

**STATE OF CALIFORNIA
AGRICULTURAL LABOR RELATIONS BOARD**

BOARD MEETING MINUTES

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

March 19, 2008

Time: 10:00 a.m.
Members Present: Chairman Almaraz, Members Shiroma and Rivera-Hernandez
Staff Present: Executive Secretary Barbosa, Board Counsel Wender and Heyck,
Analyst Massie and General Counsel Lee

OPEN SESSION

1. **Approval of Minutes:** The Board minutes for March 5, 2008 were approved 3-0.
2. **Public Comments:** None.
3. **Chairman Report:** Chairman Almaraz reported on the progress of the agency's Annual Report. Chairman Almaraz participated in a follow-up budget meeting with LWDA. DLSE requested assistance by way of a loan of an Administrative Law Judge. Chairman Almaraz informed DLSE that while we would gladly assist them if we had the resources, currently we have only one half-time ALJ.
4. **General Counsel Report:** Five new charges have been filed in the Visalia Regional Office since the last Board meeting. Three new charges were filed in the Salinas Regional Office.
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. 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.) On February 5, 2008 the Salinas Regional Director and Employer reached an informal settlement agreement resolving the allegations of the remaining charge, 07-CE-24-SAL. The UFW filed a request for review of the agreement. The matter is pending a ruling on by the General Counsel’s office and screening of the union’s objections.

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 the three (3) challenged ballots was held on March 18, 2008 and has now concluded. The matter is pending the filing of post-hearing briefs, if necessary, and the IHE’s decision. The Employer also filed objections to the election on September 18, 2007 that are pending before the Executive Secretary for decision. A

ruling on the objections will follow as soon as all the challenged ballot issues are fully resolved and a revised tally of ballots has issued.

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 12, 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 ES denied the motion to dismiss. The request for review was filed February 28, 2008. On March 7, 2008 the Board denied the employer's request for review. The matter is now pending resolution of the overlapping ULP's.

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

COMPLAINTS HAS ISSUED

No new complaints issued.

**PREHEARING, HEARING OR SETTLEMENT CONFERENCES
SCHEDULED**

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

Last prehearing held February 19, 2008

Hearing May 6, 2008

The Hess Collection Winery, 99-CE-23-SAL
Prehearing July 22, 2008
Hearing August 26, 2008

HEARINGS HELD:

Lassen Dairy dba Meritage Dairy, 07-RC-4-VI
Hearing held March 18, 2008.

TWO CASES ON CALENDAR:

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

The Hess Collection Winery, 99-CE-23-SAL
Prehearing July 22, 2008
Hearing August 26, 2008

CASES PENDING ALJ/IHE DECISION:

Lassen Dairy dba Meritage Dairy, 07-RC-4-VI
Hearing held March 18, 2008.

ALJ/IHE DECISIONS ISSUED:

Aukeman Farms, 06-CE-35-VI
ALJ decision issued March 13, 2008

CASES PENDING EXCEPTIONS OR REPLY:

Aukeman Farms, 06-CE-35-VI
Exceptions due April 7, 2008
Reply briefs due April 21, 2008

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:

None.

BOARD DECISIONS:

None.

REQUESTS UNDER MANDATORY MEDIATION AND CONCILIATION LAW:

None.

COURT LITIGATION

Artesia Dairy (33 ALRB No. 6), F054590

Petition for review filed January 25, 2008. ALRB filed certified record on January 7, 2008. Petitioner's opening brief was filed March 13, 2008. The Board's response brief is due April 17, 2008.

6. Special Projects

- (a) Information Technology Update/Case Tracking System: Consultant Guida met with the Regional Directors on March 12th and finalized the case number system. The Regional Directors will review time reporting categories and meet with Mr. Guida on March 21.
- (b) Financial Integrity and State Managers Accountability Act (FISMA): The FISMA committee composed of General Counsel Lee, Board Members Shiroma and Rivera-Hernandez, Board Counsel Robinson and Account Officer Davis will meet to review policies and procedures. The committee will finish their review by the December deadline.

7. Legislation

AB 2539 (Strickland)—State boards and commissions; salaries; suspension.

This bill would specify that members appointed to specified state boards and commissions shall receive no salary for the 2008-09, 2009-10 and 2010-11 fiscal years, except that they may receive a per diem payment of \$100. The bill is essentially identical to AB 309, which died on January 31, 2008, pursuant to Art. IV, Sec. 10(c) of the Constitution (failure to meet deadline for passage by house of origin). On March 10, the bill was amended to eliminate the list of affected boards and commissions and instead provide that the bill would prohibit a member of a state board or commission from receiving any salary if (1) in 2007 or later, the position of the member on the state board or commission received or would receive a salary totaling at least \$100,000 per year, and (2) the members of the state board or commission are required, either by statute or regulation, to meet 2 or less times per month, whichever is greater. This bill would authorize a member of a state board or commission who is prohibited from receiving a salary under these provisions to

receive a per diem payment of \$100. On March 11, the bill was re-referred to Com. on B. & P.

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. Beginning on January 1, 2008, recommendations for the closure or realignment of state bureaucracies would be required to be developed for consideration by the commission. It would require the commission to independently evaluate the recommendations, conduct three public hearings, and by January 1, 2009, have at least one member of the commission visit each state bureaucracy considered for realignment or closure. The commission's recommendations would be presented to the Governor and Legislature and, if approved by the Governor, the recommendations would be prepared as a reorganization plan and submitted to the Legislature. The January 9, 2008 amendments change the effective dates of the act's provisions (for the most part from 2008 to 2009) in light of the passage of time since introduction.

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

Existing law establishes various boards and commissions in state government. This bill 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.

AB 2386 (Nunez) Agricultural employees: elections of labor representatives.

This bill would make technical, nonsubstantive changes to section 1156.3 of the ALRA, which governs the filing of election petitions.

8. **Personnel:** Jeanette Barr has rejoined the ALRB and will be working for the Executive Secretary's Office on a part-time basis.
9. **Roundtable:** Nothing new.

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