

STATE OF CALIFORNIA

AGRICULTURAL LABOR RELATIONS BOARD

HENRY MORENO,)
Respondent,) No. 77-CE-3-C
and) 3 ALRB No. 40
UNITED FARM WORKERS OF MERICA,)
AFL-CIO,)
Charging Party.)
_____)

On March 15, 1977, administrative law officer Ronald Greenberg issued his decision in this case, finding that respondent violated Labor Code § 1153 (a) and specifying certain remedies. Respondent filed exceptions to the finding of a violation, and the charging party UFW filed exceptions to the recommended remedies. Having reviewed the record, including exceptions and the response thereto,^{1/} we adopt the findings, conclusions and recommendations of the law officer to the extent consistent with this opinion.

The complaint in this matter charged that respondent violated Labor Code § 1153 (a) by failing and refusing to provide the Agricultural Labor Relations Board with an employee list as required by § 20910 (c) of the Board's regulations. Respondent admits that it has not provided the list, but denies that this

^{1/}The general counsel filed a response to respondent's exceptions. UFW filed a letter indicating that it did not intend to file a response and contending that respondent's exceptions were filed late. Because we reject respondent's exceptions, we do not consider whether or not they were timely filed. Since the issues before us have been thoroughly briefed, we deny respondent's request for oral argument.

Both respondent and UFW also except to the Board's decision in this matter as it affects three other cases. These cases have not been transferred to the Board for decision or submitted for approval of any purported settlement agreement. We take no action with respect to them until such time as they are properly before us.

conduct interferes with, restrains or coerces agricultural employees in their exercise of the rights guaranteed in Labor Code § 1152. Labor Code § 1153 (a).

In its exceptions respondent first raises a series of objections the thrust of which is an attack upon the Board's authority to enact § 20910^{2/} of its regulations. After considering these arguments we remain convinced that the Board had the authority pursuant to its rulemaking powers under Labor Code § 1144

^{2/} 8 Cal. Admin. Code Section 20910 reads in full:

Section 20910 - Pre-Petition Employee Lists.

(a) Any labor organization that has filed within the past 30 days a valid notice of intent to take access as provided in Section 20900 (e) (1) (B) on a designated employer may file with the appropriate regional office of the Board two (2) copies of a written notice of intention to organize the agricultural employees of the same employer, accompanied by proof of service of the notice upon the employer in the manner set forth in Section 20300 (f). The notice must be signed by or accompanied by authorization cards signed by at least ten percent (10%) of the current employees of the designated employer.

(b) A notice of intention to organize shall be deemed filed upon its receipt in the appropriate regional office accompanied by proof of service of the notice upon the employer. As soon as possible upon the filing of the notice of intention to organize, the regional office in which the petition is filed shall telephone or telegraph the employer to inform him. or her of the date and time of the filing of the notice.

(c) Within five (5) days from the date of filing of the notice of intention to organize the employer shall submit to the regional office an employee list as defined in Section 20310(a)(2). Upon its receipt in the regional office, the regional director shall determine if the 10% showing of interest has been satisfied and, if so, shall make a copy of the employee list available to the filing labor organization. The same list shall be made available to any labor organization which within 30 days of the original filing date files a notice of intention to organize the agricultural employees of the same employer. No employer shall be required to provide more than one employee list pursuant to this section in any 30 day period.

to enact this section, and that § 20S10 is necessary to effectuate the purposes of the Act. Thus the sole issue before us in this case is whether an employer's refusal to provide a list as required by Labor Code § 20910(c) constitutes per se an unfair labor practice. Respondent excepts to the law officer's finding that it does on the grounds that the facts found by him as a basis for his decision are not accurate, and that failure to provide a pre-petition list does not in fact interfere with employees' § 1152 rights.

