STATE OF CALIFORNIA

AGRICULTURAL LABOR RELATIONS BOARD

UNITED FARM WORKERS OF AMERICA, Respondent, and, AUGUSTIN GARCIA, Charging Party, and, GERAWAN FARMING, INC. Intervenor,	)	CASE NO. 2018-CL-003-VIS ORDER DENYING INTERVENOR'S REQUEST FOR A HEARING ON ALLEGED COLLUSION BETWEEN THE CHARGING PARTY AND RESPONDENT ORDER GRANTING GENERAL COUNSEL'S MOTION FOR JUDGMENT ON THE PLEADINGS

Procedural Background

On September 27, 2018, the Agricultural Labor Relations Board (ALRB) issued its Supplemental Decision and Order on Remand finding that unlawful conduct of Intervenor Gerawan Farming, Inc. (Gerawan) did not interfere with employee free choice to such an extent that it affected the outcome of the decertification election conducted on November 5, 2013.[1] Accordingly, the ALRB certified the election results finding that a majority of the valid votes counted were cast for "No Union." Hence, the United Farm Workers of America (UFW), which had been Gerawan's agricultural employees' exclusive collective bargaining representative since 1991,[2] was decertified.[3]

[1] *Gerawan Farming, Inc.* (2018) 44 ALRB No. 10, p. 11.

[2] *Gerawan Farming, Inc.* (2018) 44 ALRB No. 11, p. 3.

[3] Gerawan *Farming, Inc.*, supra, 44 ALRB No. 10, pp. 11-12.

About a week after this decertification, by letter dated November 13, 2018, UFW sent a letter to Gerawan asserting, in part,

> As you know, we believe the Board's decertification of UFW was made in error, is invalid as a matter of law, and has no legal force or effect. Should Gerawan refuse to meet and bargain, UFW will file charges and will also picket Gerawan at any and all public locations and retailers, in order to be recognized as the lawful representative of Gerawan's employees.

An unfair labor practice charge was filed on December 10, 2018, by agricultural worker Agustin Garcia (Garcia). The charge claimed that UFW had violated California Labor Code §1154(a) and (h)[4] by, inter alia, on November 13, 2018, requesting bargaining and threatening to picket for recognition. Following the filing of this charge, an investigation was conducted by the Visalia Regional Office of the ALRB. During the investigation, UFW wrote to the Region by letter dated December 13, 2018, stating, inter alia,

> UFW admits to violating the Act . . . as a means to seek review of the ALRB decision in *Gerawan Farming, Inc.* (2018) 44 ALRB No. 10. . . . UFW believes that decision by the ALRB was made in error and seeks to challenge that decision. UFW has no other means to seek review of that decision, other than by engaging in this technical violation of the Act.

Complaint was issued on December 28, 2018, alleging that UFW committed unfair labor practices by threatening, inter alia, to picket Gerawan without a certification. The answer filed by UFW admits that it wrote the November 13, 2018 letter to Gerawan and admits it wrote the December 13, 2018 letter to the Region. Further, the answer does not dispute the substantive allegations that it violated the ALRA by threatening to picket in order to force or require Gerawan to recognize it.

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[4] The Agricultural Labor Relations Act (ALRA), California Labor Code §§1140-1166.3, provides at §1154(h) that it shall be an unfair labor practice for a labor organization "To picket or cause to be picketed, or threaten to be picketed or cause to be picketed, any employer where an object thereof is either forcing or requiring an employer to recognize or bargain with the labor organization as a representative of his employees unless such labor organization is currently certified as the collective-bargaining representative of such employees."

On March 1, 2019, the General Counsel moved for judgment on the pleadings. On March 11, 2019, UFW filed its response to the General Counsel's motion for judgment on the pleadings reasserting that it engaged in a technical violation of the law in order to seek review of the ALRB's decertification decision. Gerawan filed its opposition to the motion for judgment on the pleadings on March 14, 2019, and on March 28, 2019, the General Counsel filed a reply brief.

