

**STATE OF CALIFORNIA  
AGRICULTURAL LABOR RELATIONS BOARD**

**BOARD MEETING MINUTES**

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

**July 10, 2002**

Time: 10:00 a.m.  
Members Present: Chairwoman Shiroma, Board Members Barrios and Mason.  
Staff Present: Board Counsel Wender, Levy, Heyck and Murray, Analyst Massie,  
Accounting Officer Davis; Chief ALJ Sobel; Personnel Analyst  
Kojima  
Others Present: General Counsel Turner  
Absent: Executive Secretary Barbosa

**OPEN SESSION**

1. **APPROVAL OF MINUTES:** The Board approved minutes for June 25, 2002, 3-0.
2. **PUBLIC COMMENT:** None.
3. **BOARD MEMBER COMMENT:** None.
4. **ANNOUNCEMENTS:**  
The 20<sup>th</sup> Annual Labor Law Conference presented by the NLRB will be held on July 17, 2002 in Anaheim, CA.
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**

On June 25, 2002 the Board affirmed the Regional Director's challenged ballot

report as modified. The challenges are sustained as to 21 employees, set for hearing as to 28 employees, and held in abeyance as to 2 challenges which will be opened and counted only if outcome determinative. The investigative hearing will now be held on July 22, 2002 in Petaluma, CA.

Review of the United Farm Workers (UFW) election objections petition is ongoing.

**Ventura Coastal Corporation, 02-RC-2-EC(R)**

On June 24, 2002, the Board issued an order directing the El Centro Regional Director to prepare and serve a supplemental report setting forth the basis for his recommendation to open and count the ballots of the 23 challenged voters. The supplemental report was filed on July 1, 2002. The employer filed its reply on July 3, 2002. The El Centro Regional Director filed a second supplemental report on July 9, 2002. Review of the UFW's and Employer's objections petitions to the election are ongoing.

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

An investigative hearing is set for August 5, 2002.

**COMPLAINT REPORT:**

**Three new complaints have issued:**

**The Hess Collection Winery, 01-CE-09-SAL**

The complaint issued on June 28, 2002, alleging that the employer unlawfully 1) laid off workers and increased wages without notice to or bargaining with the union and 2) engaged in a refusal to bargain regarding the above conduct. The specification on the technical refusal to bargain will issue soon.

**Maria G. Duran, 01-CE-606-EC(R)**

The complaint issued on June 28, 2002, alleging that the employer unlawfully discharged three workers because they engaged in protected, concerted activities by speaking to the foreman about their inability to meet work quotas due to a lack of proper equipment. The employer was granted a 60-day extension of time, until September 10, 2002, to file an answer to the complaint.

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

The complaint issued on July 5, 2002, alleging that the employer unlawfully discharged an employee because 1) he used the ALRB processes by serving the employer with an unfair labor practice charge in preparation for the filing of said charge, and because 2) the employer believed that the employee had engaged in union activities.

**No pre-hearing conferences were held.**

**Six cases are on calendar:**

**Sonoma Cutrer Vineyards, Inc., 02-RC-1-SAL**

The hearing is set for July 23, 2002.

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

The hearing is set for August 5, 2002.

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

The pre-hearing conference is set for August 13, 2002.

The hearing is set for August 27, 2002.

**Cocopah Nurseries, Inc., 00-CE-399-EC**

The pre-hearing conference is set for September 17, 2002.

The hearing is set for September 24, 2002.

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

The pre-hearing conference is set for October 10, 2002.

The hearing is set for October 29, 2002.

**Pete Vanderham Dairy, Inc., 01-CE-996-EC(R)**

The pre-hearing conference is set for December 10, 2002

The hearing is set for December 17, 2002.

**One case is pending exceptions and/or reply:**

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

The ALJ decision has issued. Exceptions are due August 16, 2002. The reply is due August 29, 2002.

**Three cases are pending Board decision:**

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

The ALJ decision has issued. Exceptions were filed June 20, 2002. Replies were received July 9, 2002.

**Coastal Berry Company, 99-CE-1-SAL**

This case is pending Board decision.

**Ventura Coastal Corporation, 02-RC-2-EC(R)**

This case is pending Board decision.

**One settlement was approved by the assigned ALJ and is now final as no exceptions were filed:**

**Long Family Partners LTD, 01-CE-19-SAL**

No exceptions to the ALJ Decision were filed. On July 5, 2002, an Order of the Board making the ALJ order approving the settlement agreement final issued July 5, 2002.

**No new cases have been 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 issued its unpublished decision and order annulling the Board's order on July 5, 2002.

