

STATE OF CALIFORNIA
AGRICULTURAL LABOR RELATIONS BOARD

In the Matter of:)
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PUBLIC MEETING)
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PUBLIC MEETING
REMOTE
TUESDAY, JUNE 23, 2020
10:00 a.m.

Reported by:
Peter Petty

APPEARANCES:

BOARD MEMBERS:

Victoria Hassid, Chair
Barry Broad
Cinthia N. Flores
Isadore Hall, III, PhD
Ralph Lightstone

STAFF:

Santiago Avila-Gomez, Executive Secretary
Ed Hass, Assistant to the Chair
Audrey Hsia
Julia Montgomery, General Counsel
Todd Ratshin, Legal
Brian Dougherty, Chief, Administrative Services

PRESENTERS:

Kent Pinkerton, PhD, Western Center for Agricultural
Health,
UC Davis
Heather Rider, Western Center for Agricultural Health,
UC Davis
Brandon Hart, Cal/OSHA
Connor Schmeding, Labor Commissioner's Office, California
Department of Industrial Relations

Public Comment:

Irene, Las Liras Campesinas
Noe Paramo, California Rural Leal Assistance Foundation

I N D E X

| | <u>Page</u> |
|---|-------------|
| 1. Welcoming Remarks and Introduction of New Board Members | 1 |
| 2. Approval of Minutes | 7 |
| 3. Chair's Report | 8 |
| 4. Executive Officer's Report on Elections, Unfair Labor Practice Complaints, and Hearings | 10 |
| 5. Litigation Report | 13 |
| 6. General Counsel's Report | 15 |
| 7. Division of Administrative Services Report | 26 |
| 8. Regulations | 30 |
| 9. Legislation | 31 |
| 10. Personnel | 32 |
| 11. Informational Panel on COVID-19 and its Impact on the Agricultural Industry and Farmworkers | |
| A. Overview of what COVID-19 is and California-specific data on the impact to the farmworker population in agriculture communities | 34 |
| (1) Presentation by Western Center for Agricultural Health and Safety | |
| Public Comment | 56 |
| B. COVID-19 Issues in the Workplace | |
| (1) Report from the California Division of Occupational Safety and Health (Cal/OSHA) | 59 |
| (2) Report from the California Labor Commissioner's Office | 77 |

I N D E X (Continued)

| | <u>Page</u> |
|---------------------------|-------------|
| 12. Announcements | 88 |
| 13. Public Comment | 90 |
| Reporter's Certificate | |
| Transcriber's Certificate | |

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
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P R O C E E D I N G S

10:00 A.M.

REMOTE, TUESDAY, JUNE 23, 2020

CHAIR HASSID: I am now calling this meeting of the Agricultural Labor Relations Board to order. My name is Victoria Hassid and I am the newly appointed chair of the board, and I am pleased to have our first meeting of 2020 and our first meeting with a full board and quorum in quite some time.

I am very pleased to be joined by all of my board members, including my fellow newest board member, Cinthia Flores, will be introducing herself to each of you in just a little bit. We are also joined here today by Mr. Barry Broad, Mr. Isadore Hall, and Mr. Ralph Lightstone. Also present from our staff today is our executive secretary, Santiago Avila-Gomez, the assistant to the Chair Ed Hass, and Audrey Hsia, who will all be providing technical support.

As we are too aware, we are in very rapidly changing times and we are doing the most we can to protect the health and safety of not only our staff, but of the public. So thus in accordance with Governor Gavin Newsom's Executive Order N-29-20, today's meeting is being held via video conference with an option for members of the public

1 to dial in either via the Web, or via telephone.

2 As reflected on the agenda, we will have two
3 parts to our meeting. The first part of our meeting will
4 be open session and we'll hear various reports from staff
5 here at the ALRB. The second portion of our meeting I'm
6 very excited about. There will be a panel about COVID-19
7 and its impact on the agricultural sector, particularly of
8 farmworkers.

9 At the close of the panel we will open the
10 meeting for public comment on any portion of the meeting.
11 Members of the public who have contacted the board either
12 by email or phone are asked to be placed in the public
13 comment queue will be called by the order received. If you
14 did not previously contact the board, you are still able to
15 participate in the public comment and there are several
16 ways to do so. You can notify our staff in the WebEx chat
17 feature, or you can email or call our staff as directed on
18 our notice and agenda, which you can see at alrb.ca.gov.
19 We ask you provide your name and organization --

20 (No audio)

21 CHAIR HASSID: Oh. Thank you. I'm not sure how
22 that happened. I'll back up a little bit.

23 We will take public comment in order that it is
24 received. If you did not sign up in advance, you will be
25 able to provide public comment by -- you can put yourself

1 in the queue for public comment via the WebEx feature, the
2 WebEx chat, or phone, or email as provided in the agenda.

3 If you wish to speak more than once, please
4 contact staff and have your name placed back in the queue,
5 if you are able. If you have technical difficulties when
6 you are called up, please reach out to us via WebEx chat
7 function, email, or phone and we will make sure to come
8 back to you.

9 Given the nature of the video conferencing, we do
10 have limited capabilities for managing participation during
11 the meeting and during the public comment periods. So
12 we're asking everyone who is not speaking to place their
13 phones or WebEx on mute and wait to unmute until you are
14 called on to speak. You can also see these instructions on
15 our agenda which is posted on alrb.ca.gov.

16 With that, we will now proceed with the open
17 section. Our first agenda item is the introduction of our
18 new board members. I am very pleased to introduce our
19 other new member Cinthia Flores who was appointed by
20 Governor Newsom in February 2020.

21 Cinthia, can you please take the floor and tell
22 us a little bit about yourself.

23 MS. FLORES: Thank you, Madam Chair.

24 Good morning, everyone. I'm excited to join the
25 board and look forward to fulfilling my duties under the

1 Act. With my experience I bring understanding of
2 immigration, in particular removal defense as well as labor
3 law, having represented both public and private sector
4 unions in the past. Incredibly grateful to be serving at
5 such an important period of time in the state of California
6 and overall in the nation and look forward to working with
7 everyone. Thank you.

8 CHAIR HASSID: Thank you so much, Cinthia, and
9 welcome. So excited to get the chance to work with you.

10 I also want to take this time to introduce myself
11 and share a little bit about my background and also my
12 goals for my tenure as chair of the board.

13 First and foremost, I want to sincerely thank
14 Governor Gavin Newsom for the privilege of appointing me to
15 this role. It is an incredible honor. And I'm incredibly
16 excited to serve the public, particularly farmworkers and
17 their employers. And my goal is to do right by the trust
18 that the governor and his team have placed in me in
19 appointing me as chair to serve for the Agricultural Labor
20 Relations Board.

21 I also want to thank my immediate predecessors,
22 Genevieve Shiroma and Cathryn Rivera. They've done
23 tremendous work for the board, both in terms of
24 promulgating and ministering the ALRA, as well as tending
25 to the board as an organization and we have greatly

1 benefited from all their work and their service.

2 I also want to thank my fellow board members for
3 their warm welcome. I'm incredibly excited to work with
4 each of you, some of who -- some of you who I've known for
5 some time and I'm so excited to get to work with you. I'm
6 also excited to work with our General Counsel Julie
7 Montgomery and all the staff here at the board.

8 I also want to take this moment to share a little
9 bit about my background and my personal story so that you
10 have a better sense of who I am and the perspective that I
11 bring to the board. I am very much the product and the
12 beneficiary of the American dream, and as our governor
13 would say, the California dream. I came here, I'm a
14 product of two very different pathways to achieving that
15 dream.

