

**STATE OF CALIFORNIA
AGRICULTURAL LABOR RELATIONS BOARD**

BOARD MEETING MINUTES

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

April 16, 2003

Time: 10:00 a.m.
Members Present: Chairwoman Shiroma, Board Members Barrios and Rivera,
Staff Present: Executive Secretary Barbosa; Board Counsels Wender,
Heyck and Murray; Analyst Massie.
Others Present: Deputy General Counsel Sobel
Absent: Board Counsel Levy

OPEN SESSION

1. APPROVAL OF MINUTES

The Board voted 3-0 to approve minutes from April 10, 2003 and January 15, 2003.

2. BOARD MEMBER COMMENT

None.

3. PUBLIC COMMENT

None.

4. ANNOUNCEMENTS

The Governor's Office for Innovation in Government is holding an Executive Leadership Forum on Security and other emergency issues on May 7, 2003 from 9:00 am to 12:00 pm at the California Environmental Protection Agency (CalEPA), 1001 I Street in Sacramento.

Chairwoman Shiroma circulated a memo from the State Personnel Board regarding its bilingual services resource web site which is now available. The web site was created to assist agencies in their efforts to provide information and services to the public in non English languages. See: www.spb.ca.gov.

5. WEEKLY STATUS REPORT ON ELECTIONS, UNFAIR LABOR PRACTICE COMPLAINTS, HEARINGS AND COURT LITIGATION:

ELECTION REPORT:

NOTICE OF INTENT TO TAKE ACCESS AND NOTICE OF INTENT TO ORGANIZE:

None.

PENDING ELECTION MATTERS:

Milky Way Dairy, 02-RC-2-VI

The hearing on challenged ballots closed on Thursday, February 20, 2003. The matter is pending the filing of post-hearing briefs that are due on April 28, 2003. Review of the objections to the election will take place after the conclusion of the challenged ballot proceedings.

Gallo Vineyards, Inc., 03-RD-1-SAL

A petition to decertify the UFW was filed at Gallo Vineyards, Inc. on March 6, 2003. The election was held on March 13, 2003 but the ballots were impounded pending investigation of unfair labor practice charges filed by the employer and the incumbent union. The employer filed an objection and request for dismissal of the UFW objections alleging that the union failed to serve on the employer either copies of the declarations or detailed statement of facts in lieu as required by Regulation 20365(c)(2)(D). The UFW filed its reply on April 7, 2003.

COMPLAINT REPORT

None.

PREHEARING OR SETTLEMENT CONFERENCES SCHEDULED

None.

NEW CASES SET FOR HEARING

None.

HEARINGS IN PROGRESS:

None.

FOUR CASES ON CALENDAR

Sun City Growers, 02-CE-53-EC(R)

The pre-hearing conference is set for June 9, 2003.

The hearing is set for June 23, 2003.

Northend Equipment Inc., 02-CE-48-EC

The pre-hearing conference is set for June 17, 2003.

The hearing is set for June 24, 2003.

Fresh Pic Harvest, 01-CE-52-EC(R)

The pre-hearing conference is set for July 15, 2003.

The hearing is set for August 5, 2003.

Sierra Packing Co., Inc., 02-CE-40-EC.

The pre-hearing conference is set for September 16, 2003.

The hearing is set for September 30, 2003.

THREE CASES PENDING ALJ/IHE DECISION:

Milky Way Dairy, 02-RC-2-VI

The hearing on challenged ballots closed on February 20, 2003.

The matter is pending the filing of post-hearing briefs, which are due on April 28, 2003.

Rivera Vineyard, 01-CE-317-EC(R)

The hearing closed on March 31, 2003. The matter is pending the filing of post-hearing briefs, which are due on May 9, 2003.

UFW (L.E. Cooke), 00-CL-1-VI

The hearing closed on April 7, 2003. The matter is pending receipt of transcripts and the filing of post hearing briefs.

CASES PENDING EXCEPTIONS/REPLY

None.

CASES SETTLED OR RESOLVED

Grimmway Enterprises, Inc., 02-CE-3-EC(R)

The parties reached an informal settlement agreement.

COMPLIANCE CASES CLOSED

None.

NEW CASES TRANSFERRED TO BOARD FOR DECISION

None.

BOARD DECISIONS

None

REQUESTS UNDER MANDATORY MEDIATION AND CONCILIATION LAW

The Hess Collection Winery, request for mediation, Case No. 2003-MMC-01:

On Monday, April 14, 2003 the Board issued an order granting the parties' joint request to hold the matter in abeyance, but only until the effective date of the proposed regulations or until further order of the Board.

COURT LITIGATION

McCaffrey Goldner Roses, F041479

The matter is now pending oral argument or a decision by the court.

Western Growers Association, et al., 03AS00987

The summons and complaint were served on Board Members and the Executive Secretary on February 25, 2003. The matter is pending submission of a response to the complaint. Board Counsel Wender reported that the plaintiffs have agreed to an extension through May 9, 2003. The parties' joint request for an extension of time was granted by the court on April 14, 2003. Mr. Wender also reported that the motion to intervene filed by the United Farm Workers and the United Fruit and Commercial Workers unions had been granted.

