

AGRICULTURAL LABOR RELATIONS BOARD
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ALRB PUBLIC MEETING
EXECUTIVE OFFICER'S REPORT
ELECTIONS, UNFAIR LABOR PRACTICE COMPLAINTS, AND HEARINGS

DATE: June 23, 2020
TO: Agricultural Labor Relations Board
FROM: Santiago Avila-Gomez, Executive Secretary

A. ELECTIONS: NOTICES OF INTENT TO TAKE ACCESS (NA)

Since the Board's last meeting on January 30, 2019, there have been thirteen (13) notices of intent to take access (NA's) filed.

1. On February 8, 2019, an NA was filed by United Food & Commercial Workers Union, Local 5 at Harkins Grow, LLC in Salinas, CA—a cannabis industry employer.

Case Name: Harkins Grow, LLC

Case Number: 2019-NA-001-SAL

Charging Party: United Food & Commercial Workers Union Local 5

2. On February 19, 2019, an NA was filed by United Food & Commercial Workers Union, Local 5 at Hands of Faith Association in Salinas, CA—a cannabis industry employer.

Case Name: Hands of Faith Association

Case Number: 2019-NA-002-SAL

Charging Party: United Food & Commercial Workers Union Local 5

3. On February 19, 2019, an NA was filed by United Food & Commercial Workers Union, Local 5 at Canex in Salinas, CA—a cannabis industry employer.

Case Name: Canex

Case Number: 2019-NA-003-SAL

Charging Party: United Food & Commercial Workers Union Local 5

4. On February 19, 2019, an NA was filed by United Food & Commercial Workers Union, Local 5 at Monterey Tilth FARM, LLC in Salinas, CA—a cannabis industry employer.

Case Name: Monterey Tilth FARM, LLC

Case Number: 2019-NA-004-SAL

Charging Party: United Food & Commercial Workers Union Local 5

5. On March 4, 2019, an NA was filed by United Food & Commercial Workers Union, Local 5 at M.D. Farms, LLC in Salinas, CA—a cannabis industry employer.

Case Name: M.D. Farms, LLC

Case Number: 2019-NA-005-SAL

Charging Party: United Food & Commercial Workers Union Local 5

6. On March 19, 2019, an NA was filed by United Food & Commercial Workers Union, Local 5 at Flor, LLC in Salinas, CA—a cannabis industry employer.

Case Name: Flor, LLC

Case Number: 2019-NA-006-SAL

Charging Party: United Food & Commercial Workers Union Local 5

7. On March 26, 2019, an NA was filed by United Food & Commercial Workers Union, Local 5 at Highly Productive Enterprises, Inc. & Top Hat Flor, LLC in Salinas, CA—a cannabis industry employer.

Case Name: Highly Productive Enterprises, Inc. & Top Hat Flor, LLC

Case Number: 2019-NA-007-SAL

Charging Party: United Food & Commercial Workers Union Local 5

8. On April 8, 2019, an NA was filed by United Food & Commercial Workers Union, Local 5 at Von Monk Organics, LLC in Salinas, CA—a cannabis industry employer.

Case Name: Von Monk Organics, LLC

Case Number: 2019-NA-008-SAL

Charging Party: United Food & Commercial Workers Union Local 5

9. On August 21, 2019, an NA was filed by United Food & Commercial Workers Union, Local 5 at Monterey Tilth Farms, LLC in Salinas, CA—a cannabis industry employer.

Case Name: Monterey Tilth Farms, LLC

Case Number: 2019-NA-009-SAL

Charging Party: United Food & Commercial Workers Union Local 5

10. On August 21, 2019, an NA was filed by United Food & Commercial Workers Union, Local 5 at M.D. Farms, LLC in Salinas, CA—a cannabis industry employer.

Case Name: M.D. Farms, LLC

Case Number: 2019-NA-010-SAL

Charging Party: United Food & Commercial Workers Union Local 5

11. On August 21, 2019, an NA was filed by United Food & Commercial Workers Union, Local 5 at Hands of Faith Association in Salinas, CA—a cannabis industry employer.

Case Name: Hands of Faith Association

Case Number: 2019-NA-011-SAL

Charging Party: United Food & Commercial Workers Union Local 5

12. On August 22, 2019, an NA was filed by United Food & Commercial Workers Union, Local 5 at Old Stage Partners, LLC in Salinas, CA—a cannabis industry employer.