Gerawan opposes entry of judgment on the pleadings. Gerawan argues that the test of certification procedure available to employers in order to obtain appellate review of a certification is not available to unions to obtain appellate review of a decertification. Second, Gerawan claims that Garcia lacks standing to file an unfair labor practice charge. Finally, Gerawan asserts that the unfair labor practice charge filed by Garcia against his union is the product of collusion. Accordingly, Gerawan requests that a hearing be held in order to demonstrate that Garcia's interest in the outcome of the litigation is collusive. Gerawan's arguments are rejected.

Garcia Had Standing to File the Unfair Labor Practice Charge

An unfair labor practice charge may be filed by any person[5] for any reason.[6] An unfair labor practice charge does not constitute proof.[7] It is not a pleading.[8] An unfair labor practice

[5] An unfair labor practice charge may be filed by any person. ALRB Regulations §20201 (8 CCR §20201). See also NLRB Rule 102.9, 29 CFR 102.9: a charge may be filed by any person.

[6] *Stationary Engineers Local 39 (Kaiser Foundation)* 268 NLRB 115, 116 (1983): "The simple fact is that anyone for any reason may file charges with the Board." enfd. (9th Cir. 1984) 746 F.2d 530.

[7] NLRB v. Indiana & Michigan Elec. Co. (1943) 318 U.S. 9, 18.

[8] Id.

charge, even if filed in bad faith or for evil intent, is not invalid.[9] The charge merely sets in motion the machinery of an inquiry.[10]

Once a charge is filed, the General Counsel alone moves forward in the interest of the public.[11] The General Counsel investigates the alleged violation and the General Counsel alone, acting on behalf of the public at large, determines whether to issue a complaint.[12] The General Counsel possesses sole discretion in this regard. [13] The charging party may not determine whether complaint will issue, the theory of law underlying the complaint, or the management or prosecution of the complaint.[14] Thus, the General Counsel has sole discretion to make these determinations.

Conflating various sections of the ALRA, Gerawan argues that Garcia is not a person entitled to file an unfair labor practice charge because he is not a "person aggrieved."[15]

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[9] Id.

[10] Id., 318 U.S. at 17-18.

[11] *NLRB v. Fant Milling Co.* (1950) 360 U.S. 301, 308 (Like the NLRB, the ALRB was created not to adjudicate private controversies but to advance the public interest).

[12] *Fant Milling Co.*, supra, 360 U.S. at 308-309 (once NLRB jurisdiction invoked, Board must be left free to make investigation in order to discharge duty of protecting public rights).

[13] The General Counsel has sole discretion regarding whether to issue a complaint, the contents of a complaint, and the management and prosecution of the complaint before the Board. Management of a case by private parties is contrary to the scheme of the Act. *Sailors' Union of the Pacific (Moore Dry Dock, Co.)* (1950) 92 NLRB 547, fn. 1; see also, *Smoke House Restaurant* (2006) 347 NLRB 192, 195 (General Counsel controls complaint; charging party may not enlarge upon or change the General Counsel's theory of the case), enfd. 325 Fed.Appx. 577 (9th Cir. 2009).

[14] *Sailors' Union of the Pacific*, supra.

[15] Opposition Brief at p. 7.

Gerawan takes the term "person aggrieved" from §1160.2 of the ALRA which grants a toll of the statute of limitations to persons who were prevented by military service from filing a timely charge. Clearly, Gerawan misreads the statute in arguing that a charging party must be a "person aggrieved."

Gerawan argues that Garcia cannot plausibly claim he personally was restrained or coerced. Gerawan avers that Garcia's only "interest in the outcome of the proceeding" within the meaning of §1140.4(d)[16] is that of a "union shill."[17] These arguments are misplaced. As fully explicated above, any "person" may file an unfair labor practice charge.

