

STATE OF CALIFORNIA  
AGRICULTURAL LABOR RELATIONS BOARD

MORIKA KURAMURA,	)	
	)	
Employer,	)	Case No. 82-RC-1-SAL
	)	
and	)	
	)	
UNITED FARM WORKERS	)	8 ALRB No. 86
OF AMERICA, AFL-CIO,	)	
	)	
Petitioner.	)	
	)	
	)	

---

DECISION ON CHALLENGED BALLOTS

On February 22, 1982, the United Farm Workers of America, AFL-CIO (UFW) , filed a Petition for Certification as representative of the agricultural employees of Morika Kuramura, the Employer herein. On February 24, 1982, a representation election was conducted pursuant to provisions of Labor Code section 1156. 3 (a) among the agricultural employees of the Employer, who were on strike at the time. The official Tally of Ballots served upon the parties showed the following results :

UFW . . . . .	8
No Union . . . . .	5
Unresolved Challenged Ballots . .	<u>3</u>
Total . . . . .	16

The UFW s observer challenged the ballots of Kazue Kuramura, Yuriko Kuramura, and Nobuko Arima Douglas on the grounds that California Administrative Code, title 8, section 20355 (a) (3) excludes family members from eligibility as voters. Kazue and Yuriko Kuramura are daughters-in-law of Morika Kuramura and

Ms. Douglas, admittedly a close personal friend, is alleged by the UFW to be Murika Kuramura's common-law wife.<sup>1/</sup>

As the challenged ballots were sufficient in number to determine the outcome of the election, the Regional Director conducted an investigation and issued a Report on Challenged Ballots on April 19, 1982. The Regional Director's Report concluded that the three employees were eligible to vote, noting that California Administrative Code, title 8, section 20355(a)(3) excludes from eligibility only the spouse, parents and children of an employer, and does not apply to in-laws or friends of an employer.

Although no challenge was asserted pursuant to California Administrative Code, title 8, section 20355(a)(1), the Regional Director also conducted an investigation to determine whether the individuals who cast the challenged ballots were supervisors and therefore ineligible to vote under California Administrative Code, title 8, section 20352(b). Based on the evidence obtained during that investigation, the Regional Director concluded that the challenged voters were not supervisors within the definition set forth in Labor Code section 1140.4(j).

Based on his conclusions that none of the challenged voters was the parent, child, or spouse of the Employer, or a supervisor, the Regional Director recommended that the challenges to all three ballots be overruled and that the ballots be opened

---

<sup>1/</sup> No common law marriage may originate in California, as consent alone does not constitute a marriage in this state. (Cal. Civil Code sections 4100 and 4213.)

and counted.

The UFW timely filed exceptions to the Regional Director's Report, arguing that the Regional Director erred in finding that the three challenged voters were not supervisors, and requesting that a formal hearing be held on that issue. We find that neither the legal arguments made by the UFW nor the evidence it produced in support of its exceptions raise questions not adequately resolved by the Regional Director's Report or demonstrate that a factual dispute exists which should be resolved by a hearing.

Accordingly, the Regional Director is hereby directed to open and count the ballots of Kazue Kuramura, Yuriko Kuramura and Nobuko Arima Douglas, and thereafter to prepare and serve upon the parties a revised Tally of Ballots.

Dated: November 30, 1982

HERBERT A. PERRY, Acting Chairman

JOHN P. McCARTHY, Member

ALFRED H. SONG, Member

JEROME R. WALDIE, Member

CASE SUMMARY

Morika Kuramura  
(UFW)

8 ALRB No. 86  
Case No. 82-RC-1-SAL

REGIONAL DIRECTOR'S REPORT ON CHALLENGED BALLOTS

The Regional Director conducted an investigation into whether any of three individuals who cast potentially outcome determinative ballots in representation election among the Employer's agricultural employees was ineligible to vote pursuant to California Administrative Code, title 8, section 20355(a){3}, which excludes family members of an employer from eligibility, or pursuant to California Administrative Code, title 8, section -20352 (b) , which excludes supervisors from eligibility. The Regional Director concluded that none of the individuals whose ballots were challenged was a parent, child or spouse of the Employer, or a supervisor. Accordingly, the Regional Director's Report on Challenged Ballots recommended that the challenges to the three ballots be overruled and that the ballots be opened and counted.

BOARD DECISION

The Board held that exceptions to the Regional Director's Report filed by the UFW failed to raise any issues of fact or law not adequately resolved by the Regional Director's Report or to demonstrate that a factual dispute exists which should be resolved by a hearing. Accordingly, the Board directed the Regional Director to open and count the challenged ballots.

\* \* \*

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

\* \* \*

CASE SUMMARY

Morika Kuramura  
(UFW)

8 ALRB No.86  
Case No. 82-RC-1-SAL

REGIONAL DIRECTOR'S REPORT ON CHALLENGED BALLOTS

The Regional Director conducted an investigation into whether any of three individuals who cast potentially outcome determinative ballots in representation election among the Employer's agricultural employees was ineligible to vote pursuant to California Administrative Code, title 8, section 20355(a)(3), which excludes family members of an employer from eligibility, or pursuant to California Administrative Code, title 8, section 20352(b), which excludes supervisors from eligibility. The Regional Director concluded that none of the individuals whose ballots were challenged was a parent, child or spouse of the Employer, or a supervisor. Accordingly, the Regional Director's Report on Challenged Ballots recommended that the challenges to the three ballots be overruled and that the ballots be opened and counted.

BOARD DECISION

The Board held that exceptions to the Regional Director's Report filed by the UFW failed to raise any issues of fact or law not adequately resolved by the Regional Director's Report or to demonstrate that a factual dispute exists which should be resolved by a hearing. Accordingly, the Board directed the Regional Director to open and count the challenged ballots.

\* \* \*

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

\* \* \*