16 On my father's side, I am the daughter of a
17 Jewish refugee who fled Egypt in the 1950s and made his way
18 to the San Francisco Bay Area by way of France and New
19 Jersey. And on my mother's side, I'm the very proud
20 granddaughter of a Mexican-American immigrant, who through
21 hard work and education, was the first in her family to go
22 to college and get a degree from UC Berkeley and who
23 instilled a passion for learning and education across
24 generations, including myself.

25 And while these are two very different pathways

1 to get here, it is very much formed my perspective that the
2 American dream is incredible, and it is very attainable.
3 And I see it as my duty, in this role, to ensure that I
4 create that pathway for others. And there's a key
5 component of that and that's through workplace protections
6 and rights, and that's through the work here at the ALRB
7 and ensuring that that pathway, that access is available to
8 the nearly half million farmworkers that serve California.

9
10 Upon the passage of the Agricultural Labor
11 Relations Act, Governor Brown, then in his first term said,
12 "A law of itself can't solve human problems, but it can
13 provide the framework. It gives for the first time a group
14 of people in our society who at the lowest end of the
15 economic scale, the self determination to assert their own
16 dignity and their own rights and their own views on what
17 they want and what they don't want. And that is a very
18 significant step forward."

19 As these times have reminded us all too well,
20 farmworkers and their work are essential. There is dignity
21 to this work and our responsibility is to honor and do
22 justice to -- by that work. Not just because we benefit
23 from the fruits of farmworker labor, but because they are
24 our mothers, our fathers, and they have families that they
25 feed and care for, just like the rest of us. Our role as a

1 board in this social contact is to ensure that we
2 administer the Agricultural Labor Relations Act fairly.

3 This leads me to the first of my two primary
4 goals as chair. First and foremost, I aim to uphold the
5 ALRA and ensure that through the work of the board, we are
6 breathing life into the law. Adjudicating disputes fairly,
7 resolving matters and issues timely, and engaging in a
8 robust outreach in education to ensure workers are aware of
9 their rights under the Act and that they have access to
10 services provided through the board. And that employers
11 are aware of their duties and responsibilities under the
12 law.

13 My second equally important goal is to ensure
14 that I am making sure that the board functions as a healthy
15 and well-run organization. My short time here I'm already
16 deeply impressed by the commitment and expertise of our
17 staff. And it is my goal and responsibility to ensure that
18 I am properly supporting the work of our staff so they can
19 better execute the mission and work of the ALRB and serve
20 the public. I'm incredibly excited to be here and I'm very
21 excited to get on with the rest of our meeting. So thank
22 you.

23 Okay. We will know -- now go onto our next item
24 which is to approve the minutes from January 30, 2019. May
25 I have a motion to approve the minutes? May I have a

1 motion from one of my board members to approve the minutes?

2 MR: BROAD: Yeah. Yes, this Barry and I'll make
3 a motion.

4 CHAIR HASSID: May I have a second?

5 MR. HALL: Yeah. This is Isadore. This is
6 Isadore. I move the motion. Can you hear me?

7 CHAIR HASSID: Yes.

8 MR. HALL: Yes. And I second, or I'll move, and
9 Barry can second.

10 CHAIR HASSID: Okay. Barry, do you second?

11 MR: BROAD: Sure.

12 CHAIR HASSID: All right. All those in favor,
13 say aye.

14 (The ALRB Board says aye)

15 CHAIR HASSID: Thank you. So approved.

16 We'll move to the next item, which is the chair's
17 report, given by myself.

18 As we are all aware, the board is currently
19 responding to two major external events. One that we are
20 very well aware of, as you can see by my mask, is COVID-19,
21 and the other being the critical national and even
22 international conversation about systemic racism sparked by
23 the tragic death of George Floyd.

24 First, I would like to take this time to have a
25 moment of silence in honor of George Floyd, and for the

1 other victims of police brutality. Thank you.

2 As an organization, we are discussing these
3 events and I want to share how we are addressing this issue
4 at the board. As board members we took an oath to the U.S.
5 and California Constitutions to serve the public and ensure
6 that we are affording all members of our society their
7 rights. And in our case, our role as members of the ALRB
8 is that we fairly adjudicate disputes and administer the
9 ALRA. This requires an ongoing examination of racism,
10 bias, and discrimination both in overt and in subtle forms.

11 Like many other employers, the general counsel and I
12 recognize that these events and the subsequent national
13 conversation was going to have a deep impact on our staff
14 and would be affecting them in a myriad of ways that could
15 be stressful and anxiety inducing.

16 And to that end, we have reached out to our staff
17 on June 4th to send a message that we recognize this moment,
18 that we care about our staff, we recognize the strain that
19 this may cause them, and that we wanted to ensure that they
20 had the resources to process and have these conversations.

21 We also shared that we were looking at how these events
22 impact us and this organization and what we should be doing
23 in our own self-examination both in how we operate
24 internally, as well as how we serve the public.

25 And we made a commitment to our staff that I want

1 to reiterate here to showcase and have you all hold us
2 accountable, that we would have every member of our staff
3 undergo unconscious or implicit bias training by the fall
4 of 2020. Now I certainly don't pretend that that is a
5 panacea and that that will solve all ills, but we consider
6 it an important piece of a larger conversation and
7 something that we will be discussing with our staff. We
8 also reached out to staff and asked them to provide us
9 feedback, both now and going forward, on steps we should be
10 taking to ensure that we have an inclusive and safe
11 workplace. As we know that is the way to have the most
12 productive workplace and ensure that we can best serve the
13 public as well as do right by our staff, given that we're
14 an organization focused on worker's rights. That's
15 something that we will continue to be updating our staff
16 and the public on in various forums, including during this
17 meeting.

18 And with that, that concludes the Chair's report.

19 I'd like to open it up to my fellow board members
20 to see if you have any comments or questions.

21 Okay. Any members of the public?

22 All right. I will move on to the next agenda
23 item, which is the Executive Officer's Report on Elections,
24 Unfair Labor Practice Complaint Hearings.

25 Mr. Avila-Gomez.

1 MR. AVILA-GOMEZ: Thank you. I just turned on my
2 video. I'm hoping everyone can hear me okay. I will first
3 mention that the report can be found at alrb.ca.gov, our
4 website, under Public Meeting Notices and Reports. And it
5 covers a little more in depth each of the matters that I
6 will report on. I will be giving a summary report here in
7 the interest of time. And I'll start off with elections,
8 followed by complaints, and then finally hearings, and the
9 end results of those hearings, which are decisions both by
10 the ALJs and -- the administrative law judges and the
11 board.

12 Beginning with the election matters, Notices of
13 Intent to Take Access, otherwise known as NAs, there was
14 since our last meeting on January 30th, 2019, there have
15 been 13 NA files, 12 of those in the cannabis industry.
16 The most recent was filed on October 3rd, 2019. Following
17 with Notices of Intent to Organize. There's been one since
18 our last meeting and that was filed on October 4th, 2019.

19 Remaining with elections, there've been two
20 petitions for elections and two elections held since our
21 last meeting. One resulted in the certification as the
22 exclusive bargaining representative of all agriculture
23 employees at Fireworks Farms in the County of Sacramento at
24 bargaining representative is United Food and Commercial
25 Workers Union Local (indiscernible). Second election

1 resulted in no labor organization being certified. The
2 second election was held on October 11th, 2019.

3 Moving on to complaints. Since our last meeting
4 there've been 23 complaints filed by the General Counsel
5 and the various agriculture industries, including cannabis,
6 strawberries, celery, essentially all of the crops
7 throughout the state.