Case Name: Old Stage Partners, LLC

Case Number: 2019-NA-012-SAL

Charging Party: United Food & Commercial Workers Union Local 5

13. On October 3, 2019, an NA was filed by United Food & Commercial Workers Union, Local 5 at Sensient Natural Ingredient, LLC in Turlock, CA—an agricultural employer who produces and supplies shelf-stable ingredients including garlic, onion, parsley, and chili pepper, as well as capsicums and vegetables.

Case Name: Sensient Natural Ingredient, LLC

Case Number: 2019-NA-002-VIS

Charging Party: United Food & Commercial Workers Union Local 5

B. ELECTIONS: NOTICES OF INTENT TO ORGANIZE (NO)

Since the Board's last meeting on January 30, 2019, there has been one (1) notice of intent to organize filed.

1. On October 4, 2019, an NO was filed by United Food & Commercial Workers Union, Local 5 at Sensient Natural Ingredient, LLC in Turlock, CA— an agricultural employer who produces and supplies shelf-stable ingredients including garlic, onion, parsley, and chili pepper, as well as capsicums and vegetables.

Case Name: Sensient Natural Ingredient, LLC

Case Number: 2019-NO-002-VIS

Charging Party: United Food & Commercial Workers Union Local 5

C. ELECTIONS: PETITIONS

Since the Board's last meeting on January 30, 2019, there have been two elections held.

1. On Friday, September 27, 2019, the United Food and Commercial Workers Union, Local 8 filed a Petition for Certification (2019-RC-001-SAL) seeking to hold an election to establish itself as the certified exclusive collective bargaining representative of agricultural employees at Fireworx Farms, LLC a cannabis industry company located in Sacramento, CA.

The election was held on Thursday, October 3, 2019. The tally of ballots cast was 21 votes for the United Food and Commercial Workers Union, Local 8, 0 votes for no union, and 1 unresolved challenged ballot. With no objections filed the results were certified on October 15, 2019, making United Food and Commercial Workers Union, Local 8 the exclusive representative of all agricultural employees at Fireworx Farms, LLC in the County of Sacramento.

2. On Friday, October 4, 2019, the United Food and Commercial Workers Union, Local 5 filed a Petition for Certification (2019-RC-001-SAL) seeking to hold an election to establish itself as the certified exclusive collective bargaining representative of agricultural employees at Sensient Natural Ingredients, LLC, an agricultural employer who produces and supplies shelf-stable ingredients including garlic, onion, parsley, and chili pepper, as well as capsicums and vegetables, located in Turlock, CA.

The election was held on Friday, October 11, 2019. The tally of ballots cast was 15 votes for the United Food and Commercial Workers Union, Local 5, 64 votes for no union, and 1 unresolved challenged ballot. With no objections filed the results were certified on October 25, 2019, certifying that no labor organization was the

exclusive representative of all agricultural employees of Sensient Natural Ingredients, LLC within the meaning of Section 1156 of the Agricultural Labor Relations Act.

D. COMPLAINTS

Since the Board's last meeting on January 30, 2019, the General Counsel has filed (23) complaints.

1. *Santa Clara Farms, LLC*, Case No. 2017-CE-083-SAL, filed on February 1, 2019 (grows and harvests strawberries in Ventura County, California).
2. *Rincon Pacific, LLC*, Case No. 2014-CE-044-SAL, filed February 1, 2019 (grows berries in Ventura County, California).
3. *Scarborough Farms, Inc.*, Case No. 2017-CE-007-SAL, et al., filed on February 20, 2019 (grows and harvests lettuce and other vegetables in Ventura County, California).
4. *Nunes Vegetables, Inc.*, Case No. 2017-CE-001-SAL, filed on May 8, 2019 (grows and harvests celery in Ventura County, California).
5. *Sun Pacific Farming Cooperative*, Case No. 2017-CE-020-VIS, filed on June 7, 2019 (grows, packs and ships fresh fruit in Fresno and Tulare counties).
6. *Dole Berry North, LLC*, Case No. 2018-CE-021-SAL, filed on June 28, 2019 (grows, harvests and packs strawberries and other berries in Santa Cruz County).
7. *L.N.B. Ventures Salinas, LLC*, Case No. 2019-CE-003-SAL, filed on June 28, 2019 (grows, harvests and packs cannabis in Monterey County).
8. *VBF Brands Inc. and Ocean Grown Horticulture, Inc.*, Case No. 2018-CE-066-SAL, filed on August 2, 2019 (grow and harvest cannabis in Monterey County)/
9. *Smith Packing, Inc.*, Case No. 2018-CE-048-SAL, filed on August 12, 2019; And amended and consolidated backpay specification on September 24, 2019 (growing and harvesting lettuce in Santa Barbara and Monterey counties).
10. *Ocean Mist Farms*, Case No. 2017-CE-006-VIS, filed on October 15, 2019 (growing and harvesting spinach in Riverside County, California).
11. *San Miguel Produce, Inc.*, Case No. 2018-CE-070-SAL, filed on November 15, 2019 (produces, grows, processes and markets conventional and organic collard

greens, turnips, kale, spinach, chard and other leafy cooking greens in Ventura County).

