

**STATE OF CALIFORNIA
AGRICULTURAL LABOR RELATIONS BOARD**

BOARD MEETING MINUTES

**Employment Development Department Auditorium
722 Capitol Mall
Sacramento CA 95814**

May 7, 2014

Time: 9:40 a.m.
Members Present: Chairman Gould, Members Shiroma and Rivera-Hernandez
Staff Present: Acting Executive Secretary Starkey; Board Counsel Heyck, Dixit and Inciardi; Analyst Massie
Others Present: Frances Low, Principal Consultant, Senate Rules Committee

OPEN SESSION

1. **Approval of Minutes:** The Board minutes for March 20, 2014, and April 22, 2014, were approved 3-0.
2. **Public Comment:** None.
3. **Chair's Report:** The Agricultural Labor Relations Board's budget hearing will be held before Senate Budget and Fiscal Review Committee No. 4 on May 8 at 9:30 a.m. in Room 112 of the Capitol. Chairman Gould will attend the hearing and believes General Counsel Torres-Guillén will attend as well. The Chairman and General Counsel provided year-end projections to Labor and Workforce Development Agency (LWDA).

Business Services Officer Saldivar provided amendments to the department's procurement policy for the Board's approval. The Board approved the amended procurement policy by a vote of 3-0.

4. **Executive Officer Report:**

ELECTION REPORT

NOTICE OF INTENT TO TAKE ACCESS (NA)

No new notices of intent to take access (NAs) have been filed since the Board's last meeting on April 22, 2014.

NOTICE OF INTENT TO ORGANIZE (NO)

No new notices of intent to organize (NOs) have been filed since the Board's last meeting on April 22, 2014.

PENDING ELECTION MATTERS –There are three election matters that are pending. Two are before the Board and one is on review before the appellate court.

D'Arrigo Bros. of California, 2010-RD-004-SAL

On April 11, 2013, the Board issued its decision dismissing the decertification petition and setting aside the election. On May 10, 2013, D'Arrigo Bros. filed a petition for writ of review in the Fourth District Court of Appeal, Division One, requesting review of the Board's decision in 39 ALRB No. 4. On April 22, 2014, the petition was denied. If there is no further legal review, the matter will be processed to set aside the election.

Dole Berry North, 2013-RD-001-SAL

On October 18, 2013, Petitioner Jose Aguilar, an employee at Dole Berry North, filed a decertification petition with the Salinas ALRB Regional Office seeking to remove the incumbent bargaining representative, the United Farm Workers. An election was held on October 25, 2013, but the regional director impounded the ballots based on the filing of charges by both the employer and union. On November 1, 2013, the United Farm Workers (UFW) filed six objections alleging unlawful employer assistance, unlawful employer assistance by disparate treatment, a defective eligibility list, an unlawful promise of benefit, misrepresentation, and forged signatures. On November 22, 2013, the Board issued its decision on the UFW's election objections.

On November 22, 2013, the Regional Director forwarded to the Board all challenged ballot declarations and all other evidence in her possession relevant to the eligibility of the challenged voters. On December 4, 2013, the Employer filed with the Executive Secretary declarations and/or documentary evidence in support of its position as to the eligibility of the challenged voters, accompanied by argument explaining its positions and the relevance of the proffered evidence. The record on challenged ballots is now complete and a Board decision on the challenged ballots is pending.

Gerawan Farming, Inc., 2013-RD-003-VIS

On October 25, 2013, Gerawan Farming, Inc. farm worker Silvia Lopez filed a second decertification petition with the ALRB Regional Office. An election was held on November 5, 2013 but the ballots were impounded pending resolution of election objections and related unfair labor practice complaints.

On November 7, 2013, the Board issued an order directing the Regional Director to forward to the Board all challenged ballot declarations and all other evidence in his possession relevant to the eligibility of the approximately 680 challenged voters and shall serve the same on all parties to the election by November 21, 2013. The Regional Director complied with the Board's Order and forwarded the challenged ballot declarations to the Board. The Regional Director also provided approximately 10,000 pages of documents to the Board to determine which documents should be turned over to the parties as responsive to the Board's Order. On December 13, 2014, the employer submitted its response to the Regional Director's submission. Neither party filed a reply to the other parties' evidence and argument.

