

# The Agricultural Labor Relations Board in the 21st Century

*A Needs Assessment of the ALRB's Ability to Meet its Statutory Obligations*

**Response of the Agricultural Labor Relations Board**

**To the Supplemental Report of the 2000 Budget Act**

**Item 8300-001-0001**

January 2001

Members of the Board <sup>[1]</sup>

Genevieve A. Shiroma, Chairwoman  
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J. Antonio Barbosa, Executive Secretary

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# EXECUTIVE SUMMARY

**The Agricultural Labor Relations Board (ALRB/Board) is pleased to provide this report in response to the Legislature's request that we address the Board's ability, under its current budget, to meet its statutory mandate to implement and enforce the Agricultural Labor Relations Act (ALRA or Act).**

Twenty-five years ago, the Legislature enacted a law granting certain rights to California farm workers in order to "...ensure peace in the agricultural fields by guaranteeing justice for all agricultural workers and stability in labor relations."

To effectuate this mission, the Act provides for secret ballot elections in which farm workers may choose whether or not they wish to be represented for purposes of collective bargaining concerning their hours, wages, and other terms and conditions of employment. The Act further provides that farm workers have the right to come together--with or without union representation--for mutual aid and protection without fear of retaliation. The current Board is mindful of its statutory obligation to protect this first in the nation law and continues to be committed to its timely and effective enforcement.

Pursuant to Item No. 8300-001-0001 of the 2000 Budget Act, the ALRB was specifically asked to provide an assessment of its ability to fulfill its statutory mandate, and to include the following areas of response:

- 1) To evaluate its current outreach and education efforts and project its future needs in this area;
- 2) To assess the ease with which members of the farm worker and grower communities can avail themselves of the Board's services and to recommend remedying shortfalls in this area;

- 3) To project anticipated workload changes that might result from changes in worker populations or industry practices; and
- 4) To assess the Board's ability to monitor compliance and its ability to process unfair labor practice charges and to submit backpay and makewhole payments as directed by adjudication.

In response to this legislative directive, the Board conducted a series of public meetings throughout the state to gather information from the interested public and to listen to concerns from the constituencies who use the ALRB procedures. These meetings were held at places and times designed to be accessible, especially to farm workers. Where necessary, translators for Spanish and Mixtec speakers were made available. In addition, while considering both verbal and written comments from the public meetings, comments were also solicited from staff.

Through this process, the ALRB identified several significant changes which affect the ability of the ALRB to carry out its statutory mandate. First, there is a new generation of farm workers largely unaware of the Act and its protections. These same farm workers often have little ability or means to use the ALRB and its processes. The increased use of farm labor contractors has made enforcement of the Act more difficult. Recent decisions of the National Labor Relations Board have clouded agency jurisdiction. Finally, the ALRB has suffered severe budget cuts, which have greatly reduced the number of staff. Having limited staff for investigations and enforcement has made it difficult to fulfill the mission of the ALRB.

The ALRB concludes, therefore, that it must take steps to do the following:

- 1) Continue and increase its educational activity to inform all parties, but especially farm workers, about the rights and responsibilities afforded by the Act;
- 2) Eliminate existing barriers which serve to deny full access to the ALRB and its processes, especially for underserved populations;

- 3) Continue to seek ways to respond to evolving trends in agriculture, including the increasing reliance by growers on farm labor contractors; and
- 4) Promote timely, effective investigations of unfair labor practice charges and enforcement of Board orders and decisions.

However, in order to achieve these steps, it is essential that the ALRB have additional resources, including personnel and operating expenses, that will allow the ALRB to fulfill its statutory mandate by:

- 1) Increasing education about the Act, especially for underserved farm worker populations;
- 2) Locating a sub regional office in the Sonoma/Napa Valley area; and
- 3) Increasing staffing in the regional offices.

We will be submitting a budget change proposal to the Department of Finance this spring to address these resource needs.

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<sup>[1]</sup> The five-member Board has one vacancy.