12. *Duda Farm Fresh Foods, LLC*, Case No. 2019-CE-011-SAL filed on December 23, 2019 (grows, harvests and sells various agricultural commodities, including celery with operations in Ventura and Monterey County, California).
13. *Eat Sweet Farms, LLC and Durant Harvesting, Inc.* Case No. 2016-CE-027-SAL filed on December 27, 2019 (Eat Sweet Farms is an agricultural employer).
14. *Lakeside Organic Gardens, LLC* Case No. 2018-CE-045-SAL filed on December 27, 2019 (owns properties in Monterey County, Santa Cruz County, and Imperial County, California, where it cultivates, harvest, and sells various agricultural commodities).
15. *Pacific Fresh Produce, Inc.* Case No. 2018-CE-009-SAL filed on December 27, 2019 (engaged in harvesting fresh fruits and vegetables in Ventura County).
16. *Etchandy Farms, LLC* Case No. 2019-CE-012-SAL filed on December 30, 2019 (grows and harvest strawberries in Ventura County).
17. *San Miguel Produce, Inc.* Case No. 2018-CE-062-SAL filed on January 28, 2020 (grows, processes and markets conventional and organic collard greens, turnips, kale, spinach, chard and other leafy cooking greens in Ventura County).
18. *Philip Verwey Dairy* Case No. 2019-CE-005-VIS filed on February 25, 2020 (dairy located in Kings County near Hanford, California).
19. *Yergat Packing*, Case No. 2019-CE-015-VIS filed on April 3, 2020 (picks, processes, and packs grape leaves in Fresno and Madera Counties).
20. *B&H Flowers, Inc.*, Case No. 2019-CE-013-SAL filed on April 14, 2020 (grows, processes, packages, and sells cannabis in Santa Barbara County).
21. *Terra Linda Dairy*, Case No. 2019-CE-018-VIS filed on May 21, 2020 (dairy located in Tulare County).
22. *Cinagro Farms, Inc.*, Case No. 2017-CE-008-SAL filed on June 10, 2020 (grew cilantro, spinach, kale, pumpkins, and other vegetables in Fillmore and Moorpark, California).

23. *Satellite Farms, LLC*, Case No. 2019-CE-042-SAL filed on June 11, 2020 (grew and harvested raspberries in Santa Barbara County).

E. POST-COMPLAINT SETTLEMENTS

Since the Board's last meeting on January 30, 2019, (14) complaints settled prior to hearing.

1. *Planasa, LLC*, Case No. 2018-CE-038-SAL. Informal bilateral settlement agreement was reached 2/15/19.
2. *Santa Clara Farms, LLC*, Case No. 2017-CE-083-SAL. Informal bilateral settlement agreement was reached 3/12/2019.
3. *Reiter Brothers, Inc.*, Case No. 2017-CE-073-SAL. Informal bilateral settlement agreement was reached 5/16/2019.
4. *Andrew Smith Company, LLC*, Case No. 2017-CE-011-SAL. Informal bilateral settlement agreement was reached 6/16/19.
5. *Coast King Packing*, Case No. 2018-CE-028-SAL et al. Informal bilateral settlement agreement was reached 6/20/2019.
6. *Bogle Vineyards, Inc.*, Case No. 2018-CE-044-SAL. Informal bilateral settlement agreement was reached 7/10/2019.
7. *Tissue-Grown Corporation*, Case No. 2018-CE-003-SAL et al. Informal bilateral settlement agreement was reached 8/7/2019.
8. *L.N.B. Ventures Salinas, LLC*, Case No. 2019-CE-003-SAL. Informal bilateral settlement agreement was reached 9/6/2019.
9. *Scarborough Farms, Inc.*, Case No. 2017-CE-007-SAL et al. Informal bilateral settlement agreement was reached 9/9/2019.
10. *Dole Berry North, LLC*, Case No. 2018-CE-021-SAL. Informal bilateral settlement agreement was reached 10/11/2019.
11. *VBF Brands Inc. and Ocean Grown Horticulture, Inc.* Case No. 2018-CE-066-SAL Informal bilateral settlement agreement was reached 10/31/2019.
12. *Nunes Vegetables, Inc.*, Case No. 2017-CE-001-SAL Informal bilateral settlement agreement was reached 01/02/2020.

