

STATE OF CALIFORNIA
AGRICULTURAL LABOR RELATIONS BOARD

In the Matter of:)	
)	
HESS COLLECTION WINERY,)	
	)	Case No. 2003-MMC-01
Employer,	)	(29 ALRB No. 6)
	)	(35 ALRB No. 3)
)	
	)	ORDER DENYING
	)	EMPLOYER’S REQUEST FOR
	)	REVIEW OF REGIONAL
and	)	DIRECTOR’S DECISION NOT
	)	TO APPROVE PROPOSED
UNITED FOOD AND COMMERCIAL	)	SETTLEMENT AGREEMENT
WORKERS UNION, LOCAL 5,)	
)	
Petitioner.	)	Admin. Order No. 2009-09
_____)	

On May 19, 2009, the Agricultural Labor Relations Board (Board or ALRB) issued its decision at 35 ALRB No. 3 in which it ordered the parties in the above-captioned matter to “submit to the Board for approval, pursuant to the procedures set forth in Board regulation 20298,¹ any settlement agreement that purports to compromise in any way the full implementation of the imposed contract resulting from the Board’s decision in *Hess Collection Winery* (2003) 29 ALRB No. 6, which would include any amounts owing under the contract from its effective date of October 1, 2003 forward.” The parties had reached a private party settlement that purported to, inter alia, waive any amounts owing pursuant to

¹ The Board’s regulations are codified at Title 8, California Code of Regulations, section 20100, et seq.

the imposed contract. Pursuant to Board regulation 20298, a formal settlement agreement must be signed by the parties and the Regional Director and then presented to the Board with a supporting statement from the Regional Director.

On July 30, 2009, Hess Collection Winery (Hess or Employer) sent a letter to the Board and General Counsel indicating that following the Board's May 19, 2009 decision and order it had submitted to the Salinas Regional Director the settlement agreement originally signed by the parties in December 2008. Hess indicated that it had received a letter from Joseph Mendoza, ALRB Assistant General Counsel from the Salinas office, dated July 23, 2009, declining to approve the proposed settlement. Hess requests that the Board decline to follow the Region's recommendation not to approve the parties' settlement agreement. In the alternative, Hess requests that the Board direct the Region to engage in settlement negotiations with the parties "as if the parties were continuing previously commenced discussions."

California Labor Code section 1142(b) gives the Board the authority to review any action taken pursuant to the authority delegated by the Board to the regional offices upon a request for review filed by an interested party. Although Employer has not specifically made its request pursuant to section 1142(b), the Board deems Employer's July 30, 2009 letter to be such a request.

The July 23, 2009 letter from the Salinas regional office indicates that the updated preliminary specification of amounts due in this matter has not yet issued, but will be issued on August 7, 2009. The issuance of the specification is an appropriate starting point for settlement negotiations among the parties and regional staff, and as this process

has not yet begun, Employer's request is premature. Therefore, Employer's request for review of the Regional Director's decision not to approve the parties' settlement agreement at this time is DENIED without prejudice.

By Direction of the Board

Dated: August 6, 2009

J. ANTONIO BARBOSA
Executive Secretary, ALRB