On March 12, 2014, the Executive Secretary issued a notice of hearing setting UFW's Objection No. 1 and the amended complaint in Case Number 2013-CE-027-VIS for hearing on May 6, 2014. On March 18, 2014, the General Counsel filed an objection to the notice of hearing and requested that the notice be rescinded and that the assigned Administrative Law Judge set this matter for hearing after the General Counsel has completed her investigation of two related unfair labor practice charges, i.e., ULP charges 2013-CE-027-VIS and 2013-CE-039-VIS. On April 11, 2014, the Executive Secretary rescinded his notice setting this matter for hearing and holds this matter in abeyance until the General Counsel has completed her investigation of overlapping ULP charges.

COMPLAINT REPORT

COMPLAINTS ISSUED

Arnaudo Brothers, LP, 2013-CE-028-VIS

Complaint issued April 15, 2014

Gerawan Farming, Inc., 2014-CE-003-VIS

Complaint issued January 31, 2014

COMPLAINTS WITHDRAWN

Sun World International, Inc., 2011-CE-017-VIS

The hearing scheduled for April 1 and 2, 2014 was canceled as General Counsel withdrew the complaint as a key witness was unavailable. Employer objected to the withdrawal. The Administrative Law Judge (ALJ) issued an Order to Show Cause re withdrawal. The General Counsel sought an interim appeal from the ALJ regarding the OSC order arguing that the ALJ had used an outdated regulation in his order. The General Counsel responded to the OSC by April 15, 2014, making the matter moot. The complaint was dismissed on April 19, 2014.

THREE HEARINGS SCHEDULED – There are three cases currently on calendar.

D'Arrigo Bros. of California, 2012-CE-005-SAL

On April 1, 2014, the General Counsel and Respondent advised Executive Secretary on status of settlement negotiations. On April 16, 2014, a telephone conference to discuss matters preliminary to re-scheduled hearing was continued to May 14, 2014. The Executive Secretary rescinded his previous order setting this matter for July 8, 2014 and re-set the hearing for May 28, 2014. The respondent is now seeking a continuance to July 8, 2014, as it now has commitments with the presently re-set date. The Acting Executive Secretary granted the motion to continue the hearing to July 8, 2014. All other dates remain in place. A prehearing conference will be held on May 8, 2014.

RBI Packing, LLC, 2013-CE-002-VIS

A second settlement telephone conference was held March 20, 2014. A further telephone conference was scheduled April 1, 2014. The Prehearing conference was held on April 3, 2014. The hearing is scheduled for June 17, 2014. The Acting Executive Secretary is exploring with the parties a face to face settlement conference that may be scheduled prior to hearing.

California Artichoke and Vegetable Growers Corp. dba Ocean Mist Farms, 2012-CE-044-VIS

A prehearing conference was held April 8, 2014.
The hearing was rescheduled from April 29, 2014 to July 8, 2014.

CASES TO BE SCHEDULED FOR HEARING

Ace Tomato Company, Inc., 2012-CE-007-VIS et al.
Ace Tomato Company, Inc., 93-CE-37-VIS
Arnaudo Brothers, LP, 2013-CE-028-VIS
Gerawan Farming, Inc., 2014-CE-003-VIS

Gerawan Farming, Inc., 2013-RD-003-VIS and 2013-CE-027-VIS

The hearing notice was rescinded and has not been rescheduled. The matter will be re-calendared pending notice from the General Counsel that the investigations of charges have been completed.

Gerawan Farming, Inc., 2013-CE-010-VIS & 2012-CE-041-VIS

The case was taken off calendar and has not been rescheduled.

Perez Packing, Inc., 2014-MMC-001

Parties were asked to provide dates for hearing for expedited scheduling per order of the Board and hearing has been set for May 13 and 14 in the Visalia Regional Office.

HEARINGS IN PROGRESS

None.

CASES SETTLED AT HEARING

None.

CASES PENDING TRANSCRIPTS, POST-HEARING BRIEFS OR ALJ/IHE DECISION

There are two cases pending ALJ decision:

P&M Vanderpoel Dairy, 2013-CE-016-VIS

The hearing was held February 11 and 12, 2014. Post-hearing briefs were received April 10, 2014.