Similarly, Gerawan's reliance on *Thompson v. North American Stainless, LP,*[18] is unavailing. There the Court held that the term "aggrieved" in Title VII incorporated its "zone of interests" test in determining whether a plaintiff's interests are so marginally related to or inconsistent with the purposes implicit in the statue that it cannot reasonably be assumed that Congress intended to permit the suit. It is unnecessary to determine whether Garcia might fall within the "zone of interests" test. The fact is that a Title VII lawsuit brought by a private party in federal court absolutely requires standing under federal court standards. As such, it is entirely distinguishable from an administrative charge.[19]

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[16] This section deals with the definition of "person." It provides, "The term 'person' shall mean one or more individuals . . . having an interest in the outcome of a proceeding under this part."

[17] Gerawan Opposition Brief at p. 7.

[18] (2011) 562 U.S. 170, 178.

[19] Gerawan also cites *Richards v. NLRB* (7th Cir. 2012) 702 F.3d 1010, 1015. Petitioners before the circuit court had exercised their right to opt out of paying union dues used to support political and other activities unrelated to collective bargaining, contract administration, or grievance adjustment. However, they filed charges before the NLRB claiming that they should not have to renew their opt-out objection annually. The Board agreed and struck down the requirement of annual renewal. As petitioners had complied with the annual opt-out renewal, they did not seek refunds for themselves. However, they sought refunds for other employees who have filed objections at one time but had failed to renew

Administrative proceedings before the ALRB have an appointed General Counsel to guide the investigation and research in the public interest. The ALRA requires the charging party to be a person only. Garcia satisfies that criteria. No ALRB or NLRB authority is cited which requires the charging party to be a "person aggrieved." [20] Thus, this argument is rejected. In conclusion, Garcia qualifies as a "person" who may file an unfair labor practice charge.

No Hearing Is Necessary to Consider Alleged Abuse of Process

Gerawan argues that abuse of process may occur where the accused (UFW) and the accuser (Garcia) seek the same outcome. As Gerawan notes, there is no dispute that the Board and the General Counsel may dismiss a charge if processing it would constitute an abuse of process. Of course, Gerawan is correct that a close connection between accuser and accused

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them. The NLRB refused to grant petitioners' request for refunds to other employees. The circuit court dismissed the appeal relying on §10(f) of the NLRA, 29 U.S.C. §160(f). The circuit court did not apply the "zone of interests" test. Section 10(f) deals with persons "aggrieved" by a final order of the NLRB. It does not deal with persons who may file an unfair labor practice charge. Gerawan's reliance on this case is misplaced.

[20] Similarly, *UFW v. ALRB (California Table Grape Commission)* (1995) 41 Cal.App.4th 303, 321, cited by Gerawan, does not convince that Garcia should not be considered a "person" qualified to file an unfair labor practice charge. The court held in that case that the Commission was not authorized to file an unfair labor practice charge because such action was beyond the Commission's legislative mandate to "promote the sale of fresh grapes by advertising and other similar means. . . ." Thus, the court held that the ALRA's definition of "person" cannot operate to vest the Commission with authority. Gerawan relies on a further statement by the court: "By way of analogy, a person otherwise entitled to file unfair labor practice charges . . . may be barred by ethical or other restrictions. . . ." It is unclear what the court's analogy might mean. Certainly, the actual holding in the case is not applicable to the facts in the instant case.

might be suspect in some situations. That does not, however, appear to endanger the process of the Board in a technical test of decertification.[21]

The fact of the matter is that test of certification or decertification is an artificial process set up by Congress in fashioning the NLRA. Later the same process was adopted by the California legislature in enacting the ALRA. An employer who wants to litigate the process of certification must commit a technical violation of the Act, refuse to bargain, in order to seek court review. A labor organization which wants to litigate the process of decertification must do the same, that is, commit a technical violation of the Act.

