

STATE OF CALIFORNIA
AGRICULTURAL LABOR RELATIONS BOARD

UNITED FARM WORKERS)	
OF AMERICA, AFL-CIO,)	
)	Case No. 79-CL-15-SAL
Respondent,)	
)	
And)	
)	6 ALRB No. 64
CALIFORNIA COASTAL FARMS,)	
)	
Charging Party.)	

DECISION AND ORDER

On November 26, 1979, Administrative Law Officer (ALO) Paul D. Cummings issued the attached Decision in this proceeding. Thereafter, the Charging Party and Respondent each filed timely exceptions, a supporting brief, and a reply brief.

The Board has considered the record and the attached Decision in light of the exceptions and briefs,^{1/} and has decided to affirm the ALO's rulings, findings, and conclusions only to the extent consistent herewith.

The complaint alleges that the United Farm Workers of America, AFL-CIO (UFW) violated section 1154 (a)(1) of the Act by its conduct during four instances of picketing at the residences of agricultural employees in King City, California. The parties stipulated that the pickets were members of the UFW and that the picketing activity was conducted to convince members of the

^{1/} General Counsel's Request to File a Supplemental Brief was granted on September 2, 1980. Thereafter Respondent and the Charging Party each filed answering briefs.

picketed households to join in or support the UFW in its ongoing labor dispute with several agricultural employers, including California Coastal Farms (Cal Coastal), the Charging Party herein.

The Charging Party, Cal Coastal, contends that any picketing of employees' residences, peaceful or otherwise, is illegal and should be enjoined. General Counsel contends that while residential picketing is not per se illegal, certain aspects of the picketing herein were coercive and violative of section 1154 (a) (1) of the Act, and therefore requests that we place restrictions on future picketing. The UFW contends that peaceful residential picketing is a constitutionally protected activity and denies that it violated the Act in any respect.

The ALO found that on Saturday, April 28, 1979,^{2/} the UFW staged a rally in Salinas, California, which was attended by approximately 1200 to 1500 people, including Cesar Chavez. UFW representative Marshall Ganz addressed the crowd over a microphone stating that the next day, Sunday, would be dedicated to the "scabs of the struck companies." Ganz proceeded to name times and places where UFW members and representatives were to meet the following day before going to visit the homes of nonstriking employees. He stated that he "... expected everybody to be there, to support this [action], to go to the scabs' homes, and to give them a shock."

At approximately 7:00 a.m. on Sunday, April 29, a group of 26 UFW members met in King City. From their meeting place, and

^{2/} Unless otherwise indicated, all dates herein refer to 1979,

under the direction of Respondent's strike captain, Filadelfio Chavez, the picketers proceeded to the Comfort Court, a mobile home park, where the target agricultural employees resided.

Once inside the mobile home park, the UFW members split into three smaller groups of approximately equal size. These three smaller groups simultaneously demonstrated or picketed at four different house trailers in the park, carrying from ten to fifteen UFW flags. Because of the close proximity of the trailers picketed, the groups remained relatively close to each other at all times.

Each group gathered near the entrance of a trailer but remained fairly stationary. Each group took about ten minutes to convey its message and then left to picket another trailer. The ALO found that the picketing groups spent no more than 30 minutes in the trailer park and then departed.

Approximately 15 UFW members picketed or demonstrated outside the 2 house trailers of 2 nonstriking employees, Raul Diaz and Rigoberto Diaz, which were just a few feet apart. The demonstrators angrily shouted, "Come out, you bastard," or "Come out, you son-of-a-bitch" to the two workers and threatened to break down the door of Raul Diaz' house trailer if he did not open the door. They also threatened Raul Diaz that if he did not stop working he would have to "face up to the consequences" for himself and his family.

We conclude that the UFW violated section 1154 (a)(1) of the Act by picketing the residences of agricultural employees in large numbers, shouting loudly and angrily, threatening employees,

and using coarse and contemptuous epithets. In the residential setting where it occurred, such conduct clearly tended to coerce and restrain the targeted workers in the exercise of their right under section 1152 to refrain from supporting or engaging in union or concerted activity. See United Farm Workers of America, AFL-CIO (Marcel Jojola) (Oct. 24, 1980) 6 ALRB No. 58.

Later, about 9:00 a.m., after leaving the mobile home park, Filadelfio Chavez and the 26 UFW members observed 2 nonstriking employees, Donato Zuniga and Medardo Gonzalez, at a laundromat on a public street in King City and stopped to confront them and demonstrate in their presence. Several of the UFW members, including strike captain Filadelfio Chavez, carried UFW flags. In the course of this confrontation, Chavez told Gonzalez to stop working. Mr. Zuniga testified that the UFW members told him that he should stop working for the sake of his family and that if he did not stop working, "things would go bad for sure." From these facts, the ALO concluded that Respondent violated section 1154 (a) (1) by threatening Donato Zuniga.

The ALO found that Respondent planned and was responsible for the acts and conduct of the UFW members at the mobile home park and that the picketers had received their instructions from UFW officials at the rally on Saturday, April 28. Cesar Chavez was in attendance at that rally and did not countermand the directive of UFW representative Marshall Ganz. Moreover, Ganz' instructions were carried out in King City under the direction of Respondent's strike captain, Filadelfio Chavez.

Based on his conclusions as to agency, the ALO found that

the UFW members were still acting as agents of the UFW when they confronted and threatened Donate Zuniga. We affirm those conclusions and that finding, as it is clear that the union members were authorized and directed by the UPW to engage in the demonstrations or picketing activity at the trailer park and that their acts and conduct during the confrontation with Donato Zuniga at the laundromat were not such a deviation from their conduct at the trailer park as to warrant a finding that the agency relationship had terminated. As the UFW members were acting as agents of Respondent at all times material herein, Respondent is clearly liable for their acts and conduct at both locations.

Accordingly, we affirm the ALO's conclusion that Respondent violated section 1154 (a)(1) of the Act by telling Donato Zuniga to stop working for the sake of his family and that if he did not stop working "things would go bad for sure." Such threats of unspecified reprisals constitute unlawful restraint and coercion. Local Union No. 153, IBEW (1975) 221 NLRB 345 [90 LRRM 1688].

Remedy

Our remedial Order herein will provide for a cease and desist order, together with a posting and mailing of a Notice to Employees. In addition, we shall order Respondent to submit a written apology to the residents of the picketed homes.