George Amaral Ranches, Inc., 2013-CE-033-SAL

The hearing ended January 20, 2014. Post-hearing briefs were filed by April 11, 2014.

NO ALJ/IHE DECISIONS HAVE ISSUED

CASES PENDING EXCEPTIONS OR REPLY/REQUEST FOR REVIEW:

Gurinder S. Sandhu dba Sandhu Poultry and Farming, 2012-CE-010-VIS ALJ decision issued February 20, 2014.

Exceptions are due May 12, 2014.

Replies to exceptions are due July 12, 2014.

CASES PENDING BOARD DECISION OR ACTION:

Tri-Fanucchi Farms, Inc., 2013-CE-008-VIS

On April 23, 2014, the Board issued its decision (40 ALRB No. 4) on the employer's exceptions to the ALJ decision. The Board upheld ALJ decision finding refusal to bargain in good faith and modified the ALJ's recommended order re interest calculation pursuant to *H& R Gunland Ranches, Inc.* (2013) 39 ALRB No. 21.

Ace Tomato Company, Inc. (the makewhole case), 93-CE-37-VIS

The case is pending decision before the Board on respondent's motion for stay of all proceedings and enforcement during pendency of Board-ordered settlement negotiations. A settlement conference was held on January 24, 2014 in Stockton CA. A motion to stay pending review of settlement status letters was received in April 2014.

Kawahara Nurseries, Inc., 2011-CE-004-SAL

The matter is pending before the Board for decision on exceptions to the ALJ's decision.

Gerawan Farming Inc. (Silvia Lopez) 2013-RD-003-VIS

The case is pending decision on challenged ballots and Silvia Lopez' petition for temporary stay of the MMC proceedings.

Dole Berry North, 2013-RD-001-SAL

The case is pending decision on challenged ballots.

California Artichoke etc. dba Ocean Mist Farms, Case No. 2012-CE-044-VIS

Pending ruling on General Counsel's April 9, 2014, application for permission to appeal the ALJ's ruling on General Counsel's petition to revoke subpoena.

Corralitos Farms, LLC (UFW), 2013-CL-008-SAL

The UFW and General Counsel filed a motion for Board decision on based on stipulated facts and record received March 19, 2014. The Board issued an administrative order on April 8, 2014 informing all parties that they may file briefs addressing the propriety of reconsidering the Board's decision in *Corralitos Farms, LLC* (2013) 39 ALRB No. 8 in this unfair labor practice proceeding, as well as any disputes regarding the content of the record. The opening briefs are due May 9, 2014, and reply briefs on May 16, 2014.

CASES REFERRED TO COMPLIANCE

None.

COMPLIANCE CASES CLOSED:

None.

BOARD DECISIONS/ADMINISTRATIVE ORDERS:

California Artichoke and Vegetable Growers Corp., dba Ocean Mist Farms, 2012-CE-044-VIS

On April 9, 2014, the General Counsel of the Agricultural Labor Relations Board filed an Application for Permission to Appeal an evidentiary ruling made on April 3, 2014, by the Administrative Law Judge (ALJ) regarding the March 28, 2014, Petition to Revoke a Notice in Lieu of Subpoena. The General Counsel alleged in the Application that the ALJ's ruling was in violation of section 2018.030 of the Code of Civil Procedure and section 915 of the Evidence Code, in that the ruling instructed the General Counsel to provide materials for in camera review which, according to the General Counsel, were absolutely protected from disclosure under the attorney work-product privilege. On May 5, 2014, the Board denied the General Counsel's Application. The Board found the request unnecessary as the General Counsel will be

afforded the opportunity at the start of the July 8, 2014 evidentiary hearing in the matter to make a foundational showing that the materials claimed to be privileged are in fact absolutely protected attorney work-product. (Admin. Order 2014-06.)

REQUESTS UNDER MANDATORY MEDIATION AND CONCILIATION LAW:

Arnaudo Brothers, Inc., 2013-MMC-001

On February 4, 2013, the UFW filed a declaration requesting that the Board issue an order directing the United Farm Workers of America (UFW) and Arnaudo Brothers, Inc. to mandatory mediation and conciliation. On February 13, 2013, the Board granted the UFW's request and issued an order directing the parties to mandatory mediation and conciliation. The parties selected Matthew Goldberg as the mediator/arbitrator in this case.

