

**STATE OF CALIFORNIA
AGRICULTURAL LABOR RELATIONS BOARD**

BOARD MEETING MINUTES

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

December 11, 2007

Time: 10:00 a.m.
Members Present: Chairwoman Raymundo (by telephone conference), Members Shiroma and Rivera-Hernandez
Staff Present: Executive Secretary Barbosa, Board Counsel Wender, Heyck and Robinson, Accounting Officer Davis, Analyst Massie and General Counsel Lee

OPEN SESSION

1. **Approval of Minutes:** The Board minutes for November 7, 2007 were approved 3-0.
2. **Public Comments:** None.
3. **Chair Budget Report** – Accounting Officer Davis reported on the status of the current budget.
4. **General Counsel Report:** General Counsel Lee reported that 20 charges have been filed since the last meeting in the Salinas and Visalia Regional Offices. An election will be held this Friday, December 14, at Mayflower Companies et al., a dairy located in Pixley. All regional offices will be participating in the election.
5. **Executive Officer Report:**

ELECTION REPORT:

NOTICE OF INTENT TO TAKE ACCESS (NA) AND NOTICE OF INTENT TO ORGANIZE (NO): None.

PENDING ELECTION MATTERS:

Jim Nace Dairy, 07-RD-3-VI

On May 25, 2007 agricultural employee Raul Camarena Lopez filed a decertification petition with the Visalia Regional Office seeking to decertify the incumbent union,

UFCW Local 5, at Jim Nace Dairy. The employer operates a dairy in Tipton, CA with approximately 18 employees. The election was held on June 1, 2007 with the following results:

UFCW	6
No union	11
Unresolved Challenged Ballots	<u>0</u>
Total	17

On June 7, 2007 UFCW filed objections to the election. On June 15, the Acting Executive Secretary issued an order setting two objections for hearing and dismissing the remaining objection. Any request for review of the partial dismissal was due June 25, 2007. No request for review was filed. The hearing on objections was held on August 20, 2007. The IHE's decision issued October 31, 2007. Exceptions were due November 13, 2007. No exceptions were filed. On November 15, 2007 the Executive Secretary issued an order making the IHE decision final and certifying the results of the election. This case will now be removed from this report.

Gallo Vineyards, Inc., 07-RD-1-SAL

On June 18, Roberto Parra filed a decertification petition seeking to remove the United Farm Workers of America as the exclusive bargaining representative of Gallo's agricultural employees in Sonoma County. The petition lists the approximate number of employees in the unit as 400. The election was held on June 25, 2007 and yielded the following results:

UFW	95
No union	125
Unresolved Challenged Ballots	<u>12</u>
Total	232

On July 2, 2007 the UFW filed objections to the election. The objections will be held in abeyance pending resolution of ulps mirroring the election objections. On October 5, 2007 the Regional Director dismissed three overlapping charges (07-CE-23-SAL, 07-CE-25-SAL and 07-CE-26-SAL). One charge is still under investigation (07-CE-24-SAL). On October 18, 2007 the UFW filed a request for review of three of the four charges. On November 16, 2008 the General Counsel affirmed the Regional Director's dismissal of the three charges. The matter is pending resolution of the remaining charge and screening of the union's objections.

Richard's Grove & Saralee's Vineyard, Inc., 07-RD-2-SAL

On July 19, 2007 agricultural employee Victorino Velasquez filed a decertification petition with the Salinas Regional Office seeking an election to oust the incumbent collective bargaining representative, the United Farm Workers. Richard's Grove & Saralee's Vineyard, Inc. is a vineyard located in Windsor that is engaged in the

growing of wine grapes. The petition seeks a bargaining unit consisting of all the agricultural employees in the State of California. An election was held July 26, 2007 with the following results:

No Union	39
Union	6
Unresolved Challenged Ballots	<u>3</u>
Total	48

The no union choice received a majority vote so the unresolved challenged ballots were not resolved as they were not outcome determinative. On August 2, 2007 the UFW filed objections to the election. The objections will be held in abeyance pending resolution of an ulp charge that mirrors the allegations in the election objection. On October 4, 2007 the Regional Director dismissed the overlapping charge (07-CE-27-SAL). The request for review was due on October 17, 2007 and none was filed. On October 23, 2007 the Executive Secretary issued his order dismissing the UFW's sole objection. On November 1, 2007 the UFW filed its request for review. The matter has been transferred to the Board and is pending decision.

Lassen Dairy dba Meritage Dairy, 07-RC-4-VI

On September 4, 2007 UFCW International Union, Local 5 filed a representation petition with the Visalia Regional Office seeking to represent the agricultural employees of Lassen Dairy dba Meritage Dairy. The employer is a dairy located in Bakersfield with approximately 25 employees. An election was held on September 11, 2007 with the following results:

UFCW	17
No Union	15
Unresolved Challenged Ballots	<u>6</u>
Total	38

As the unresolved challenged ballots were outcome determinative, the Regional Director investigated the challenges and issued his report on challenged ballots on November 9, 2007. The Employer filed exceptions to that report on November 19, 2007. The matter is now before the Board for decision. The Employer also filed objections to the election on September 18, 2007 that are pending before the Executive Secretary for decision.

