

STATE OF CALIFORNIA

AGRICULTURAL LABOR RELATIONS BOARD

CALIFORNIA ARTICHOKE AND)	Case Nos.	2012-CE-044-VIS
VEGETABLE CORPORATION dba)		2013-CE-012-VIS
OCEAN MIST FARMS,)		(41 ALRB No. 2)
)		
Respondent,)		
)		
and,)	ORDER STAYING REGIONAL	
)	DIRECTOR’S REQUEST FOR	
JUAN MARTIN HERNANDEZ and)	LEAVE TO SEEK COURT ORDER	
JAIME BOYZO ARAUJO,)	REQUIRING COMPLIANCE	
)	WITH BOARD ORDER	
Charging Parties.)		
)	Admin. Order No. 2018-01	
)		
)		
)	(January 4, 2018)	
)		
)		
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On August 25, 2017, the General Counsel of the Agricultural Labor Relations Board (“ALRB” or “Board”) filed with the Board a request for leave to seek judicial enforcement of the Board’s decision and order in the above-captioned case, *California Artichoke and Vegetable Corporation dba Ocean Mist Farms* (2015) 41 ALRB No. 2, and a supporting declaration. Pursuant to a Bilateral, Formal and Partial Settlement Agreement (“Agreement”)¹ entered into on October 4, 2017, between

¹ The Board approved the Agreement in Administrative Order No. 2017-16. (*California Artichoke and Vegetable Corporation dba Ocean Mist Farms* (Nov. 1, 2017) ALRB Admin. Order No. 2017-16.)

respondent California Artichoke and Vegetable Corporation dba Ocean Mist Farms, charging party Jaime Boyzo Araujo, and the Salinas Regional Director, the Regional Director on October 9 filed a motion to stay its request for enforcement for 30 days. The Board granted the stay request, and ordered the parties to file statements concerning the status of compliance by November 9. (*California Artichoke and Vegetable Corporation dba Ocean Mist Farms* (Oct. 17, 2017) ALRB Admin. Order No. 2017-13.)

On November 9, 2017, the Regional Director filed with the Board a statement describing the status of respondent's compliance with respect to the notice posting, reading, and mailing remedies ordered by the Board in 41 ALRB No. 2. The Regional Director additionally requested an additional 30-day stay of its enforcement request based on the progress made at that time. The Board granted this second stay request, and ordered the parties to file statements updating the Board on the status of compliance by December 20. (*California Artichoke and Vegetable Corporation dba Ocean Mist Farms* (Nov. 20, 2017) ALRB Admin. Order No. 2017-19.)

On December 20, 2017, the Regional Director filed with the Board its statement concerning the status of respondent's compliance with the above-referenced notice remedies. Respondent did not file any statement. According to the status update filed by the Regional Director, the notice readings have occurred and the last notice posting period ends January 21, 2018. With respect to providing copies of the notice to new employees, the Regional Director states it "will use" an employee list provided to it by respondent on November 2 "to ensure that new hires were included in the mailing of the Notices," but it is unclear if or when the Regional Director ever performed that task.

The Regional Director also states that respondent agreed to provide copies of the notice to all new employees hired in the Coachella area from November 2017 through January 2018.

Based on the progress in securing compliance made to date, the Regional Director requests another stay of its prior judicial enforcement request through January 31, 2018. In light of the Regional Director's representations concerning the status of compliance and the progress made in the past several months with respect to the notice remedies ordered by the Board in 41 ALRB No. 2, the Board hereby orders as follows.

The Regional Director's prior motion seeking leave to pursue judicial enforcement of the Board's order in 41 ALRB No. 2 will remain stayed through February 16, 2018. The Regional Director shall file with the Board on or before that date a statement concerning the status of the notice-posting and mailing remedies. The Regional Director's statement shall confirm compliance with respect to the last notice-posting period in the Coachella area currently scheduled to end January 21, 2018. The Regional Director also shall confirm compliance with the mailing of notices to new

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employees, including those hired between November 2017 and January 2018, or alternatively shall provide a detailed description explaining why and the extent to which such compliance has not been achieved.

DATED: January 4, 2018

GENEVIEVE A. SHIROMA, Chairwoman

CATHRYN RIVERA-HERNANDEZ, Member

ISADORE HALL III, Member

STATE OF CALIFORNIA
AGRICULTURAL LABOR RELATIONS BOARD

PROOF OF SERVICE BY MAIL
(1013a, 2015.5 C.C.P.)

CASE NAME: CALIFORNIA ARTICHOKE AND VEGETABLE CORPORATION dba OCEAN MIST FARMS, Respondent, and JUAN MARTIN HERNANDEZ and JAIME BOYZO ARAUJO, Charging Parties.

CASE NOS.: 2012-CE-044-VIS and 2013-CE-012-VIS

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 95814-2944.

On **JANUARY 4, 2018**, I served the within **ORDER STAYING REGIONAL DIRECTOR'S REQUEST FOR LEAVE TO SEEK COURT ORDER REQUIRING COMPLIANCE WITH BOARD ORDER (ADMIN. ORDER NO. 2018-01)** on parties in said action by **EMAIL AND CERTIFIED MAIL OR HAND DELIVERED** by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Sacramento, California addressed as follow:

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Executed on **JANUARY 4, 2018**, at Sacramento California. I certify under penalty of perjury that the foregoing is true and correct.

Annamarie Argumedo
Senior Legal Typist