

STATE OF CALIFORNIA

AGRICULTURAL LABOR RELATIONS BOARD

In the Matter of:)	
	)	Case No. 93-CE-38-VIS
SAN JOAQUIN TOMATO GROWERS, INC.)	)	(20 ALRB No. 13)
A California Corporation,)	
	)	Admin. Order No. 2011-08
Respondent,)	
	)	ORDER OVERRULING
and	)	EXECUTIVE SECRETARY'S
	)	ORDER DENYING
UNITED FARM WORKERS OF	)	RESPONDENT'S REQUEST
AMERICA, AFL-CIO,	)	FOR RECONSIDERATION;
	)	ORDER DIRECTING ALJ
Charging Party.	)	TO CONDUCT A CONFERENCE
	)	CALL FOR THE PURPOSE OF
_____	)	SETTING A HEARING DATE

On April 8, 2011, San Joaquin Tomato Growers, Inc. (SJTG or Respondent) filed a motion for continuance of the compliance hearing in above-captioned matter with the Executive Secretary of the Agricultural Labor Relations Board (ALRB or Board). SJTG requested that the hearing be continued to August 9, 2011, and stated that the reason for the continuance was to provide SJTG with more time to analyze the formal specification. Counsel for SJTG also stated that he had received a summons for jury duty to commence on April 25, 2011. Counsel for SJTG states in the motion that he contacted counsel for the Charging Party, United Farm Workers of America (UFW) who stated that the UFW opposed a continuance to August 9, 2011.

On April 14, 2011, the Executive Secretary issued an order partially granting SJTG's request for continuance. The Executive Secretary set the prehearing telephone conference for Thursday April 28, 2011. The Executive Secretary granted a four-week continuance of the hearing, and scheduled it to begin May 31, 2011. The Executive Secretary informed all parties by email on the morning of April 14, 2011 of the prehearing conference and hearing dates.

On April 14, 2011, Counsel for SJTG requested reconsideration of the order partially granting SJTG's request for continuance. On April 18, 2011, the Executive Secretary issued via email an order denying SJTG's request for reconsideration. A hard copy of this order was issued on April 20, 2011.

On April 20, 2011, SJTG filed with the Board, a request for review of the Executive Secretary's order denying the request for reconsideration. On April 27, 2011, the Board issued Administrative Order No. 2011-07 requesting that all parties to this matter show cause why the compliance hearing in the above-caption matter should not be continued to June 14, 2011, and be held consecutive days thereafter until completed at the previously notice time and location. The Board requested that responses if any, be filed by Monday, May 2, 2011.

On April 27, 2011, the General Counsel of the ALRB filed a response to the Board's Order to Show Cause and indicated that the General Counsel and General Counsel's primary witness are available for a June 14, 2011 start date, and that the General Counsel did not oppose the continuance.

On April 28, 2011, the UFW filed a response to the Board's Order to Show Cause and stated that it did not oppose a continuance, but that UFW counsel would not be available for a June 14, 2011 start date because he would be participating in a hearing in another ALRB matter, D'Arrigo Bros. Co. of California, Case No. 2010-RD-004-SAL which is scheduled to begin on June 13, 2011. The UFW requests that the hearing in the SJTG matter be scheduled to commence on or after July 5, 2011.

PLEASE TAKE NOTICE that the Executive Secretary's April 18, 2011 order denying SJTG's request for reconsideration of his order partially granting STJG's request for continuance is OVERRULED. The Board hereby DIRECTS the assigned administrative law judge (ALJ) in this matter to conduct a telephone conference call among counsel for the purpose of setting a hearing date in this matter. The ALJ shall conduct the call prior to May 11, 2011. After consultation with the parties, the ALJ shall set a hearing date to commence at the earliest opportunity that all counsel and witnesses are available.

By Direction of the Board

Dated: May 3, 2011

JOSEPH A. WENDER
Acting Executive Secretary, ALRB