In his Decision, the ALO suggested that certain limitations be imposed by the Board as to the number of picketers who may picket a residence and the times when such picketing may be

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permitted. We reject this proposal.^{3/} Should any cases involving residential picketing come before us in the future, we will review such matters on a case-by-case basis to determine whether agricultural employees have been coerced or restrained in the exercise of rights guaranteed by section 1152 of the Act, taking into account all the facts of each particular case.^{4/}

ORDER

By authority of Labor Code section 1160.3, the Agricultural Labor Relations Board hereby orders that the Respondent, United Farm Workers of America, AFL-CIO (UFW), its officers, agents, successors, and assigns, shall:

1. Cease and desist from:

(a) Restraining or coercing agricultural employees in the exercise of their right to join or engage in, or to refrain from joining or engaging in, any strike or other concerted activity, by means of picketing, demonstrations, threats, abusive language, insults, or other like or related conduct at or near the

^{3/}Member Perry rejects the ALO's proposal because he believes that it is the responsibility of the legislature or the courts, and not of this Board, to determine the limits, if any, within which picketing and demonstrating at private homes would be legally permissible.

Member McCarthy rejects the ALO's proposal because, as stated in his concurring opinion in *United Farm Workers of America, AFL-CIO (Marcel Jojola)*, supra, 6 ALRB No. 58, p.28, Member McCarthy believes that picketing and demonstrating at the homes of agricultural employees has an inherent tendency to coerce employees and therefore should be subject to a rebuttable presumption of illegality.

^{4/} Member Ruiz agrees to the remedy for the reasons given in his concurring opinion in *United Farm Workers of America, AFL-CIO (Marcel Jojola)*, supra, 6 ALRB No. 58.

home or residence of any agricultural employee.

(b) Threatening any agricultural employee with reprisals for working or continuing to work for a struck employer.

(c) In any like or related manner restraining or coercing any agricultural employee in the exercise of the rights guaranteed by Labor Code section 1152.

2. Take the following affirmative actions which are deemed necessary to effectuate the policies of the Act:

(a) Sign the Notice to Employees attached hereto, and, after its translation by a Board agent into appropriate languages, reproduce sufficient copies in each language for the purposes set forth hereinafter.

(b) Post copies of the attached Notice, in all appropriate languages, for 60 consecutive days in conspicuous places at all its offices, union halls and strike headquarters throughout the state, the period and places of posting to be determined by the Regional Director. Respondent shall exercise due care to replace any copy or copies of the Notice which may be altered, defaced, covered or removed.

(c) Mail copies of the attached Notice, in all appropriate languages within 30 days after the date of issuance of this Order, to members of the Raul Diaz family and the Rigoberto Diaz family, and to Donato Zuniga.

(d) Print the attached Notice, in all appropriate languages, in any and all news letters and other publications which it publishes and distributes to its members during the period from one month to six months following the date of issuance of this

Order.

(e) Submit a written apology signed by an official representative of Respondent, to the residents of the Raul Diaz and Rigoberto Diaz homes, and provide a copy thereof to the Regional Director.

(f) Notify the Regional Director in writing, within 30 days after the date of issuance of this Order, of the steps it has taken to comply herewith, and continue to report periodically thereafter, at the Regional Director's request, until full compliance is achieved.

Dated: December 24, 1980

RONALD L. RUIZ, Member

HERBERT A. PERRY, Member

JOHN P. McCARTHY, Member

NOTICE TO AGRICULTURAL EMPLOYEES

After investigating charges that were filed in the Salinas Regional Office, the General Counsel of the Agricultural Labor Relations Board, issued a complaint that alleged we had violated the law. After a hearing at which all parties had an opportunity to present evidence, the Board found that we did violate the law by threatening employees and by unlawfully picketing California Coastal Farms employees at their homes on April 29, 1979. The Board has told us to post and publish this Notice. We will do what the Board has ordered us to do. We also want to tell you that:

The Agricultural Labor Relations Act is a law that gives you and all other farm workers in California these rights:

1. To organize yourselves;
2. To form, join or help unions;
3. To vote in a secret ballot election to decide whether you want a union to represent you;
4. To bargain with your employer about your wages and working conditions through a union chosen by a majority of the employees and certified by the Board;
5. To act together with other workers to help and protect one another; and
6. To decide not to do any of these things.

WE WILL NOT restrain or coerce you in the exercise of your right to join or engage in, or to refrain from joining or engaging in, any strike or other concerted activity, by means of picketing, demonstrations, threats, abusive language, insults, or other like or related conduct at or near your homes or residences.

ESPECIALLY: The Board found that we threatened California Coastal Farms employees with reprisals because they would not join our strike or stop working for a struck employer. We promise that we will not threaten any employees with reprisals because of their choice or decision not to participate in union activity.

If you have a question about your rights as farm workers or about this Notice, you may contact any office of the Agricultural Labor Relations Board. One office is located at 112 Boronda Road, Salinas, California 93907. The telephone number is (408) 443-3161.

Dated: UNITED FARM WORKERS OF AMERICA, AFL-CIO

By: _____
Representative Title

This is an official Notice of the Agricultural Labor Relations Board, an agency of the State of California.

CASE SUMMARY

California Coastal Farms (UFW)

6 ALRB No. 64

Case No. 79-CL-15-SAL

ALO DECISION

The ALO concluded that the Respondent union violated section 1154 (a) (1) of the Act by picketing the residences of nonstriking agricultural employees using loud, angry, and excessive noise, abusive language, and threats. The ALO found that Respondent's conduct tended to restrain and coerce agricultural employees in the exercise of their rights guaranteed under section 1152 of the Act. The ALO also concluded that Respondent violated section 1154 (a) (1) by threatening Donato Zuniga, an agricultural employee, at a public laundromat.

BOARD DECISION

The Board affirmed the ALO's conclusions, finding that the Respondent union violated section 1154 (a) (1) of the Act by picketing the residences of nonstriking agricultural employees in large numbers, shouting loudly and angrily, threatening employees, and using coarse and contemptuous epithets. The Board held that in the residential setting where it occurred, this conduct tended to coerce or restrain agricultural employees in the exercise of protected rights. The Board also upheld the ALO's conclusion that Respondent violated section 1154(a)(1) by threatening Donato Zuniga with unspecified reprisals if he did not cease working for a struck employer.

REMEDIAL ORDER

The Board ordered Respondent: to cease and desist from restraining or coercing agricultural employees in the exercise of their right to join or engage in, or to refrain from joining or engaging in, any strike or other concerted activity, by means of picketing, demonstrations, threats, abusive language, insults, or other like or related conduct at or near the home or residence of any agricultural employee; to post, mail, and publish a remedial Notice to Employees; and to submit a written apology to the residents of the picketed homes. In addition, the Board ordered Respondent to cease and desist from threatening any agricultural employee with reprisals for working or continuing to work for a struck employer.

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

* * *

STATE OF CALIFORNIA
BEFORE THE
AGRICULTURAL LABOR RELATIONS BOARD



In the Matter of:)
)
UNITED FARM WORKERS)
OF AMERICA, AFL-CIO,)
)
Respondent,)
)
And)
)
CALIFORNIA COASTAL FARMS,)
)
Charging Party.)