Labor Code § 1152 provides that employees have the right to "self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection, and shall also have the right to refrain from any or all of such activities...." Implicit in these rights is the opportunity of workers to communicate with and receive communication from labor organizers about the merits of self-organization. In the agricultural field, both practical considerations and our statute dictate that these rights become most meaningful, and our duty to protect them most pressing, during the short periods of time around seasonal peaks. Since the ALRA became effective August 28, 1975, the Board's efforts to protect employee access to all legitimate channels of communication under these circumstances have been directed at facilitating employee ability to receive information both at the work site and in their homes. See 3 Cal. Admin. Code 20310(d)(2) [1975], repealed and reenacted in 8 Cal.

Admin. Code 20310(a)(2) and 20313; Mapes Produce Co., 2 ALRB No. 54 (1976); Silver Creek Packing Company, 3 ALRB No. 13 (1977), 8 Cal. Admin. Code 20900 et seq. (1975), repealed and reenacted in parts in 8 Cal. Admin. Code 20900 et seq. (1976). Our decision to enact § 20910 reflected our evaluation of experience with those efforts.

In 1975, following public hearings, the original ALRB enacted the access, rule.^{3/} This rule followed from the Board's judgment after those hearings that seasonal employment patterns in agriculture and a largely migratory labor force establish conditions under which it is difficult if not impossible for union organizers to discover and contact the employees of a particular employer to discuss the advantages and disadvantages of unionization within the short seasonal peak during which an election may be held under our statute. Accordingly, the Board enacted § 20900 permitting union organizers to contact employees at the work site, the one location where they presumably all could be reached.

In September, 1976, we again held public hearings on our regulations, this time against a background of five months of operating experience. Among the problems raised by employer representatives during the two days of testimony devoted to the access rule was the complaint that organizers were permitted on their property without advance notice at any time during the year. Representatives of unions raised the issue of the presence

^{3/} 8 Cal. Admin. Code 20900 (1975), supra.

of foremen and other employer representatives during access periods. In response to union arguments that such presence inhibited the free exchange of information between organizers and employees, employers complained that the threat of surveillance charges inhibited their ability to adequately supervise their business operations. Whether or not surveillance in violation of Labor Code § 1153 (a) is found in any particular case, the presence of employer representatives, the short time available during non-working time, plus the limits on the numbers of organizers who may be present under the rule^{4/} clearly mean that this is not the ideal setting for extended or thoughtful discussion of controversial issues. Based upon such testimony from representatives of all parties concerning their experience with the access rule, and on our own experience with the operation of the rule, we concluded that certain modifications of the rule were in order.

We note here that those organizational rights which the access rule aims to protect may be exercised as a practical matter only during those periods of time when enough employees are working at one employer to make discussion of their desire for representation by that employer a relevant topic. In light of this fact, we concluded that during seasonal peak employment periods, the limited access available under our rule is inadequate to insure a free exchange of information among employees concerning the advantages and disadvantages of organization at a particular

^{4/} Access is limited to one hour before and after work and during the lunch period, and to two organizers per crew of 30 workers. 3 Cal. Admin. Code §§ 20900(e)(A) and (B) and 20900 (e) (4) (A).

employer. We also concluded that year-round access may unnecessarily disturb employers in their enjoyment of their property rights, by subjecting them to access by organizers at times when few employees are present. Accordingly, we modified the access rule to limit access to a period which will encompass one or two seasonal peaks at any particular employer,^{5/} and to intensify employee access to information during the period when that information is most relevant by providing for unions to receive pre-petition lists.

We reject the argument advanced by respondent that there cannot be a need for both access and pre-petition lists. We have already cited the limitations imposed by time and circumstance on communication under the access rule. While we have not to date had equivalent experience with pre-petition lists, our experience with election eligibility lists indicates that pre-petition lists, like access, will not perfectly achieve our purpose of maximizing employee access to information. We consider this goal sufficiently important, and the constraints imposed on the exchange of information as a result of seasonal and migratory labor patterns sufficiently severe, to warrant attempting these two complementary solutions rather than selecting between them.

While we have emphasized the purpose of §20900 et seq. in protecting and encouraging employees in the exercise of § 1152 rights, we also note the critical role of these sections, and particularly of § 20910, as an aid to the Board's regulation of

^{5/} Access is limited to four one-month periods per employer in any calendar year. 8 Cal. Admin. Code Section 20900 (e) (1).

the election process itself.^{6/} The fact that § 20910 does not presently call for the Board to take any further formal stops with the list beyond such investigation as is necessary to insure that a proper list is supplied, and to determine the 10% showing of interest requirement, does not render it any less important in this regard.