Gerawan extends the principle too far in arguing that process is abused when an individual union member[22] files an unfair labor practice charge against his labor organization for the purpose of testing a decertification holding. Cases cited by Gerawan do not support such an assertion.[23]

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[21] In this sense, filing a technical test of certification charge is similar to filing a charge to determine whether one's collective-bargaining contract violates the Act as an unlawful hot cargo clause. In *Milk Drivers Local 546 (Minnesota Milk Co.)* (1961) 133 NLRB 1314 at fn. 3, 1321-1322, enfd. (8th Cir. 1963) 314 F.2d 761, the NLRB held that the filing of such a charge did not prevent the Board from vindicating and protecting the public right which may have been infringed.

[22] It is assumed for purposes of this motion that Garcia filed the unfair labor practice charge in order to further the UFW's objective in seeking judicial review of the decertification.

[23] Gerawan's reliance on an Advice Memorandum is unavailing. Not only is such a document lacking in any decisional precedent, the memorandum cited, *SEIU, United Healthcare Workers – West* (June 16, 2010), 2010 WL 2546939, 2010 NLRB GCM LEXIS 23, found that it was not improper for the union to file charges against its trustees as "any person" may file a charge. (Memo at 13). Further, as the General Counsel points out, Gerawan's assertion the memorandum states that it is not appropriate to process a case "where the charging party and the charged party are acting in concert" omitted the rest of that sentence: "and [the parties] can address the unlawful conduct themselves."

For instance, in *Shop Rite Foods, Inc.*,[24] relied on by Gerawan, the employer solicited employees to file unfair labor practice charges against it in order to delay, manipulate, and compromise the ongoing election process. As the employer knew, filing of these unfair labor practice charges while the representation process was ongoing triggered the NLRB's "blocking charge" policy.[25] Thus, the representation process was stopped in its tracks. The Board held the employer's solicitation of employees to file unfair labor practice charges violated the Act, stating:[26]

> [W]e find no difficulty in affirming the Administrative Law Judge's finding concerning Respondent's solicitation of charges against itself. Collusive litigation has long been frowned upon by all judiciaries, and it is difficult to imagine a clearer instance of collusive litigation than that of a company instituting proceedings against itself. Like the Administrative Law Judge, we are persuaded that this devious activity was an abuse of our processes and an improper interference with employee rights.

Gerawan argues essentially that because Garcia filed the unfair labor practice charge at the behest of UFW, the holding in Shop Rite should apply here. Shop Rite involved manipulation of Board processes in order to interfere with employee rights. The employer's actions constituted an unfair labor practice. Assuming Garcia filed the instant charge for the purpose of allowing UFW to seek judicial review of the ALRB's decertification decision, it does not amount to the egregious actions in *Shop Rite*.[27] Rather, it is more akin to the actions in

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[24] (1973) 205 NLRB 1076.

[25] The current blocking charge policy is set forth in the NLRB Casehandling Manual Part Two Representation Proceedings §11730. The Regional Director is vested with discretion to block processing of a representation matter on the request of a charging party submitted with a written offer of proof in support of the charge.

[26] Id., 205 NLRB at 1076, fn. 1.

[27] Gerawan's reliance on an NLRB General Counsel memorandum responding to questions from the ABA in 1990 is similarly unavailing. In response to a hypothetical question, "Are there circumstances in which a charge filed by a party against itself would be entertained?" was answered that, yes, the Board or the General Counsel might decline to

Milk Drivers Local 46[28] in which the NLRB approved an unfair labor practice charge alleging a hot cargo clause filed by a signatory to the collective-bargaining agreement at issue. Thus, for the reasons stated above, no hearing is necessary on the allegations of collusion.

