

**STATE OF CALIFORNIA
AGRICULTURAL LABOR RELATIONS BOARD**

BOARD MEETING MINUTES

**Board Conference Room
915 Capitol Mall, 3rd Floor
Sacramento, CA 95814**

March 13, 2002

Time: 10:00 a.m.
Members Present: Chairwoman Shiroma, Board Members Barrios and Mason.
Staff Present: Executive Secretary Barbosa, Board Counsel Wender, Murray, and Heyck,
Board Staff Nuño, Analyst Massie.
Others Present: Chief Administrative Law Judge Sobel, General Counsel Turner.
Absent: Board Counsel Levy.

OPEN SESSION

1. **APPROVAL OF MINUTES:** The Board approved minutes for March 3, 2002, 3-0.
2. **PUBLIC COMMENT:** None.
3. **BOARD MEMBER COMMENT:** None.
4. **ANNOUNCEMENTS:**
 1. The 22nd Annual Labor and Employment Law Symposium will be held in Los Angeles on March 14, 2002.
 2. The hearing before the Little Hoover Commission regarding the Governor's Reorganization Plan is scheduled for March 19, 2002 from 9:00 a.m. to 11:00 a.m.
5. **WEEKLY STATUS REPORT ON ELECTIONS, UNFAIR LABOR PRACTICE COMPLAINTS, HEARINGS AND COURT LITIGATION:**

ELECTIONS REPORT:

NOTICE OF INTENT TO TAKE ACCESS AND NOTICE OF INTENT TO ORGANIZE: No new filings reported.

Election Petitions:
Sonoma Cutrer Vineyards, Inc., 02-RC-1-SAL

The United Farm Workers Union (UFW) filed a representation petition with the Salinas Regional Office on March 8, 2002 seeking an election at Sonoma Cutrer Vineyards, Inc. The showing of interest was met and the pre-election conference is scheduled for 3/13/02, with the election to be held March 15, 2002.

Albert Goyenette Dairy, 02-RC-1-VI

Fresh Fruit and Vegetable Workers Local 1096 filed a representation petition with the Visalia Regional Office seeking an election at Goyenette Dairy. The election was held on February 22, 2002. The Regional Director issued his challenged ballot report on March 8, 2002. He determined that the affected employee was a statutory supervisor as defined in Section 1140.4(j) of the Act and recommended that the challenge to his ballot be sustained. Exceptions, if any, are due by March 18, 2002.

COMPLAINT REPORT:

No new complaints have issued.

Two Pre-hearing conferences have been held:

Jasmine Vineyards, Inc., 00-CE-110-VI

Pre-hearing conference, March 11, 2002.

BLT Farms, Inc., 01-CE-501-EC(OX)

Pre-hearing conference March 12, 2002.

One new case has been set for hearing:

Desert Citrus Properties, Inc., 01-CE-178-EC(R)

Pre-hearing conference October 16, 2002

Hearing October 29, 2002.

One case pending reply:

Pictsweet Mushroom Farms, 01-CE-620-EC(OX)

Exceptions received February 7, 2002.

Reply due March 15, 2002.

Two cases pending post-hearing briefs and ALJ decision:

Pictsweet Mushroom Farms, 00-CE-332-EC(OX).

McCaffrey Goldner Roses, 00-CE-92-VI.

Eight cases on calendar:

BLT Farms, Inc., 01-CE-501-EC(OX)

Pre-hearing conference March 12, 2002

Hearing March 26, 2002.

Jasmine Vineyards, Inc., 00-CE-110-VI
Pre-hearing conference March 11, 2002
Hearing March 28, 2002.

Long Family Partners, Ltd. LP, 01-CE-19-SAL
Pre-hearing conference March 27, 2002
Hearing April 9, 2002.

California Redi-Date, Inc., 00-CE-25-EC
Pre-hearing conference (completed)
Hearing April 23, 2002.

Pacific Sod and Pacific Earth Resources, 01-CE-588-EC(OX)
Pre-hearing conference May 7, 2002
Hearing May 21, 2002.

Cameiro Heifer Ranch, Inc., 01-CE-638-EC
Pre-hearing conference June 4, 2002
Hearing June 18, 2002.

