

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. 2011-06
)	
and)	
	)	ORDER DIRECTING THE
UNITED FOOD AND COMMERCIAL	)	OPENING AND COUNTING
WORKERS UNION, LOCAL 5,	)	OF BALLOTS; ORDER
	)	DIRECTING THE
	)	EXECUTIVE SECRETARY
Petitioner.	)	TO TAKE HEARING OFF
_____	)	CALENDAR

On March 29, 2011, Petitioner, United Food and Commercial Workers, Local 5 (UFCW or Union) filed with the Agricultural Labor Relations Board (ALRB or Board) a withdrawal of its challenges to the eligibility of three individuals currently set for an investigative hearing.

Previously, on March 21, 2011, the UFCW and South Lakes Dairy Farms (Employer) filed a motion informing the 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 requested that the Board cancel the hearing on four challenged ballots scheduled for April 4, 2011, and requested that the Board certify the results of the election.

On March 25, 2011, the Board issued Administrative Order 2011-03 denying the parties' motion for approval of stipulation and denying the request to cancel the investigative hearing. The Board stated that the UFCW had made no clear request to withdraw its challenges and had not explained why the remaining challenged ballots were not outcome determinative. The Board denied the request to open and count White and Salcedo's ballots to help preserve the integrity of the secret ballot process.

In light of the Union's withdrawal of its challenges to the eligibility of three individuals currently set for an investigative hearing, the Board orders the Regional Director to open and count the ballots of Richard L. Aguiar, Manuel Vera and Fernando Gonzalez. The Board further orders the Regional Director to open and count the ballots of Martin Gonzalez Salcedo and Dyanna Renee White.

The Board directs the Executive Secretary to cancel the investigative hearing currently set to begin on April 4, 2011.

Bryan Lee Soares, the fourth individual set for hearing, was challenged by Board agents. The Board hereby orders that Soares' ballot be held in abeyance pending the opening and counting of the five ballots specified in this order, and the resolution of the three challenges that are currently the subject of an Unfair Labor Practice (ULP)

investigation. Should Soares' ballot remain outcome determinative, the investigative hearing will be put back on calendar to resolve his status.

By Direction of the Board

DATED: March 30, 2011

J. ANTONIO BARBOSA
Executive Secretary, ALRB