

STATE OF CALIFORNIA
AGRICULTURAL LABOR RELATIONS BOARD

GIUMARRA VINEYARDS, INC.,)	
)	
Respondent,)	Case Nos. 80-CE-12-D
)	80-CE-16-D
and)	
)	
PEDRO VERA, MANUEL JASSO,)	
and JUANITA SANTO YO,)	8 ALRB No. 33
)	(7 ALRB No. 7)
Charging Parties.)	
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SUPPLEMENTAL DECISION AND MODIFIED ORDER

In accordance with the decision of the Court of Appeal dated April 2, 1982, in and for the Fifth Appellate District in case 5 Civil No. 6428 (1981) 7 ALRB No. 7, the Agricultural Labor Relations Board issues the following modified order.

ORDER

By authority of Labor Code section 1160.3, the Agricultural Labor Relations Board hereby orders that Respondent Giumarra Vineyards, Inc., its officers, agents, successors, and assigns shall:

1. Cease and desist from:

(a) Disciplining or discriminating against any agricultural employee for participating in a concerted work stoppage, or any union activity or protected concerted activity.

(b) In any like or related manner interfering with, restraining, or coercing any agricultural employee in the exercise of rights guaranteed in section 1152 of the Act.

2. Take the following affirmative actions which are

deemed necessary to effectuate the policies of the Act:

(a) Remove from the personnel file of Juanita Santoyo the disciplinary slip issued to her on or about February 12, 1980, and any other record thereof.

(b) Sign the attached Notice to Agricultural Employees and, after its translation by the Regional Director into appropriate languages, reproduce sufficient copies thereof in each language for the purposes set forth hereinafter.

(c) Post copies of the attached Notice to Agricultural Employees at conspicuous locations on its premises for a period of 60 days, the time(s) and place(s) of the posting to be determined by the Regional Director. Respondent shall exercise due care to replace any posted Notice which has been altered, defaced, covered, or removed.

(d) Mail copies of the attached Notice to Agricultural Employees in all appropriate languages, within 30 days after the date of issuance of the Order, to all employees employed at any time during the month of February 1980.

(e) Arrange for a representative of Respondent or a Board agent to distribute and read the attached Notice to Agricultural Employees in appropriate languages to the assembled employees of Respondent on company time. The reading(s) shall be conducted during Respondent's pruning and tying season, at such time(s) and place(s) as are specified by the Regional Director. Following the reading, the Board agent shall be given the opportunity, outside the presence of supervisors and management, to answer any questions employees may have concerning

the Notice or their rights under the Act. The Regional Director shall determine a reasonable rate of compensation to be paid by Respondent to all nonhourly employees to compensate them for time lost at this reading and the question-and-answer period.

(f) Notify the Regional Director in writing, within 30 days after the date of issuance of this Order, what steps have been taken to comply with it. Upon request of the Regional Director, Respondent shall notify him/her periodically thereafter in writing what further steps have been taken in compliance with this Order.

Dated: May 10, 1982

HERBERT A. PERRY, Acting Chairman

JOHN P. MCCARTHY, Member

ALFRED H. SONG, Member

JEROME R. WALDIE, Member

NOTICE TO AGRICULTURAL EMPLOYEES

After a hearing was held at which each side had a chance to present its facts, the Agricultural Labor Relations Board found that we interfered with the right of one of our employees to discuss and attempt to change working conditions. The Board has told us to send out and post this Notice. We will do what the Board has ordered, and also tell you that:

The Agricultural Labor Relations Act is a law that gives you and all farm workers 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 or protect one another; and
6. To decide not to do any of these things.

Because this is true, we promise you that:

WE WILL NOT restrain, interfere with, or coerce you in the exercise of your right to act together with other workers to help or protect one another.

SPECIFICALLY, the Board found that it was unlawful for us to discipline Juanita Santoyo for participating with other employees in a concerted protest about wages and working conditions and speaking of the union to the other crew members.

WE WILL NOT hereafter discipline any employee for engaging in such union or concerted activity.

WE WILL remove from our personnel files and records any mention of the disciplinary slip we issued on February 12, 1980, to Juanita Santoyo.

Dated:

GIUMARRA VINEYARDS, INC.

By: _____ (Representative) _____ (Title)

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 627 Main Street, Delano, California 93215. The telephone number is 805/725-5770.

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

DO NOT REMOVE OR MUTILATE.

CASE SUMMARY

Giumarra Vineyards, Inc.

8 ALRB Mo. 33
Case Nos. 80-CE-12-D
80-CE-16-D
(7 ALRB No. 7, Apr. 3, 1981)

PRIOR BOARD DECISION

The Board affirmed the rulings, findings, and conclusions of the ALO and held that Respondent had unlawfully disciplined an agricultural employee. The Board ordered, among other things, that Respondent mail a remedial Notice to all employees employed at its operations at any time between June 18, 1979, and the issuance date of the Board's Order, and that Respondent provide for the reading and distribution of the Notice to all of its agricultural employees on company time.

BOARD DECISION

The Board modified the above Order to incorporate the terms of a stipulation executed by Respondent and the Board. Specifically, the Board limited the mailing of the remedial Notice to the agricultural employees employed by Respondent during February 1980 and directed that the reading of the above Notice be held during Respondent's pruning and tying season.

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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.

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