

STATE OF CALIFORNIA

AGRICULTURAL LABOR RELATIONS BOARD

In the Matter of:)	Case No. 06-RD-4-VI
)	
SAM & CARMEN KNEVELBAARD dba)	ORDER TO PROVIDE
BAYOU VISTA DAIRY, BAYOU VISTA)	BRIEFING ON REGIONAL
FARMS WEST, KNEVELBAARD CALVES)	DIRECTOR'S DISMISSAL
and HORSESHOE TRANSPORTATION,)	OF ELECTION PETITION;
LLC,)	ORDER SETTING BREIFING
)	SCHEDULE
Employer,)	
)	
and)	Admin. Order No. 2006-07
)	
ALEJANDRO AYALA,)	
)	
<u>Petitioner.</u>)	

On July 25, 2006, the Visalia Regional Director conducted an election among the employees of Sam & Carmen Knevelbaard dba Bayou Vista Dairy, Bayou Vista Farms West, Knevelbaard Calves and Horseshoe Transportation, LLC (Employer). The Regional Director impounded the ballots following the election based on an unfair labor practice charge which had been filed the day before the July 25, 2006 election. A complaint based on this charge issued on August 22, 2006.

On September 11, 2006, the Regional Director dismissed the election petition based on the complaint. The Regional Director described the complaint as alleging conduct that was coercive and as having had a widespread pervasive impact on the employees thereby creating an atmosphere where a fair election was impossible. No request for review of the dismissal was filed.

The Regional Director stated that the petition was being dismissed based on the Board's decision in *Cattle Valley Farms* (1982) 8 ALRB No. 24. The dismissal letter also cited section 20300(i)(1) of the Board's Regulations, which provides that a ". . . petition . . . shall be dismissed by the regional director whenever . . . the administrative investigation of the petition disclose(s) the absence of a reasonable cause to believe that a bona fide question concerning representation exists"

PLEASE TAKE NOTICE that the Board requests sua sponte¹ that the Regional Director and the parties to the election provide briefing as to whether the Regional Director exceeded his authority by dismissing the election petition after the election had been conducted, rather than allowing the validity of the election to be determined by the adjudication of the complaint and/or the resolution of election objections.

Briefs shall be filed and served by facsimile transmission, in addition to the requirements of Regulations 20164 and 20166, by 4:00 p.m. on October 20, 2006.

Replies, if any, shall be filed and served in the same manner by 4:00 p.m. on October 27, 2006.

By Direction of the Board.

Dated: October 5, 2006

J. ANTONIO BARBOSA
Executive Secretary, ALRB

¹ *GH& G Zysling* (2006) 32 ALRB No. 2, fn. 3; *Conagra Turkey Company* (1993) 19 ALRB No. 11.