

**STATE OF CALIFORNIA
AGRICULTURAL LABOR RELATIONS BOARD**

BOARD MEETING MINUTES

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

June 3, 2004

Time: 10:00 a.m.
Members Present: Chairwoman Shiroma, Board Members Rivera-Hernandez, Zingale and Bustamante
Members Absent: None
Staff Present: Board Counsel Wender, Murray and Heyck; Analyst Massie
Staff Absent: Executive Secretary Barbosa
Others: Legal Interns Partovi and Shiners

OPEN SESSION

1. **Approval of Minutes:** Board minutes for May 26, 2004 were approved 4-0.
2. **Board Member Comments:** Chairwoman Shiroma and Member Rivera-Hernandez reported on the California Agriculture: Dimension and Issues Conference sponsored by the Giannini Foundation held on May 28, 2004. Chairwoman Shiroma will place her copies of books received at the conference in the ALRB Library after being circulated to staff. Member Rivera-Hernandez introduced legal intern Erich Shiners.
3. **Public Comments:** None.
4. **Announcements:** A retirement dinner for Board Counsel Stella Levy will be held on June 21, 2004, at The Grand, 1215 J Street. Chairwoman Shiroma will e-mail the particulars.

Chairwoman Shiroma received a videotape from KVIE of their most recent episode of *New Valley*, entitled *Divided We Stand*, which focuses on changing demographics in the Central Valley. The video is available for viewing upon request.

5. Weekly Status Report On Elections, Unfair Labor Practice Complaints, Hearings And Court Litigation

The Weekly Status Report was deferred.

6. Budget And Administration

(a) Information Technology: Telelink is scheduled to visit the Sacramento office this week to address several issues regarding the Board telephones.

(b) Regulations: Agricultural Employee Relief Fund/Administration of the Fund-Chairwoman Shiroma will contact Accounting Officer Davis regarding set up of the new account.

(c) Budget – Nothing new to report.

(d) Policy and Procedures Committee:

(1) Procurement Policy (Draft) – ALRB has received a draft procurement policy from EDD that needs to be revised for our purposes.

(e) Labor and Workforce Development Agency:

(1) Case Tracking System: Work continues with EDD to locate institutional data and develop a new system.

(2) LWDA Monthly Meeting-Chairwoman Shiroma reported the Governor's next cabinet meeting is scheduled to be held at the Labor Agency. The California Performance Review report is tentatively scheduled for release in July. The current hiring freeze may be lifted after July 1.

(f) Annual Report 2002/03 – Nothing new to report.

(g) Regulating Farm Labor Relations: The ALRA at 30 – Professor Martin would like the Board to reconsider the September 30-October 1 date for the conference. Chairwoman Shiroma reiterated that the agency is unable to commit to any funding for the conference. The Board discussed various sources of funding.

7. Outreach Projects

(a) Novella: Work continues on obtaining funding for printing.

(b) Brochures: Board Counsel Wender has completed his review of the latest version of the ALRB Handbook (bluebook) and made necessary revisions.

8. Legislation: AB 2900 (Laird)

Presently, Labor Code section 1156.3, subdivision (e), requires that the Board decertify a labor organization if it has been found by the EEOC to have discriminated on the basis of race, color, national origin, religion, sex, or other arbitrary or invidious classification in violation of Title 42 of the U.S. Code. This bill would add as a basis for decertification a finding by the California Dept. of Fair Employment and Housing that a labor organization has engaged in discrimination on any basis listed in Government Code section 12940, subdivision (a) (race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, or sexual orientation). The bill also makes nonsubstantive changes to other provisions of section 1156.3. On April 26, 2004 the bill passed out of the Committee on Labor and Employment, and was re-referred to the Committee on Appropriations. On May 6, 2004, the bill passed out of the Committee on Appropriations, and on May 10, 2004, the bill was read for the second time in the Assembly. On May 17, 2004, the bill was read for a third time in the Assembly and passed on to the Senate. On May 18, 2004, the bill was read for the first time in the Senate and was sent to the Rules Committee for assignment. The bill was referred to the Senate Judiciary Committee on May 27, 2004.

SB 1809 (Dunn)

This bill would make several changes to SB 796, which was adopted by the Legislature last year and signed by the Governor on October 12, 2003. That bill provided for private actions to recover civil penalties for violations of the Labor Code. The bill would require, as a condition to bringing a civil action, that the plaintiff report the alleged violation to the LWDA and that no state enforcement action commence within 15 calendar days of the report. The bill also would allow the court, in very limited circumstances, to award less than the specified maximum penalty. In addition, the bill would allow civil penalties for any violation of a posting or notice requirement to be recovered only by the LWDA. The bill passed the Senate May 26, 2004, on a 21-13 vote. The bill was read for the first time in the Assembly on May 27, 2004.

9. Personnel: Member Zingale is working with Personnel Analyst Kojima on the job announcement for a Board secretary position.

10. Compliance: Nothing new to report.

11. Future Agenda Review: Nothing new to report.

The public meeting adjourned at 11:00 a.m.

WHEREUPON THE BOARD ENTERED INTO CLOSED SESSION.