13. *San Miguel Produce*, Case No. 2018-CE-070-SAL Informal bilateral settlement agreement was reached 01/17/2020.
14. *Duda Farm Fresh Foods, Inc.*, Case No. 2019-CE-011-SAL Informal bilateral settlement agreement was reached 03/10/2020.

F. HEARINGS

Since the Board's last meeting on January 30, 2019, six (6) hearings have been held.

1. Tuesday, April 9, 2019 – Hearing in *Saticoy Berry Farms*, Case No. 2017-CE-071-SAL. Hearing lasted four days.
2. Tuesday, May 14, 2019 – Hearing in *Rincon Pacific, LLC*, Case No. 2014-CE-044-SAL Hearing lasted three days.
3. Tuesday, June 4, 2019 – Hearing in *Wonderful Orchards, LLC*, Case No. 2016-CE-023-VIS. Hearing lasted one day.
4. Tuesday, November 5, 2019 – Hearing in *Sun Pacific Farming Cooperative, Inc.*, Case No. 2017-CE-020-VIS. Hearing lasted two days.
5. Tuesday November 5, 2019 – Hearing in *Smith Packing, Inc.*, Case No. 2019-CE-048-SAL. Hearing lasted one day.
6. Wednesday, January 22, 2020 Hearing in *Ocean Mist Farms*, Case No. 2017-CE-006-VIS Hearing lasted two days.

G. ALJ DECISIONS ISSUED

Since the Board's last meeting on January 30, 2019, nine (9) ALJ decisions have issued.

1. *Joe Pedro & Sons Dairy*, Case Nos. 2018-CE-004-VIS & 2018-CE-005-VIS ALJ decision issued on 3/1/2019.
2. *Reveille Farms, LLC*, Case No. 2017-CE-066-SAL. ALJ decision issued on 3/8/2019.
3. *UFW (Garcia)*, Case No. 2018-CL-003-VIS. ALJ decision issued on 4/4/2019.
4. *Fowler Packing Company, Inc.*, Case No. 2016-CE-003-VIS. ALJ decision issued on 6/13/2019.

5. *UFW (Garcia)*, Case No. 2018-CL-003-VIS. ALJ decision issued on 7/17/2019.
6. *Saticoy Berry Farms, Inc.*, Case No. 2017-CE-071-SAL. ALJ decision issued on 8/7/2019.
7. *Wonderful Orchards, LLC*, Case No. 2016-CE-023-VIS. ALJ decision issued on 9/12/2019.
8. *Sun Pacific Farming Cooperative, Inc.*, Case No. 2017-CE-020-SAL. ALJ decision issued on 2/26/2020.
9. *Smith Packing, Inc.*, Case No. 2018-CE-048-SAL. ALJ decision issued on 5/13/2020.

H. BOARD DECISIONS

Since the Board's last meeting on January 30, 2019, seven (7) Board decisions have issued.

1. On June 19, 2019, the Agricultural Labor Relations Board (Board) issued its decision and order in *UFW (Garcia)* (2019) 45 ALRB No. 4.
2. On July 1, 2019, the Agricultural Labor Relations Board (Board) issued its decision and order in *David Abreu Vineyard Management, Inc.* (2019) 45 ALRB No. 5.
3. On July 3, 2019, the Agricultural Labor Relations Board (Board) issued its decision and order in *Reveille Farms, LLC* (2019) 45 ALRB No. 6.
4. On July 30, 2019 the Agricultural Labor Relations Board (Board) issued its decision and order in *Gerawan Farming, Inc.* (2019) 45 ALRB No. 7
5. On November 26, 2019, the Agricultural Labor Relations Board (Board) issued its decision and order in *United Farm Workers of America (Garcia)* (2019) 45 ALRB No. 8.
6. On April 7, 2020, the Agricultural Labor Relations Board (Board) issued its decision and order in *Fowler Packing Company, Inc.* (2020) 46 ALRB No. 1.
7. On April 21, 2020, the Agricultural Labor Relations Board (Board) issued its decision and order in *Wonderful Orchards, LLC.* (2020) 46 ALRB No. 2.