Under a statutory command to conduct elections within seven days from the time a petition is filed,^{7/} this Board has required that an election eligibility list be submitted within 48 hours,^{8/} allowing a maximum of five days for investigation and correction of defects in the list and for use of the list to contact and inform employees of election issues. These requirements place severe time constraints on the ability of Board agents to investigate showing of interest, scope and composition of unit questions, and to arrange for orderly conduct of the election itself. This pressure is further compounded by the fact that petitions in any given office are filed within short periods of time corresponding to seasonal peaks in local crops, rather than

^{6/} Respondent argues that because § 20910 applies to the period before a petition for certification is filed -pursuant to Labor Code § 1156.3(a), the Board cannot have enacted this rule pursuant to the authority to conduct elections vested in it under Chapter 5 of the Act. We disagree. The purpose of the requirements set forth in Chapter 5 concerning the conduct of elections is to require the Board to conduct elections under certain circumstances, See Labor Code §§'1156.3(a) and 1156.7 (c) and (d); see also Nishikawa Farms, Inc. v. Mahony, 66 Cal. App. 3d 781 (1977).

Nothing in this statutory scheme prohibits the Board from enacting regulations providing for such investigations as it deems necessary and proper to carry out the provisions of these chapters, See Labor Code §§ 1144 and 1151 (a) and (b).

^{7/} Labor Code § 1156.3 (a).

^{8/} 8 Cal. Admin. Code § 20310(d) (1976).

spread out over the year. If the experience of this Board has taught that secret ballot elections can be properly conducted within seven days, it has also taught that much time is consumed in investigating these questions after the election in challenged ballot and objections proceedings. Moreover, a certain number of elections are inevitably set aside as a result of errors resulting from inadequate information at the pre-election stage. While post-election procedures insure that the necessary speed with which pre-election investigations are conducted will not compromise the rights of the parties, they do so only at the expense of delays in certification of election results which may be substantial. We find ourselves adding on to the end of the election process the very delay in implementation of employee's collective bargaining rights which the seven-day requirement compels us to avoid at the beginning of it. The process of filing a response to § 20910 in accordance with § 20310(a)(2),^{2/} coupled with increased contact with an employer's work force resulting from use of the list itself

^{2/} 8 Cal. Admin. Code Section 20310(a)(2) (1976) reads in part:

"A complete and accurate list of the complete and full names, current street addresses, and job classifications of all agricultural employees, including employees hired through a labor contractor, in the bargaining unit sought by the petitioner in the payroll period immediately preceding the filing of the petition. The employee list shall also include the names current street addresses and job classifications of persons working for the employer as part of a family or other group for which the name of only one group member appears on the payroll. If the employer contends that the unit sought by the petition is inappropriate, the employer shall additionally, and within the time limits set forth in subsection (d), provide a complete and accurate list of the names and addresses of the employees in the unit the employer contends to be appropriate, together with a written description of that unit."

will bring to light possible disputes over units and voting eligibility "early in the election campaign rather than in the last few days before the election".^{10/} The parties themselves will be better prepared to respond to both pre and post-election investigations of such questions, and serious problems in conduct of the election resulting from short pre-election investigations will be minimized. Thus the pre-petition list requirement as presently enacted will contribute substantially to the prompt and orderly resolution of the election proceedings which are the prerequisite to the collective bargaining process at the heart of this Act.

