  
Felipe Hernandez Lopez  
Javier Gonzales Guzman  
Ivan Isidoro  
Jose Herrera (Crew 47)  
Adan Vasquez (Crew 47)  
Eduardo Negrete  
Maria Perez Jarez

Not on Eligibility List

58 challenges were made on the basis that the prospective voter was not listed on the eligibility list:

Karla Enith Mora (Crew 55)  
Maria del Socorro R. (Crew 55)

Elias Arreola Quevedo (Crew 5)  
Marina Estrada (Crew 58)  
Lorenzo Esteban Benito (Crew 60)  
Griselda Maduena (Crew 20)  
Salvador Perez (Crew 61)  
Luz Andrea Gonzales Hernandez (Crew 61)  
Mariela Gonzalez (Crew 43)  
Armando Reyes (Crew 43)  
Gilberto Amencua Magallan  
Agustin Hinojo (Crew 4)  
Qurico Rodriguez (Crew 4)  
Jose F. Rodriguezn Mendoza (Crew 15)  
Luis Fernando Razo (Crew 15)  
Carmelo Felix-Lopez (Crew 33)  
Maria Socorro Chavis (Crew 33)  
Lizbeth Edeza (Crew 33)  
Celia Gonzales Duenas  
Maria Felix Estrada (Crew 33)  
Manuel Duenas (Crew 33)  
Leobardo Edeza (Crew 33)  
Eduardo Arceo Navarro Acevedo (Crew 34)  
Mireya Miranda (Crew 61/72)  
Seferino Orozco (Crew 74)  
Rosario Gonzales (Crew 24)  
Patrick Randy (Crew 120)  
Ma. Iugenia Ruiz (Crew 120)  
Guadalupe Hernandez (Crew 57)  
Abel Alejo Garcia (Crew 56)  
Ivan T. Martinez (Crew 56)  
Eleocedia Bello Flores (Crew 72)  
Billy Joe Jones  
Alfredo Gonzalez  
Sirilo Ambriz (Crew 51)  
Ruben Rodriguez Timenez  
Alberto Preciado  
Miguel Antonio Onhuero Valencia  
Adrian Eusebio Huicho Britinen  
Maria Miranda de Wong  
Epifanio Jichimea Valdez  
Rosario Valdez  
Fernando Gonzalez  
Dora Nunez Perez  
Francisco Muratalla Cardenas  
Rosa Isidora  
Maria Dolores Provencio  
Raquel Pacheco  
David Perez

Josefina Silva de Sanchez  
Juliana Bravo Melgoza  
Hector Carbajel Arana  
Pedro Arellano (Caldera)  
Sonia Pacheco Martinez  
Abraham Aguilar  
Jesus Tafolla Gutierrez  
Clemencia Diaz  
Maria Marciel

Statutory Supervisor

34 Challenges were made on the basis that the prospective voter was a statutory supervisor.

Jose Terrazas (Crew 29)  
Navor O. Zepeda (Crew 58)  
Amelia Salazar  
Fernando Garcia Rivera  
Olga M. Hernandez (Crew 36)  
Eulalia H. Mena (Crew 36)  
Ruben Perez Barajas (Crew 61)  
Vicente Meza Salas (Crew 40)  
Maria Eugena Lopez (Crew 23)  
Paula P. Rodriguez (Crew 43)  
Ismael F. Maduena  
Luis Dominguez (Crew 64)  
David Robles (Crew 4)  
Pedro Ayala (Crew 15)  
Alejandre Salazar (Crew 45)  
Basilieles R. Chavez (Crew 1)  
Zoilo Miranda (Crew 32)  
Montero Herrera (Crew 53)  
San Justina Mares Garcia (Crew 14)  
Guadalupe Salazar Ortiz (Crew 37)  
Francisco Garcia (Crew 24)  
Maria E. Lopez (Crew 21)  
Jose Vasquez Santos (Crew 120)  
Emilio Bravo (Crew 56)  
Lorenzo Romero (Crew 57)  
Rogellio Cruz Maldardo (Crew 67)  
Jose J. Ornelas (Crew 8)  
Urias Aynlar  
Manuel Salazar (Crew 47)  
Javier Salas Maria  
Maria I. Navarro

Ms. Luz de Alcocer  
Alejandro P. Leal  
Javier Mendoza Hernandez

Not Employed in Appropriate Unit  
During the Applicable Payroll Period

Two (2) challenges were made on the basis that the prospective voter was not employed in the appropriate unit during the applicable payroll period.