8 Since our last meeting there have been 14
9 complaints that were settled prior to hearing. The most
10 recent of which happened in March 10th of this year. There
11 have been six hearings held since our last meeting. The
12 most recent was in January 22nd of this year just before the
13 shelter-in-place rolled out.

14 All of that work leads to the ALJ decisions, and
15 the board decisions, especially with Administrative Orders,
16 so with respect to the ALJ decisions, there have been nine
17 since the last board meeting. There have been seven Board
18 decisions, the most recent being issued on April 21st. And
19 with respect to Administrative Orders, there have been 16
20 Board Administrative Orders issued, the most recent on
21 June 2nd of 2020. Currently there are two matters pending
22 before the board. Both have briefing completed and await
23 the board's action on them.

24 That concludes the summary. As I mentioned, the
25 report itself is found at our website and I'm happy to

1 answer any questions.

2 CHAIR HASSID: Thank you, Santiago.

3 Do any of my board members have any questions or
4 comments?

5 MR. BROAD: I'm good to go. Thank you.

6 CHAIR HASSID: Great. Thank you.

7 Any members of the public?

8 Okay. Thank you so much, Santiago.

9 And with that, we will go on to our next Agenda
10 Item Number 5, the Litigation Report by our senior board
11 Counsel Todd Ratshin. Todd?

12 MR. RATSHIN: Can you hear me?

13 CHAIR HASSID: We can hear you.

14 MR. RATSHIN: Okay. I was not getting a
15 response, so sorry.

16 I also have submitted a report updating
17 litigation cases involving the board since its last meeting
18 in January 2019, which is also on the website at the
19 location that Santiago referenced.

20 As an overview of that report, it has been a good
21 year and a half for the board in the courts. A number of
22 our -- we've obtained a number of favorable decisions
23 affirming Board Orders, including three instances where the
24 California Supreme Court denied review of cases where Board
25 Orders were affirmed.

1 We've had two somewhat recent filings, both in
2 the Fifth District Court of Appeal. One filed by Wonderful
3 Orchards seeking review of the board's decision in 46 ALRB
4 Number 2, and one filed by the United Farmworkers of
5 America, filed following our Order in 45 ALRB Number 8.

6 One notable case to mention, in April we received
7 from the Ninth Circuit Court of Appeal a order denying a
8 petition for rehearing en banc in the case of Cedar Point
9 Nursery versus Shiroma. This case involves a
10 constitutional challenge to the board's access regulation,
11 which is Section 20900 of the board's regulations, which
12 involves a Fifth Amendment Takings Challenge to the board's
13 regulation. Last year in May of 2019, the Ninth Circuit
14 issued an opinion rejecting the growers' constitutional
15 challenge and finding that the regulation did not affect a
16 permanent physical occupation of their property. The
17 growers are represented by the Pacific Legal Foundation in
18 this case, and so following the Court's recent order
19 denying the petition for rehearing en banc, any petition
20 for a Cert Petition in the United States Supreme Court is
21 due July 28th.

22 Again, the report that I've submitted, which is
23 available on the website, provides further detail regarding
24 litigation matters. But that's all I have at this point.

25 CHAIR HASSID: Thank you, Todd. Do any of the

1 board members have any questions or comments for the
2 Litigation Report?

3 Do any members of the public have any questions
4 or comments?

5 Okay. Thank you so much, Todd.

6 MR. RATSHIN: You're welcome.

7 CHAIR HASSID: Next is Item Number 6, the General
8 Counsel's Report from Julie Montgomery. Julie.

9 MS. MONTGOMERY: Good afternoon, everyone. Can
10 you hear me?

11 CHAIR HASSID: We can.

12 MS. MONTGOMERY: Very good. Very good.

13 I want to start by welcoming our newest appointed
14 board members, namely our chair, Victoria Hassid, who I had
15 met and interacted with while she was at the Department of
16 Industrial Relations, and so it's wonderful to have her on
17 board. And welcome to you, Victoria, and congratulations
18 on your appointment.

19 And also I want to welcome board member Cinthia
20 Flores and look forward to getting to know you as well and
21 very excited to have you both on the board.

22 I also want to congratulate Member Hall for his
23 reappointment. And this is -- it's an exciting time that
24 we have a full board at the ALRB. So I'm really pleased
25 with that and look forward to working with all of you.

1 So the work at the ALRB, a lot of what I think
2 the public hears about is what the board does, and board
3 decisions, board orders. But the General Counsel Program
4 is in fact where the majority of the ALRB staff work. And
5 we do a lot of work in our regional offices, in our five
6 regional offices that never even gets to the board. And so
7 what I like to do in these meetings is talk about what's
8 going on in the regional offices, and highlight some of the
9 fantastic work that our regional staff have been doing that
10 resulted in positive changes for farmworkers and for our
11 stakeholders that doesn't even get to the attention of the
12 board.

13 So in my report I'm going to talk briefly about
14 just what has been going on in our offices with the
15 coronavirus response and how we're handling that, how we're
16 continuing to provide services. And I'm going to talk
17 about our outreach efforts and what we've been doing with
18 outreach, and then I will finish with some highlights of
19 settlements that we've achieved in our cases that were
20 achieved prior to getting to the board.

21 So with the COVID response, as everyone's had to
22 deal with, it was a very rapid onset and we had to be
23 nimble and adapt quickly. And so initially we started
24 having folks gradually work at home, but still go into the
25 office to provide services. However by like the third week

1 of March or so, we realized that we cannot continue to have
2 our staff go into the office on a regular basis with the
3 lockdown orders of the state and keep everyone safe. And
4 so we had to make the difficult decision to close the
5 office doors to the public, however our services were never
6 interrupted. The services have continued.

7 And what we did is we -- we, with the help of our
8 administrative unit, we got all of the office phones routed
9 to important cell phones, the ALRB cell phones that our
10 staff had, and so that we could continue to respond to
11 workers and others who contacted us. And we posted signs
12 on the door, on -- on our social media, on our Facebook
13 page that we created recently, and we really fought to get
14 the word out to let people know even though our doors are
15 locked, we are still here and are available for you. That
16 being said, we did see a decrease in the number of charges
17 that were filed and the number of workers who were
18 contacting us during that timeframe.

19 So for about two months we continued our work
20 pretty much exclusively remotely and then we also had our
21 staff get up to speed on just new laws and resources
22 available for people affected by coronavirus and, you know,
23 including the CARES Act, and the FFCRA, and increased
24 availability of sick leave, unemployment, and corona leave.

25 And so we studied up on that so that we could give people

1 information and provide effective referrals.

2 We also had our staff reach out to people,
3 everybody with pending cases or recent cases, to make sure
4 they were aware that we were still here, we're still
5 working and also just to make sure that they had the
6 resources they needed, and to make referrals, to extend
7 people needed those resources.

8 And then as of June 8th, we did reopen our offices
9 again to the public. And we have limited staffing to
10 provide for appropriate social distancing, and we put a
11 number of measures in place all within, you know, the
12 recommended guidelines, recommended required guidelines by
13 the State and Federal Health Departments. And our staff is
14 going into the office on a rotating basis in our regions.

15 So we are back and we are available for the
16 public, and we haven't seen charges come in because there
17 are a lot of farmworkers, we believe, who feel most
18 comfortable with a face-to-face interaction. There's fear,
19 concern, some -- a lot of times a lack of trust. People
20 are nervous to access government resources a lot of the
21 time and so I think that the face-to-face interaction is
22 more reassuring for a lot of people and that is how a lot
23 of folks access us. So we are glad to be back and we've
24 taken measures to, you know, keep our -- keep our staff
25 safe, like I said, within the guidelines.

