

**STATE OF CALIFORNIA  
AGRICULTURAL LABOR RELATIONS BOARD**

**BOARD MEETING MINUTES**

**Board Conference Room  
915 Capitol Mall, 3<sup>rd</sup> Floor  
Sacramento, CA 95814**

**February 20, 2008**

Time: 10:00 a.m.  
Members Present: Chairman Almaraz, Members Shiroma and Rivera-Hernandez  
Staff Present: Board Counsel Wender, Heyck and Robinson, Analyst Massie and  
General Counsel Lee  
Staff Absent: Executive Secretary Barbosa  
Others Present: Freddie Sanchez, UFCW; John Ulrich, UFCW;

**OPEN SESSION**

1. **Approval of Minutes:** The Board minutes for December 11, 2007 were approved 2-0 with minor changes. Chairman Almaraz abstained from voting on meeting minutes held prior to his tenure.
2. **Public Comments:** Mr. Ulrich provided the Board with an overview of UFCW Local 101. Mr. Ulrich inquired about the status of the El Centro office and was advised by General Counsel Lee that the office has been designated a subregional office due to the change of workload in the regions.
3. **Chair Budget Report** – Chairman Almaraz reported on the Labor and Workforce Development Agency meetings regarding budget reductions. The ALRB is following the governor’s budget reduction mandate.
4. **General Counsel Report:** Through February 20, 16 charges have been filed in the Visalia Regional Office and 1 new charge has been filed in the Salinas Regional Office. An election is anticipated to be conducted by the Visalia region within the next 2-4 weeks.
5. **Executive Officer Report:**

**ELECTION REPORT:**

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

**PENDING ELECTION MATTERS:**

**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 Board issued its decision in this matter denying the UFW's request for review on December 28, 2007. The Executive Secretary issued certification of results of election on December 31, 2007. The UFW is decertified as certified bargaining representative.

**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 Board issued its decision on challenged ballots on February 15, 2008. A hearing on 3 challenged ballots is set for March 18, 2008. 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 Executive Secretary dismissed the objections on December 17, 2007. No request for review was filed. The ES issued a certification of representative on January 2, 2008.

**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 was held on Friday, December 14, 2007 with the following tally:

UFCW	11
No Union	20
Unresolved Challenged Ballots	<u>1</u>
Total	32

The UFCW filed objections on December 21, 2007. The objections are being held in abeyance pending investigation of overlapping ULPs. On February 4, 2008, the employer filed a motion to dismiss the objections alleging the union had neglected to serve the employer's legal representative. The UFCW filed a reply to the motion on February 12, 2008. On February 15, 2008, the acting Executive Secretary denied the motion to dismiss.

**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:**

**Kirschenman Enterprises, 06-CE-78-VI**

Issued 2/8/08

**J. Lohr Vineyards, Inc. 07-CE-01-SAL**

Issued 2/8/08

**PREHEARING OR SETTLEMENT CONFERENCES SCHEDULED**

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

Prehearing February 19, 2008

Hearing continued to May 6, 2008

**HEARINGS HELD:**

**Aukeman Farms, 06-CE-35-VI**  
Hearing held November 27, 2007  
Pending ALJ decision

**TWO CASES ON CALENDAR:**

**C. Mondavi & Sons dba Charles Krug, 06-CE-40-SAL**  
Prehearing February 19, 2008  
Hearing set for May 6, 2008

**Lassen Dairy dba Meritage Dairy, 07-RC-4-VI**  
Hearing set for 3/18/08

**CASES PENDING ALJ/IHE DECISION:**

**Aukeman Farms, 06-CE-35-VI**

**ALJ/IHE DECISIONS ISSUED:**

**Vincent B. Zaninovich & Sons, 06-CE-62-VI**  
Issued 12/27/07

**CASES PENDING EXCEPTIONS OR REPLY:**

None.

**CASES PENDING BOARD DECISION:**

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

**CASES PENDING SETTLEMENT:**

None.

**CASES SETTLED OR RESOLVED:**

None.

**COMPLIANCE CASES CLOSED:**

None.

