

STATE OF CALIFORNIA

AGRICULTURAL LABOR RELATIONS BOARD

GERAWAN FARMING, INC.,)	Case No. 2013-RD-003-VIS
)	(39 ALRB No. 20)
Employer,)	
)	
and)	ORDER DENYING APPLICATION
)	FOR SPECIAL PERMISSION TO
SYLVIA LOPEZ,)	APPEAL AN ORDER OF THE
)	EXECUTIVE SECRETARY
Petitioner,)	
)	Admin. Order No. 2014-04
and)	
)	
UNITED FARM WORKERS OF)	
AMERICA,)	
)	
Certified Bargaining Representative.)	
_____)	
)	
GERAWAN FARMING, INC.,)	Case No. 2013-CE-027-VIS
)	
Respondent,)	
)	
and)	
)	
UNITED FARM WORKERS OF)	
AMERICA,)	
)	
Charging Party.)	
_____)	

On March 12, 2014, the Executive Secretary of the Agricultural Labor Relations Board (the “ALRB” or “Board”) issued an order scheduling a consolidated hearing on a single election objection in Case No. 2013-RD-003-VIS and an unfair labor practice complaint in Case No. 2013-CE-027-VIS. On March 18, 2014, the

ALRB's General Counsel filed objections to the Executive Secretary's March 12 order. On March 19, 2014, the Executive Secretary issued an "Order Setting Response Due Date" which directed that any responses to the General Counsel's objections be filed no later than March 25, 2014.

On March 25, 2014, the United Farm Workers of America (the "UFW") filed a document titled "UFW Response to General Counsel's Objections to Notice of Consolidated Hearing." Although the UFW's filing is characterized as a response to the General Counsel's objections pursuant to the Executive Secretary's Order Setting Response Due Date, the UFW requests relief from the Board itself. In particular, the UFW requests that the Board vacate the Executive Secretary's March 12, 2014 order.

Board regulation 20242(b) states that no ruling or order by the Executive Secretary shall be appealable "except upon special permission from the Board." (Cal. Code Regs., tit. 8 § 20242(b).) We, therefore, treat the UFW's filing as an application for special permission to appeal the Executive Secretary's March 12, 2014 order.¹

The UFW's application for special permission to appeal was premature. The General Counsel has objected to the Executive Secretary's March 12 order and the Executive Secretary issued a further order specifically allowing for all parties to file responses. The Executive Secretary has not yet issued a ruling on the General

¹ Under Board regulation 20242(b), an application for special permission to appeal is due "within five (5) days from the ruling." It appears that the UFW's March 25, 2014 filing would have been untimely under this regulation. However, we need not reach this issue due to our conclusion, discussed below, that the application was premature.

Counsel's objections, which ruling may render the UFW's application moot. Until such a ruling issues, the matter is not final and a special appeal to the Board will not be entertained.

Accordingly, for the foregoing reasons, the United Farm Workers of America's application for special permission to appeal the Executive Secretary's March 12, 2014 order is DENIED without prejudice to re-file at an appropriate time.

DATED: April 7, 2014

William B. Gould IV, Chairman

Genevieve A. Shiroma, Member

Cathryn Rivera-Hernandez, Member