

STATE OF CALIFORNIA

AGRICULTURAL LABOR RELATIONS BOARD

In the Matter of:	)	
	)	Case No. 2010-RC-002-VIS
SOUTH LAKES DAIRY FARMS,	)	(36 ALRB No. 5)
	)	
Employer,	)	Admin Order No. 2011-03
	)	
and	)	
	)	ORDER DENYING
UNITED FOOD AND COMMERCIAL	)	PARTIES' MOTION
WORKERS UNION, LOCAL 5	)	FOR APPROVAL
	)	OF STIPULATION
Petitioner.	)	
_____	)	

On March 21, 2011, the Petitioner, United Food and Commercial Workers, Local 5 (UFCW or Union) and South Lakes Dairy Farms (Employer) filed a motion informing the Agricultural Labor Relations Board (ALRB or Board) that they had reached a stipulation in the above-captioned matter and requesting that the Board issue an order to open and count the ballots of two individuals, Martin Gonzalez Salcedo and Dyanna Renee White. The parties' motion also requests that the Board cancel the hearing on four challenged ballots scheduled for April 4, 2011, and requests that the Board certify the results of the election.

The Board previously ordered that the challenges to the ballots of Salcedo and White be overruled, but that the opening and counting of their ballots be held in abeyance pending the resolution of the four challenges that were set for an investigatory hearing and the resolution of three challenges that are the subject of a

pending Unfair Labor Practice (ULP) investigation. See South Lakes Dairy Farm (2010) 36 ALRB No. 5. The parties' request to open and count Salcedo and White's ballots is DENIED. The parties have failed to satisfactorily explain why the opening and counting of these ballots would resolve the election. Moreover, there is a high likelihood that opening the ballots of only two individuals at this juncture will compromise the integrity of the secret ballot process.

Similarly, the parties' request to take the matter off calendar and their request to certify the results of the election is DENIED. The parties have not explained why the remaining unresolved challenged ballots are not outcome determinative. Nor does the parties' March 21, 2011, stipulation resolve the challenges to the individuals currently set for hearing. There is no clear request in the stipulation from the Union to withdraw its challenges to the eligibility of any of these individuals. If the Union wishes to make such a request it is free to do so.

By Direction of the Board

DATED: March 25, 2011

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J. ANTONIO BARBOSA  
Executive Secretary, ALRB