1 So that's what's been going on in the regions.
2 And the other thing we've been working really hard on is
3 closely collaborating with our labor agency and other
4 sister labor departments to make sure that we are getting
5 information out to farmworkers in particular about
6 coronavirus, and safety, and available programs and
7 resources. So we've been -- we've been collaborating, like
8 I said, with the Labor Workforce Development Agency as well
9 as the Department of Industrial Relations with, you know,
10 their Labor Commissioner and Cal/OSHA. We have, also, we
11 helped OSHA develop a video on their guidance for
12 agricultural employers. And our staff went out and
13 actually shot some of the footage that was used. And we
14 gave input on -- input on the script as well as voiceover
15 translations into Mixteco. We do have two employees in our
16 regions who speak Mixteco, which is the indigenous, or an
17 indigenous language spoken by a lot of farmworkers who come
18 from Mexico and Southern Mexico, so we provided those
19 resources.

20 Additionally, our staff has been regularly
21 appearing on television and radio throughout the state to
22 provide information, both in Spanish and Mixteco. Not only
23 about rights and responsibilities under the Agricultural
24 Labor Relations Act, but also on workplace safety, right,
25 with the coronavirus and their paid leave rights, and

1 others, other benefits. And our staff has appeared on
2 Facebook Live a few times through Radio Indigena and so
3 that -- that's actually available through Facebook, the --
4 those prerecorded interviews. And we have appeared on
5 Radio Bilingue and Univision. So we're out there in the
6 Spanish speaking -- Spanish language media and our Mixteco
7 stakeholder as well, getting that information to the
8 public. And really I've been -- I've been very
9 pleased to see our regional staff's strong commitment to
10 the ALRB's mission during this time. And just their
11 concern about what is happening with farmworkers, I mean,
12 they are continuing to go to work and the agricultural
13 industry has not stopped. They have not been sheltering-in-
14 place. You can't -- I saw a news headline somewhere that
15 said you can't pick strawberries on Zoom. So they are
16 actually going out to fields every day, as we know, and
17 putting themselves at risk.

18 And so I have been really pleased to see their --
19 our staff level of concern and commitment to making sure
20 that people get the information they need and that we can
21 continue to provide the high level of service that people
22 expect and deserve during this time, despite all of the
23 things people are going through individually. So I've been
24 very proud of our staff and they've also not only been
25 willing to help with our work, but they have stepped up and

1 volunteered when there has been a statewide call for help,
2 just with, you know, with public health efforts, as well as
3 unemployment benefits, processing of unemployment benefits.
4 We -- people have offered their services to help in any way
5 they can to help Californians through this crisis. So I've
6 been very, very pleased and proud of everyone during this
7 time.

8 So with that, I'll move on to settlement
9 highlights. So we've -- since our last Board meeting in
10 early December, the General Counsel Program has achieved
11 settlements for agricultural workers totaling \$332,323. So
12 that's just a rough -- a rough figure of the amount of
13 money that we brought in for farmworkers to compensate them
14 for violations under the Agricultural Labor Relations Act.

15
16 And I'm just going to mention a few of these as I
17 know we need to move on to other matters. But we got money
18 and back pay, reading and noticing remedies, and
19 reinstatement offers for worker -- celery harvesting
20 workers in Ventura County who complained, who got together
21 and complained about mistreatment of their crew by their
22 foreman. And they were -- they alleged they were
23 terminated. And we investigated, substantiated those
24 allegations and filed a complaint, and the case settled
25 before hearing.

1 We also achieved a settlement for a group of
2 workers harvesting kale, also in Ventura County who alleged
3 they had -- were fired after they joined together to
4 protest work assignments that they thought were unequal and
5 unfair, that were causing them to lose money. Again we
6 filed a complaint and settled that for a little under
7 \$20,000 in back pay to those workers, as well as reading,
8 noticing, and mailing remedies.

9 We also achieved a settlement for some cannabis
10 workers in Santa Barbara County who filed a charge alleging
11 their employer retaliated against them by changing work
12 positions and responsibilities after they complained about
13 workplace chemical exposure. And in that case, actually,
14 at the earlier stages of our investigation, the employer
15 approached us and expressed a willingness to resolve the
16 case, and so we had an early settlement of that case for a
17 little over \$7,000 for back pay which was owed, reading and
18 noticing.

19 We also achieved a settlement in the Central
20 Valley for some workers who were (indiscernible) irrigating
21 almond and pistachio orchards who claimed they were
22 unlawfully demoted after complaining about supervisor
23 mistreatment and they were offered reinstatement and they
24 settled for back pay of over \$6500 and noticing.

25 And then we also achieved a settlement for some

1 worker's harvesting and thinning various crops in Monterey
2 County. They were working in spinach, beets, and carrots.

3 And they filed a charge alleging they were terminated from
4 their employment after complaining about company hiring
5 rules. And we investigated, again filed a complaint. And
6 that case settled prior to hearing for \$23,000 to workers
7 who deserved back pay, as well as reading and noticing.

8 And so that's just a sample, a small sample of
9 some of the settlements we've achieved on the cases that
10 our staff has been working on. And most of these were
11 achieved since the lockdown. So even though we're working
12 primarily remotely, the work is continuing. We've also, as
13 you can see from the other reports, that people do -- we're
14 continuing to file complaints, and move our cases forward.

15 So with that, I'll just ask if there are any
16 questions.

17 CHAIR HASSID: Thank you, Julie. I first want to
18 say thank you so much to all of the staff, to reiterate
19 your gratitude for them and I'd like to say my admiration
20 for them for pivoting during a time of just, frankly, great
21 stress personally and professionally. We're having to be
22 really creative and I've seen both in the efforts you
23 mentioned with volunteering to help with unemployment
24 calls, volunteering to support contact tracing efforts.
25 And then a myriad of other ways directly related to our

1 work, that they've really pivoted, and been nimble, and
2 really led with a public service mindset. And so just
3 really appreciative of that and impressed.

4 I do have a question, but I'd like to open it up
5 for my colleagues to see if they have any questions for
6 you.

7 Okay. Well if anyone has --

8 MR. LIGHTSTONE: This is -- this is Ralph. No
9 questions. I just want to second your comments. I want to
10 express our appreciation for all the work the staff's been
11 doing under these difficult circumstances. So thank you,
12 Julie and to your team.

13 MS. MONTGOMERY: Thank you.

14 CHAIR HASSID: My question is, you know, you
15 mentioned that since the onset of the pandemic, and as
16 we've shifted, there has been a decrease in communications.

17 I'm wondering, though, if you have any, either objective
18 data or even anecdotal data, about the nature of the
19 communications you are still receiving. Are they about
20 general rights under the ALRA, or has it taken on a COVID
21 focus around health and safety issues, or paid sick leave,
22 or anything of that nature that's now more sensitive due to
23 the pandemic?

24 MS. MONTGOMERY: Yeah, it really varies. You
25 know, we haven't been getting charges that are specifically

1 COVID related. However, we do get calls with questions and
2 people expressing concerns. We've talked to quite a number
3 of workers who have expressed concerns about what's going
4 on in their -- in their workplace and being worried that
5 adequate protections are not being provided.