Case No. 79-CL-15-SAL

WILLIAM G. HOERGER, Esq. for
the General Counsel.

CARLOS E. LOPEZ
for Respondent.

DRESSLER, STOLL, HERSH & QUESENBERRY, Esq.
by RICHARD B. ANDRADE, Esq. of Newport Beach, California,
for the Charging Party.

DECISION

STATEMENT OF THE CASE

PAUL D. CUMMINGS, Administrative Law Officer: This case was heard before me in King City, California on June 26, 27, and 28, 1979.

The complaint alleges violations of Section 1154(a)(1) of the Agricultural Labor Relations Act, (herein called the Act) by United Farm Workers of America, AFL-CIO (herein called Respondent). The complaint is based on charges filed by California Coastal Farms (herein called the Charging Party). The charges and the complaint were duly served on Respondent.

All parties were given full opportunity to participate in the hearing and after the close thereof the General Counsel, Respondent, and the Charging Party each filed a brief in support of its position.

During the hearing, the General Counsel moved to dismiss Parts II and III (paragraphs 5 through 14) of the complaint and this motion was granted. No evidence was presented by the General Counsel or any one else in support of the allegations contained in paragraphs 26, 27, 28, and 29 of the complaint. Said allegations are dismissed.

The complaint alleges Respondent violated Section 1154(a)(1) of the Act by reason of the following discriminatory acts:

1. On Sunday, April 29, 1979, Filadelfio Chavez, Constantino Silva, Eliseo (Doe), Noberto Mora, Jesse Criado, Calo Rodal, Jose Martinez, and Juan Does, 09 through 154, acting as members and agents of Respondent picketed the residences of Raul Diaz and of Rigoberto Diaz, both of whom were agricultural employees employed by the Charging Party and as a result of said picketing said employees were coerced.

2. On this occasion said pickets in the presence of Raul Diaz threatened to force the door of his residence unless he opened it.

3. On this occasion, said pickets threatened the safety of Raul Diaz.

4. On this occasion, said pickets threatened Raul Diaz and made threats concerning his family.

5. On this occasion, said pickets threatened the safety of Rigoberto Diaz.

6. On this occasion, said pickets threatened Rigoberto Diaz and made threats concerning his family in his presence.

7. On the morning of Sunday, April 29, 1979, said members and agents of Respondent picketed the residence of Alvaro Banuelos an agricultural employee employed by the Charging Party, thereby coercing said employee.

8. On Sunday, April 29, 1979, at about 9:00 a.m. said members and agents of Respondent picketed Medardo Gonzalez and Donato Zuniga, both of whom were agricultural employees of Respondent, on a public street.

9. On this occasion said pickets made threats concerning the families of Medardo Gonzalez and Donato Zuniga.

Respondent denied that it had committed any of the unfair labor practices as alleged.

As an affirmative defense Respondent has alleged that the picketing activities, charged as being coercive, are protected by the United States and California Constitutions.

Upon the entire record, including my observation of the demeanor of the witnesses and consideration of oral arguments and the briefs filed by the parties, I make the following:

FINDINGS OF FACT

I. Jurisdiction

I find Respondent is a labor organization representing California agricultural employees within the meaning of the Act.

I further find that Raul Diaz, Rigoberto Diaz, Alvaro Banuelos, Medardo Gonzalez and Donate Zuniga are agricultural employees within the meaning of the Act. It was stipulated by Respondent that the Charging Party is an agricultural employer within the meaning of the Act, doing business within Monterey County. Mr. Raul Diaz, Mr. Rigoberto Diaz, and Mr. Zuniga all testified that they worked in the fields of the Charging Party as irrigators. Mr. Gonzalez testified that he drove a water truck for the Charging Party, keeping the dirt roads in the fields watered down for the use of agricultural employees.

A labor dispute existed between Respondent and the Charging Party at the time the acts complained of took place.

II. Events of Sunday, April 29, 1979

Filadelfio Chavez (Mr. Chavez) was a strike captain for Respondent. Among his duties as strike captain, he kept a list of members of those in his group and let them know when there was a meeting. On the morning of Sunday, April 29, 1979 at a little before 7:00 he gathered in King City with about 26 companions, the majority of whom were employees on strike from Sun Harvest, as was Mr. Chavez, for the purpose of visiting the homes of certain agricultural employees who were not on strike in order to enlist their support for Respondent in its labor dispute with their employer, the Charging Party.

Mr. Chavez, who had been called as a witness by Respondent, testified "It happened we got together, we united to go and visit the people that lived at the trailer park" and again "... we say among each other at the same place we always go, and when we don't

work on the next day we say among us let's go and visit these people and talk to them." Mr. Chavez testified that it was Saturday that the companions among themselves decided that they would visit on the following morning, that there never was a definite plan.

Denois Avalos, an officer of the Salinas Police Department was on duty at a United Farm Worker rally at the Sherwood School on South Wood Street and Alison Streets in Salinas on April 28, 1979, monitoring the rally for police purposes. He heard a Mr. Marshall Ganz speak over a microphone from a podium-like setting to approximately 1200 to 1500 people in attendance, including Mr. Cesar Chavez. Mr. Avalos testified:

"...He indicated for the people to pay attention, that tomorrow being Sunday, they were going to dedicate Sunday to the scabs of the struck companies. He also indicated they would form in three groups, one from King City, one from Soledad, and one from Salinas. These groups were to meet at certain locations, however, they would not disclose those locations at the present time.

"A location they did disclose was in King City, they would meet at 0700 hours Sunday and in Soledad at 0700 hours also with some other companions. In Salinas they would meet at the office at 0700 hours accompanied by the people from Watsonville, as Watsonville didn't have too many scabs, and he said via Watsonville after that.

"He said he needed all the support from all the people, and he expected everybody to be there to support this, to go to the scabs' homes, and to give them a shock."

Mr. Chavez testified that he had attended such a meeting but could not remember when it was. I find that Mr. Chavez was present at the meeting on April 28, 1979 and heard Mr. Ganz speak

as testified to by Mr. Avalos. I also find, as both Mr. Avalos and Mr. Chavez testified, that Mr. Ganz did not make use of the term "picket" in any of its forms in his address.

It was stipulated by the parties (See General Counsel Exhibit #3):

"1. On Sunday, April 29, 1979, members of Respondent traveled to at least four households in King City, Monterey County, California, for the purpose of convincing a member or members of the respective households to join in or support said labor organization in the labor dispute pending with several employers including the Charging Party.

"2. During the visits to said households, no personal, physical violence occurred nor was there property damage to the premises of the respective residences.

"3. During the visits to said households, UFW members carried no placards or signs but carried as many as 15 flags which were red with a black eagle; on some occasions only 10 flags were used.

"4. During the visits to said households, no instances occurred where ingress and/or egress to the respective house was blocked."