I. BOARD ADMINISTRATIVE ORDERS

Since the Board's last meeting on January 30, 2019, (16) Board administrative orders have issued.

1. Admin Order No. 2019-01; *Coastal Vineyard Associates*, 2018-CE-067-SAL. On June 7, 2019, Order Setting Time for General Counsel to Amend Request for Subpoena Enforcement
2. Admin Order No. 2019-02; *Coastal Vineyard Associates*, 2018-CE-067-SAL. On June 11, 2019, Order Granting General Counsel's Request for Subpoena Enforcement
3. Admin Order No. 2020-01-P; *King City Nursery, LLC*, 2019-CE-040-SAL. On January 9, 2020, Order Denying Respondent's Appeal of Order Denying Petition to Revoke
4. Admin Order No. 2020-02; *Premiere Raspberries, LLC*, 2018-MMC-002. On January 28, 2020, Order Directing Employer *Premiere Raspberries, LLC* to Respond to Request for Board Enforcement of Mandatory Mediation and Conciliation Contract or Other Relief; Order Directing Supplemental Response for *United Farm Workers of America*
5. Admin Order No. 2020-03; *Premiere Raspberries, LLC*, 2018-MMC-002. On February 4, 2020, Order Directing Parties to Provide Supplemental Reports re: Contract Implementation
6. Admin Order No. 2020-04; *Premiere Raspberries, LLC*, 2018-MMC-002. On March 6, 2020, Order Denying *United Farm Workers of America's* Requests Re: Mandatory Medication and Conciliation Contract
7. Admin Order No. 2020-05-P; *Premiere Raspberries, LLC*, 2018-CE-004-SAL. On March 6, 2020, Order Modifying Duration of Bargaining Makewhole Period
8. Admin Order No. 2020-06; *Premiere Raspberries, LLC*, 2018-CE-004-SAL. On March 24, 2020, Order Directing Parties to Submit Purported Settlement Agreement to the Regional Director for Approval
9. Admin Order No. 2020-07; *Premiere Raspberries, LLC*, 2018-CE-004-SAL. On March 25, 2020, Order Reversing Executive Secretary's Order Denying Joint Request for an Extension of Time

10. Admin Order No. 2020-08; *Premiere Raspberries, LLC*, 2018-MMC-002. On April 3, 2020, Order Allowing Premiere Raspberries, LLC to Respond to United Farm Workers Of America's Motion For Reconsideration
11. Admin Order No. 2020-09; *Premiere Raspberries, LLC*, 2018-CE-004-SAL. On April 3, 2020, Order Allowing Respondent Premiere Raspberries, LLC to Respond to Charging Party's Motion for Reconsideration
12. Admin Order No. 2020-10; *Eat Sweet Farms, LLC*, 2016-CE-027-SAL. On April 27, 2020, Order Denying Application for Special Permission to Appeal Administrative Law Judge's Order on Statue of Limitations
13. Admin Order No. 2020-11; *Premiere Raspberries, LLC*, 2018-MMC-002. On May 12, 2020, Order Denying United Farm Workers of America's Motion for Reconsideration
14. Admin Order No. 2020-12; *Premiere Raspberries, LLC*, 2018-CE-004-SAL. On May 12, 2020, Order Denying Charging Party's Motion for Reconsideration
15. Admin Order No. 2020-13-P; *Premiere Raspberries, LLC*, 2018-CE-004-SAL. On May 19, 2020, Order Disapproving Parties' Proposed Settlement Agreement
16. Admin Order No. 2020-14; *Arnaudo Brothers, LP and Arnaudo Brothers, Inc.*, 2017-CE-003-VIS et al. On June 2, 2020, Order Approving Formal Bilateral Settlement Agreement

J. CASES PENDING BOARD DECISION OR ACTION

1. *Rincon Pacific, LLC*, 2014-CE-044-SAL, issued and served 12/9/2019. Exceptions filed 1/31/2020. Reply brief filed 2/21/2020 (briefing complete).
2. *Smith Packing, Inc.*, 2018-CE-048-SAL; Post-hearing briefs filed 1/3/2020. ALJ decision and transferred to Board 5/8/2020. Revised ALJ Decision & Order 5/13/2020, added page numbers, no other changes. Respondent's Exceptions to ALJ Decision, with Supporting Brief, filed 5/31/2020. Reply brief filed 6/15/2020 (briefing complete).