Daniel Cardenas Manzo  
Maria Garcia (Crew 15)

II THE INVESTIGATION

At the election, signed statements made under the penalty of perjury were obtained from each challenged voter regarding their eligibility to vote. Information contained in such declarations was utilized to analyze the prospective voter's eligibility.

During the investigation, the Petitioner submitted paycheck stubs for various prospective voters indicating that those voters had worked during the applicable eligibility period. The Employer also submitted records showing employees who had worked during periods before, during and after the applicable eligibility period. These records were used, not only to verify that a prospective voter had worked during the eligibility period, but also to verify employees who had been on sick leave or disability during the eligibility period but had subsequently returned to employment.

Interviews of prospective voters who had failed to tender identification at the time of the election were also conducted by the Region's staff, during which interviews identification documents were obtained.

//

//

//

### III ANALYSIS, CONCLUSIONS AND RECOMMENDATIONS

#### (i) Failed to Provide Identification

The following workers, all of whom were listed on the eligibility list, were challenged on the basis of not providing identification at the time of the election. Subsequently during interviews by Board agents these workers provided identification through several means, including Social Security numbers which corresponded with the employer's records, paycheck stubs from the employer, company picture identification forms, driver's licenses, alien registration cards, and health insurance cards, to the satisfaction of the Board agents. Accordingly, I conclude that the following employees are eligible to vote and recommend that the challenges to their ballots be overruled and their ballots be counted:

Filiberto Ramos (Crew No. 4)  
Rigoberto Zazueta Arellano (Crew No. 4)  
Ignacio Ramos (Crew No. 4)  
Juan Soto Hernandez (Crew No. 4)  
Ana Luisa Ayon Garcia (Crew No. 6)  
Agustin Corona Rocha (Crew No. 6)  
Enrique A. Jimenez (Crew No. 9)  
Felicitas Rodriguez (Crew No. 29)  
Raul Ceja (Crew No. 44)  
Alfredo Molina (Crew No. 44)  
Evangelina Garcia (Crew No. 44)  
Gilberto Ramirez Garcia (Cred No. 44)  
Juana Ayala Veja (Crew No. 44)  
Alejandro Ramirez Martinez (Crew No. 44)  
Griselda Abarca (Crew No. 44)  
Jorge Lopez Garcia (Crew No. 45)  
Manuel de Jesus Mendez Lopez (Crew No. 45)  
Delfina Galvan (Crew No. 45)

Tomasa Galvan Cruz (Crew No. 45)  
Carlos Gutierrez (Crew No. 56)  
Victor Guerrero (Crew No. 56)  
Ramon Hernandez Lara (Crew No. 57)  
Teresa Tirado (Crew No. 57)  
Samuel Gallardo Razo (Crew No. 57)

(ii) Not on Eligibility List

(a) Workers Absent During Eligibility Period because  
of Illness or Disability

---

Employees who would have performed work for the employer during the eligibility period but for absence due to sickness, disability or leave are eligible to vote providing there is a reasonable expectation of returning to work. Rod McLellan Co. (1977) 3 ALRB No. 6, Cocopah Nurseries, Inc. (2001) 27 ALRB No. 3.

(1) Karla Enith Mora (Crew No. 55)

Karla Enith Mora provided information in her sworn declaration that she had been injured on the job on or about August 8, 2005, and returned to work on or about August 25, 2005. Information from the employer indicates that this worker returned to work in the week ending August 28, 2005.

(2) Maria Socorro Chavez-Duenas (Crew No. 33)

This worker provided information in her sworn declaration that she commenced working at the company sometime in July 2005 but did not work during the eligibility period because of illness. She returned to work on August 22, 2005. Information received from the employer indicates that this worker returned to work in the week ending August 28, 2005.

(3) Rosario Gonzales (Crew No. 24)

In her sworn declaration, Rosario Gonzales stated that she has worked for the company for four years. She was on

disability leave commencing August 12, 2005, but returned to work on September 1, 2005, the date of the election.

(4) Francisco Muratalla Cardenas (Crew No. 39)

In his sworn declaration, this worker stated he had not worked during the eligibility period because he was incapacitated, but he had returned to work August 22, 2005. Information from the employer indicates that this worker returned to work in the week ending August 28, 2005.

(5) Sonia Pacheco Martinez (Crew No. 47)

In her sworn declaration, this worker stated that she commenced working for the company in July 2005 and missed two weeks because of illness. She returned to work August 22, 2005. Information received from the employer indicates that this worker returned to work in the week ending August 28, 2005.