6 And so people have been asking a lot of questions
7 about what is an employer's obligation. For example,
8 social distancing, personal protective equipment, et
9 cetera. And so we've been giving people adequate, or the
10 appropriate resources and information in response to those
11 concerns. But yeah, but other than people expressing
12 concerns, we haven't been seeing a large -- a number of
13 charges being filed COVID related, concerning activity, for
14 example. However, people still are engaging in work
15 suffrages and other concerted activity and they are still
16 filing charges. So. And I really think it varies
17 by the -- by the office and the area in terms of whether
18 people primarily contact us in person versus by other
19 means. So some offices, I think, have been impacted more
20 by the closure than others were. But in any event, we are
21 back, and people are starting to access us more, which is
22 good to see.

23 CHAIR HASSID: Awesome. I'm really pleased to
24 hear. I saw the video that you reference earlier, and I'm
25 so pleased that was in Mixteco and that you're also

1 utilizing radio and podcast as a method. Are you finding
2 that our -- that workers are able to access our services
3 via the web and online or is that a challenge that you and
4 your staff are struggling with as we try and figure out how
5 to communicate when we're not supposed to be seeing each
6 other in person, if we can help it.

7 MS. MONTGOMERY: Right. Well it's certainly one
8 avenue of communication and there are a good number of
9 people who do access social media. However, there is a
10 large percentage who don't. I think it really varies,
11 right? I think a lot of people have smart phones and may
12 be able to access Facebook or other apps, not necessarily
13 have a computer with an email address, right. So there's
14 various means through which people can access media. But
15 we've really found that it varies, that in -- with some
16 groups of workers, they're not online, they're not on
17 social media. And that -- and you really do need to access
18 them in person to get information to them.

19 But there is also an increasing number of people
20 who are using social media platforms and that is, or we've
21 identified that that is a very critical means of
22 information sharing. And so we are working hard to get up
23 to speed to provide information and outreach through that
24 medium as, of course, our opportunities for in-person
25 outreach are reduced right now.

1 CHAIR HASSID: Thank you. Okay. Any other
2 questions or comments? Any questions or comments from
3 members of the public?

4 Okay. Thank you so much, Julie.

5 Next is Agenda Item Number 7, which is our
6 Division Administration Services Report.

7 So I'd like to welcome our Chief of admin, Brian
8 Dougherty to share his report with us. Brian.

9 MR. DOUGHERTY: Thank you, Victoria.

10 My name's Brian Dougherty, I'm the chief
11 administrative services for ALRB. So I'll start with kind
12 of a brief overview of kind of where we're at from a fiscal
13 standpoint.

14 For the fiscal year 2019/20 we had an operating
15 budget at ALRB of approximately \$11.3 million. And through
16 the month of May, we have expended approximately \$9.6
17 million. We are projecting to expend a total of about
18 \$10.5 million through the rest of the fiscal year, which
19 ends June 30th, 2020, which would leave us with an operating
20 reserve unspent balance of about \$860,000, vast majority of
21 that being savings that were associated with vacant
22 positions that were not filled, that we did not have all
23 five board positions filled until late into the fiscal
24 year.

25 We also, for the current year, implemented Budget

1 Letter 20-11, which was the current year Expenditure
2 Reduction Plan that was put in place for all state agencies
3 affective April 30th, which reduced departments' ability to
4 expend purchase orders and contracts except under strict
5 guidelines specifically related to either telecommunication
6 expenses, COVID-related expenses, or other time sensitive
7 related purchases. So that will explain why we're
8 projecting such a significant reserve. The \$860,000
9 represents about 7½ percent of our total budget.

10 From a budget planning perspective for fiscal
11 year 2021, we did have one budget change proposal which was
12 approved. And that was resources that were included in a
13 Labor and Workforce Development Agency BCP that included
14 resources for both LWDA, Department of Industrial
15 Relations, and ALRB. What was approved in the final budget
16 was a \$20 million allocation that will be divided amongst
17 those three agencies and that \$20 million will be available
18 for a three-year expenditure period. We are continuing to
19 work closely with LWDA to finalize the amount that will
20 ultimately be going to ALRB, but specifically the resources
21 that we'll -- we're anticipating receiving will be
22 additional positions in our General Counsel Program to
23 provide outreach services to farmworkers and closely
24 collaborating with some of the work the DIR does as well.
25 So once we kind of have those final budget allocations,

1 I'll be sure to share that out with the board as well.

2 Lastly, from a hiring perspective, we currently
3 have 66 staff onboard at ALRB and that makes up all -- is
4 made up of all permanent positions, retired annuitants, and
5 student assistants, so even our temporary workers are
6 included in that count. We currently have five vacancies.

7 There's one in the Administration Division and then two
8 each in the General Counsel and board areas that are
9 actively recruiting for. And so that's kind of the latest
10 update I have for Administrative Services Division.

11 I would also, from a COVID-related update, during
12 the work from home perspective, Administration Division
13 staff have been in the office on a rotational basis so that
14 we've been continuing to ensure that all mail, bills, and
15 communications are being distributed appropriately. We
16 worked quite hard, Rafael Diaz, our IT support was able to
17 ensure that we could get all of our users to be able to
18 work remotely. Spin up a new VPN system so that we can
19 ensure that our telework environment was safe and secure
20 and we were able to procure additional WebEx licenses to
21 ensure -- to ensure that we could communicate effectively
22 as an organization while the vast majority were working
23 remotely and our field offices, our regional offices were
24 closed to the public.

25 So with that, I am happy to answer any questions

1 that anybody may have.

2 CHAIR HASSID: Thank you so much, Brian.

3 I first want to just extend a huge thank you and
4 congratulations to you and to each of your team. For those
5 of you -- we're a small agency. We're one deep and we
6 actually do have a vacancy in admin right now, but Brian
7 and his team have really gone above and beyond to get
8 everyone safely online. They provided us supplies so we
9 can be safe here at the office. Masks, hand sanitizer,
10 glove, wipes, and really taken a worker focused approach to
11 ensuring that we're all safe and that we're able to deliver
12 our mission efficiently.

13 And it's a -- it's a lot for anyone, let alone a
14 small team, so I just really want to say thank you. You
15 guys have done a really great job and I really appreciate
16 it.

17 I don't have any questions. Colleagues, do you
18 guys have any questions or comments?

19 MR. LIGHTSTONE: No questions, just second your
20 praise for the admin unit. They've done a great job.
21 Thank you.

22 MR. DOUGHERTY: Thank you. Appreciate it.

23 CHAIR HASSID: And do any members of the public
24 have any comments or questions?

25 Okay. With that we will go to the next Agenda

1 Item Number 8, the Regulations Report. Todd.

2 MR. RATSHIN: Hi. Thank you, Victoria. There's
3 currently no regulatory activity to report on.

4 CHAIR HASSID: Okay. Do any of my board members
5 have any comments or questions?

6 MR. BROAD: Yes. I do.

7 CHAIR HASSID: Go ahead, Barry.

8 MR. BROAD: Yeah, I would -- through the Chair,
9 ask that we -- that the Executive Director work with our
10 board counsel to identify regulations that may need
11 updating. Not necessarily substantive changes, although
12 they could be substantive changes. But some of our, as
13 we've done our cases, some of our regulations seem to have
14 been, you know, drafted a while ago and deadlines and time
15 issues are, some of them are related to the Postal Service,
16 and postmarks, and there are now electronic means of filing
17 documents and I think maybe some of our regulations should
18 be reviewed internally to see whether they need to be
19 cleaned up.

20 CHAIR HASSID: Thank you, Barry. I think that's
21 a really good point and I will work with our executive
22 secretary and Todd and our colleagues, and our other
23 external stakeholder as well, to solicit input on things
24 that may need some updating or modernization so that we're
25 running like a 21st century board and easing any new burdens

1 or things like that.