Availability of Test of Decertification is a Decision for the Courts

Gerawan argues that a test of certification is only available to employers.[29] This argument will not be addressed, as it is a matter for the courts to decide.[30]

Judgment on the Pleadings

The General Counsel has moved for judgment on the pleadings. UFW does not oppose the motion. Gerawan's objections to the motion have been overruled. Judgment on the pleadings is warranted when no factual conflicts must be resolved prior to ruling on the legal rights of the parties and the moving party is entitled to judgment as a matter of law.[31] In this case, there are no material factual conflicts.

Accordingly, the following findings of fact and conclusions of law are made:

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process a charge filed by a party against itself if the charge was deemed collusive or an abuse of Board process. Both *Shop Rite* and *Milk Drivers Local 46* (both already discussed herein) were cited. This memorandum has absolutely no decisional, precedential value.

[28] *Milk Drivers Local 46,* supra, 133 NLRB 1314.

[29] Gerawan relies on dicta in *NLRB v. Interstate Dress Carriers* (3d Cir. 1979) 610 F.2d 99, 107-108. Contrary dicta may be found in *Union de la Construccion de Concreto & Equipo Pesado v. NLRB* (1st Cir. 1993) 10 F.3d 14, 15-16; *United Federation of College Teachers, Local 1460 v. Miller* (2d Cir. 1973) 479 F.2d 1074, 1078-1079; *Lawrence Typographical Union v. McCulloch* (D.C. Cir. 1965) 349 F.2d 704, 708.

[30] *United Farm Workers of America (Corralitos Farms, LLC)* (2014) 40 ALRB No. 6, p. 3 (issue of judicial review is for judiciary and not for the Board).

[31] *Bacchus Farms* (1978) 4 ALRB No. 26, p. 3 (judgment on the pleadings), cited by the General Counsel; see also *Mario Saikhon, Inc.* (1989) 15 ALRB No. 8, p.6 (summary judgment); *F&P Growers Assoc.* (1983) 9 ALRB No. 22, p. 2-3 (summary judgment). These authorities are cited with approval in *Tri-Fanucchi Farms* (2014) 40 ALRB No. 4, pp. 8-9.

Findings of Fact

1. On December 10, 2018, agricultural worker Garcia properly filed and served unfair labor practice charge (Charge) 2018-CL-003-VIS. The Charge alleges that on November 13, 2018, the UFW violated the Act when it threatened to picket Gerawan if it should refuse to recognize and bargain with the UFW. The Charge was filed within the statute of limitations contained in Labor Code §1160.2 and was served on the UFW by certified mail return receipt requested on December 10, 2018.
2. At all material times, UFW was a labor organization within the meaning of Labor Code §1140.4(f). However, on December 10, 2018, UFW was not the certified representative of Gerawan agricultural employees, as defined by Labor Code §1140.4(b), where the worker was employed.
3. At all material times, Garcia was an agricultural worker as defined in §1140.4(b) of the Act, and employed by Gerawan.
4. On October 25, 2013, Silvia Lopez filed a petition to decertify UFW as the bargaining representative of the agricultural employees of Gerawan. The ALRB ordered that an election be held and the ballots case in the election be impounded. The election took place on November 5, 2013.
5. Following a hearing on election objections and related unfair labor practice allegations, an administrative law judge (ALJ) determined that Gerawan committed multiple unfair labor practices and engaged in other objectionable conduct by providing unlawful assistance to the efforts to decertify the UFW. Due to the pervasive nature of the misconduct found, the ALJ recommended dismissing the decertification petition and setting aside the election. The ALRB affirmed and reversed various of the ALJ findings holding that Gerawan's unlawful and/or objectionable conduct tainted the entire decertification process, thus dismissing the petition and setting aside the election. *(Gerawan Farming, Inc.* (2016) 42 ALRB No. 1.)
6. On May 30, 2018, the California Court of Appeal for the Fifth Appellate District issue an opinion reversing certain portions of the ALRB's unfair labor practice findings in *Gerawan Farming*, supra, and vacating the ALRB's order dismissing the decertification petition and setting aside the election. *(Gerawan Farming, Inc. v. ALRB* (2018) 23

Cal.App.5th 1129.) The appellate court remanded the matter to the ALRB to open and count the ballots cast in the 2013 election and to reconsider the ALRB decision in light of its opinion.