On January 21, 2014, the UFW transmitted the hearing transcript dated December 16, 2013 that both the employer and union agreed constituted the Mediator's final report. On January 30, 2014, the Board received a "Petition for Review of Mediator's Report" from the UFW. The UFW contends that the report of the mediator was based on clearly erroneous findings of fact and was arbitrary and capricious.

On March 27, 2014, the Board issued its decision denying the petitions for review filed by the employer and the UFW as premature as the transcript of the December 16, 2013 mediation session did not satisfy the requirements of a mediator's report set forth in Labor Code section 1164(d) and Board regulation 20407(d). The matter is pending the submission of a mediator's report that conforms to the statutory and regulatory requirements.

See court litigation for court case also involving this case.

Perez Packing, Inc., 2014-MMC-001

On January 21, 2014, the UFW faxed a copy its declaration requesting that the Board issue an order directing the parties, the UFW and Perez Packing, Inc., to mandatory mediation pursuant to Labor Code section 1164(b). On January 24, 2014, the employer filed its answer and argument in response to the UFW's declaration. On March 25, 2014, the Board's issued an administrative order holding the UFW's MMC petition in abeyance pending the outcome of an expedited evidentiary hearing. At the hearing, the investigative hearing examiner is take evidence on whether the UFW made qualifying initial and renewed demands to bargain with the Employer before October 23, 2013, in accordance with section 1164 of the ALRA. The Board's decision on this matter then issued on March 26, 2014. The Executive Secretary has contacted the parties and requested their availability for an expedited hearing, which has been set for May 13-14, 2014.

COURT LITIGATION/BOARD

Ace Tomato Company, Inc., 5 DCA. Case No. F065589

On August 24, 2012, Ace Tomato Company (Ace) filed a petition for writ of review Fifth District Court of Appeal (5 DCA) seeking appellate review of the Board's decision in 38 ALRB No. 6 and a stay of that decision. In that decision, pursuant to the Mandatory Mediation and Conciliation (MMC) provisions of the Agricultural Labor Relations Act, the Board in 38 ALRB No. 6 affirmed the mediator's report fixing the terms of a collective bargaining agreement between Ace and the United Farm Workers of America (UFW), the certified representative. In August 2012, the Board and the UFW separately filed preliminary opposition to the appeal. At the court's invitation, the Board and the UFW filed letter briefs on the issue of venue, arguing that proper venue was in the Third District Court of Appeal (3 DCA). On October 10, 2012, Ace filed its opening brief on the merits of the petition, along with a motion to augment the record to include a sample agreement between Ace and one of its labor contractors.

On October 17, 2012, the 5 DCA issued two orders. One order denied the request to transfer the case to the 3 DCA, without prejudice to filing a request directly with the California Supreme Court. The other order granted Ace's request to stay the Board's decision pending court review. On October 25, 2012, the UFW filed an opposition to Ace's motion to augment the record, which the Board joined. On October 31, 2012, the Board filed a petition for rehearing on proper venue. On November 14, 2012, the Board filed its response brief on the merits and on December 7, 2012, the UFW filed its response. Ace filed its reply brief on January 16, 2013. On February 13, 2013, the 5 DCA issued a writ to have the case heard. The court denied the Board's petition on venue, and kept the stay in effect.

On September 24, 2013, the court by letter directed the parties to inform the court about the status of the case and whether it had settled. On October 23, 2013, the Board informed the court of the status of settlement and asked leave to file a status update. On November 4, 2013, the Board issued its order (Admin. Order No. 2013-48) granting the General Counsel's motion for an extension of time to November 19, 2013, to file a formal bilateral settlement agreement in compliance with Administrative Orders 2013-35 and 2013-42. On November 12, 2013, the Board so informed the court of the settlement status. On November 25, 2013, the Board further advised the court that the parties were unable to reach settlement and that the Board had decided to meet directly with the parties to facilitate settlement. At the Board's request, the court agreed to the case in abeyance pending settlement attempts.

ALJ Thomas Sobel is serving as settlement judge. A settlement conference was held on January 14, 2014. The Board has requested the Executive Secretary to inquire

about the status of settlement discussions. The parties provided status letters to the Acting Executive Secretary, which were submitted to the Board.