It was further stipulated by the parties that the flags so described are symbolic of Respondent.

I find that the visits stipulated to were carried out in accordance with and in furtherance of the announced plan of Respondent and that all who participated therein did so at the behest and under the authority of Respondent.

Before the visits took place, Mr. Chavez, as Respondent strike captain, told the group:

"I spoke to them, to the members, and I told them we're going to visit some people. We're not going to use any cuss words, let alone threats."

I find that a few minutes after 7:00 a.m. on the Sunday in question, Mr. Chavez and his group of 26 strikers entered the Comfort Court a motor home park, in King City, California, in furtherance of their purpose. Mr. Chavez testified that he heard no threats used toward non-striking employees visited but that on two occasions he heard someone of his group, he did not know who, shout "Come out, you bastard, so we can see who you are. We just want to speak to you. We don't want to fight with you." As strike captain, he turned around and admonished the person to stop. Once inside the Comfort Court, the group split up into three smaller units of approximately equal size and the smaller units visited different trailers at the same time. But the groups at all times remained close together. At least two of the trailers visited at the same time were just a few feet away from one another. The two adjacent trailers belonged to Mr. Raul Diaz and to his nephew Mr. Rigoberto Diaz.

Mr. Raul Diaz testified that between 6:00 and 6:30 a.m. approximately he heard a lot of noise and a lot of angry voices saying that if he did not open his door "They would force it down so they could come inside" and that, when he looked out through a window, he saw a lot of people and that a number of times someone said angrily "Come out, you son-of-a-bitch so that we can see your face." He recognized Leon Infantes among the people gathered. He lowered his window and spoke with four

people who were standing about three feet from the window. About eleven other people were gathered inside his fence about seven feet behind the four in front. He saw fifteen or so more outside the fence. These fifteen were about fifteen feet away calling out his nephew Rigoberto Diaz, who lived, as has been said, next door. People both inside and outside were holding up Respondent flags. The four closest spoke to him for about ten minutes trying to convince him to stop work and to help them with their strike. Mr. Raul Diaz testified during this conversation:

"They asked me to stop work, to help them with their strike. That if I didn't stop work that I should face up to the consequences for myself and my family."

The group in front of his trailer spoke to him for about ten minutes and then left to visit other" trailers.

Raul Diaz testified that he was surprised and scared seeing so many people. On cross-examination when asked what he understood "the consequences" to be, he answered that he understood it to mean that he could be stopped on the street, beat up, or that his windshield could be broken like other people's had been. He testified that he also felt his trailer was threatened. He also testified that he did not use the cuss words spoken here but that he did have friends who had the bad habit of using them and that he did not consider their use a threat. Mr. Raul Diaz saw the groups at or go to the trailers of his nephews Rigoberto Diaz and Alvero Diaz.

Mr. Rigoberto Diaz testified that he heard people yelling loudly in front of his trailer with someone shouting "Come out, you son'-of-a-bitch so that we can see who you are." He then

heard a loud knocking on his door. He looked through the window and saw a woman at his door, with a group of about fifteen people holding flags outside his yard in front of his trailer. Among them he recognized Filadelfio Chavez and Constantino Silva. He did not open his door because there were too many people but instead talked to the woman standing there. The woman, "who spoke in a very good manner", asked him to stop working so that the contracts could be signed. Mr. Diaz said that he would so that they would leave. After ten minutes the people left.

I find that the group that visited the Comfort Court spent no more than 30 minutes there at the most and then departed.

I should have granted and hereby do grant the motion of Respondent to strike the testimony of Hermelina Banuelos and Alvaro Banuelos. Their testimony did nothing to rebut the testimony of Mr. Filadelfio Chavez. The testimony of Officer Avalos did.

Where there is any conflict in the testimony of Mr. Filadelfio Chavez as against that of Mr. Paul Diaz and Rigoberto Diaz, I fully credit Raul and Rigoberto Diaz except as to the numbers present before each trailer and the time of arrival. For one thing Mr. Chavez was asked whether threats were made and not whether certain words testified to were said or not said. For another, Mr. Chavez was not in a position to hear everything said, I believed everything the two Mr. Diaz' had to say. However, I conclude that their accounts of the number of people present in front of their trailers were estimates as was the time of arrival.

About 9:00 or 9:30 a.m. on April 29, 1979, Mr. Donate Zuniga and Mr. Medardo Gonzalez were doing their laundry at a laundromat on a public street in King City, when the group that had been at the Comfort Court stopped and entered into separate

discussions with each of them. Some people in the group were carrying Respondent flags. Filadelfio Chavez, Constantino Silva, Jesus Criado, and Jose Martinez were among them. The group just engaged Mr. Gonzalez in discussion outside the laundromat. Mr. Chavez and Mr. Silva, after 20 to 30 minutes of peaceful discussion, told him to stop work. Mr. Gonzalez said he felt "bad" at these words because work was where he earned his living. Mr. Zuniga then went outside and entered into a conversation with the group. They asked him to please stop working for the Charging Party and to do it for his family. Mr. Zuniga told them he would and then thought differently about it. He also testified that the group told him that if he did not stop working "things would go bad for sure." When asked what he concluded was meant when he was told to think of his family, Mr. Zuniga responded that he thought he was told this for the future betterment of his family because he was being asked to stop work and unite with the strikers so that maybe the strike would get better. He also felt that he could be "offended physically."

Both Mr. Gonzalez and Mr. Zuniga testified without contradiction. I credit both of them.

DISCUSSION AND CONCLUSIONS OF LAW

In New Power Wire and Electric Corp. v. NLRB (1965), 340 F.2d

71, the Court stated:

"The record contains ample evidence that the strikers (1) threatened nonstrikers with loss of their jobs and with physical harm, (2) physically attacked one of the nonstriking employees, and (3) sabotaged the Employer's property in the presence of nonstrikers. We reject the reasoning of the Union in seeking to excuse or justify this conduct.

The Union argues that, even granting that the strikers conducted themselves as charged, it (the Union) cannot be held responsible.

"The Board has taken the position that in order to establish the liability of a union for violation of Section 8(b)(1)(A) it is not sufficient that the rank and file members of the union engaged in the coercive conduct. Officials must have participated in, ordered or authorized the conduct. See United Steelworkers (Vulcan-Cincinnati, Inc.), 137 N.L.R.B. 95, 98 (1962); Local 761, Int'l Union of Elec. Workers (General Elec. Co.), 126 N.L.R.B. 123 (1960), enforced per curiam, 287 F.2d 565 (6th Cir. 1961); cf. Great Lakes Dist., Seafarers' Int'l Union (Upper Lakes Shipping, Ltd.), 139 N.L.R.B. 216, 219 (1962). This rather narrow conception of who constitute the union may be open to further consideration when a case arises which makes such consideration necessary. In the present case those who engaged in the prohibited conduct were members of the strike committee chosen by the strikers to direct the strike and organize the picketing. They were representatives of the Union for the purposes of the strike and were recognized as such by both the rank and file and the business agent of the Union. See National Labor Relations Board v. Local 815, Int'l Brotherhood of Teamsters, 290 F.2d 99 (2d Cir. 1961). Apart from this it is probable that the participation of the business agent, who regularly visited the picket lines, received reports from the committee, met with the strikers from time to time and knew of at least some of the incidents of misconduct, would be sufficient to implicate the Union. But in any event it is quite clear that a union cannot leave the direction of a strike and picketing to a "strike committee" and escape liability for the activities of the committee.