7. On September 14, 2018, the ALRB issued an intervening administrative order directing the vote count and pursuant to that order, Regional Director Chris Schneider directed that the votes be opened and counted on September 18, 2018, yielding the following results:

    - 197 for the UFW
    - 1098 for the "No Union" choice
    - 660 unresolved challenged ballots
    - 18 voided ballots

8. After the vote count, the ALRB evaluated the record on remand and found that the unlawful and/or objectionable conduct committed by Gerawan did not interfere with the employees' free choice to such an extent that it affected the outcome of the election. Therefore, the ALRB certified that a majority of the valid ballots indicated "No Union" in the representation election and decertified the UFW as the exclusive bargaining representative of the Gerawan agricultural employees.
9. On September 27, 2018, the ALRB issued its supplemental decision and order in *Gerawan Farming, Inc.* (2018) 44 ALRB No. 10 wherein it attested to the decertification vote count and totals cited above.
10. On November 13, 2018, Armando Elenes, National Vice President of the UFW sent a letter to Gerawan's counsel Ron Barsamian in which Mr. Elenes stated:

    > Pursuant to the UFW's role as a collective bargaining representative of Gerawan's employees, we request to meet and bargain in an attempt to finalize a collective bargaining agreement between UFW and Gerawan Farming. As you know, we believe the Board's decertification of UFW was made in error, is invalid as a matter of law, and has no legal force or effect. Should Gerawan refuse to meet and bargain, UFW will file charges and will also picket Gerawan at any and all public locations and retailers, in order to be recognized as the lawful representative of Gerawan's employees.

11. On December 10, 2018, charging party Garcia filed charge 2018-CL-003-VIS alleging that the UFW committed an unfair labor practice in threatening to picket Gerawan absent a certification as the employees' collective bargaining representative.

12. In a letter dated December 13, 2018, and addressed to Chris Schneider, Regional Director of the ALRB in the Visalia region, UFW counsel Mario Martinez stated:

> UFW is in receipt of the . . . charge that UFW has violated the ALRA by requesting that Gerawan recognize and bargain with UFW and threatening to picket Gerawan. . . . UFW admits to violating the Act, including Labor Code sections 1154(g) and/or (h) as a means to seek review of the ALRB decision in *Gerawan Farming, Inc.* (2018) 44 ALRB No. 10. . . . UFW believes that decision by the ALRB was made in error and seeks to challenge that decision. UFW has no other means to seek review of that decision, other than by engaging in this technical violation of the Act.

Conclusions of Law

By the actions set forth in findings of fact 5-12, UFW committed an unfair labor practice in violation of Section 1154(h) of the Act when it threatened to picket at Gerawan thus threatening Gerawan with picketing to force or require Gerawan to recognize UFW as the bargaining representative of Gerawan employees despite its decertification pursuant to the 2013 election.

By the actions set forth in findings of fact 5-12, UFW committed an unfair labor practice in violation of Section 1154(a) by threatening to picket Gerawan if, despite its decertification, it should not recognize UFW as its employees' collective bargaining representative thus unlawfully restraining the right of agricultural workers to select their own representation or exercise their right to select no labor organization to represent them and in attempting to force Gerawan to recognize and bargain with UFW despite its decertification thus unlawfully attempting to coerce the employer.[32]

[32] UFW argues that the remedy for this technical test of decertification should not include mailing or reading of the Notice. In agreement, it is found that this remedy would be punitive. Like a technical refusal to bargain where no makewhole backpay is automatically assessed (*J.R. Norton Co. v. ALRB* (1979) 26 Cal.3d 1, 39), where the threat to picket was not the result of any general animus but made solely to obtain judicial review by the only means available, it would not serve the public interest to require mailing or reading. See, e.g., *Retail, Wholesale, & Dept. Store Union v. NLRB* (D.C. Cir. 1967) 385 F.2d 301, 307-308 (espousing a thoughtful approach in determining which remedies most effectively effectuate the purposes of the Act).