**CASES TRANSFERRED TO BOARD FOR DECISION:**

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

## **BOARD DECISIONS:**

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

Board decision 34 ALRB No. 1 issued on February 15, 2008.

### **Artesia Dairy, 07-CE-28-VI (technical refusal to bargain)**

Board decision 33 ALRB No. 6 issued December 27, 2008

### **Richard's Grove and Saralee's Vineyard, 07-RD-2-SAL**

Request for review of ES dismissal of election objections

Board decision 33 ALRB No. 7 issued on December 28, 2007

## **REQUESTS UNDER MANDATORY MEDIATION AND CONCILIATION LAW:**

None.

## **COURT LITIGATION**

### **Artesia Dairy, F054590**

Petition for review filed January 25, 2008. ALRB filed certified record on February 7, 2008. Petitioner's opening brief due March 13, 2008.

## **6. Special:**

**Case Statistics Tracking System and Web Site Updates (Board Member Shiroma):** Member Shiroma reported on the progress of the case statistics tracking system. Mr. Guida will present an overview of the case tracking, inventory, and timekeeping systems at the Regional Director's meeting on March 12. Adjustments to the case numbering system will also be discussed. With assistance from the Department of Technology Services, further improvements will be made to the ALRB web site's legal search engine.

**Financial Integrity and State Managers Accountability Act (FISMA):** A meeting will be scheduled with Budget Officer Vogel to further discuss the issue of a follow-up audit. Member Shiroma and Accounting Officer Davis will take the lead on the report/audit.

**Annual Report:** Preparation of the annual report was discussed.

**CalATERS:** The ALRB has been scheduled to begin implementation of the online travel expense system know as California Automated Travel Expense Reimbursement System (CalATERS). All State agencies are required to implement and use CalATERS by July 1, 2009. Accounting Officer Davis expects implementation should take approximately 6 weeks.

## 7. Legislation:

### **AB 309 (Tran) State boards and commissions: salaries: suspension.**

This bill would have provided that members appointed to specified state boards and commissions shall receive no salary for the 2007-08, 2008-09, and 2009-10 fiscal years, except that they may receive a per diem payment set pursuant to these provisions during that time. This bill died pursuant to Art. IV, Sec. 10(c) of the Constitution on January 31, 2008.

### **SB 971 (McClintock) – Bureaucracy Realignment and Closure Act.**

This bill was introduced on February 23, 2007 and would establish the Bureaucracy Realignment and Closure Commission. On January 9, 2008, the bill was amended to change effective dates of the act's provisions from 2008 to 2009.

### **AB 1869 (Anderson) State boards and commissions; reorganization.**

This bill, which was introduced on February 4, 2008, would declare the intent of the Legislature to effect the changes proposed by the California Performance Review (CPR) to eliminate and consolidate various state boards and commissions. The CPR did not include any proposals affecting the ALRB.

8. **Regulations:** Nothing pending.

9. **Roundtable –**

Chairman Almaraz thanked the staff for their help during this period of transition.

Chairman Almaraz, Member Shiroma, Executive Secretary Barbosa and Board Counsel Robinson attended the NLRB 2008 Conference on Labor and Employment Law held on February 8, 2008.

The annual California Farm Bureau Federation Legislative Reception will be held on February 26, 2008, from 6:00-8:00 p.m. at the Sheraton Grand Hotel in Sacramento.

The Western Growers Association's 2008 Legislative Reception will be held on March 12, 2008, from 6:00-7:30 p.m. at the Sutter Club in Sacramento.

Women Lawyers of Sacramento and La Raza Lawyers of Sacramento are co-hosting a March luncheon featuring former Senator Deborah V. Ortiz on March 27, 2008, at the Firehouse Restaurant in Old Sacramento.

California Women Lawyers will be honoring Sacramento County Superior Court Judge Emily E. Vasquez with the 2008 Rose Bird Memorial Award on March 28, 2008, from 5:30 p.m. to 7:30 p.m. at The Sterling Hotel Ballroom in Sacramento.

The public meeting adjourned at 11:55 a.m.