

**STATE OF CALIFORNIA
AGRICULTURAL LABOR RELATIONS BOARD**

BOARD MEETING MINUTES

**Board Conference Room
915 Capitol Mall
Sacramento, CA 95814**

September 12, 2001

Time: 10:00 a.m.
Members Present: Chairwoman Shiroma, Board Members Barrios and Mason.
Staff Present: Executive Secretary Barbosa, Board Counsel Murray, Heyck, Levy, Wender, and Starkey, Analyst Massie, Board Staff Nuño.
Others Present: General Counsel Turner, Accounting Officer Davis.
Absent: Board Member Ramos-Richardson, Chief of Administration Arviso.

OPEN SESSION

1. **APPROVAL OF MINUTES:** Approval of minutes tabled.
2. **PUBLIC COMMENT:** None.
3. **BOARD MEMBER COMMENT:** Chairwoman Shiroma expressed the concern of the Board for the victims and families of the attacks on the East Coast yesterday and stated that a message would be sent to agency staff.
4. **ANNOUNCEMENTS:**
 - (a) The Executive Secretary reported that the Governor's Office of Emergency Services has activated the State Operations Center and the three Regional Emergency Operations Centers in Sacramento, Oakland and Los Alamitos. Current activity involves assessing the state's resources, monitoring the situation, and offering aid and support to the impacted areas. The State Terrorism Advisory Committee has met and determined that there are no specific threats to California at this time. Law enforcement at all levels is on alert and additional security measures are in place at key facilities.

The Board discussed security at the ALRB headquarters office, which is located across from the State Capitol. A security inspection by State police, scheduled for yesterday, will be rescheduled. Executive Secretary Barbosa will follow up on efforts to have agency identification cards for Board members and staff.

- (b) The General Counsel has scheduled in-house training of regional office staff (attorneys, field examiners) for November 6-8, 2001, in Visalia.
- (c) Regional Directors' Quarterly Meeting is scheduled for October 24, 2001, in Visalia.

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.

Wilgenburg Dairy Farm, 01-RC-1-VI

Election held February 2, 2001.

Tally:

FFVW 1096	8
No Union	25
UCBs	<u>24</u>
Total	57

The Regional Director issued his Report on Challenged Ballots on June 1, 2001, in which 14 challenges were sustained. Neither party filed exceptions to the report, which became final on June 14, 2001. The Regional Director conducted the opening and counting of the ballots on August 14, 2001. The amended tally is as follows:

FFVW 1096	8
No Union	34
UCBs	<u>1</u>
Amended Total	43

The Executive Secretary's review of election objections is in progress.

United Farm Workers

(Excelsior Farms & Warmerdam Packing Co.), 01-UC-1-VI

The UFW filed a unit clarification (UC) petition on May 18, 2001, with the Visalia Regional Office seeking to clarify and/or amend the Board's certification in 94-RC-3-VI. The matter is under investigation and is pending the Regional Director's unit clarification report.

COMPLAINT REPORT:

One new complaint issued:

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

The employer allegedly suspended and discharged an agricultural employee because he engaged in protected, concerted activities.

One hearing in progress:

The Elmore Company, 00-CE-306-EC.

One case taken off calendar:

Grewal Enterprises, 98-CE-162-EC

Taken off calendar September 10, 2001, as the parties reached a stipulation concerning the amount of backpay.

One Administrative Law Judge (ALJ) decision issued:

A. Sambado & Sons, Inc., 01-CE-41-VI

The ALJ ruled on the General Counsel's Motion for Order Finding Allegations of Complaint Admitted and for Entry of Judgment Thereon on September 5, 2001. Matter pending request for review.

Two cases on calendar:

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

Pre-hearing November 27, 2001

Hearing December 12, 2001.

Seaview Growers, Inc., 00-CE-15-EC (OX)

Pre-hearing January 15, 2002

Hearing January 29, 2002.

SETTLEMENTS:

No changes to report.

BOARD DECISIONS: No changes to report.

COURT LITIGATION:

Turco Desert Co., Inc., E03125 (27 ALRB No. 5). Respondent employer filed

petition for writ of review, dated August 27, 2001. After granted extension, certified record is due September 20, 2001.

Coastal Berry Company, H021585 (26 ALRB No. 3). Oral argument will be heard on October 17, 2001, in the Sixth Appellate District Court of Appeal in San Jose, CA.

COMPLIANCE: No new activity to report.

6. BUDGET AND ADMINISTRATION:

(a) Information Technology and Web Site Development Project:

Analyst Massie reported on the installation of the T1 line. Mr. Winston will assist staff with upgrading computer systems for better speed and performance.

(b) Administration:

1) Budget—Update; Proposed General Fund Reductions: The Board reviewed its proposals for General Fund reductions (3/5/10%), which are to be submitted to the Department of Finance by September 13, 2001.

2) BCP—Workplan Update : General Counsel Turner is drafting the budget change proposal for FY 2002-03, which is also due to the Department of Finance by September 13, 2001.

(c) Policies and Procedures—Update: No update for this meeting.

(d) Regulations – Update: Suggested proposals from the General Counsel are being reviewed by Board counsel, who will meet next week to discuss them. The Board discussed scheduling of formal proceedings for early next year.

(e) Annual Report: Member Barrios will be meeting with graphics services personnel concerning the annual report.

7. OUTREACH PROJECT: At the General Counsel's request, the Board approved \$5,000 for acquiring outreach materials. A translation of the draft novella will be circulated to the Board. Discussion of an agency motto was tabled for future discussion.

8. LEGISLATION: Board Counsel Wender provided an update on legislation of interest to the Board. SB 25, creating a labor agency, passed the Assembly and was sent to the Senate for concurrence with amendments. SB 1198, which establishes a trust fund for unpaid agricultural workers, has been enrolled. AB 192, concerning public meetings, has been signed by the Governor and an analysis will be prepared for the Board.

9. PERSONNEL: Board Counsel Paul Starkey has accepted a position with Department

of Industrial Relations, Division of Labor Standards, effective October 1, 2001.
Interviews for an open executive secretary position are to be scheduled.

10. FUTURE AGENDA REVIEW: None.

PUBLIC MEETING ADJOURNED AT: 11:30 a.m.

WHEREUPON THE BOARD ENTERED INTO CLOSED SESSION.