

STATE OF CALIFORNIA
AGRICULTURAL LABOR RELATIONS BOARD

PREMIERE RASPBERRIES, LLC,)	Case No.	2017-RC-004-SAL
)		(43 ALRB No. 2)
Employer,)		
)	ORDER DENYING MOTION FOR	
)	RECONSIDERATION	
)		
and,)	Admin. Order No.	2017-20
)		
UNITED FARM WORKERS OF)	(December 06, 2017)	
AMERICA,)		
)		
Petitioner.)		
_____)		

On August 2, 2017, the United Farm Workers of America (“UFW”) filed a petition for certification to represent workers at Premiere Raspberries, LLC (“Premiere”). An election was held on August 9, 2017, with a tally of UFW, 269; No Union, 236. There were 12 unresolved challenged ballots. Premiere filed four election objections.

On October 10, 2017, the Board issued a Decision and Order in *Premiere Raspberries, LLC* (2017) 43 ALRB No. 2 dismissing all four election objections.

On October 20, 2017, Premiere filed a Motion for Reconsideration of the Board’s Decision and Order. On November 13, 2017, the UFW filed an Opposition to the Employer’s Motion for Reconsideration.

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Board regulation section 20393, subdivision (c), provides that a party to an election proceeding may, because of extraordinary circumstances, move for reconsideration within five days after the Board issues a decision or order in the case.¹ The moving party must “show *extraordinary circumstances*, i.e., an intervening change in the law or evidence previously unavailable or newly discovered.” (*South Lakes Dairy Farm* (2013) 39 ALRB No. 2, p. 2, emphasis in original; see also *Mario Saikhon, Inc.* (1991) 17 ALRB No. 6, p. 5 [denying motion for reconsideration that “merely raised arguments previously addressed by the Board”].) In addition, the Board has made it clear that a motion for reconsideration is not the opportunity for parties to have the Board consider novel or additional arguments raised for the first time absent a compelling reason. (*South Lakes Dairy Farm*, supra, 39 ALRB No. 2, p. 9.)

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

Premiere's motion does not present any intervening change in law or previously unavailable or newly discovered evidence that would warrant the Board reconsidering its decision. Rather, Premiere "merely raise[s] arguments previously addressed by the Board and has failed to cite any extraordinary circumstances justifying reconsideration." (*Mario Saikhon, Inc., supra*, 17 ALRB No 6, pp. 4-5.) Accordingly, Premiere's motion for reconsideration or reopening of the record is DENIED.

DATED: December 06, 2017

GENEVIEVE A. SHIROMA, Chairwoman

CATHRYN RIVERA-HERNANDEZ, Member

ISADORE HALL III, Member

STATE OF CALIFORNIA
AGRICULTURAL LABOR RELATIONS BOARD

PROOF OF SERVICE
(Code Civ. Proc., §§ 1013a, 2015.5)

CASE NAME: Premiere Raspberries, LLC, Employer, and,
United Farm Workers of America, Petitioner.

CASE NO.: 2017-RC-004-SAL

I am a citizen of the United States and a resident of the County of Sacramento. I am over the age of eighteen years and not a party to the within entitled action. My business address is: 1325 J Street, Suite 1900-B, Sacramento, California 95814.

On **December 6, 2017**, I served the within document, **ORDER DENYING MOTION FOR RECONSIDERATION (Admin. Order No. 2017-20)** on the parties in said action, as follows:

- **by Email and Certified U.S. Mail** by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, with return receipt requested, in the United States mail at Sacramento, California, addressed as follows:

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- **by Email and Hand Delivered** by personally delivering a copy of the document(s) listed above to the person(s) at the address(es) set forth below:

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on **December 6, 2017**, at Sacramento, California.

Annamarie Argumedo
Senior Legal Typist