D'Arrigo Brothers Company of California, 4DCA, Div. 1, Case No. D063886

On May 10, 2013, D'Arrigo Bros. of California ("D'Arrigo") filed a petition for writ of review in the Fourth District Court of Appeal, Division One, requesting review of the Board's decision in 39 ALRB No. 4. The certified record was filed with the court on May 22, 2013. The petitioner's brief was filed September 13, 2013. The Board's brief was filed on December 16, 2013 and the UFW's brief was filed on December 17, 2013. The petitioner requested and was granted a 59-day extension of time to file its reply brief. Petitioner's brief was filed on March 13, 2014. On April 22, 2014, the petition was summarily denied and the Board decision upheld. No review was sought.

Lupe Garcia v. California Agricultural Labor Rel. Bd., et al., Fresno County Superior Court, Case No. 13 CECG 01557

On May 17, 2013, Lupe Garcia, an individual worker employed by Gerawan, filed a petition and complaint, alleging the Board's April 16, 2013 order referring the parties to MMC (39 ALRB No. 5) is facially invalid under the due process clause of the U.S. and California Constitutions. The petition also alleges that the Board's ruling violates the workers' First Amendment rights to freedom of speech and association, as well as equal protection rights. On August 7, 2013, Garcia asked the court to stay MMC proceedings pending resolution of his request to intervene in the MMC proceedings, which the court denied for lack of standing. On August 30, 2013, the Board filed its answer to the petition and complaint. The matter is set for trial on November 10, 2014.

Premiere Raspberries, LLC, 6 DCA. Case Number H039793

On June 21, 2013, Premiere Raspberries filed a petition for writ of review in the Sixth District Court of Appeal requesting review of the Board's decision in 39 ALRB No. 6. On July 5, 2013, the Board filed the certified record with the court. The petitioner's opening brief was filed August 9, 2013. The Board's brief was filed September 13, 2013. The Appellant's reply brief was filed October 8, 2013. The Petition was denied on April 30, 2014. The period for review ends May 12, 2014.

Gerawan Farming, Inc. v. ALRB et al., Fresno County Superior Court, Case No. 13 CECG 03374 (1st Amendment)

On October 28, 2013, Gerawan filed an action in Fresno County Superior Court against the Board, its individual members, and its Executive Secretary, in which Gerawan claims that the Board violated the U.S. and California Constitutions by denying a worker's request to attend MMC sessions between Gerawan and the UFW. The lawsuit seeks a declaration that the Board's August 21, 2013 decision and order is unconstitutional, a declaration that the MMC proceedings conducted pursuant to the

Board's April 16, 2013 decision and order are null and void, orders for preliminary and permanent injunctive relief, and for damages, costs, and attorney fees.

The Board's filed its demurrer on December 17, 2013. Gerawan filed its opposition on February 5, 2014. After continuances, the court heard the Board's demurrer on March 13, 2014, and then allowed supplemental briefing, which was filed on March 20, 2014. The matter is pending decision of the court.

On December 20, 2013, Lupe Garcia filed a motion to intervene in the case, alleging that his individual rights had been denied. The Board filed its opposition to the motion to intervene on January 8, 2014. The hearing on the motion to intervene was heard February 11, 2014. The motion to intervene was granted. A demurrer and motion to strike portion of complaint in intervention was filed on May 1, 2014.

Francisco Napoles v. ALRB, 3 DCA, Case No. C075213

On November 20, 2013, the Francisco Napoles filed a notice of appeal with the Third District Court of Appeal (3 DCA) from the decision of the San Joaquin County Superior Court that it lacked jurisdiction to issue an injunction and hear the matter. In the superior court action, Napoles had claimed the Board had exceeded its powers when it referred Arnaudo and the UFW to MMC because the UFW allegedly disclaimed its interest in representing the bargaining unit and was no longer the certified representative, that the MMC proceedings violated his constitutional right to due process, that bias on the part of ALRB employees caused a denial of due process, that the statutes governing the MMC process are unconstitutional, and that the statute defining court jurisdiction over ALRB orders is unconstitutional.

