

**STATE OF CALIFORNIA
AGRICULTURAL LABOR RELATIONS BOARD**

BOARD MEETING MINUTES

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

April 2, 2008

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

OPEN SESSION

1. Approval of Minutes: The Board minutes for March 19, 24 and 25, 2008 were approved 3-0.

2. Public Comments: None.

3. Chairman Report:

Chairman Almaraz reported that the ALRB's budget hearings are coming up. The Assembly prehearing meeting is April 3 and the hearing is April 8, 2008. The prehearing meeting is April 22 and the hearing is April 28, 2008. Chairman Almaraz also reported that the tentative date of the confirmation hearing for him and for Member Rivera Hernandez is May 28, 2008. There will be a senior managers meeting at the Labor and Workforce Development Agency on Tuesday, April 8, 2008.

The Board discussed the draft annual report for fiscal years 05/06 and 06/07. General Counsel Lee will provide information on regional office activity.

4. General Counsel Report:

General Counsel Lee reported that 8 new charges have been filed in the regional offices. He also reported that there were several Notices of Intent to Take Access (NAs) filed in the Ventura area, and that an election is pending for Friday, April 4, 2008 at Vander Kooi Dairy in Visalia.

5. Executive Officer Report:

The Executive Secretary reported that he had received a request for information from the Assembly Republican Fiscal Office in connection with the upcoming Assembly budget hearing currently scheduled for April 8, 2008. The information has been compiled and will be sent over on April 2, 2008.

ELECTION REPORT:

NOTICE OF INTENT TO TAKE ACCESS (NA) AND NOTICE OF INTENT TO ORGANIZE (NO):

Thirteen (13) new NAs have been filed with the Regional Offices: Reiter Berry Farms, T & R Berry Farms, Rio Mesa Farms, Saticoy Berry Farms, Westview B. Farms, Mandalay B. Farms, Anacapa B. Farms, Vander Kooi Dairy, Real Farming, J & E Farming, Mc Berry Farms, Pacific Berry Farms, Reiter Brother Inc. All but one was filed by the UFW. The remaining NA, Vander Kooi Dairy, was filed by UFCW, Local 5.

Also, the UFCW, Local 5, filed a Notice of Intent to Organize (NO) at Vander Kooi Dairy.

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
UCBs	1
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 ulps.

Ronald Vander Kooi, 08-RC-001-VIS

On Friday, March 28th the UFCW, Local 5, filed a representation petition with the Visalia Regional Office seeking to organize the agricultural employees of Ronald Vander Kooi. The employer is a dairy in Visalia, CA. with approximately 15 employees. The petition is under investigation and the employer's response was received yesterday. The union met the showing of interest. The pre-election hearing is being held April 2, 2008 at 1:00 PM. An election, if appropriate, would be held on Friday, April 4, 2008 from approximately 5:30 AM to 9:30 AM.

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 ISSUED

No new complaints issued.

**PREHEARING, HEARING OR SETTLEMENT CONFERENCES
SCHEDULED**

The Hess Collection Winery, 99-CE-23-SAL

Prehearing July 22, 2008

Hearing August 26, 2008

Regional Director Capuyan is scheduled to meet with Employer next week to discuss possible settlement of this and other matters.

Santa Rosa Berry Farms, 07-CE-22-VI

Prehearing April 29, 2008

Hearing May 20, 2008

HEARINGS HELD:

None.

TWO CASES ON CALENDAR:

The Hess Collection Winery. 99-CE-23-SAL

Prehearing July 22, 2008

Hearing August 26, 2008

Santa Rosa Berry Farms, 07-CE-22-VI

Prehearing April 29, 2008
Hearing May 20, 2008

CASES PENDING ALJ/IHE DECISION:

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

ALJ/IHE DECISIONS ISSUED:

None.

CASES PENDING EXCEPTIONS OR REPLY:

Aukeman Farms, 06-CE-35-VI

Exceptions due April 7, 2008

Reply briefs due April 21, 2008

On April 1, 2008, the General Counsel filed a Motion to Request time to file an amended Backpay Specification pursuant to Administrative Law Judges's decision that awarded backpay. The Board will rule on the motion shortly.

CASES PENDING BOARD DECISION:

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

Aukeman Farms, 06-CE-35-VI

CASES PENDING SETTLEMENT:

None.

CASES SETTLED OR RESOLVED:

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

The UFW and the C. Mondavi & Sons dba Charles Krug have agreed to a private party settlement resolving all allegations in the complaint. The Salinas Regional Director plans to withdraw the underlying charges, withdraw the complaint and file a motion taking the case off calendar.

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)

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: Member Shiroma reported that the next Case Tracking System meeting is April 4, 2008. Work is in progress on the time tracking system and the compliance forms.
- (b) Financial Integrity and State Managers Accountability Act (FISMA): Member Shiroma reported that Consultant, Steve Guida has finished the manual on the inventory process. A manual for how to process contracts will also be developed.

7. Legislation: AB 2539 (Strickland)- which would eliminate salaries for members of specified state boards and commissions was amended to delete the list of affected boards and instead now provides conditions under which board or commission members would be prohibited from receiving salaries. It is not clear whether this bill still applies to the ALRB. The bill was re-referred to the Committee on Business and Professions on March 11, 2008 and a hearing on the bill is set for April 9, 2008.

AB 2386 (Nunez)- which would make technical, non-substantive changes to section 1156.3 of the ALRA was referred to the committee on Labor and Employment on April 1, 2008.

8. Personnel: None.

9. Roundtable: None.

The public meeting adjourned at 11:45 a.m.

WHEREUPON THE BOARD ENTERED INTO CLOSED SESSION.