(6) Abraham Aguilar (Crew No. 59)

In his sworn declaration this worker stated that he had worked for the company for two years, but did not work August 7 through August 21, 2005, because of illness. He returned to work during the week ending August 28, 2005. Information received from the company confirms that this worker did work during the week ending August 28, 2005.

For the reasons set forth hereinabove I conclude that Karla Enith Mora, Maria Socorro Chavez-Duenas, Rosario Gonzales, Francisco Muratalla Cardenas, Sonia Pacheco Martinez and Abraham Aguillar are eligible to vote and recommend that the challenges to their ballots be overruled and their ballots be counted.

//

//

//

//



(b) Employees Whose Names Were Found to be Listed on the Eligibility List or on the Employer's Payroll Records for the Eligibility Period

---

(1) Lorenzo Esteban Benito (Crew No. 60)

Company payroll records list Lorenzo Esteban Venito with the same Social Security number that this worker set forth in his sworn declaration. The interchange of the "B" and "V" is common in Hispanic names.

(2) Gilberto Amenzcua Magallan (Crew No. 36)

A review of the eligibility list shows Gilberto Amenzcua listed at Page 31. On his sworn declaration this worker signed his name as Gilberto Amenzcua M.

(3) Agustin C. Hinojosa (Crew No. 4/51)

A review of the eligibility list shows Agustin C. Hinojosa listed in Crew No. 51 on Page 47.

(4) Quirico Hernandez (Crew No. 4)

Quirico Hernandez is listed on the company's payroll records during the eligibility period. The worker provided company paycheck stub No. 398912 for that period.

(5) Jose Feliberto Rodriguez Negrete (Crew No. 15)

At Page No. 10 of the eligibility list, Jose F. Negrete Laguna is listed in Crew No. 15 with an address of 7920 Georgetown, Bakersfield, California. This is the same address listed by this worker in his sworn declaration. Jose F. Negrete is listed in the company payroll records for the eligibility period.

(6) Luis Fernando Mendoza (Crew No. 15)

Luis Fernando Mendoza, Crew No. 15, is listed on the eligibility list at Page 10.

(7) Zeferina Orozco Garcia (Crew No. 14)

This worker is listed on the company payroll records during the eligibility period. The Social Security

number listed is the same as provided in her sworn declaration. Subsequent to the election, the employer agreed that she is eligible.

(8) Guadalupe Hernandez (Crew No. 57)

Guadalupe Hernandez is listed on the eligibility list in Crew No. 57 at Page 54. The employer agrees that this worker is eligible, and the Petitioner herein provided a Giumarra paycheck stub for this worker in the eligibility period.

(9) Eleocedio Bello Flores (Crew No. 72)

Eleocedio Bello Flores is listed on the eligibility list in Crew No. 72. This worker reported to vote off-site. The records indicate that he did not vote at the Crew No. 72 site.

(10) Maria Maciel Medina (Crew No. 39)

Maria Maciel Medina is listed on the eligibility list in Crew No. 39. This worker reported to vote off-site. The records indicate that she did not vote at the Crew No. 39 site.

(11) Mireya Miranda Acevedo (Crew No. 72/61)

Mireya Miranda Acevedo stated in her sworn declaration that she worked in Crew No. 61 during the eligibility period. She is listed on the eligibility list in Crew No. 61. This worker reported to vote off-site. The records indicate that she did not vote at the Crew No. 61 nor Crew No. 72 site.

For the reasons set forth hereinabove I conclude that Lorenzo Esteban Benito, Gilberto Amenzcua Magallan, Agustin C. Hinojosa, Quirico Hernandez, Jose Feliberto Rodriguez Negrete, Luis Fernando Mendoza, Zeferina Orozco Garcia, Guadalupe Hernandez, Eleocedio Bello Flores, Maria Maciel Medina and Mireya Miranda Acevedo are eligible to vote and recommend

that the challenges to their ballots be overruled and their ballots be counted.

(c) Workers Who Were Not Employed During the Eligibility Period

---

(1) Maria de Socorro Ruiz Alvarez  
(Crew No.55)

In her sworn declaration Maria de Socorro Ruiz Alvarez stated that she commenced work with the company on August 22, 2005. The eligibility period for this election is August 15 - August 21, 2005. This date is beyond the eligibility period.

(2) Luz Andrea Gonzales (Crew No. 17)

In her sworn declaration Luz Andrea Gonzales stated she commenced work with the company on August 29, 2005. This date is beyond the eligibility period.