Pictsweet Mushroom Farms, B166260

The employer filed a petition for writ of review with the Second Appellate District Court, Division Six, seeking review of the Board's decision in Pictsweet Mushroom Farms, 29 ALRB No. 1. On April 15, 2003 the Board filed a request for a 10-day extension of time to prepare and file the certified record in this case.

6. BUDGET AND ADMINISTRATION

- (a) **Information Technology and Web Site Development Project**
Nothing new to report.

- (b) **Regulations**
Board Regulations Implementing Agricultural Employer-Employee Collective Bargaining and Mediation Law (Senate Bill 1156 and Assembly Bill 2596): Nothing new to report.

Proposed Amendments to Conflict of Interest Code – Update:
Board Counsel Heyck reported that the notice regarding proposed amendments to the Conflict of Interest Code was published in the notice register on April 4, 2003. There is now a 45-day public comment period which ends May 19, 2003. There will be no public hearing on the matter unless one is requested by May 5, 2003.

- (c) **Budget**
Budget Letter 03-05 (10% Personnel Services Reductions): The Board discussed the draft proposal for 10% personnel. The proposal is due to the Labor and Workforce Development Agency on Friday, April 18, 2003.

- (d) **Policies and Procedures**
External Complaint Policy: Board Counsel Wender summarized changes to the draft External Complaint Policies that had been suggested in February. The Board then discussed further changes to the policy for regional employees. Mr. Wender will redraft the policy with the agreed upon changes and will circulate it shortly.

- (e) **Labor and Workforce Development Agency**
Board Member Barrios reported that she will be meeting with the case management and tracking committee on April 28, 2003. The Board will schedule a meeting with the General Counsel's office to discuss case tracking/ management needs and goals for both offices.

- (f) **Annual Reports for 2000/2001 and 2001/2002**
Update: The Board approved the final version of the annual report. Member Barrios will make inquiries about printing the document.

- (g) **Strategic Plan**
The matter is pending proposed revisions by Chairwoman Shiroma.
- (h) **Regional Directors Quarterly Meeting in Salinas**
The Board discussed a proposed agenda for the Regional Directors' Quarterly meeting which will be in Salinas on April 23, 2003 at 11:00 a.m.
- (i) **Reporting of ULP Statistics**
Executive Director Barbosa reported that General Counsel Turner had asked that this item be included in the agenda for the Regional Directors' Quarterly meeting.
- (j) **Update Election Manual and Regulations**
Chairwoman Shiroma will circulate the most recent version of the election manual.
- (k) **El Centro Visit – Proposed Dates**
The Board members are currently scheduled to visit the El Centro Regional Office on May 7 and 8, 2003. Logistics will be discussed further.

7. **OUTREACH PROJECT**

- (a) **Novela**
Board member Barrios will schedule a meeting to discuss having the novela printed when it is finalized.
- (b) **Brochures**
Board Counsel Heyck reported that the review of the Spanish translation of the brochures is almost complete.

8. **LEGISLATION:**

Board Counsel Wender gave an update on the following pending legislation:

Senate Bill 75 (Burton)--Agricultural Labor Relations

This bill would require the Board, by July 1, 2004, to compile a list of all certified labor organizations that have not obtained a collective bargaining agreement with the employer of the agricultural employees represented by the labor organization and to post the list, along with

specified information, on the board's Web site. This bill would further require the board, by July 1, 2004, to advise each labor organization on the list and each respective employer of their rights and responsibilities under those provisions of the Labor Code providing for mandatory mediation to achieve a collective bargaining agreement. There was a hearing on the bill on March 26, 2003 in front of the Senate Labor & Industrial Relations Committee. On April 8, 2003, the bill was sent to a third reading.

AB 1722 (Committee on Labor and Employment)

This bill was introduced on February 27, 2003. It would require the Governor to appoint 2 legal advisors for each ALRB board member upon recommendation of that board member, to serve at the pleasure of the recommending board member and to receive a salary to be fixed by the board with the approval of the Department of Personnel Administration. The bill is set for hearing on April 23, 2003 before the Committee on Labor and Employment.

9. PERSONNEL

Board Members Rivera and Barrios reported that the law students who will be working at the agency over the summer will attend a Board meeting to orient them to the agency after they have completed their exams.

Executive Secretary Barbosa reported that he is still working on the paperwork for the two loaned positions from EDD.

10. COMPLIANCE

Counsel Murray reported that work is continuing on the tomato cases. The Board requested that Compliance Officer Blanco begin attending Board meetings once a month to report on compliance activities.

11. FUTURE AGENDA REVIEW

Due to the trip to Salinas, the next Board meeting will be held on Tuesday, April 22, 2003 at 10:00 am.

12. PUBLIC MEETING ADJOURNED AT: 2:20 P.M.

WHEREUPON THE BOARD ENTERED INTO CLOSED SESSION