2 MR. BROAD: Thank you.

3 CHAIR HASSID: Any other comments?

4 Any comments or questions from members of the
5 public?

6 Okay. Next I'll move onto Agenda Item Number 9,
7 the Legislation Report. Todd.

8 MR. RATSHIN: Hi. There currently is no
9 legislation pending to amend the Agricultural Labor
10 Relations Act or that would affect the board. So there is
11 nothing new to report on legislation.

12 CHAIR HASSID: Okay. Any comments or questions
13 from my fellow board members?

14 Any questions or comments from members of the
15 public?

16 Okay. Moving on to Agenda Item Number 10, the
17 Personnel Report. The board does not have any personnel
18 items to report.

19 So now I'll move on to the second piece of our
20 open session, which I'm very excited about, which is Agenda
21 Item #11. This is an informational panel on COVID-19 and
22 its impact on the agricultural industry and particularly on
23 farmworkers.

24 As we all know all too well, COVID-19 has
25 radically impacted how we all live our lives, including how

1 we work. Given the board's mission and focus, we wanted to
2 learn more about COVID-19 and its impact on farmworkers,
3 given that they have been a very much highlighted essential
4 service. This is a very unique industry and a unique
5 worker population, and we felt it was critical to learn
6 more about this emerging pandemic, how it's impacting them,
7 and what are some of the new actions that state regulators
8 have put in place in order to ensure workplace health and
9 safety and various protections.

10 I do want to sign post that we anticipate this to
11 be the first of at the least two meetings where we address
12 this issue substantively. Given the magnitude of this
13 issue and all -- and its importance, we really wanted to do
14 justice to each topic and really get into detail and not
15 just have it be too rushed. And so for this meeting we're
16 going to be hearing from health and safety experts who
17 specialize in agricultural health and safety, as well as
18 government regulators, Cal/OSHA and the Labor Commissioners
19 Office. We will be having another public meeting in August
20 at a date to be determined and we hope to have members from
21 the labor community, employers, as well as community-based
22 organizations to speak about what is happening on the
23 ground and talk about the impact of COVID-19 at that time.

24

25 So we certainly welcome those comments during

1 public comment in our meeting, but I just want to share
2 that with the public that we really do want to be very
3 thorough as we discuss this critically important topic
4 that's, you know, impacting the whole world, and certainly
5 this industry.

6 Our first panel is a presentation by the Western
7 Center for Agricultural Health and Safety. Our first
8 panelists are Dr. Kent Pinkerton, Professor of Pediatrics
9 in the School of Medicine at UC Davis, and the Director for
10 the Western Center for Agricultural Health and Safety.
11 He's joined by Ms. Heather Riden, the agricultural health
12 and safety program director in the Department of Public
13 Health and Science and the Western Center for Agricultural
14 Health and Safety.

15 Dr. Pinkerton, I hand it over to you.

16 DR. PINKERTON: Well thank you very much. I
17 appreciate the opportunity and thank the Agricultural Labor
18 Relations Board for inviting us to present on COVID-19.

19 Like many others, we have been very much involved
20 in the last three months dedicating much of our time to
21 COVID-19. The Western Center for Agricultural Health and
22 Safety is a multidisciplinary research center based at UC
23 Davis. We are funded by the Centers for Disease Control
24 through the National Institute of Occupational Safety and
25 Health and we're one of 11 regional ag centers across the

1 country. We have a 25-year history of conducting research
2 and outreach on occupational health and safety in
3 agriculture across the West. Over the course of its
4 history, the Western Ag Center has conducted research on a
5 wide variety of topics including heat illness, ergonomics
6 in agriculture, ATV safety, pesticide safety, and air
7 quality.

8 We also conduct trainings across the state in
9 English and Spanish on heat illness; sexual harassment
10 prevention; injury, illness prevention; pesticide safety;
11 and wildfire smoke exposure.

12 Now I'll give a brief overview of COVID-19.
13 COVID-19 is a novel form of coronavirus first identified in
14 2019. We believe COVID-19 is primarily spread from person
15 to person. People who are in close contact, that is closer
16 than six feet, can spread the virus. When an infected
17 person breaths, talks, coughs, or sneezes, respiratory
18 droplets containing the virus may be inhaled by people
19 nearby and land on nearby surfaces. If someone touches
20 this surfaces and then touches their mouth, nose, or eyes
21 without first washing their hands, the virus can enter the
22 body. People with COVID-19 have a wide-range of symptoms
23 from mild symptoms to severe illness and we are learning
24 more about how the virus affects the body every day.

25 You may have noticed that the list of common

1 symptoms, on this TVC website has changed between mid-March
2 and now as new symptoms have been added. Symptoms
3 typically appear within 2 to 14 days of exposure and they
4 include a fever or chills, a cough, shortness of breath or
5 difficult breathing, fatigue, muscle or body aches,
6 headache, new loss of taste or smell, sore throat,
7 congestion or runny nose, nausea, vomiting, and diarrhea.

8 Unlike the SARS and previous coronaviruses,
9 people can be contagious even if they are presymptomatic,
10 or asymptomatic. Some people are more vulnerable to
11 developing severe symptoms. Based on what we know at the
12 present time, those at high risk for severe illness from
13 COVID-19 are people who are 65 years and older in age,
14 people who live in a nursing home or long-term care
15 facility, people of all ages with underlying medical
16 conditions, particularly if not well controlled, including
17 chronic lung disease or moderate to severe asthma, serious
18 health conditions, immunocompromised individuals, severe
19 obesity, diabetes, chronic disease, kidney disease, and
20 liver disease.

21 Now I'll turn this over to Heather Riden, who
22 will describe our Center's efforts in responding to COVID-
23 19.

24 MS. RIDEN: Great. Thank you, Kent.

25 And thank you, again, to the Agricultural Labor

1 Relations Board for inviting us to present.

2 Today, as Kent indicated, I'll describe our
3 Center's response to COVID-19, farmworker vulnerability,
4 and what we know about COVID-19 cases among farmworkers.

5 As has been alluded to, on March 19th, in
6 conjunction with Governor Newsom's stay-at-home order, the
7 food and agricultural sector was considered an essential
8 business and continued to work. While we had not yet heard
9 of any COVID-19 cases in California agriculture, we at the
10 Center recognized the likelihood that workers were
11 vulnerable to infection due to the nature of their work.

12 In mid-March we sent our first communication to
13 our network with basic facts about COVID-19. And within
14 days of the governor's announcement, we were meeting
15 frequently with external advisory board members and other
16 stakeholders to determine our best response.

17 Based on these conversations and our areas of
18 expertise, on March 31st, we published an ag employer
19 checklist in English and Spanish with recommendations for
20 screening workers, sanitation and hygiene, physical
21 distancing, and how to communicate workplace best practices
22 to workers. Two weeks later, we published a Tailgate
23 Training Guide for Employers to use with their workers.
24 The materials are straightforward and practical with the
25 intention of providing clear recommendations to prevent

1 COVID-19 at the ag workplace.

2 Throughout May, Dr. Pinkerton and I were actively
3 involved in the development of the CDC in-term guidance for
4 agricultural workplaces. Guidance that is intended to give
5 broad recommendations and recognizes the diversity of
6 agriculture across the country.