(3) Carmelo Feliz Lopez (Crew No. 66)

In his sworn declaration Carmelo Feliz Lopez stated he commenced work with the company on August 22, 2005. This date is beyond the eligibility period.

(4) Patrick Randy Bradshaw (Crew No. 120)

In his sworn declaration Patrick Randy Bradshaw stated he commenced work with the company on August 29, 2005. This date is beyond the eligibility period.

(5) Ivan Jesus Martinez (Crew No. 56)

Company records indicate that Ivan Jesus Martinez commenced employment during the week ending August 28, 2005. The company's work week commences on a Monday, the Monday of that week being August 22, 2005. This date is beyond the eligibility period.

//

//

//

(6) Dora Nunez Perez (Crew No. 998)

In her sworn declaration Dora Nunez Perez stated she commenced work with the company in Crew No. 998 on August 23, 2005. This date is beyond the eligibility period.

(7) Yuliana Bravo Melgoza (Crew No. 59)

In her sworn declaration Yuliana Bravo Melgoza stated her last day of work with the company was August 11, 2005. This date is before the eligibility period.

For the reasons set forth hereinabove I conclude that Maria de Socorro Ruiz Alvarez, Luz Andrea Gonzales, Carmelo Feliz Lopez, Patrick Randy Bradshaw, Ivan Jesus Martinez, Dora Nunez Perez and Yuliana Bravo Melgoza are not eligible to vote and recommend that the challenge to their ballots be sustained and their ballots not be counted.

IV SUMMARY OF RECOMMENDATIONS

A. Ballots to be Opened and Counted:

Filiberto Ramos (Crew No. 4)  
Rigoberto Zazueta Arellano (Crew No. 4)  
Ignacio Ramos (Crew No. 4)  
Juan Soto Hernandez (Crew No. 4)  
Ana Luisa Ayon Garcia (Crew No. 6)  
Agustin Corona Rocha (Crew No. 6)  
Enrique A. Jimenez (Crew No. 9)  
Felicitas Rodriguez (Crew No. 29)  
Raul Ceja (Crew No. 44)  
Alfredo Molina (Crew No. 44)  
Evangelina Garcia (Crew No. 44)  
Gilberto Ramirez Garcia (Cred No. 44)  
Juana Ayala Veja (Crew No. 44)  
Alejandro Ramirez Martinez (Crew No. 44)  
Griselda Abarca (Crew No. 44)  
Jorge Lopez Garcia (Crew No. 45)  
Manuel de Jesus Mendez Lopez (Crew No. 45)  
Delfina Galvan (Crew No. 45)  
Tomas Galvan Cruz (Crew No. 45)  
Carlos Gutierrez (Crew No. 56)  
Victor Guerrero (Crew No. 56)  
Ramon Hernandez Lara (Crew No. 57)  
Teresa Tirado (Crew No. 57)

Samuel Gallardo Razo (Crew No. 57)  
Karla Enith Mora (Crew No. 55)  
Maria Socorro Chavez-Duenas (Crew No. 33)  
Rosario Gonzales (Crew No. 24)  
Francisco Muratalla Cardenas (Crew No. 39)  
Sonia Pacheco Martinez (Crew No. 47)  
Abraham Aguillar (Crew No. 59)  
Lorenzo Esteban Benito (Crew No. 60)  
Gilberto Amencua Magallan (Crew No. 36)  
Agustin C. Hinojosa (Crew No. 4/51)  
Quirico Hernandez (Crew No. 4)  
Jose Feliberto Rodriguez Negrete (Crew No. 15)  
Luis Fernando Mendoza (Crew No. 15)  
Zeferina Orozco Garcia (Crew No. 14)  
Guadalupe Hernandez (Crew No. 57)  
Eleocedio Bello Flores (Crew No. 72)  
Maria Maciel Medina (Crew No. 39)  
Mireya Miranda Acevedo (Crew No. 72/61)

B. Ballots Not to be Opened and Counted:

Maria de Socorro Ruiz Alvarez (Crew No. 55)  
Luz Andrea Gonzales (Crew No. 17)  
Carmelo Feliz Lopez (Crew No. 66)  
Patrick Randy Bradshaw (Crew No. 120)  
Ivan Jesus Martinez (Crew No. 56)  
Dora Nunez Perez (Crew No. 998)  
Yuliana Bravo Melgoza (Crew No. 59)

C. Status of Remaining Unresolved Challenged Ballots

It is the Regional Director's recommendation that at this time the ballots of those workers found hereinabove to be eligible voters be counted and a tally made and that the status of the remaining unresolved challenged ballots be investigated and determined only if the new tally indicates that the same are outcome determinative.

