

**STATE OF CALIFORNIA
AGRICULTURAL LABOR RELATIONS BOARD**

BOARD MEETING MINUTES

722 Capitol Mall, 1st floor
Room # 1098 West
Sacramento, CA 95814

May 29, 2002

Time: 1:30 p.m.
Members Present: Chairwoman Shiroma, Board Members Barrios and Mason.
Staff Present: Executive Secretary Barbosa, Board Counsel Wender and Murray,
Analyst Massie
Others Present: General Counsel Turner, Accounting Officer Davis
Absent: Board Counsel Levy and Heyck.

OPEN SESSION

1. **APPROVAL OF MINUTES:** The Board approved minutes for May 23, 2002 as amended, 3-0.
2. **PUBLIC COMMENT:** None.
3. **BOARD MEMBER COMMENT:** None.
4. **ANNOUNCEMENTS:**

On May 22, the El Centro Regional Office participated in an agricultural labor relations forum in Mecca. There were over 100 people in attendance.

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 Regional Director issued his report on challenged ballots on May 17, 2002.

Exceptions to his report are due by June 14, 2002. Review of the UFW's election objections petition is in progress.

Albert Goyenette Dairy, 02-RC-1-VI

Exceptions to IHE decision are due by June 7, 2002. Replies are due by June 17, 2002.

Ventura Coastal Corporation, 01-RC-2-EC

The Regional Director issued his report on challenged ballots on May 24, 2002. Exceptions to his report are due by June 6, 2002. Review of the UFW's and Employer's objections petitions to the election are in progress.

Richard's Grove & SaraLee's Vineyard, 02-RC-2-SAL

On May 24, 2002 an election was held with the following tally:

UFW:	47
No Union:	10
UCB's:	4
Total:	61

Objections, if any, are due on June 3, 2002.

Robert R. Hall, 02-UC-1-EC (SD)

An investigative hearing is set for August 5, 2002.

COMPLAINT REPORT:

No new complaints issued.

One complaint was taken off calendar:

Joe Panziera Farm, 01-CE-55-SAL

Hearing taken off calendar May 24, 2002 for further investigation.

No pre-hearing conferences held.

Six cases on calendar:

California Redi-Date, 00-CE-336-EC

Pre-hearing conference July 9, 2002

Hearing July 23, 2002.

Robert R. Hall, 02-UC-1-EC(SD)

Hearing set for August 5, 2002.

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

Pre-hearing conference August 13, 2002
Hearing August 27, 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 10, 2002
Hearing October 29, 2002.

Pete Vanderham Dairy, Inc., 01-CE-996-EC(R)
Pre-hearing conference December 10, 2002
Hearing December 17, 2002.

One case pending post-hearing briefs:
Pictsweet Mushroom Farms, 00-CE-332-EC(OX)
Post-hearing briefs due May 29, 2002.

One ALJ decision issued:
McCaffrey Goldner Roses, 00-CE-92-VI
Decision issued May 28, 2002.
Exceptions due June 20, 2002
Reply due July 3, 2002

No new cases transferred to the Board for decision.

BOARD DECISIONS: No new decisions have issued.

COURT LITIGATION:

Turco Desert Co., Inc., E030125 (27 ALRB No. 4): The court of appeal granted the employer's petition for review. The Board requested clarification of the court's ruling. The matter is pending a response from the court following the Board's request for clarification.

Cieniga Farms, Inc., B152844 (27 ALRB No. 5): On May 22, 2002 the court of appeals summarily denied the employer's petition for writ of review. The petition for hearing in the California Supreme Court is due within ten days (June 3, 2002).

The Elmore Company, D040054 (28 ALRB No. 3)
The matter is pending the filing of the Petitioner's opening brief.

COMPLIANCE: No new activity to report.

6. BUDGET AND ADMINISTRATION:

- (a) **Information Technology and Web Site Development Project** – Analyst Massie informed Capital Data of the Board’s approval of the revised cabling quote. Capital Data is waiting to hear from PacBell re PRI quote.

Member Barrios will be reviewing the NLRB and DFEH case tracking systems and reporting back to the Board.

- (b) **Regulations** – The public comment period on regulations implementing Senate Bill 1198 will close on July 1, 2002.

The regulations package recently approved by Office of Administrative Law will take effect June 8, 2002.

- (c) **Budget** – Executive Secretary advised Board of recent budget letters issued by the Department of Finance.

- (d) **Policies and Procedures** – Update – The Board and General Counsel discussed consistency in formatting style. General Counsel is completing her review of the proposed policies and procedures and will be responding shortly.

- (e) **The Labor and Workforce Development Agency** – The Assembly Committee on Labor and Employment has scheduled a hearing on June 5, 2002 at 1:30 p.m., Room 4202, to hear testimony on the Governor’s Reorganization Plan No. 1, California Labor and Workforce Development Agency. Chair Shiroma and General Counsel Turner have been invited to testify.

- (f) **Lease Renegotiation** – Analyst Massie updated Board on ongoing negotiations with the Salinas landlord.

- (g) **Association of Labor Relations Agencies (ALRA) Conference** – Board Staff Nuño to make reservations for headquarters and regional office staff.

7. OUTREACH PROJECT: Novella – Javier Juarez to meet with Executive Secretary on Thursday, May 30, 2002 to review final edits. Novella and brochures to be thereafter sent to ad hoc committee for review and comments.

8. LEGISLATION – Update on Pending Bills that May Affect the ALRB:

1) **Senate Bill 1236** (Labor and Workforce Development Agency): May 24, 2002-- Passed out of Appropriations but first re-referred to Rules.

2) **Senate Bill 1736** (Agricultural Employer-Employee Disputes: Binding Arbitration):

Read third time. Passed out of Senate to Assembly on May 23, 2002.

3) **Senate Bill 1818** (Backpay Awards): May 23, 2002--the bill was read a third time and amended to delete language making it an urgency measure requiring a 2/3 vote. May 24, 2002—read a second time. To third reading.

9. **PERSONNEL:** Board would like Personnel Officer Kojima to investigate which other agencies employ Attorney IVs.
10. **COMPLIANCE:** None.
11. **FUTURE AGENDA REVIEW:** Discuss impact of Hoffman *Plastic Compounds v. NLRB*.

PUBLIC MEETING ADJOURNED AT: 2:30 p.m.

WHEREUPON THE BOARD ENTERED INTO CLOSED SESSION.