

STATE OF CALIFORNIA

AGRICULTURAL LABOR RELATIONS BOARD

ARNAUDO BROTHERS, LP, and	)	Case Nos.	2013-MMC-001
ARNAUDO BROTHERS, INC.,	)		(39 ALRB No. 7)
	)		(40 ALRB No. 2)
Employer,	)		(40 ALRB No. 7)
	)		(40 ALRB No. 9)
and	)		
	)	ORDER SETTING TIME FOR	
UNITED FARM WORKERS OF	)	SUBMISSION OF MEDIATOR'S	
AMERICA,	)	REPORT	
	)		
Petitioner.	)	Admin. Order No. 2015-05	
	)		
	)	(April 6, 2015)	

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On March 23, 2015, petitioner United Farm Workers of America (the “UFW”) filed a “Motion for Board Intervention and Orders” (the “Motion”) with the Agricultural Labor Relations Board (the “Board”) in the above-captioned Mandatory Mediation and Conciliation (“MMC”) case. Pursuant to the Board’s order of March 24, 2015, the employer, Arnaudo Brothers, LP, and Arnaudo Brothers, Inc. (“Arnaudo”) filed a reply to the Motion.

In its Decision and Order dated October 3, 2014, the Board remanded this matter to mediator Matthew Goldberg (the “Mediator”) for mediation proceedings concerning wage rates to apply to the second year of the MMC contract. (*Arnaudo Brothers, LP and Arnaudo Brothers, Inc.* (2014) 40 ALRB No. 9.) The Board directed the Mediator to file a second report with the Board within 21 days of its decision and order (i.e., by October 24, 2014). In the Motion, the UFW contends that, since the

Board's decision and order, Arnaudo has refused to respond to the UFW's wage proposal and has refused to meet and bargain over the proposal. The UFW requests that the Board order Arnaudo to negotiate with the UFW over the wage issue and further order the parties to submit their positions and arguments in support of their wage proposals to the Mediator should voluntary agreement not be reached.

In its reply, Arnaudo asserts that there is no need for Board intervention because the parties are presently negotiating over wage rates with the assistance of the Mediator. More specifically, Arnaudo contends that, on March 26, 2015 (three days after the Motion was filed), the parties had a telephone conference with the Mediator and subsequently exchanged proposals. Arnaudo contends that further dialogue has continued and "the process is still ongoing." Arnaudo states that, on March 30, 2015, the Mediator informed the parties, that, if the matter did not settle voluntarily, the parties should be prepared to submit closing arguments supporting their positions by close of business on April 1, 2015. Arnaudo urges the Board to deny the Motion and provide the parties with the opportunity to reach voluntary resolution with the Mediator's assistance.

PLEASE TAKE NOTICE that the UFW's Motion is DENIED. The Mediator is hereby ordered to file with the Board a second report as described in the Board's October 3, 2014 Decision and Order no later than April 15, 2015. Assuming that Arnaudo has accurately described the Mediator's directions to the parties, the Mediator should already have received the parties' final positions and arguments (to the extent that the parties have not reached voluntary resolution). If this has not occurred,

it is the Mediator's responsibility to direct the parties to submit their positions and arguments in a timely manner. In the event that one or both parties fail to submit their positions and arguments, the Mediator is to issue his report based upon the existing record and other factors as stated in Labor Code section 1164, subdivisions (d) and (e) within the time stated in this order. The Mediator is to permit no further delay.

DATED: April 6, 2015

WILLIAM B. GOULD IV, Chairman

GENEVIEVE A. SHIROMA, Member

CATHRYN RIVERA-HERNANDEZ, Member