"We will enforce the order of the Board against Local 3."

I find as a conclusion of law that Respondent planned and was responsible for the visits paid by striking Respondent members to the residences of Raul and Rigoberto Diaz. This is established by the directions given to the people in attendance at the Salinas meeting on Saturday, April 28, 1979

to devote the next day to the scabs, non-striking employees, to meet at appointed places, and to visit them for the purposes of giving them a shock. Mr. Cesar Chavez was in attendance at this meeting. No one countermanded this direction. The direction was indeed carried out in King City under the direction and control of a Respondent strike captain, Mr. Filadelfio Chavez. I find the agency connection between Respondent and its visiting members has been established. The visiting members were agents of Respondent and Respondent is responsible for their actions of Sunday, April 29, 1979. As agents they were acting on their agents behalf.

What were their actions on that Sunday in the Comfort Court? They came on foot as a group of 21 into the Comfort Court carrying from 10 to 15 flags, red with a black eagle stipulated to be Respondent's symbol. These flags were carried in front of the bearer with the staff leaning back against one shoulder. They were never waved around. The carrying of these flags symbolized that the group was composed of striking United Farm Workers. Once inside the court they split up into three nearly equal groups, each going to a different trailer to communicate with the non-striking agricultural employee they knew to be residing there. The group going to a residence gathered in front of it and remained somewhat removed from it and fairly stationary while on one occasion one and on another four of its members approached the door and, communicated with the resident therein. After relaying their message, which took about ten minutes, the group left and went to another trailer. We know definitely that the smaller groups went to two trailers separately and probably three or four. I conclude that there were no more

than ten Respondent agents in front of each trailer at which they stopped. Because of the close proximity of the trailers visited it may have appeared as though there were more. At each trailer they stayed no more than ten minutes.

Whether or not the activities of the visitors to the trailer park constituted picketing as such as commonly performed, that is the marching up and down in front of or around an area in single file by persons carrying picket signs, is not controlling, Respondent's agents in this case were acting in a concerted body with a common purpose. That purpose was to bring the message of their strike to the residences of the non-striking employees, while at the same time demonstrating their personal solidarity and dedication to their cause by their physical presence. In other words they were engaging in the exercised free speech plus physical activity. The principles of law that apply to picketing and handbilling are applicable here and until someone coins a better word to describe the activities here involved, I shall use the term picketing herein to describe the activities of Respondent's agents at the Comfort Court. I conclude as a matter of law that Respondent's agents picketed the residences of non-striking employees and I shall call these actions by the term residential picketing.

The Charging Party contends that any residential picketing, peaceful or otherwise, is illegal and should be enjoined, unless there are special circumstances not present here. The General Counsel contends that residential picketing is not per se illegal; however certain aspects of this picketing were coercive and such should be prohibited and the picketing limited

to that extent. Respondent contends that any prohibition on peaceful residential picketing is unconstitutional under both the federal and state constitutions.

Attention is first turned to the question whether residential picketing in and of itself is an unfair labor practice and should be prohibited.

The right to picket has been recognized by the United States Supreme Court as guaranteed under our constitutional rights to freedom of speech. Thornhill v. Alabama (1940) 310 U.S. 88, 60 S.Ct. 736, 84 L.Ed 1093. The courts have nevertheless held that the exercise of this right is not without its limitations Giboney v. Empire Storage, Inc. (1949) 336 U.S. 490, 69 S.Ct. 684, 93 L.Ed 834, 23 LRRM 2505. This limitation is recognized by the California Supreme Court as well. In United Farm Workers Organizing Committee v. Superior Court 4 C.3d 556, 94 Cal. Rptr. 263, 483 P.2d 1215, the Court stated at p. 567:

"The United States Supreme Court, in the landmark cases of Thornhill v. Alabama (1940) 310 U.S. 88 [84 L.Ed. 1093, 60 S.Ct. 736], and Carlson v. California (1940) 310 U.S. 106 [84 L.Ed. 1104, 60 S.Ct. 746], established the applicability of the First Amendment to picketing and other forms of activity in connection with a labor dispute. (5a) In the language of the court, "publicizing the facts of a labor dispute in a peaceful way through appropriate means...must now be regarded as within that liberty of communication which is secured to every person by the Fourteenth Amendment against abridgment by a State." (Carlson v. California, supra, p. 113 [84 L.Ed. p. 1108].) Eventually, "the broad pronouncements, but not the specific holding of Thornhill [yielded] 'to the impact of facts unseen' or at least not sufficiently appreciated." (Teamsters Union v. Voqt, Inc. (1956) 354 U.S. 284, 289 [1 L.Ed.2d 1347, 1351, 77 S.Ct. 1166].) As a result, the court engaged in a more

refined effort to define "the power of the State to set the limits of permissible contest open to industrial combatants." (Thornhill v. Alabama, supra, p. 104 [34 L.Ed. p. 1103].)

"That those limits include the power to enjoin peaceful picketing for purposes violative of state laws or public policy was made clear in Hughes v. Superior Court (1949) 339 U.S. 460[94 L.Ed. 985, 70 S.Ct. 718], affg. 32 Cal.2d 850 [198 P.2d 885]. In Hughes, this court suspended an injunction banning picketing to secure compliance with a demand for racial quota hiring. In affirming that decision, the court discussed the special characteristics of picketing as "more than free speech, since it involves patrol of a particular locality and since the very presence of a picket line may induce action of one kind or another, quite irrespective of the nature of the ideas which are being disseminated.... The loyalties and responses evoked and exacted by picket lines are unlike those flowing from the printed word." (Hughes v. Superior Court, supra, p. 465 [94 L.Ed. p. 992] .) Thus, it is apparent that the more limited protection given picketing as a concomitant of free speech is predicated on the dual nature of the activity and the fact that, of itself, picketing (i.e., patrolling a particular locality) has a certain coercive aspect. Yet even with respect to picketing, there must be alternative means available for making known a grievance if the activity is to be enjoined. (See Bakery Drivers Local v. Wohl (1942) 315 U.S. 769 [86 L.Ed. 1178, 62 S.Ct. 816].)"