We hold that *it* is a violation of Labor Code § 1353 (a) for an employer to refuse to supply a list of his employees as required by § 20910 of our regulations. Such a refusal in itself interferes with and restrains employees in their exercise of § 1152 rights. As the mobility of much of the labor force and the seasonal nature of much of the employment tend to reduce drastically the time periods during which organization at a particular employer:

^{10/} Excelsior Underwear, Inc., 156 NLRB 1236, 1243; 61 LRRM 1217 (1966). The NLRB noted that:

"Prompt disclosure of employee names as well as addresses will, we are convinced, eliminate the necessity for challenges based solely on lack of knowledge as to the voter's identity. Furthermore, bona fide disputes between employer and union over voting eligibility will be more susceptible of settlement without recourse to the formal and time-consuming challenge procedures of the Board *if* such disputes come to light early in the election campaign rather than in the last few days before the election when the significance of a single vote is apt to loom large in the parties' calculations. Thus the requirement of prompt disclosure of employee names and addresses will further the public interest in the speedy resolution of questions of representation."

can occur and be tested in the election process, we have enacted § 20900 et seq. in order to encourage and protect the rights of employees to organize and designate representatives^{11/} under these somewhat trying circumstances, and to fulfill better our own charge to provide them with a reliable election process without which these rights would be meaningless. Refusal to provide the list required in § 20910 substantially impedes the ability of employees to exercise their § 1152 rights, and it further impedes the reasonable attempt of the Board to carry out its statutory duties to protect those rights in a manner which is realistically responsive to the setting in which these rights are exercised. We cannot conceive of any relevant defenses to a flat refusal to comply with the requirement, and none is offered here.^{12/}

Accordingly, we will order in this and any such case in the future the following remedies, in order to enable organizers to make such contacts with employees which they might have made in those employees' homes but for the employer's unlawful conduct:

(1) During the next following access period which the charging party elects to take pursuant to 8 Cal. Admin. Code 20900 (e) et seq., as many organizers as are entitled to access under § 20900(e)(4)(A) may be present during working hours for organizational purposes and may talk to workers, and distribute

^{11/} See Labor Code Section 1140.2.

^{12/} We note that our finding that refusal to supply a pre-petition list interferes with employees' Section 1152 rights follows from the factual findings underlying Section 20900 et seq. Thus the only relevant factual issue here is whether or not respondent refuses to comply with Section 20910 (c), which in this case is undisputed.

literature, provided that such organizational activities do not disrupt work.

During those access periods before and after work and during lunch specified in § 20900 (e) (3) (A) and (B) , the limitations on numbers of organizers specified in § 20900 (e) (4) (A) shall not apply.

(2) For each one month access period during which an employer refuses to provide an employees' list as set forth in 8 Cal. Admin. Code S 20910(c), the charging party shall have one additional such access period during the employer's next peak season, whether in this or the following calendar year.

Member Johnsen did not participate in this decision.

Dated: May 11, 1977

Gerald A. Brown, Chairman

Robert Hutchinson, Member

Ronald Ruiz, Member

ORDER

Respondent, HENRY MORENO, its officers, agents, successors, and assigns, shall:

1. Cease and desist from:

(a) Refusing to provide the ALRB with an employee list as required by Section 20910 (c) of the Regulations of the Agricultural Labor Relations Board.

2. Take the following affirmative action which is deemed necessary to effectuate the policies of the Act:

(a) Post at its premises copies of the attached "Notice to Employees". Copies of said notice, on forms provided by the appropriate regional director, after being duly signed by the Respondent, shall be posted by it for a period of 90 consecutive days thereafter, in conspicuous places, including all places where notices to employees are customarily posted. Reasonable steps shall be taken by the Respondent to insure that said notices are not altered, defaced or covered by any other material. Such notices shall be in both English and Spanish.

(b) Mail a copy of the notice, in both English and Spanish, to each of the employees in the bargaining unit, at his or her last known address, not later than 30 days after the notice is required to be posted on the Respondent's premises.

(c) Read a copy of the notice, in both English and Spanish, to gatherings of its bargaining-unit employees, at a time chosen by the Regional Director for the purpose of giving such notice the widest possible dissemination.

(d) Provide the ALRB with an employee list as required by Section 20910 (c) of the Regulations of the Agricultural Labor Relations Board,

(e) Provide the UFW with an employee list when the 1977 harvest begins and every two weeks thereafter.