Cocopah Nurseries, Inc., 00-CE-399-EC
Pre-hearing conference September 17, 2002
Hearing September 24, 2002.

Desert Citrus Properties, Inc., 01-CE-178-EC(R)
Pre-hearing conference October 16, 2002
Hearing October 29, 2002.

No new cases transferred to the Board for decision.

SETTLEMENTS: No new cases reported.

BOARD DECISIONS: No new cases issued.

Coastal Berry Company, 99-CE-1-SAL

On March 13, 2002, the Board issued an order to show cause why the Board should not conduct an in camera inspection of declarations filed in case nos. 98-RC-1-SAL, and 99-RC-4-SAL.

COURT LITIGATION:

Turco Desert Co., Inc., E030125 (27 ALRB No. 4): The matter is pending notification from the court on the need for oral argument.

Cieniga Farms, Inc., B152844 (27 ALRB No. 5): Petitioner filed its opening brief on February 26, 2002. The Board's brief is due March 28, 2002.

COMPLIANCE: No new activity to report.

6. BUDGET AND ADMINISTRATION:

- (a) **Information Technology and Web Site Development Project :** Analyst Massie reported that the installation of the Groupwise upgraded software is complete.
- (b) **Regulations:** Board Counsel Wender reported that proposed regulations implementing Senate Bill 1198 (Agricultural Employees' Relief Fund) have been filed with the Office of Administrative Law. The publication date will be March 15, 2002, the period for written comments will end May 1, 2002, and the hearing on the proposed regulations will be held May 8, 2002. With regard to the set of proposed amendments first noticed in December 2001, Mr. Wender also reported that the 15-day period for comment on the Notice of Changes to Original Text of Proposed Regulatory Action ended on March 8, 2002. No comments have been received to date. The Board approved the proposed amendments 3-0. Mr. Wender will be drafting a final statement of reasons and final informative digest shortly.
- (c) **Budget:** Update – The Board's hearing before the Senate Budget committee is currently scheduled for March 14, 2002 upon adjournment of the Legislature.
- (d) **Policies and Procedures:** Update- No new activity to report.
- (e) **Salinas Office Lease Renegotiation:** Board Counsel Heyck reported that the Department of General Services Real Estate officer handling the ALRB's account met with Salinas Regional Director Capuyan on Monday, March 11, 2002 to discuss proposals for renegotiating the current lease.
- (f) **Annual Report:** Update- Executive Secretary Barbosa reported that staff assignments on the Annual Report were reviewed on March 12, 2002. Most assignments have been completed and the remainder will be completed in approximately two weeks. The Board discussed the content of the Opening Statement of the Board which will appear at the beginning of the Annual Report.
- (g) **Governor's Reorganization Plan-** A meeting with Steve Smith of the Department of Industrial Relations (DIR) regarding the Governor's Reorganization Plan is scheduled for March 13, 2002 from 2:30 p.m. to 4:30 p.m.

7. OUTREACH PROJECT: Novela and Brochures update- Executive Secretary Barbosa reported that he had received some suggested edits to the novela from Regional Director Donnel. Mr. Barbosa will compile a summary of proposed changes and submit to the

Board for review. Once the review is complete, Mr. Barbosa will distribute the draft novela to the ad hoc advisory committee for additional review.

Cesar Chavez Day activities- Board Member Barrios circulated a draft memo for ALRB employees regarding activities being held in honor of Cesar Chavez Day. Staff will submit any suggested edits to Member Barrios by March 15, 2002, and the memo will be circulated to employees shortly.

8. **LEGISLATION:** Board Counsel Wender reported that Senate Bill 1736, which provides for binding interest arbitration in specified disputes, was assigned to the Labor and Industrial Relations Committee on March 7, 2002.
9. **PERSONNEL:** Board Members Shiroma and Mason will be attending a State Personnel Board Hearing on March 20, 2002.
10. **COMPLIANCE:** Board Counsel Murray reported that he met with Phil Martin on March 11, 2002 and discussed methodology for the Board's make-whole remedy.
11. **FUTURE AGENDA REVIEW:** None.

PUBLIC MEETING ADJOURNED AT: 11:15a.m.

WHEREUPON THE BOARD ENTERED INTO CLOSED SESSION