In Hughes, supra, the United States Supreme Court found "We cannot construe the Due Process Clause as precluding California from securing respect for its policy against involuntary employment on racial lines by prohibiting systematic picketing that would subvert such policy."

The Charging Party has cited a number of cases wherein it has been held that states have the right to enjoin even peaceful picketing, but none of them are controlling here. The

cases so cited concern competent forums making decisions within the area of their jurisdiction. As examples, in DeGregory v. Giesing (1977) 95 LRRM 2517, a U.S. District Court upheld a Connecticut statute which prohibited labor picketing in residential areas. California does not have such a statute, and, even if it did, the Agricultural Labor Relations Board (the Board) would not be the forum to enforce it. In State v. Zamber 179 Minn. 355, 299 N.W. 311 (1930) and State v. Perry 196 Minn. 431, 265 N.W. 302 (1936), the courts were upholding findings of disorderly conduct in residential picketing.

The Charging Party cites a number of cases in support of its contention that the peaceful picketing here should be enjoined because it is an interference with the right of privacy guaranteed to the non-striking employees by the constitutions of the United States and of California. While the cases support such a right, they concern the enforcement of private rights in civil matters or court action under specific statutes. While California may or may not have a policy against residential picketing and such may be or may not be an interference with someone's right to privacy, the Board is not the proper forum to hear such matters.

The Charging Party cites as precedent a National Labor Relations Board (NLRB) case which found that residential picketing constituted an unfair labor practice. That case is United Mechanics' Union Local 150-F (Fur Workers Union) 151 NLRB 33, 58 LRRM 1413 (1965). This case appears to be the only NLRB case on the subject. The NLRB found the residential picketing there to be coercive and restraining in nature and concluded that it was not conduct protected by the First Amendment.

The remedy imposed was an injunction against all picketing. The NLRB cited in support of its conclusion Allen-Bradley Local No. 1111 v. Wisconsin Employment Relations Board, (1942) 315 U.S. 740, 62 S.Ct. 820. The United States Supreme Court in that decision had expressly stated that no constitutional question was involved. The question of limitations on state control of picketing was never at issue in Fur Workers. Consequently, such case is not proper precedent on the issue of the constitutional limitation on injunctions relating to matters of free speech. The trial examiner and the NLRB only ruled on the issue presented, which was coercion on the picket line. The case - is not applicable.

Section 1148 of the Act provides: "The board shall follow applicable precedents of the National Labor Relations Act, as amended." This can only mean that the Board is obliged to follow good law, not cases that the test of time and higher courts have proven to be in error. Board decisions are being tested in the courts every day and many are overturned. The NLRB, having lost in one Circuit Court, will oftentimes test a theory in another circuit, which latter circuit may agree with them. Which decision would one follow? One would follow federal labor law as it pertains to cases under the cognizance of the NLRB. Certainly, First Amendment decisions of the United States Supreme Court are applicable in the case at hand. Federal labor law on this point is well established.

In Western Conference of Teamsters and V. B. Zaninovich and Sons, Inc., 3 ALRB No. 57 (1977), the Board stated:

"We also accept the ALO's determination that conduct such as taking down the auto license numbers of non-striking workers, seeking to

procure the names and addresses of non-striking workers, following them from work, or otherwise creating the impression that these workers were the subjects of surveillance was violative of the Act.

The Charging Party contends that picketing one's private residence can be considered no less coercive than the above.

In Zaninovich, supra, the Board followed the above quote with:

"... We do so only because of the overwhelming evidence that respondent's agents and others following their lead were engaged in a course of conduct which clearly indicated to all observers their intent to coerce by force and violence worker recognition of the picket line. However, without such clear evidence of coercive intent these activities would not constitute unfair labor practices..."

In the matter before us we do not have any proof whatsoever of violence by Respondent, or the threat thereof, at least in the manner contemplated by the Board in Zaninovich, supra.

The Charging Party has urged this ALO to take judicial notice of the pleading and evidence presented in Monterey County Civil Actions 74978, 74990, 75122, and 75133, portions of which were attached to its brief filed with me as exhibits, which exhibits are said to depict clearly the violent background and nature of the Respondent's on-going strike. These exhibits I did not examine and I reject them out of hand as being improperly submitted. Evidence Code Sections 451, 452, 453; Coming v. State Board of Education 23 C.A.3d 94 (1972); Fellom v. Adams, 274 C.A.2d 855 (1969).

The Board administers the Act and its powers and authority are prescribed by that Act, which authority and power cannot be exceeded. Neither can the Board in the administration of the Act abridge the rights of individuals protected under the United States and State of California Constitutions. Prohibition against peaceful residential picketing as being against state policy or an interference with the right of privacy does not come within the purview of the Board.

Nevertheless, where that peaceful picketing involves conduct which is otherwise proscribed by the Act, the Board does indeed have jurisdiction. Attention is now directed toward this consideration.

Is peaceful picketing in and of itself coercive? In UFW Organizing Committee v. Superior Court, supra, the California Supreme Court said:

"The mere limited protection given picketing as a concomittant of free speech is predicated on the dual nature of the activity and the fact that, of itself, picketing has a certain coercive aspect." (Emphasis supplied.)

In his concurring opinion in Bakery and Pastery Drivers v. Wohl, supra, Justice Douglas wrote:

"... For that reason we invoke the test, employed in comparable situations (Cantwell v. Connecticut, 310 US 296, 307, 84 L.Ed. 1213, 1219, 60 S.Ct. 900, 128 ALR 1352; Bridges v. California, 314 US 252, ante, 192, 62 S.Ct. 190) that the statute which is the source of the restriction on free speech must be 'narrowly drawn to cover the precise situation giving rise to the danger.'

"We recognized that picketing might have a coercive effect: "It may be that effective

exercise of the means of advancing public knowledge may persuade some of those reached to refrain from entering into advantageous relations with the business establishment which is the scene of the dispute. Every expression of opinion on matters that are important has the potentiality of inducing action in the interests of one rather than another group in society."

As one can see, Justice Douglas used the words "We recognize that picketing might have a coercive effect," But the term "might have a coercive effect" can in no way be equated with "has a coercive effect." It is easily conceivable that picketing can be peaceful without being in any way coercive. I find that as matter of law peaceful picketing in and of itself is not an unfair labor practice.

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The question still remains as to whether the picketing in the instant case was in fact coercive even though peaceful.

The General Counsel contends that the picketers did engage in coercive activity on April 29, 1979, not because the picketing was residential, but because the number of pickets participating and the manner of their picketing the homes of non-striking employees in the early morning hours of a Sunday morning had a coercive effect on the employees being picketed.

