

**STATE OF CALIFORNIA
AGRICULTURAL LABOR RELATIONS BOARD**

BOARD MEETING MINUTES

**Board Conference Room
915 Capitol Mall 3rd Floor
Sacramento, CA 95817**

October 31, 2001

Time: 10:00 a.m.
Members Present: Chairwoman Shiroma, Board Members Ramos Richardson, Barrios (participated via telephone conference) and Mason.
Staff Present: Executive Secretary Barbosa, Board Counsel Wender, Levy, Murray, Heyck, Analyst Massie and Board Staff Nuño.
Others Present: General Counsel Turner, Chief Administrative Law Judge Sobel, and Accounting Officer Davis
Absent: Chief of Administration Arviso,

OPEN SESSION

1. **APPROVAL OF MINUTES:** The Board approved minutes for October 17 and 24, 2001. Member Barrios did not participate.
2. **PUBLIC COMMENT:** None.
3. **BOARD MEMBER COMMENT:** None.
4. **ANNOUNCEMENTS:**
 1. A building security walk-through with the California Highway Patrol is scheduled for Monday, November 5, 2001 at 10:00 a.m. Board Staff Nuño will attend as the Board's representative.
 2. Executive Secretary Barbosa announced that the Regional Staff training will be held in Visalia on November 5, 6 and 7, 2001.
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 REPORT:

Hure Brothers, 01-RC-3-VI

The United Farm Workers Union filed a representation petition on October 19, 2001 with the Visalia Regional Office seeking an election. An election was held on October 25, 2001 with the following tally:

UFW	33
No Union	33
UCB's	54
Total	120

Election objections, if any, are due on November 1, 2001. The matter is also pending the Regional Director's challenged ballot report.

COMPLAINT REPORT:

No new complaints have issued:

One case pending parties' post-hearing briefs:

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

Briefs are due October 29, 2001. The matter is pending a decision from the administrative law judge.

One hearing is currently in progress:

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

Hearing opened on October 30, 2001. An employee who allegedly engaged in protected concerted and union activities was suspended and discharged.

Four cases on calendar:

Excelsior Farming, LLC, 01-CE-46-VI.

Hearing November 6, 2001.

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

Hearing December 12, 2001.

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

Pre-hearing January 15, 2002

Hearing January 29, 2002.

BLT Farms, Inc., 01-CE-501-EC(OX)
Pre-hearing March 12, 2002
Hearing March 26, 2002.

SETTLEMENTS:

Monrovia Nursery, Inc., 00-CE-98-VI
An informal settlement agreement was reached on October 18, 2001.

BOARD DECISIONS: No changes to report.

COURT LITIGATION:

Coastal Berry Company, H021585 (26 ALRB No. 3): Oral argument was held October 17, 2001 in the Sixth Appellate District Court of Appeal in San Jose, CA. The Court's decision is pending.

Turco Desert Co., Inc., E030125 (27 ALRB No. 5): The petitioner's opening brief is due November 16, 2001.

Cieniga Farms, Inc., B152844 (27 ALRB No. 5): The petitioner's opening brief is due November 30, 2001.

Grewal Enterprises, Inc., 98-CE-162-EC
Petition for writ of review is due November 1, 2001.

COMPLIANCE: No changes to report.

6. BUDGET AND ADMINISTRATION:

(a) **Information Technology and Web Site Development Project:** Analyst Massie reported that the Information Technology Committee met with representatives from Capitol Datacorp to discuss the ongoing problem with internet access. Ms. Massie indicated that repairs that should address the problem will be done on November 1, 2001. She announced that employees trying to access Groupwise email from outside the office should use the following address: mail.alrb.ca.gov. Users will then be prompted to enter their passwords to access their mail.

(b) **Administration:**

Budget Update: The Board discussed and approved with modifications the recommended proposal for an immediate 10% reduction in the agency's operating expenses and equipment (OE & E) budget. The 10% OE & E reduction is being prepared in response to an order from the Governor's office issued October 24, 2001. The proposal incorporating the reduction is due to the

Department of Finance on November 7, 2001.

**THE BOARD THEN ENTERED INTO CLOSED SESSION AT 11:45 AM.
PUBLIC MEETING RECONVENED AT 2:00 PM.**

- (c) **Policies and Procedures, Update:** The Board voted to approve the Agency Smoking Policy. Member Ramos Richardson abstained from the vote.
- (d) **Regulations, Update:** The Board discussed the staff's further recommendations addressing the Board's concerns regarding the proposed regulatory package, and voted as follows:
 - 1. Section 20202 (Form and Contents of Charge): Board approved 4-0.
 - 2. Section 20206 (Service of Charge on Charged Party): Board approved 3-1 with Member Ramos Richardson voting "no." Member Ramos Richardson's "no" vote reflected her opinion that the inclusion of language limiting agency liability negates the attempt to assist farm workers by having Regional Office staff serve the charge on the charged party.
 - 3. Section 20222 (Withdrawal of Complaints): Board approved 3-1 with Member Barrios voting "no."
 - 4. Repeal of section 20106 (Contents of Authorization Cards). Board voted 3-1 to propose repeal of this section with Member Ramos Richardson voting "no." Member Ramos Richardson's "no" vote reflected her opinion that the regulation as written does not interfere with the ability of the union to gather a showing of support through authorization cards.

Finally, Member Ramos Richardson suggested further revisions be made to section 20298 (Settlement Agreements). The Board asked that Member Ramos Richardson submit her proposed revisions for review, so the Board could conduct a final review of this section on November 7, 2001. Following review of the remaining section, regulatory proposals will be finalized for the purpose of submitting them to the formal rulemaking process.

Note: the proposed amendments to sections 20205, 20210, 20213, 20224, 20234, 20350 and 20363 were previously approved.

- 7. **OUTREACH PROJECT:** Member Ramos Richardson reported that she is in the process of finalizing changes to the text of the Novela. Board Counsel Heyck is in the process of completing drafts of new agency brochures and will circulate drafts for review.
- 8. **LEGISLATION:** No new activity to report.
- 9. **PERSONNEL:** None.

10. FUTURE AGENDA REVIEW: None.

PUBLIC MEETING ADJOURNED AT: 3:30 p.m.