Boschma & Sons Dairy, 07-RC-5-VI

On November 9, 2007 UFCW International Union, Local 5 filed a representation petition with the Visalia Regional Office seeking to represent the agricultural employees of Boschma & Sons Dairy. The employer is a dairy located in Wasco with 21 employees. An election was held on November 16, 2007 with the following results:

UFCW	15
No Union	5
Unresolved Challenged Ballots	<u>1</u>
Total	21

On November 26, 2007 the Employer filed its objections to the election. The matter is pending before the Executive Secretary for decision.

Frank Silva Dairy, 07-RC-6-VI

On September 4, 2007 UFCW International Union, Local 5 filed a representation petition with the Visalia Regional Office seeking to represent the agricultural employees of Frank Silva Dairy. The employer is a dairy located in Ceres with 4 employees. An election was held on November 16, 2007 with the following results:

UFCW	4
No Union	0
Unresolved Challenged Ballots	<u>0</u>
Total	4

Election objections were due November 26, 2007. No objections were filed. On November 30, 2007 the Executive Secretary issued a certification of representative. This matter is now fully resolved and will be eliminated from this report.

Mayflower Companies et al., 07-RC-7-VI

On December 7, 2007 UFCW International Union, Local 5 filed a representation petition with the Visalia Regional Office seeking to represent the agricultural employees of Mayflower Companies et al. The employer is a dairy located in Pixley with approximately 31 employees. The election will be held on Friday, December 14, 2007. Given the size of the unit, no outside assistance is necessary at this time.

Rocking S. Dairies, 07-UC-01-VI

UFCW Local 5 filed a unit clarification petition seeking to clarify the bargaining unit designated in its certification of July 23, 2007 to now include the employees of The Oaks Ranch. The union alleges that The Oaks Ranch is a single employer with Rocking S. Dairies. The matter is under investigation by the Visalia Regional Director and is pending a report on the unit clarification.

COMPLAINT REPORTS

TWO NEW COMPLAINTS ISSUED:

Tule River Dairy & P & M Vanderpoel Dairy, 05-CE-49-VI

Alleged discharge of two employees due to union activities and denial of worksite access permitted by access agreement.

Stanley Vanden Brink Dairy, 06-CE-49-VI

Alleged discharge of two employees because they engaged in protected concerted activity.

PREHEARING OR SETTLEMENT CONFERENCES SCHEDULED

C. Mondavi & Sons dba Charles Krug, 06-CE-40-SAL

Prehearing January 11, 2008

Hearing set for February 19, 2008

HEARINGS HELD:

Aukeman Farms, 06-CE-35-VI

Hearing held November 27, 2007

ONE CASE ON CALENDAR:

C. Mondavi & Sons dba Charles Krug, 06-CE-40-SAL

Prehearing January 11, 2008

Hearing set for February 19, 2008

CASES PENDING ALJ/IHE DECISION:

Vincent B. Zaninovich & Sons, 06-CE-62-VI

Hearing closed October 2, 2007

Post hearing briefs received December 6 and 7, 2007

Aukeman Farms, 06-CE-35-VI

Pending receipt of transcript and post-hearing due date

ALJ/IHE DECISIONS ISSUED:

None.

CASES PENDING EXCEPTIONS OR REPLY:

None.

CASES PENDING BOARD DECISION:

Artesia Dairy, 06-RC-01-VI (33 ALRB No. 3), Technical Refusal to Bargain

Briefs following Stipulated Record received October 29, 2007

Reply briefs received prior to due date of November 27, 2007

Richard's Grove & Saralee's Vineyard, Inc., 07-RD-2-SAL
Request for Review of Executive Secretary Order Dismissing Election Objections

CASES PENDING SETTLEMENT:

None.

CASES SETTLED OR RESOLVED:

Pacific Coast Mushrooms, 06-CE-1-SAL

Case taken off calendar December 6, 2007 as parties reached informal settlement agreement.

COMPLIANCE CASES CLOSED:

None.

CASES TRANSFERRED TO BOARD FOR DECISION:

None.

BOARD DECISIONS:

None.

REQUESTS UNDER MANDATORY MEDIATION AND CONCILIATION LAW:

None.

COURT LITIGATION

None.

6. Special:

Case Statistics Tracking System and Web Site Updates (Board Member Shiroma):

The inventory portion of the tracking system will be discussed at Thursday's meeting. The regular biweekly meeting on Tuesday will focus on the compliance and AERF portion of case tracking. The Executive Secretary is developing a form for the filing of unit clarification petitions and will be developing case tracking inputs to track these filings. Also, the Executive Secretary will develop case tracking inputs to track notices to take access and notices to organize.

Operational Recovery Plan (Analyst Massie)

The Board approved the revisions to the Operational Recovery Plan. Analyst Massie will submit the plan to Department of Finance.

Financial Integrity and State Managers Accountability Act (FISMA)(Board Member Rivera-Hernandez): Member Rivera-Hernandez reported on the status of

the current FISMA report. Chairwoman Raymundo suggested requesting EDD perform an updated review audit in 2008.

7. Personnel – Terrie Robinson has joined the Board staff in Sacramento.

8. Roundtable –

General Counsel is moving forward with a plan for staff training.

The Board would like to thank Alice Justice, Rita Valenzuela, Jenny Diaz and Jose Carlos for their many years of service and congratulate them on their pending retirements.

The Board would also like to congratulate and thank Chairwoman Raymundo on her pending retirement.

The public meeting adjourned at 11:30 a.m.

WHEREUPON THE BOARD ENTERED INTO CLOSED SESSION.