

STATE OF CALIFORNIA

AGRICULTURAL LABOR RELATIONS BOARD

In the Matter of:

H & R GUNLUND RANCHES, INC.,
WESTLAWN RANCHES, INC., LG
LAND CORPORATION, and HARRIS
GUNLUND VINEYARDS, INC.,

Respondents,

and

REGINO PRIMITIVO, MARIANO
PRIMITIVO, and Others,

Charging Parties.

) **Case Nos.** 2009-CE-063-VIS
) 2009-CE-064-VIS
) 2009-CE-067-VIS
) 2009-CE-068-VIS
) 2010-CE-017-VIS

) (39 ALRB No. 21)

) **ORDER APPROVING FORMAL
) SETTLEMENT AGREEMENT**

) Administrative Order 2017-05

On May 17, 2017, the Regional Director of the Agricultural Labor Relations Board (ALRB or Board) Visalia Regional Office submitted to the Board for approval a formal settlement agreement between H & R Gunland Ranches, Inc., (and other related parties listed as respondents in the caption) and charging parties Regino Primitivo and Mariano Primitivo, Visalia Regional Director, and General Counsel. The settlement agreement adjusts the Board’s order in *H & R Gunlund Ranches, Inc.* (2013) 39 ALRB No. 21 (case numbers 2009-CE-063-VIS, et al.). The Visalia Regional Director also submitted a full

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statement in support of the settlement agreement, as required by Board regulation 20298, subdivision (f)(1)(A).¹ In deciding whether it will effectuate the purposes and policies of the Agricultural Labor Relations Act to give effect to a settlement, the Board considers such factors as the risks involved in protracted litigation which may be lost in whole or in part, the early restoration of industrial harmony by making concessions, and the conservation of the Board's resources. The Board additionally considers whether the parties to the dispute and the employees affected by the dispute have agreed to the settlement, whether the settlement was the product of a grievance-arbitration mechanism, and whether the agreement was entered into voluntarily by the parties, without fraud or coercion. (*Independent Stave Co., Inc.* (1987) 287 NLRB 740.) The Regional Director's statement addresses how each of the *Independent Stave* criteria are met, except for the early restoration of industrial harmony (given the passage of time and the fact that H & R Gunlund has ceased operations and has been replaced by three smaller entities). The Board has reviewed the settlement agreement and finds it sufficiently comports with the Board's order and effectuates the purposes of the Agricultural Labor Relations Act.

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

PLEASE TAKE NOTICE that the Board hereby approves the formal settlement agreement in the above-captioned matter.

By Direction of the Board

Dated: June 2, 2017

GENEVIEVE A. SHIROMA, Chairwoman

CATHRYN RIVERA-HERNANDEZ, Member

ISADORE HALL, III, Member