Twenty-seven picketers entered the Comfort Court at 7:00 a.m. and on entering broke up into three nearly equal groups, each visiting different homes of non-strikers within the trailer court. Upon arriving in front of the homes of Raul Diaz and of Rigoberto Diaz, the picketers, with loud and angry voices, called out the residents of those homes. On two occasions in front of their homes, someone called out "Come out, you son-of-a-bitch so that we can see your face". After these particular words were spoken, Mr. Chavez told the speaker not to use such words. However, the words were used and Respondent must bear the responsibility for their use. While the Act does not proscribe actions against the right of privacy, it does prohibit coercive activity. Section 1154 (a)(1) provides in part:

"It shall be an unfair labor practice for a labor organization or its agents to do any of the following:
(a) To restrain or coerce;
(1) Agricultural employees in the exercise of the rights guaranteed in Section 1152...

Section 1152 provides in part:

"Employees shall 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 mutual aid or protection, and shall also have the right to refrain from any" or all such activities...." (Emphasis supplied!)

I find that the use of the loud, angry voices and noise of the picketers in front of the homes of Raul and of Rigoberto Diaz and particularly their use of the language quoted is coercive in fact and that such were used for a purpose prescribed by the Act.

On their visit to the house of Mr. Raul Diaz, the picketers shouted that if he did not open his door they would force it down so that they could enter. The use of this language before one's house at an early morning hour constituted a threat and as such is coercive. This too constituted a violation of the Act.

Four of the picketers engaged Raul Diaz in conversation, asking him to stop work and to help them with their strike. During this conversation, they told him that if he did not do so he should face up to the consequences for himself and his family. I find that such words spoken before a man's home by picketers constitute a threat and as such are coercive and in violation of the Act. The standard as to what words constitutes a threat is an objective one. Would a reasonable man in all the attendant circumstances be coerced by such words? The answer in this instance is in the affirmative. Anderson Farms Company and United Farm Workers of America, AFL-CIO, 3 ALRB No. 67; Joy Silk Mills v. NLRB, 185 F. 2d 732, 27 LRRM 2012.

I find that the activities of the picketers in front of the homes of Raul Diaz and Rigoberto Diaz were coercive and restraining for a purpose prescribed by the Act and/ to the extent that such activity was coercive and restraining, I find that Respondent committed an unfair labor practice within the meaning of Section 1154 (a)(1) of the Act. Zaninovich & Sons, Inc., 3 ALRB; Youngdahl v. Rainfair, Inc. (1957) 355 U.S. 131,2 L.Ed 2d, 151, 78 S.Ct. 206, 41 LRRM 2169.

After leaving the Comfort Court, the picketers spotted Mr. Zuniga and Mr. Gonzales and stopped to picket them. Having been banded together as agents of Respondent to perform its services, I find that they were still functioning in this capacity when they confronted the two men and Respondent is responsible for their acts. They asked Mr. Gonzalez to stop work and he felt "bad", but their request in no way constituted an unfair labor practice. They asked Mr. Zuniga to stop work and to do it for his family. The strikers had quit work and in all probability they felt that they were doing it for the benefits to be ultimately gained and thus for their families. To say as much to a non-striker in no way constitutes an unfair labor practice. Again, the standard applied is objective. But, when the picketers also went on to say to Mr. Zuniga that if he did not stop working things would go bad for him, these words to a reasonable man under the circumstances could only be a threat. As such their use is prohibited by the Act and

constitutes an unfair labor practice within the meaning of Section 1154 (a)(1) of the Act. Akitomo Nursery (1977) 3 ALRB No, 73,

The First Amendment protects the right of demonstrators, whether picketers, handbillers, or otherwise, to enter peacefully a residential neighborhood to publicize their position in a labor dispute. This constitutional protection is present even though alternative means to present their message may be available to the demonstrators. Organization For a Better Austin v. Keefe, 402 U.S. 415 (1971). In that decision, the court declared at p. 419;

"Petitioners were engaged openly and vigorously in making the public aware of respondent's real estate practices. Those practices were offensive to them, as the views and practices of petitioners are no doubt offensive to others. But so long as the means are peaceful, the communication need not meet standards of acceptability".

In California, "It is well established, 'peaceful picketing' is an activity subject to absolute constitutional protection in the absence of a valid state interest justifying limitation or restriction". United Farm Workers of America v. Superior Court, 16 C, 3d 499, at 504(1976)

In his concurring opinion in Gregory v. City of Chicago, 394 U.S. 111 (1969), a decision in which the United States Supreme Court reversed the disorderly conduct conviction of persons who picketed Mayor Daley's home in a Chicago suburb, Justice Black wrote at p. 117:

"It is because of this truth, and a desire both to promote order and to safeguard First Amendment freedoms, that this Court has repeatedly warned States and governmental units that they cannot regulate conduct connected with these freedoms through use

of sweeping, dragnet statutes that may, because of vagueness, jeopardize these freedoms. In those cases, however, we have been careful to point out that the Constitution does not bar enactment of laws regulating conduct, even though connected with speech, press, assembly, and petition, if such laws specifically bar only the conduct deemed obnoxious and are carefully and narrowly aimed at that forbidden conduct. The dilemma revealed by this record is a crying example of a need for some such narrowly drawn law...."

With this admonition, it seems clear that Section 1154(a)(1) of the Act should be narrowly interpreted, so that the only restrictions imposed thereunder are those which by time, place, and manner necessarily prevent picketing from coercing or restraining agricultural employees. Police Department of the City of Chicago v. Mosley, (1972) 92 S. Ct. 2286. This is consistent with California precedent, which holds that:

"An order affecting peaceful picketing activity 'must be couched in the narrowest terms that will accomplish the pinpointed objective permitted by constitutional mandate and the essential needs of public order'. In this sensitive field the State may not employ 'means that broadly stifle fundamental personal liberties when the end can be more narrowly achieved'." United Farm Workers of America v. Superior Court, supra at 504.

The General Counsel has proposed limitations on the picketing of residences by Respondent calculated to permit Respondent a meaningful presence while preventing the massing of excessive numbers of pickets in a residential neighborhood. The numerical limitation proposed is ten. Respondent, while disclaiming any violation on its part, as an alternative, requests that in fashioning a remedy the position of the General Counsel be given great weight.

I find that Respondent has not committed any unfair labor practice merely by reason of its presence in the Comfort Court. While I agree with the General Counsel that ten is a reasonable number of picketers, I do not find that the presence of picketers in front of each residence, approximately ten in number, constituted an unfair labor practice. It was the proximity of two residences simultaneously picketed for ten minutes that gave the impression that more picketers were present. I do not recommend that such activity be prohibited, as I would if all were in front of the one residence. Ten picketers in a neighborhood is too restrictive of their constitutional rights. The limitation, if one were to be imposed, should be ten picketers at each residence picketed. The General Counsel also asks that the number of picketers approaching the non-striker's door be limited to two. This is realistic. However, since on only one occasion did more than one approach a door, I do not find that Respondent committed an unfair labor practice when that one time four went to a door. The proposed restriction on the picketing to the hours between 9 a.m. and sunset is too restrictive. In this case the picketers arrived at 7:00 a.m. I find no violation violated to this. It appears to me that picketing between one hour after sunrise and sunset is more realistic with early-rising agricultural employees. I make no finding of law in this regard. I do find that Respondent did not violate the Act be reason of the number of its pickets,

their hours of picketing, and the number of pickets that approached the doors of the residences of the non-striking employees.