**The Elmore Company, D040054 (28 ALRB No. 3)**

The Board's response brief is due July 15, 2002.

**COMPLIANCE:**

**Pictsweet Mushroom Farms, 28 ALRB No. 4**

The employer did not seek review of the Board's decision and the case was released for compliance on July 9, 2002.

**6. BUDGET AND ADMINISTRATION:**

a) **Information Technology and Web Site Development Project –**  
Analyst Massie reported that the start date for the cabling project has been set for July 22, 2002.

b) **Regulations –**  
July 1, 2002 was the deadline for receiving written comments on the Board's proposed regulations. No comments were received. The Board voted 3-0 to adopt regulations Implementing Senate Bill 1198 (Agricultural Employee Relief Fund) as proposed. Staff will coordinate with Administration in setting up the accounting system for the fund.

c) **Budget–**

Department of Finance Budget Letter 02-13 concerning vacancies was discussed with Personnel Analyst Kojima and Accounting Officer Davis.

Chief ALJ Sobel reported that arrangements have been made with vendors to mitigate the impact of the lack of a state budget on the next scheduled ALRB hearings (**Sonoma Cutrer Vineyards, Inc.**). Any impact on other future hearings depends upon the progress of budget negotiations and the willingness of vendors to delay payment.

The Hunter Employment Contract has been taken care of by General Counsel Turner.

Accounting Officer Davis reported that the Department of General Services (DGS) has asked the ALRB and other state agencies to designate a Procurement Liaison. The Board requested Ms. Davis to ascertain whether retired annuitant Sallie McCarther would be acceptable to DGS as she is quite knowledgeable about procurement procedures. However, if Ms. McCarther is not considered to be working at a high enough level, the Board voted 3-0 to designate Executive Secretary Barbosa.

**d) Policies and Procedures** – Board member Barrios reported on the Policies and Procedures Committee:

Three new policies were circulated to the Board for its consideration in two weeks: Alcoholic Beverages; Controlled Substances; and Public Records Act.

The Committee recommended reviewing any new procurement policy drafted or submitted by the General Counsel if needed.

Copies of those Policies and Procedures already finalized and signed will be provided to employees. Member Barrios will distribute the Sexual Harassment Policy with minor changes at the next Board meeting.

**e) The Labor and Workforce Development Agency:** Executive Secretary Barbosa attended the California Department of Industrial Relation's 75<sup>th</sup> Anniversary Conference and reception on June 27, 2002. He participated in a panel discussion on the new the Labor and Workforce Development Agency with representatives from the other participant agencies.

**f) Salinas Lease:**

General Counsel Turner reported that the landlord is unwilling to go forward with the previously renegotiated lease terms. The Board requested that Executive Secretary Barbosa convey to Salinas Regional Director Capuyan the urgent need to find alternative office space at a rent compatible with the agency budget within 90 days.

**g) Association of Labor Relations Agencies (ALRA) annual dues and conference:**

The approved an expenditure of \$250 for ALRA annual dues.

The ALRA conference will be attended by General Counsel Turner, Chairwoman

Shiroma, Board Counsels Murray and Heyck and Board Secretary Perez.

7. **OUTREACH PROJECT:** Novella – The novella and brochures were sent to the ad hoc committee on July 3, 2002 for their review. Any comments or proposed changes are due August 9, 2002.

8. **LEGISLATION**

Update on Pending Bills that may Affect the ALRB:

a) **Senate Bill 1236** (Labor and Workforce Development Agency):

On June 27, 2002, the legislation passed out of the Assembly Committee on Labor and Employment and was re-referred to the Committee on Appropriations.

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

The legislation was substantially amended on July 1, 2002. The references to backstretch employees have been eliminated. The amended legislation allows the parties, any time following 90 days after certification, to request mediation and, if that fails, binding arbitration.

c) **Senate Bill 1818** (Backpay Awards):

This legislation was substantially amended on July 3, 2002. The bill declares it to be the public policy of the state of California that state back pay remedies are available to deserving employees regardless of their immigration status, with the exception of remedies prohibited by federal immigration law.

d) **Senate Constitutional Amendment 7** (Access to Information)

This was adopted by the Senate on June 28, 2002, and sent to the Assembly.

9. **PERSONNEL:**

10. **COMPLIANCE:**

11. **FUTURE AGENDA REVIEW:**

The next Regional Director's meeting in October should include a discussion of standard remedies.

The Board will discuss the new and revised Policies and Procedures at its July 31, 2002 meeting.

**PUBLIC MEETING ADJOURNED AT: 11:35 a.m.**

**WHEREUPON THE BOARD ENTERED INTO CLOSED SESSION.**