(f) Upon filing of a written notice of intent to take access pursuant to 8 Cal. Admin. Code 20900 (e) (1) (B) the UFW shall have the right of access as provided by 8 Cal. Admin. Code 20900 (e) (3) without restriction as to numbers of organizers. In addition, during this same period, the UFW shall have the right of access during working hours for as many organizers as are permitted under 8 Cal. Admin. Code 20900 (e) (4) (A), which organizers may talk to workers and distribute literature provided that such organizational activities do not disrupt work.

(g) Upon filing a written notice of intent to take access pursuant to 8 Cal. Admin. Code 20900(e)(1)(B), the UFW shall be entitled to one access period during the current calendar year in addition to the four periods provided for in § 8 Cal. Admin. Code 20900(e)(1)(A).

(h) Notify the Regional Director, in writing, within ten (10) days from the date of the receipt of this order, what steps have been taken to comply herewith. Upon request of the Regional Director, the Respondent shall notify him or her periodically thereafter, in writing, what further steps have been taken to comply herewith.

N O T I C E T O E M P L O Y E E S

POSTED BY ORDER OF THE AGRICULTURAL LABOR RELATIONS BOARD
An Agency of the State of California

After a trial at which all sides had the opportunity to present their evidence, the Agricultural Labor Relations Board has found that we violated the Agricultural Labor Relations Act, and has ordered us to post this notice and we intend to carry out the order of the Board.

The Act gives all employees these rights:

- To engage in self-organization;
- To form, join or help unions;
- To bargain collectively through a representative of their own choosing;
- To act together for collective bargaining or other mutual aid or protection; and
- To refrain from any and all these things.

WE WILL NOT do anything that interferes with these rights. More specifically,

WE WILL NOT interfere with your rights of self-organization, to form, join or assist any labor organization by refusing to provide the ALRB with a current list of employees when, as in this case, the UFW or any union has filed its "Intention to Organize" the employees at this ranch.

WE WILL respect your rights to self-organization, to form, join or assist any labor organization, or to bargain collectively in respect to any term or condition of employment through United Farm Workers of America, AEL-CIO, or any representative of your choice, or to refrain from such activity, and WE WILL NOT interfere with, restrain or coerce our employees in the exercise of these rights.

You, and all our employees are free to become members of any labor organization, or to refrain from doing so.

HENRY MORENO
(Employer)

Dated _____ By _____
(Representative) (Title)

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BEFORE THE AGRICULTURAL LABOR RELATIONS BOARD
OF THE STATE OF CALIFORNIA

HENRY MORENO,)
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Respondent,)
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and)
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)
UNITED FARM WORKERS OF AMERICA,)
AFL-CIO,)
)
)
Charging Party.)
_____)

CASE NO. 77-CE-3-C



Octavio Aguilar,
for the General Counsel;

David E. Smith,
of Indio, California,
for the Respondent;

Douglass Adair,
of Indio, California,
for the Charging Party.

DECISION

STATEMENT OF THE CASE

RONALD GREENBERG, Administrative Law Officer: This case was heard by me on February 18, 1977, in Coachella, California. The original complaint in this matter was issued on January 14, 1977. The complaint was based on a charge filed by the United Farm Workers, AFL-CIO (hereafter the "UFW"), and duly served on the Respondent, Henry Moreno, on January 14, 1977. Answer to said complaint was not filed by Respondent until February 15, 1977. Attorney for the General Counsel waived any defects in the late service of the Answer.

1 All parties were represented at the hearing and given
2 a full opportunity to participate in the proceeding. At the
3 outset, the parties entered into a stipulation concerning
4 Respondent's operations. General Counsel presented one witness
5 at the hearing. Respondent offered no witness. Following the
6 taking of testimony, I instructed the parties not to submit
7 written memoranda to me, but rather to submit all briefs to
8 the Board.

9 Based upon the entire record, including my observation
10 of the demeanor of the witness, and after consideration of the
11 oral arguments made by all three parties, I make the following
12 findings of fact and conclusions:

13 FINDINGS OF FACT

14 I. Jurisdiction

15 The Respondent was alleged and admitted to be an
16 agricultural employer within the meaning of Section 1140.4 [c]
17 of the Agricultural Labor Relations Act (hereafter referred to
18 as the "Act"), and I so find. The UFW was alleged and admitted
19 to be a labor organization within the meaning of Section 1140.4(f)
20 of the Act, and I so find.

