



resubmitted the Agreement to the Board for approval with a statement in support of the Agreement as required by Board regulation 20298, subdivision (f)(1)(A).

While the Board encourages voluntary settlements of labor disputes, the Board only will approve such settlements that are consistent with, and further, the purposes and policies of the Agricultural Labor Relations Act (“ALRA” or “Act”). (*Hess Collection Winery* (2009) 35 ALRB No. 3, p. 9 [“the Board’s jurisdiction over settlement agreements requires it to enforce public interests, not private rights, and to reject settlement agreements that are repugnant to the Act”].) In deciding whether a settlement effectuates the purposes and policies of the Act, 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.” (*Independent Stave Co., Inc.* (1987) 287 NLRB 740, 741.) 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.” (*Ibid.*) One additional factor stressed by the Board is that a settlement agreement should be given effect “only where the unfair labor practices are ‘substantially remedied’ by the agreement.” (*Id.* at pp. 741-742, citing *Robinson Freight Lines* (1957) 117 NLRB 1483, 1485.)

The Regional Director’s statement in support of the Agreement addresses how it satisfies the *Independent Stave* criteria. With this Agreement Respondent will have substantially complied with the monetary terms of the Board’s order in *California*

*Artichoke and Vegetable Corp. dba Ocean Mist Farms* (2015) 41 ALRB No. 2 requiring backpay to the four discriminatees. While the amount of the settlement amount is less than the full amount stated in the May and September 2017 backpay specifications, the Regional Director states that the settlement amount represents nearly 70% of the September 2017 specification amount, over 96% of the original May 2017 specification, and eliminates the risks of continued litigation. Respondent also has complied with the portion of the Board's order requiring it to rescind the disciplinary notices issued to the discriminatees and to expunge such notices from their personnel files. Although full compliance has not yet been achieved concerning the Board's notice posting, reading, and mailing remedies, the parties have agreed to take immediate efforts to complete compliance with those remedies, and they appear to be making significant progress towards that end by their efforts thus far.

PLEASE TAKE NOTICE that the Board hereby APPROVES the parties' Bilateral, Formal and Partial Settlement Agreement in the above-captioned matter.

DATED: November 1, 2017

GENEVIEVE A. SHIROMA, Chairwoman

CATHRYN RIVERA-HERNANDEZ, Member

ISADORE HALL III, Member