7 So as I mentioned, the agricultural industry has
8 been widely recorded as being vulnerable to COVID-19 and
9 we're seeing this in daily news reports. This is due in
10 part to the way in which work is done. California
11 agriculture is very labor intensive. This often means that
12 farmworkers are in close proximity in fields or in packing
13 lines. As an essential business, work has not ceased for
14 the many farms and farmworkers throughout the state.
15 Workplace adaptations recommended for the ag workplace
16 include physical distancing, the use of cloth face
17 coverings, the use of barriers between workers, increased
18 hand washing, and workplace disinfection, among others.
19 Another often recommended practice is that of screening
20 workers. Because COVID-19 can spread when someone is
21 presymptomatic or when someone has the virus but is
22 asymptomatic, controls including physical distancing and
23 cloth face coverings are particularly important.

24 And now to talk more specifically about
25 farmworkers and their characteristics and some of their

1 risk factors, I'll mention that social determinants to
2 health, such as economic status, access to healthcare, and
3 housing contribute to farmworker vulnerability and their
4 ability to respond to COVID-19. As you may know,
5 California farmworkers have higher rates of chronic disease
6 than California Latinos overall and the California
7 population generally. Nearly 40 percent of farmworkers are
8 obese, 10 percent more than the California population
9 overall. Farmworkers also have higher rates of diabetes
10 and hypertension. In contrast, they have dramatically
11 lower rates of health insurance coverage. It is important
12 to connect the chronic diseases experienced by farmworkers
13 with recent data about COVID-19.

14 On July -- I'm sorry, on June 15th, a morbidity
15 and mortality weekly report was released by the CDC stating
16 that hospitalizations were six times higher and deaths 12
17 times higher for COVID-19 patients with underlying
18 conditions. The most frequently recorded underlying
19 conditions in their report were cardiovascular disease,
20 diabetes, and chronic lung disease. The first two of which
21 we've already alluded to as being more prevalent among
22 farmworkers. In addition, many farmworkers live in crowded
23 housing and use shared transportation. These realities may
24 increase their risk of contracting COVID-19. They also
25 make the isolation of someone who's infected very

1 challenging.

2 So what do we know about COVID-19 among
3 farmworkers? There have been reports of COVID-19 outbreaks
4 among agricultural workers in other parts of the country.
5 Cases in Immokalee, Florida among tomato harvesters and in
6 Yakima, Washington in the apple industry have been widely
7 publicized.

8 In California, there have been reports of
9 outbreaks in -- outbreaks in Monterey, Solano, Tulare, and
10 Ventura Counties. Some of these outbreaks have occurred on
11 packing houses, while others are among field workers. The
12 question that we've asked, and we've been asked many times,
13 is how many farmworkers have tested positive for COVID-19.

14 And the bottom line is we just don't know. Like others
15 throughout the state, we are reading news reports and have
16 heard from community organizations about outbreaks.
17 However, we do not have sufficient data to know the full
18 story.

19 Nationally, testing methods have varied and
20 evolved over time, therefore tracking and reporting of
21 positive cases, which is often carried out at the local
22 level, is not systematic. In California, at the county
23 level, Monterey is the only county that we are aware of
24 that provides a daily situation report that includes
25 industry. As of Monday, yesterday, Monterey County

1 reported 1,291 confirmed cases of COVID-19, 475 of which
2 were in agriculture. This means that 37 percent of all
3 COVID-19 cases in Monterey County were in agriculture.
4 However, 20 percent of confirmed cases have an unknown or
5 under investigation industry category. Meaning that figure
6 for agriculture may be higher.

7 From our understanding, it is impossible to know
8 if Monterey County is an outlier or the norm for
9 agricultural communities. We are concerned that the
10 collection of critical data may not be occurring
11 systematically across the state oftentimes leaving out
12 occupation, without which it is impossible to know how many
13 farmworkers are affected. And in some cases, race and
14 ethnicity are not -- also not being collected. Or at the
15 very least, this information is not immediately publicly
16 available, which makes responding to the crisis in a
17 targeted and immediate manner dependent on anecdotal work
18 reports.

19 We know that county Departments of Public Health
20 are responding to a once in a lifetime crisis, however we
21 cannot understate the importance of collecting and
22 disseminating this type of data. Despite the great work
23 that's being done across the country and in California to
24 reduce the spread of COVID-19 and the guidance we and
25 others have disseminated for the ag industry, we know that

1 growers, employers, and workers continue to face challenges
2 on a daily basis.

3 To better understand these challenges, as well as
4 to hear about practical solutions and success stories, we
5 are conducting an online survey of farmers, farm labor
6 contractors, and ag supervisors. We are also part of a
7 group of researchers and organizations conducting the
8 COVID-19 farmworker study. The study is surveying
9 farmworkers throughout California about their experiences
10 with COVID-19. Our hope is that information from both
11 projects will provide a more detailed picture of the
12 experiences of farmworkers and the strategies farmers are
13 employing to reduce the spread of COVID-19.

14 So with that, I'll say that, you know,
15 Dr. Pinkerton and I hope that the overview was helpful and
16 we're happy to answer any questions that you may have now
17 or in the future. The Center website, aghealth.ucdavis.edu
18 has all of the resources that we developed as well as
19 answers to frequently asked questions.

20 So thank you, and we're happy to answer any
21 questions.

22 CHAIR HASSID: Thank you so much Dr. Pinkerton,
23 and also Ms. Riden for that wonderful overview and sharing
24 some of those highlights.

25 I certainly have a few questions but would like

1 to open the floor to my colleagues to see if any of my
2 fellow board members have questions or comments for our
3 panelists.

4 MS. FLORES: Yeah. Thank you so much for that
5 very thorough presentation. I'm curious to see so, I know
6 that you mentioned there's a couple workplace
7 recommendations to adapt the workforce to prevent the
8 spread of COVID. You did mention installing barriers.
9 Would that -- that would be in -- how would you
10 operationalize that? I just have a, kind of hard time
11 conceptualizing what that would look like.

12 MS. RIDEN: Sure. I can -- I can take a stab at
13 that and then maybe Dr. Pinkerton, you can jump in. So one
14 of the challenges that I think the agricultural industry
15 has faced is that many of their practicing are based on the
16 equipment that they use and the way in which the crop is
17 planted. And so there might be a large harvest machine
18 that is going down, you know, field rows where individuals
19 are spaced at closer than six feet, oftentimes, due to the
20 way the rows and the machine are built. And so some
21 growers have been adding Plexiglas partitions between the
22 workers, similar to what maybe you've seen in grocery
23 stores as a way of reducing the potential spread of
24 respiratory droplets from one worker to another. It is
25 absolutely still advisable to be wearing cloth face

1 coverings even, you know, during that process.

2 DR. PINKERTON: And I would just further echo
3 what Heather has said that really the face cloth coverings
4 are really critical to help reduce that spread of the
5 respiratory droplets, especially when we cannot really
6 physically separate ourselves by more than six feet.

7 MS. FLORES: So are those Plexiglas dividers
8 being used actually in the field, in the rows on some kind
9 of machine? Or how is that working?

10 MS. RIDEN: I believe so. I -- I've seen many
11 pictures and heard from some growers that they're
12 applying -- they're installing them between -- on the
13 equipment. So it's not, you know workers are not carrying
14 them. They are installed on the equipment and so it -- the
15 divides move with the machinery. In some cases there's
16 tomato harvesters and transplanters that also have these
17 divides that are able to be placed between workers. So
18 they are -- they are permanently, semi-permanently
19 attached.

20 DR. PINKERTON: I think it's also important to
21 just keep in mind that a lot of the innovation and the
22 prevention to the spread of respiratory droplets is really
23 being taken -- undertaken by the farm owners themselves.
24 And as they look at what their needs are for their
25 particular operations of harvesting and field work, that

1 they're also coming up with some really novel ideas that we
2 hope to learn more about as time goes on and as the field
3 and harvesting season continues.