21 II. The Alleged Unfair Labor Practice

22 The General Counsel's complaint charged the Respondent
23 with a single violation of the Act. The complaint alleged that
24 on or about January 3, 1977, Respondent Henry Moreno failed and
25 refused to provide, and continues to fail and refuse to provide
26 the ALRB with an employee list as required by Section 20910 [c]
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1 of the Regulations of the Agricultural Labor Relations Board.
2 The General Counsel asserted that the refusal to provide said
3 list violated Section 1153(a) of the Act.
4 The Respondent admitted refusing to provide a list,
5 but Respondent denied that the refusal violated the Act.

6
7 The Facts

8 The only evidence proffered at the hearing consisted
9 of the stipulation previously mentioned and the testimony of one
10 witness for the General Counsel. Eliseo Medina, officer and
11 organizer for the UFW, testified that there were five basic uses
12 for the pre-petition list.

13 1. The list could be used to determine peak from the number
14 of employees on the list. The list could also be used to deter-
15 mine the ownership of the land.

16 2. The list could be used to identify the unit and what
17 crops were being harvested.

18 3. The list helped to manage rights of access. Without the
19 list, all four 30 day access periods could be exhausted by the
20 union merely in an attempt to ascertain peak.

21 4. The list could be used to identify workers. This aided
22 in educating the workers. The list also facilitated union attempts
23 to visit employees at home.

24 5. The list could be used to correct misinformation
25 received from other sources.

26 The witness testified that he could not identify all of
27 Respondent's employees. He said that the UFW was currently

1 using a 1973 payroll list which was inadequate. Medina found
2 that many employees did not remain from year to year. Further-
3 more, the labor contractors supplying the Respondent moved crews
4 from ranch to ranch. He also stated that attempts to communicate
5 with the employees through other methods had not been very
6 successful.

7 On cross-examination the witness was asked questions
8 about the 10% requirement in filing the Union's intent to orga-
9 nize. The witness claimed that they had found one or two crews.
10 The 10% figure used by the UFW in filing its "Notice of Intention"
11 was based on the number of employees the Union found. The
12 witness stated that the union had contacted only those crews
13 that they knew about.

14 Mr. Medina further stated that under ALRB practice,
15 when the union files its intention to organize, no response by
16 Respondent is required as to whether its operations are in fact
17 at peak.

18 Medina stated that when no list is provided two
19 obvious problems occur. The union is unable to effectively cam-
20 paign because they have no addresses of eligible voters. Also,
21 some eligible voters work only one or two days and are not aware
22 of the campaign until the day of the election.

23 At the conclusion of Medina's testimony, counsel for
24 Respondent asked that I take administrative notice of Labor
25 Code Section 1174[c]^{1/} Respondent's counsel emphasized that the

26
27 ^{1/} Section 1174. Reports and information: Access to place
(fn. 1 cont. on p. 5)

1 requirements of Labor Code Section 1174 [c] provided the basic
2 information that the union sought under Board Regulation 20940 [c]

3
4 ANALYSES AND CONCLUSIONS

5
6 The General Counsel seeks remedies against Respondent
7 which include providing the pre-petition list; granting expanded
8 access to the UFW; providing the UFW with an employee list when
9 the 1977 harvest begins and every two weeks thereafter, and;
10 such other relief as will effectuate the policies of the Act.
11 Respondent argues that there are alternative means of gaining the
12 information on the pre-petition employee list. Therefore,
13 Respondent contends that it is not obligated to convey the infor-
14 mation requested.

15 The present factual situation is clear-cut. As admitted
16 by the Respondent, it has refused to comply with Section 20910 [c]
17 of the Board's Regulations. However, Respondent contends that
18 such failure to comply does not violate the Act. The mandate of
19 the new access provisions is clear. As stated in Section
20 20900(e)(5)[c], "Interference by an employer with a labor
21 organization's right of access under this part... may constitute
22 an unfair labor practice in violation of Labor Code Section
23 1153(a) if it independently constitutes interference with,

24 _____
(fn. 1 cont.)