I make the following additional conclusions of law:

1. Raul Diaz, Rigoberto Diaz, Donato Zuniga, and Medardo Gonzalez are agricultural employees within the meaning of the Act.

2. Respondent is a labor organization within the meaning of the Act.

3. The Charging Party is an agricultural employer within the meaning of the Act.

4. Filadelfio Chavez, Constantino Silva, Jesse Cirado, Jose Martinez, and Juan Does 109 through 131 were members and agents of Respondent and were acting within the terms of their agency at all times pertinent on Sunday, April 29, 1979 (hereinafter referred to as Respondent agents).

5. On Sunday, April 29, 1979, Respondent agents picketed the residence of Raul Diaz and, by reason of their loud and excessive noise, angry words, and abusive language toward Raul Diaz, coerced him in violation of Section 1154 (a)(1) of the Act.

6. On Sunday, April 29, 1979, Respondent agents threatened Raul Diaz and in his presence made threats concerning his family, thereby coercing Raul Diaz in violation of Section 1154(a)(1) of the Act.

7. On Sunday, April 29, 1979, Respondent agents in

the presence of Raul Diaz threatened to force the door of his residence unless he opened it in the presence of said agents, thereby coercing Raul Diaz in violation of Section 1154 (a) (1) of the Act.

8. On Sunday, April 29, 1979, Respondent agents picketed the residence of Rigoberto Diaz and, by reason of their loud and excessive noise, angry words, and abusive language toward Rigoberto Diaz, coerced him in violation of Section 1154(a)(1) of the Act.

9. On Sunday, April 29, 1979, Respondent agents picketed Donato Zuniga on a street in King City, California and by reason of said agents telling Donato Zuniga that if he did not stop work things would go bad for him, coerced him in violation of Section 1154 (a) (1) of the Act.

10. I find that no violations of the Act were proven with regard to Medardo Gonzalez or anyone else other than has been set forth above.

THE REMEDY

Having found that Respondent has engaged in certain unfair labor practices within the meaning of Section 1154(a) (1) of the Act, I shall, and hereby do, recommend that they cease and desist therefrom and take certain affirmative action designed to effectuate the policies of the Act.

Having found that Respondent in the manner of its picketing of the residences of employees which manner consisted of the use of loud, angry, and excessive noise and abusive language which coerced employees in the exercise of their

rights granted under Section 1152 of the Act and having found that Respondent made threats to employees which threats included threats toward the families of employees, and to the person of employees , I shall recommend that Respondent make known to the employees of the Charging Party and to members of Respondent in the Salinas Valley, California that it has been found in violation of the Act and that it has been ordered to cease violating the Act and not to engage in future violations.

Upon the basis of the entire record, the findings of fact, and conclusions of law and pursuant to Section 1160.3 of the Act, I hereby issue the following recommendation:

ORDER

Respondents, their officers, and their agents shall:

1. Cease and desist from:

a. Threatening employees of the Charging Party or any other agricultural employees of agricultural employers in the Salinas Valley of California or the families of such employees; or

2. Picketing the residences of such employees in a manner in which loud, angry, and excessive noise and abusive language are used; or

3. In any other manner interfering with, restraining, or coercing said employees in the exercise of their rights 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, or to refrain from any and all such activities except to the extent that such right may be affected by an agreement requiring membership in a labor organization as a condition of continued employment as authorized in Section 1153(c) of the Act.

4. Take the following affirmative action which is deemed necessary to effectuate the policies of the Acts

a. Post copies of the attached notice at times and places to be determined by the Regional Director, Salinas Regional Office. Respondent shall exercise due care to replace any notice within its' control which has been altered, defaced, or removed.

b. A representative of Respondent or a Board agent shall read the attached notice to the assembled agricultural employees of the Charging Party. The reading or readings shall be at such times and places as specified by the Regional Director to assure reasonably that such employees will be informed of the notice.

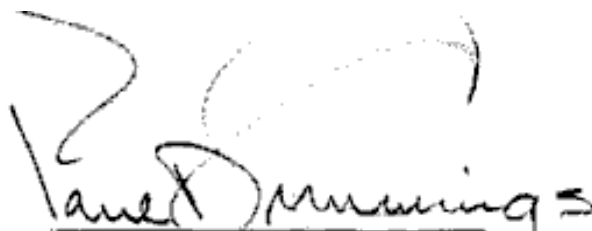
c. A representative of Respondent or a Board agent shall read the attached notice to the assembled membership of Respondent. The reading or readings shall be such at times and places as are specified by the Regional Director to assure reasonably that the membership of Respondent living in the Salinas Valley of California will be informed of

the notice.

d. Notify the Regional Director within twenty (20) days from receipt of a copy of this Decision of steps Respondent has taken to comply therewith, and to continue to report periodically thereafter until full compliance is achieved.

e. Copies of the Notice attached hereto, including an appropriate Spanish translation, shall be furnished to Respondent for posting by the Regional Director.

DATED: November 26, 1979

A handwritten signature in black ink, appearing to read "Paul D. Cummings", written over a horizontal line.

PAUL D. CUMMINGS
Administrative Law Officer

NOTICE TO AGRICULTURAL

EMPLOYEES IN THE SALINAS VALLEY

After a hearing during which all parties presented evidence, an Administrative Law Officer of the Agricultural Labor Relations Board has found that we have engaged in violations of the Agricultural Labor Relations Act and has ordered us to notify all agricultural employees in the Salinas Valley that we will remedy these violations, and that we will respect the rights of all such agricultural employees in the future. Therefore, we are now telling each of you:

1. We will not threaten agricultural employees or their families.
2. We will not picket the residences of agricultural employees in a manner in which abusive language, loud noise of any kind, or angry tones are used.
3. We will not restrain or coerce any agricultural employees in the exercise of their 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 in the exercise of their right to refrain from any and all such activity, except to the extent that such right may be affected by an agreement requiring membership in a labor organization as a condition of continued employment as authorized by Section 1153(c) of the Agricultural Labor Relations Act.

DATED: _____

UNITED FARM WORKERS OF AMERICA, AFL-CIO

By _____
Title

THIS IS AN OFFICIAL NOTICE OF THE AGRICULTURAL LABOR RELATIONS BOARD, AN AGENCY OF THE STATE OF CALIFORNIA. DO NOT REMOVE OR-MUTILATE THIS NOTICE.