V PROCEDURES REGARDING EXCEPTIONS TO THE REPORT

Pursuant to the provisions of 8 Cal.Code Regs. Section 20363(b) the foregoing conclusions and recommendations of the Regional Director shall be final and conclusive unless exceptions thereto are filed with the Executive Secretary of the

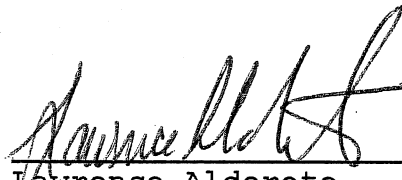
Board within five (5) days from the date of service of this report upon the parties to this proceeding.

An original and six (6) copies of the exceptions shall be filed and shall be accompanied by seven (7) copies of declarations or other documentary evidence in support of the exceptions.

Copies of any exceptions and supporting documents shall be served pursuant to 8 Cal. Code Regs. Section 20166 on all other parties to the proceeding and on the Regional Director making this report, and proof of service shall be filed with the Executive Secretary of the Board with the exceptions and supporting documents.

DATE: \_\_\_\_\_

10/14/05



\_\_\_\_\_  
Lawrence Alderete

Regional Director

Agricultural Labor Relations Board

711 North Court Street - Suite H

Visalia, California 93291-3638

Tel. 559-627-0995

AGRICULTURAL LABOR RELATIONS BOARD  
CONSEJO DE RELACIONES DEL TRABAJO AGRICOLA

Employer (Patrón) Giunarra Vineyards Corporation Date of Election (Fecha de la Elección) 9/1/05  
 Case Number (Número del Caso) 05-RC-7-VI Date Issued (Fecha de Salida) 9/1/05

**TALLY OF BALLOTS — CUENTA DE VOTOS**

The undersigned board agent certifies that the results of the tabulation of ballots cast in the election held in the above case, and concluded on the date indicated above, were as follows:

(El agente del consejo suscribiente certifica que el resultado de la cuenta de las balotas dadas en la elección del caso citado arriba, y concluida en la fecha indicada arriba, fué la siguiente:)

- |   |                            |
|---|----------------------------|
| 1. Votes cast for (Votos a favor de):   | Tally (Cuenta)             |
| a. <u>United Farm Workers of America, AFL-CIO</u><br>Petitioner.  | <u>1121</u>                |
| b. _____<br>Intervenor.   | _____                      |
| c. _____<br>Intervenor.   | _____                      |
| d. No Unión   | <u>1246</u>                |
| 2. Number of unresolved challenged ballots (Número de votos retados y no resueltos):  | <u><del>1120</del> 171</u> |
| 3. Total number of all ballots including unresolved challenged ballots. (Número total de votos válidos mas los votos retados y no resueltos): | <u>2538</u>                |
- Number of void ballots (Número de votos invalidos): 33  
 Total number of voters (Número total de votantes): 2573  
 Number of names on list (Número de nombres en la lista): 3048
- Disputed 220*

4. The number of unresolved challenged ballots is sufficient to affect the outcome of the election (El número de votos retados es suficiente para afectar el resultado de la elección).
5. The number of unresolved challenged ballots is insufficient to affect the outcome of the election, and (El número de votos retados no es suficiente para afectar el resultado de la elección, y):
- a. A majority of the valid ballots counted has been cast for (Una mayoría de los votos válidos que fueron contados han sido dados a favor de): \_\_\_\_\_
- b. No choice on the ballot has received a majority of the valid votes cast (Ninguna selección en la balota ha recibido una mayoría de los votos válidos).

*[Signature]*  
Field Examiner-Supervising Election

The undersigned witnessed the counting and tabulation of ballots indicated above. We hereby certify that the counting and tabulating were fairly and accurately done, that the secrecy of the ballots was maintained and that the results were as indicated above. We also acknowledge service of a copy of this tally.

Los suscribientes presenciaron la cuenta y la tabulación de la votación citada arriba. Aquí certificamos que la cuenta y la tabulación fueron hechas justa e imparcialmente, que el secreto de la votación fué mantenido y que los resultados fueron como se ha indicado arriba. También reconocemos el servicio de una copia de esta cuenta.

For (Por) Giunarra Vineyards For (Por) United Farm Workers  
[Signature] [Signature]  
 For (Por) \_\_\_\_\_ For (Por) \_\_\_\_\_