

STATE OF CALIFORNIA

AGRICULTURAL LABOR RELATIONS BOARD

BOSCHMA & SONS DAIRY,)	Case No. 2008-MMC-002
)	
Employer,)	
)	ORDER DIRECTING
and)	PARTIES TO MANDATORY
)	MEDIATION AND
UFCW INTERNATIONAL UNION,)	CONCILIATION
LOCAL 5,)	
)	(Admin. Order 2008-8)
Petitioner.)	
_____)	

The United Food and Commercial Workers International Union, Local 5 (UFCW), the certified bargaining representative of the agricultural employees of Boschma & Sons Dairy (Employer), has filed a declaration with the Agricultural Labor Relations Board (Board) pursuant to Labor Code section 1164 et seq., requesting that the Board issue an order directing the parties to mandatory mediation and conciliation of their issues. The declaration was served on the Employer on August 21, 2008. No answer was filed by the Employer.

The relevant prerequisites for referral to mandatory mediation and conciliation are set forth in Labor Code section 1164 (a) and section 20400 (b) of the Board's regulations (Title 8, Cal. Code Regs., sec. 20100, et seq.). If, as here, the labor organization was certified after January 1, 2003, either party may file a request for mediation any time following 180 days after an initial demand to bargain. The filing party must submit a declaration stating that the parties are subject to an existing certification, that they have failed to reach a collective bargaining agreement, and that

the employer has employed 25 or more agricultural employees during any calendar week in the year preceding the filing of the declaration and request for mediation. In addition, the declaration must be accompanied by any documentary or other evidence that supports the above statements.

In this case, the UFCW has submitted a declaration that meets the prerequisites listed above. The certification issued on January 2, 2008, the declaration indicates that an initial demand to bargain was made by telephone on February 12, 2008 and that the parties have failed to reach a collective bargaining agreement, and documentary evidence was submitted that indicates that the Employer employed the requisite 25 agricultural employees. Accordingly, pursuant to Labor Code section 1164(b) and section 20402 of the Board's regulations, the parties in the above matter are hereby directed to mandatory mediation and conciliation.

The mandatory mediation process is governed by Labor Code sections 1164-1164.13 and sections 20400-20408 of the Board's regulations. Upon the issuance of this Order, the Board shall request that a list of nine mediators be compiled by the California Mediation and Conciliation Service and be provided to the parties. The parties shall then have seven (7) days from the receipt of the list to select a mediator in accordance with Labor Code section 1164 (b) and section 20403 of the Board's regulations.

By Direction of the Board

Dated: September 8, 2008

J. ANTONIO BARBOSA
Executive Secretary, ALRB