

STATE OF CALIFORNIA

AGRICULTURAL LABOR RELATIONS BOARD

ACE TOMATO COMPANY, INC.,)	Case Nos.	2012-CE-007-VIS
A California Corporation, DELTA PRE-)		2012-CE-028-VIS
PACK CO., A California Company,)		2012-CE-029-VIS
BERENDA RANCH LLC, A Limited)		
Liability Company,)		
CHRISTOPHER G. LAGORIO, An)		
Individual, CHRISTOPHER G.)		
LAGORIO TRUSTS, CREEKSIDE)		
VINEYARDS, INC., A California)		
Corporation, DEAN JANSSEN,)		
An Individual, JANN JANSSEN, An)		
Individual, KATHLEEN LAGORIO)		
JANSSEN, An Individual, KATHLEEN)		
LAGORIO JANSSEN TRUST, K.L.J.)		
LLC, Limited Liability Company,)		
K.L. JANSSEN LIVING TRUST,)		
JANSSEN PROPERTIES, LLC, A)		
Limited Liability Company, JANSSEN)		
& SONS LLC, Limited Liability)		
Company, LAGORIO FARMING CO.,)		
INC., A California Corporation,)		
LAGORIO FARMS, LLC, A)		
Limited Liability Company,)		
LAGORIO LEASING CO.,)		
A California Company, LAGORIO)		
PROPERTIES LP, A Limited)	ORDER DENYING GENERAL	
Partnership, ROLLING HILLS)	COUNSEL'S REQUEST FOR	
VINEYARD LP, A Limited)	HEARING DATE	
Partnership, QUAIL CREEK)		
VINEYARD, a California Company,)		
)		
Respondents,)		
)		
and)		
)		
UNITED FARM WORKERS OF)		
AMERICA,)	Admin. Order No. 2014-42	
)		
Charging Party.)		

On October 22, 2014, pursuant to section 20240 of the Board's regulations¹, the General Counsel filed a Request for Hearing Date ("Request") concerning unfair labor practice ("ULP") charges in the above-entitled matters and requested that the Executive Secretary set a new hearing as to those charges. In her Request, the General Counsel stated that these matters were intended to be settled globally along with another case, no. 93-CE-37-VI, but such proposed settlement was rejected by the Board, with no further hearing scheduled.

On September 24, 2013, the Board, in Administrative Order (Admin. Order) No. 2013-35, conditionally approved a settlement of all these cases, but rejected a proposed term of the settlement that called for payments to be made to various charities, instead of aggrieved agricultural employees, because the ALRA does not permit payments to charities, as opposed to aggrieved employees, as a remedy for unfair labor practices.² Case no. 93-CE-37-VI is currently set for a compliance hearing on December 15, 2014, and the above-captioned cases remain unscheduled.

We note that the scheduling of matters for hearing before the Board and its agents is placed in the Office of the Executive Secretary for initial review and disposition³. As the day-to-day manager of the Board's business, the Executive

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

² See also Admin. Order 2013-43 pp. 7-9 (denying joint motion for reconsideration and further explaining the illegality of the proposed settlement term).

³ Section 20224 of the Board's regulations provides that the Chief Administrative Law Judge issues a notice of hearing after the General Counsel informs
(Footnote continued....)

Secretary is uniquely positioned to exercise his judgment and expertise to best allocate the Board's limited judicial resources on a case-by-case basis and in view of the demands of justice.⁴ In view of these realities, the Board affirms and supports the Executive Secretary in this important role of gatekeeper.

PLEASE TAKE NOTICE that the General Counsel's Request is DENIED for the reasons discussed above. The Executive Secretary is hereby directed to exercise his judgment and expertise to schedule all pending matters as soon as practicable and in keeping with the Board's orders and policies.

Dated: November 18, 2014

William B. Gould IV, Chairman

Genevieve A. Shiroma, Member

Cathryn Rivera-Hernandez, Member

(Footnote continued)

that the case is ready to proceed to hearing. (Cal. Code Regs., tit. 8, § 20224, subd. (a).) Given the lack of Board resources, the Executive Secretary, who supervises the Board's administrative law judges, performs the chief administrative law judge hearing setting function.

⁴ We are well aware, as is the General Counsel, of the challenge confronting the Executive Secretary in managing the Board's limited resources to set and hear these cases. On October 22, 2014, alone, the General Counsel requested hearings to be set in 13 other matters.