25 of business or employment: Inspection and excerpts from books,
26 etc.: Names and addresses of employees: Ages of minors: Payroll
27 records. Every person employing labor in this state shall:
[c] Keep a record showing the names and addresses of all employees
employed and the ages of all minors.

1 restraint, or coercion of employees in the exercise of their
2 rights under Labor Code Section 1152".

3 A union's right of access of employees is very inter-
4 connected with basic employee organizational rights. The un-
5 certainty caused by not supplying the union with the pre-petition
6 list can be characterized as an interference with Section 1152
7 rights. As stated by witness Medina, the union's inability to
8 identify workers can frustrate the employees' organizational
9 attempts. Furthermore, employees who work infrequently for
10 Respondent can be disenfranchised because they are not contacted
11 during an organizational campaign. Section 20910 [c] was created
12 to facilitate employee efforts towards self-organization and to
13 aid employees in assisting labor organizations. By not providing
14 the UFW with the pre-petition list in the present case, Respon-
15 dent deprived its employees of their rights guaranteed under
16 Section 1152. Thus, Respondent violated Section 1153 (a) of the
17 Act.

18 Furthermore, employer obligations under Section 1174 of
19 the Labor Code do not relieve Respondent of its duty under the
20 Board's Regulations. That section merely requires that the names
21 and addresses of employees be kept. Respondent is not required
22 to convey the information to the ALRB under Section 1174 [c].

23 Upon the foregoing findings of fact and conclusions of
24 law, and upon the entire record in this proceeding, and pursuant
25 to section 1160.3 the Act. I hereby issue the following
26 recommended.

27

1 (d) Provide the ALRB with an employee list as
2 required by Section 20910 [c] of the Regulations of the Agricultural
3 Labor Relations Board.

4 (e) Grant expanded access to the UFW as defined by
5 the Board on the employer's property during this and the next
6 harvest season.

7 (f) Provide the UFW with an employee list when the
8 1977 harvest begins and every two weeks thereafter

9 (g) Notify the Regional Director, in writing,
10 within ten (10) days from the date of the receipt of this order,
11 what steps have been taken to comply herewith. Upon request of
12 the Regional Director, the Respondent shall notify him or her
13 periodically thereafter, in writing, what further steps have
14 been taken to comply herewith.

15 DATED: March 14, 1977

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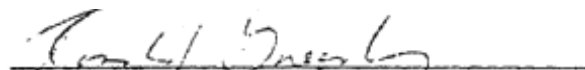
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AGRICULTURAL LABOR RELATIONS BOARD

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By



Ronald Greenberg
Administrative Law Officer

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N O T I C E T O E M P L O Y E E S

POSTED BY ORDER OF THE AGRICULTURAL LABOR RELATIONS BOARD
An Agency of the State of California

After a trial at which all sides had the opportunity to present their evidence, the Agricultural Labor Relations Board has found that we violated the Agricultural Labor Relations Act, and has ordered us to post this notice and we intend to carry out the order of the Board.

The Act gives all employees these rights:

- To engage in self-organization;
- To form, join or help unions;
- To bargain collectively through a representative of their own choosing;
- To act together for collective bargaining or other mutual aid or protection; and
- To refrain from any and all these things.

WE WILL NOT do anything that interferes with these rights. More specifically,

WE WILL NOT interfere with your rights of self-organization, to form, join or assist any Labor organization by refusing to provide the ALRB with a current list of employees when, as in this case, the UFW or any union has filed its "Intention to Organize" the employees at this ranch.

WE WILL respect your rights to self-organization, to form, join or assist any labor organization, or to bargain collectively in respect to any term or condition of employment through United Farm Workers of America, AFL-CIO, or any representative of your choice, or to refrain from such activity, and WE WILL NOT interfere with, restrain or coerce our employees in the exercise of these rights.

You, and all our employees are free to become members of any labor organization, or to refrain from doing so.

 HENRY MORENO
(Employer)

 Dated

 By
(Representative) (Title)