On December 19, 2013, Napoles filed in the 3 DCA a petition for writ of supersedeas and request for immediate stay in connection with his appeal, which, if granted, would have precluded any enforcement of the UFW's certification pending the outcome of his appeal. On December 23, 2013, the Board filed its opposition to the request for an immediate stay. On January 3, 2014, the Board filed its opposition to the writ of supersedeas. The UFW's opposition was filed on January 17, 2014. On January 23, 2014, the court denied the stay request.

On February 4, 2014, Napoles filed a petition for review in the California Supreme Court, Case No. S216287, seeking reversal of the appellate court's denial of the stay request and requesting that the Supreme Court order an immediate stay to prevent enforcement of the UFW's certification. The ALRB answered the petition on February 25, 2014. The court denied the petition and request for stay on February 26, 2014.

On April 16, 2014, the appeal withdrawn and dismissed on April 18, 2014.

United Farm Workers (San Joaquin Tomato Growers) v. ALRB, 3 DCA, Case No. C075210

On November 22, 2013, the UFW filed with the 3 DCA a petition for writ of review of the Board's decision in 39 ALRB No. 15.

On November 27, 2013, Real Party in Interest San Joaquin Tomato Growers (SJTG) notified the 3 DCA that SJTG had filed a case concerning the same Board decision in the 5 DCA on November 22, 2013. On December 9, 2013, SJTG then filed a motion with the court asking that the case be transferred and consolidated with the case on file with the 5 DCA. On January 9, 2014, the 3 DCA denied SJTG's motion for transfer of the case to 5 DCA without prejudice to filing a request to transfer with the California Supreme Court.

On January 16, 2014, SJTG filed a petition with the California Supreme Court to transfer and consolidate the UFW's petition for review in the 3 DCA with SJTG's petition for review in the 5 DCA. On January 27, 2014, the Supreme Court rejected SJTG's petition to transfer as filed in error. On February 14, 2014, SJTG filed a second petition for review with the Supreme Court (Case No. S216519). The UFW answered on March 6, 2014. Real Party in Interest San Joaquin filed a response to the answer to March 13, 2014. The Supreme Court denied the petition to transfer on March 19, 2014.

The certified record was filed with the 3 DCA on January 9, 2014. On February 6, 2014, the UFW filed a joint stipulation extending the due date for the filing of the opening brief to March 20, 2014, which the court granted on February 6, 2014. The UFW's opening brief was filed on March 20, 2014. By stipulation granted April 11, 2014, the opposition briefs of the Board and SJTG are due May 22, 2014.

San Joaquin Tomato Growers (SJTG) v. ALRB, 5 DCA, Case No. F068406

On November 22, 2013, SJTG filed a petition for writ of review of the Board's decision in 39 ALRB No. 15 with the 5 DCA. On January 7, 2014, the Board filed the certified record with the court. On January 24, 2014, SJTG filed a request for a 59-day extension of time to file its opening brief. The court granted the request and SJTG's opening brief was filed on April 11, 2014. The opposition briefs of the Board and the UFW are pending court approval for filing on May 30, 2014.

Gerawan Farming, Inc. v. ALRB, 5 DCA, Case No. F068526 (appeal of MMC decision)

On December 16, 2013, Gerawan filed in the 5 DCA a petition for writ of review and stay of the Board's decision in 39 ALRB No. 17. On December 23, 2013, the Board filed its opposition to Gerawan's request for temporary stay. On January 7, 2014, Gerawan filed its response to the Board's opposition. Also on January 7, 2014, UFW filed its opposition to the request for stay and preliminary opposition to petition for writ of review. On January 14, 2014, Gerawan filed its response to the UFW's opposition to the stay request and preliminary opposition to petition for writ of

review. On February 10, 2014, the parties requested to consolidate cases nos. F068526 and F068676. On February 11, 2014, the court denied Gerawan's request for temporary stay. Also on February 11, 2014, the court granted Gerawan's request for judicial notice filed February 10, 2014 and deferred the parties' request for expedited schedule due to the pending request for consolidation of cases nos. F068526 and F068676. The Board's opposition brief was filed on March 21, 2014. Gerawan's reply brief was filed April 14, 2014. Friend of the court briefs were allowed on May 1, 2014 (NFIB Small Business Association, Western Growers Association, and Silvia Lopez). Replies are due May 26, 2014.