ORDER

Pursuant to Labor Code section 1160.3, Respondent United Farm Workers of America, its officer, agents, successors, and assigns shall:

1. Cease and desist from:
   (a) Demanding that Gerawan Farming, Inc. or any other agricultural employer recognize or bargain with a labor organization that is not currently certified as the bargaining representative of its agricultural employees.
   (b) Threatening to picket or cause to be picketed Gerawan Farming, Inc. or any other agricultural employer where the object thereof is to force or require the employer to recognize or bargain with a labor organization that is not currently certified as the bargaining representative of its agricultural employees.
   (c) In any like or related manner restrain or coerce employees in the exercise of their rights guaranteed by section 1152 of the Agricultural Labor Relations Act.
2. Take the following affirmative actions that are deemed necessary to effectuate the purposes of the Act:
   (a) Within 30 days after this Order becomes final, sign the attached Notice to Agricultural Employees and after its translation by an ALRB agent into appropriate languages, reproduce sufficient copies in each language for the purposes set forth below.
   (b) Within 30 days after this Order becomes final, post copies of the attached Notice, in all appropriate languages, in conspicuous places at UFW's business offices, meeting halls, and bulletin boards, as well as at locations provided to UFW by Gerawan Farming, Inc., such places to be determined by the Regional Director, and exercise due care to replace any Notice which has been altered, defaced, covered, or removed. Pursuant to Labor Code section 1151(a), agents of the ALRB shall have access to confirm the posting of the Notices.

(c) Notify the Regional Director in writing, within 30 days after the date this Order becomes final, of the steps UFW has taken to comply with its terms. Upon request of the Regional Director, UFW shall notify the Regional Director periodically thereafter in writing of further actions to comply with the terms of this Order.

Dated: April 3, 2019

SO ORDERED.

Mary Miller Cracraft
Administrative Law Judge
Agricultural Labor Relations Board

NOTICE TO AGRICULTURAL EMPLOYEES

After investigating charges that were filed by Augustin Garcia with the Visalia office of the Agricultural Labor Relations Board (ALRB), the General Counsel of the ALRB issued a complaint that we had violated the law. Based on the admitted facts and record, the ALRB found that we violated that Agricultural Labor Relations Act (ALRA) by threatening to picket if Gerawan Farming, Inc. refused to bargain even though we were not certified by the ALRB as your bargaining representative.

The ALRB has told us to post and publish this Notice.

The ALRA is a law that gives you and all other farm workers in California these rights:

1. To organize yourselves;
2. To form, join, or help a union or bargaining representative;
3. To vote in a secret ballot election to decide whether you want a union to represent you;
4. To bargain with your employer about your wages and working conditions through a union chosen by a majority of the employees and certified by the ALRB;
5. To act together with other workers to help and protect one another; and
6. To decide not to do any of these things.

Because you have these rights, we promise that:

WE WILL NOT demand to bargain or threaten to picket if an agricultural employer refuses to bargain if we have not been certified by the ALRB as the bargaining representative.

WE WILL NOT in any like or related manner interfere with, restrain, or coerce employees in their exercise of rights guaranteed under the ALRA.

DATED:

UNITED FARM WORKERS OF AMERICA

By _____
Representative Title

If you have any questions about your rights as farm workers or about this Notice, you may contact any office of the Agricultural Labor Relations Board. One office is located at 1642 West Walnut Avenue, Visalia, California. The telephone number is 559-627-0995.

This is an official notice of the Agricultural Labor Relations Board, an agency of the State of California.

DO NOT REMOVE OR MUTILATE