

STATE OF CALIFORNIA  
 AGRICULTURAL LABOR RELATIONS BOARD

LOUIS DELFINO, CO. ,	)		
UNITED RANCH CO . ,	)		
INLAND RANCH CO. ,	)	Case Nos.	75-RC-47-M
WESTERN RANCH,	)		75-RC-83-M
A. LEONARDINI & SONS,	)		75-RC-85-M
	)		75-RC-88-M
Employers,	)		75-RC-86-M
	)		
and	)		
	)		3 ALRB No. 2
WESTERN CONFERENCE OF TEAMSTERS,	)		
	)		
Petitioner,	)		
	)		
and	)		
	)		
UNITED FARM WORKERS OF AMERICA,	)		
AFL-CIO,	)		
	)		
Interested Party.	)		
	)		

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 10, 1975, the Western Conference of Teamsters filed a certification petition for the Louis Delfino Company. The next day, the Teamsters filed petitions for Inland Ranch Co. , Western Ranch Co. , United Ranch Co. , and A. Leonardini Co. Motions to intervene in the five elections by the United Farm Workers of America, AFL-CIO, were denied. Elections at the five ranches were held on September 17.<sup>1/</sup>

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<sup>1/</sup>The results were as follows: Delfino: Teamsters 14, No Union 18; United: Teamsters 11, No Union 1; Inland: Teamsters 30, No Union 5, Void 2, Challenged 2; Western: Teamsters 9, No Union 0, Challenged 1; Leonardini: Teamsters 6, No Union 9.

The UFW filed a timely objections petition which included a series of objections revolving around the issue of whether the companies constituted a single employer, although the unit question itself was never directly raised. A consolidated hearing was held in December, 1975. After the hearing, the UFW withdrew its objections to the election at A. Leonardini & Sons. Accordingly, we certify the results at A. Leonardini. We decline to certify the elections at Louis Delfino Co. , United Ranch, Inland Ranch, and Western Ranch.

Each of the four ranches is a partnership, with the holdings divided as follows:

Louis Delfino Co: 1/2 Louis H. Delfino, 1/4 Reno Costella,  
1/4 Estate of Louis Polleti.

Western Ranch: 1/2 Louis H. Delfino, 1/4 Reno Costella,  
1/4 Estate of Louis Polleti.

United Ranch: 1/2 Louis H. Delfino, 1/8 Reno Costella,  
3/8 Estate of Louis Polleti.

Inland Ranch: 1/2 Louis H. Delfino, 1/2 Reno Costella.

Louis H. Delfino consults with his partners on major decisions concerning the business operations, but he is solely responsible for employment matters. His son, Louis John Delfino, hires all the employees for the ranches, and is general overseer of the four operations.

The four ranches are all in the Watsonville area. All grow artichokes, and artichokes only. Louis Delfino Co. owns a packing shed which handles all the artichokes from the four ranches, and from no others. The ranches have a single office and were represented throughout these Board proceedings by a single attorney.

Since 1973, the employees at the four ranches have worked under the same Master Agreement with the Teamsters, and thus have identical terms and conditions of labor. The United Ranch has a "ranch house" where workers from three of the operations live. Although there is a core of regular employees at each ranch, paid by each ranch, there is an interchange of workers; and in the case of the Delfino and United ranches, the field workers acted pretty much as one crew during the relevant payroll period/working together at either of the ranches. All the paychecks are signed by Mr. Delfino. One organizer testified that when he got authorization cards, the workers spent 20 minutes discussing who their employer was.

It is obvious from these facts that the four ranches are a single employer, regardless of any nominal separation. Because patterns of ownership and management are so varied and fluid, we are reluctant to announce any mechanical rule in these cases; but we will look to such factors as similarity of the operations, interchange of employees, common management, common labor relations policy, and common ownership.<sup>2/</sup>

We hold that Louis Delfino Co., United Ranch, Western Ranch, and Inland Ranch are a single employer. Section 1156.2 of the Act states:

The bargaining unit shall be all the agricultural employees of an employer.

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<sup>2/</sup>For discussion of a similar problem see NLRB, twenty-first Annual Report, pp. 14-15 (1956), cited with approval in Radio and Television Broadcast Technicians Local Union 1264 v. Broadcast Service of Mobile, Inc., 380 U.S. 255 (1965).

Therefore, all the employees of the four ranches should have been included in a single unit and should have voted in a single election.<sup>3/</sup>

While it might sometimes be appropriate for the Board to certify one large unit following elections held pursuant to separate certification petitions, we will not do so here, because the record shows that the holding of separate elections prejudiced a party: it appears that when the UFW attempted to intervene at each of the elections, many of their authorization cards were rejected because the signer was listed with the "wrong" employer. It also appears that at one ranch at least, the UFW did have a sufficient showing of interest. While showings of interest are not reviewable,<sup>4/</sup> the Board will nonetheless overturn an election when there is evidence that Board error precluded intervention.

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<sup>3/</sup>We note that the four ranches were all in the same production area, were under common management, had an interchange of employees, etc., so that it would be inappropriate to separate the ranches because of their noncontiguity.

<sup>4/</sup>This rule does no real harm in relation to certification petitions: if the petition is erroneously dismissed, the union can file again with more cards; if the petition is erroneously granted, the employees can reject the union in an election. But if a motion to intervene is erroneously denied, the party suffers real and irreparable prejudice. Not only is the party excluded from this election, but it may later face a contract bar, making another election impossible for three years. Because the effect of denying a motion to intervene is so drastic, the Board will exercise all possible discretion to allow intervention. See V. V. Zaninovich, 1 ALRB No. 24 (1975).

Accordingly we certify the results in A. Leonardini & Sons in which the vote for no union prevailed. As to the elections held at the Delfino, United, Inland and Western Ranches/ we set those aside.

Dated: January 18, 1977

GERALD A. BROWN, Chairman

ROBERT B. HUTCHINSON, Member

RONALD L. RUIZ, Member