Gerawan Farming, Inc., 5 DCA, Case No. F068676

On January 15, 2014, Gerawan Farming Inc. (Gerawan) appealed from the September 26, 2013 order of the Fresno County Superior Court (Judge Black) denying its petition for writ of mandate. On January 27, 2014, Gerawan filed its mandatory case information statement. On February 10, 2014, the court deferred ruling on appellant's January 27, 2014 request for consolidation of cases nos. F068526 and F068676 and directed that the cases be briefed separately but coordinated so that they may be considered by the same panel for hearing. Briefing will follow the record on appeal being prepared.

Perez Packing, Inc., 5 DCA, Case No. F068697

On January 17, 2014, Perez Packing, Inc. (Perez) filed in the 5 DCA a petition for writ of review of the Board's decision in 39 ALRB No. 19. The certified record was filed with the court on February 3, 2014. Perez's opening brief was filed March 10, 2014. The Board's brief was filed on April 14, 2014. Perez's closing brief was filed May 6, 2014. The case has been fully briefed.

Lopez v. Shiroma, et al., E.D. Cal. Case No. 1:14-CV-00236-LJO-GSA

On February 20, 2014, Gerawan employee and petitioner, Silvia Lopez, filed a lawsuit in the United States District Court, Eastern District (Fresno) seeking an order to have the Board tally and disclose the ballots in the decertification election involving Gerawan and the UFW (ALRB Case No. 2013-RD-003-VIS). Upon stipulation and order for extension of time, a motion to dismiss was filed on April 21, 2014, on behalf of the named defendants. The opposition brief is due on May 23, 2014. Reply briefs are due June 9, 2014. The hearing on the motion to dismiss is scheduled for June 16, 2014.

5. GENERAL COUNSEL REPORT'S: None

6. SPECIAL PROJECTS

- a. *Status report on closing and moving the El Centro and Visalia Offices.* Chairman Gould met with Business Services Officer Saldivar. Mr. Saldivar indicated the Department of General Services estimated the relocation of the Visalia office and

opening of a Coachella office usually takes approximately 18-24 months to process. No cost figures are currently available. The Chairman will work with Mr. Saldivar to assess whether the current offices should be maintained. Mr. Gould will meet with the General Counsel and report back at the next meeting.

7. Regulations – Nothing new to report.

8. Legislation –

AB 2575 (Campos) ALRB Annual Report Deadline

- a. Introduced February 21, 2014.
- b. Amends Labor Code section 1143, which requires the Board at the close of the fiscal year to file its annual report to the Governor and the Legislature, to specify that the annual report shall be made within 45 days of the end of the fiscal year (August 14).
- c. Status: The bill was assigned to Assembly Labor & Employment Committee on March 13, 2014. A hearing was set for April 23, 2014, but was subsequently cancelled and has not re-set.

SB 1106 (Berryhill) Labor organizations' annual reports

- a. Introduced February 19, 2014
- b. This bill would add section 1159.1 is added to the Labor Code to require that a certified labor organization submit an annual report to the Agricultural Labor Relations Board listing the names of employers with whom negotiations under this part are in progress but not yet completed, including a description of the progress of negotiations between the labor organization and the employer. The report shall include the requests made by the union to bargain and the dates of meetings between the labor organization and the employer.
- c. Status: On April 17, 2014 the bill was set for hearing on April 24 in Senate Labor and Industrial Relations Committee. The hearing was cancelled and not re-set.

9. Personnel – The Board expects Luther Burbank High School student intern Lesley Vargas to start today.

10. Roundtable – CalAsian Chamber of Commerce and Asian Pacific Islander American Public Affairs are holding a reception on May 14, 2014, at 5:30 p.m. at the Stanford Mansion in Sacramento recognizing the contribution and service of the Asian American Pacific Islander Appointees of Governor Edmund G. Brown, Jr.

Chairman Gould thanked his fellow Board Members, the Executive Secretary, Acting Executive Secretary, Administrative Law Judges, and staff present at the meeting, for their work and assistance

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The Board meeting scheduled for May 21, 2014 is canceled. There will be no Board meeting conducted in June. The next meeting will be held on Wednesday, July 16 at 9:30 a.m. at the Employment Development Department Auditorium.

The public meeting adjourned at 10:09 a.m.