4 MS. FLORES: Great.

5 CHAIR HASSID: Do you have any other questions?

6 MS. FLORES: Yeah. I'm not -- I'm not sure you
7 all will know the answer to this question, but I was very
8 stunned to hear that there's a high rate of chronic illness
9 in the farmworker community. I'm wondering, is there -- do
10 you have a recommendation as to how to communicate with
11 farmworkers directly that may be suffering from chronic
12 illness and spreading information in a -- in a effective
13 method to reach folks. Especially during these times we're
14 seeing that we may not be able to have direct contact with
15 individuals.

16 So is there a, maybe like a community outreach
17 strategy that you would recommend, especially given the
18 fact that folks don't have -- or don't usually have access
19 to traditional healthcare -- healthcare coverage?

20 MS. RIDEN: Sure. Yeah. I think that regardless
21 of the topic, communication and sharing of information with
22 farmworkers is something that's really important. And we
23 have found that it is the community-based organizations
24 that have trust and relationships with farmworkers that are
25 the most critical piece in sharing information.

1 And so what we as a Center have tried to do is,
2 and are continuing to try to do, is build relationships
3 with those organizations so that we can try to support them
4 with X amount with scientific information and in some cases
5 resources, that they then can take and distribute to their
6 communities in the -- in the trusted dialog that happens in
7 the appropriate language and so forth. And so it's -- we
8 consider them a vital partner in that.

9 DR. PINKERTON: And I'd just like to add that one
10 of the things that we've done that has been really
11 instrumental under Heather and her staff is the designing
12 of checklists and training materials that are very simple
13 and straightforward. And we've been able to disseminate
14 this across the state through postal services and through
15 other mechanisms so that we can actually provide those
16 materials so that even the workers and the owners could
17 actually provide their own simple training and information
18 to their workers.

19 CHAIR HASSID: Okay. Any -- are any of our
20 colleagues on WebEx or on the phone, do you have any
21 questions for, or comments for our panel? Our first
22 panelists?

23 MR. BROAD: I have a question. Can you hear me?

24 CHAIR HASSID: I can, Barry. We can.

25 MR. BROAD: Okay. So my question is, who exactly

1 is getting health and safety information? Like what
2 organizations and entities are getting that information to
3 farmworkers and who is -- how are our growers and farm
4 labor contractors being -- who's advising them on what they
5 need to do? And sort of a related question is, are they
6 doing it, in your opinion?

7 DR. PINKERTON: Again, I think Heather would be
8 able to answer that best. But again, that's a -- that's a
9 really important question.

10 MS. RIDEN: Yeah. I think that I -- so I would
11 say that we are one of the entities that tries to share
12 information and recommendations with growers, farm labor
13 contractors, and others. And we do that in a similar way
14 as we do with farmworkers through community-based
15 organizations. There are many grower associations and farm
16 labor contractor associations who we have relationships
17 with. And so we have been in communication with them, both
18 in the development of the resources to make sure that they
19 made sense to -- or would make sense to their membership,
20 and then also in the dissemination of the resources.

21 And so, you know, I think that we can always do
22 better, but so far we feel like we have communicated that
23 all in a pretty robust way. Our resources are linked on
24 over 50 different websites of different associations, CDFA,
25 other organizations where I think growers are very much

1 more likely to go for information. So we're always looking
2 for those opportunities.

3 To answer your second question. Unfortunately, I
4 don't think we have a concrete way of knowing exactly what
5 is happening in the field which is one reason why we
6 launched this farmer, grower, ag employer, and supervisor
7 survey. So we can hear from them what they are doing, what
8 practices they've implemented, which ones they haven't
9 implemented and why because there might be barriers that we
10 can try to address through either education and outreach or
11 new development of tools. And so that survey is still
12 open. We're hoping to get many more responses. And that
13 will help guide our next steps.

14 MR. BROAD: Okay. I have a follow-up question.
15 And that is, we heard in the news about, you know, certain
16 workplaces that have been kind of COVID hot spots, like
17 meat packing plants, in particular. Are there areas, even
18 if they're not in California, in which there are -- have
19 been sort of hot spots, similar type of outbreaks in
20 agriculture?

21 MS. RIDEN: So Immokalee, Florida with the tomato
22 harvesters, I think is considered a hot spot and I believe
23 CDC is down on the ground there now. I also believe that
24 in Yakima, Washington that apple -- I believe those are
25 packing plants opposed to harvesters, but that is also, I

1 believe, considered a hotspot and CDC's on the ground there
2 as well with working with the local public health
3 departments.

4 DR. PINKERTON: I think that really is the
5 challenge is when the workers are in an enclosed area and
6 in close proximity that the potential for the spread of
7 infection is much greater.

8 MR. BROAD: Thank you.

9 CHAIR HASSID: This is Victoria. That leads to
10 another question I had that I don't know how much you can,
11 either of you can speak to this, but farmworkers are a
12 unique population where its -- there's farmworker housing
13 and there's also a lot, you know, common communal
14 transportation and carpooling to get to remote worksites.

15 Can you talk about any efforts that employers or
16 organizations or other entities may be using to help
17 mitigate and reduce the spread in those kind of common
18 connection points that this population has that maybe other
19 workplaces don't?

20 MS. RIDEN: Okay. The silence tells me I should
21 jump in. I think that this has been one of the more
22 challenging areas for us to think about because there are
23 so many factors that are both workplace based and then also
24 community based. And we have heard, and the CDC guidance
25 and other guidances that have been released give

1 recommendations around transportation and housing. This
2 was primarily targeting the H2A workers because employers
3 provide those services as part of the employment
4 arrangement.

5 But, you know, in shared housing, it's
6 recommended that people sleep foot to foot, so their heads
7 and their breathing is as far away as possible. It's
8 recommended, you know, another recommendation when possible
9 is that crews, people who work together also reside
10 together, you know, transport and reside together when that
11 is something that is managed by the employer. So that the
12 same people are around the same quote, unquote germs all
13 the time, opposed to exposing potentially new people.

14 We've also seen recommendations for
15 transportation around, you know, having fewer people in a
16 vehicle at a time. So there are recommendations out there.

17 Whether and how much they are being utilized, I don't have
18 that information. I'm not sure that it's currently being
19 collected in a systematic way other than anecdotal stories.

20 DR. PINKERTON: And I would say that also
21 although it would be natural for people to be aware of
22 this, anytime folks are close together, the face coverings
23 are essential.

24 MS. MONTGOMERY: Hi. This is Julia Montgomery.
25 I have a follow-up question.

1 So you mentioned H2A workers and I'm wondering if
2 you're aware of efforts to do outreach specifically to H2A
3 employers and workers. In our experience they are more
4 isolated and harder to reach, at just as a -- as a group
5 and of course, as you all have mentioned, there are other
6 concerns of housing and transportation with H2As in
7 particular, although it's not unique to them, but
8 certainly --

9 (The Court Reporter loses Internet connection)

10 (Internet is restored)

11 CHAIR HASSID: Sorry about that, Dr. Pinkerton.
12 You were talking about how lack of testing is a chronic
13 problem, I believe.

14 DR. PINKERTON: Yes, I mean, and I think we are
15 all aware of that. That that is at the heart of why we're
16 having so many problems with understanding these conditions
17 where we continue to see lulls and then spikes in the
18 number of those people who are infected.

19 But I'll turn the time over to Heather who may
20 actually be more informed than I am of what initiatives
21 there might be within the agricultural community for
22 testing.

23 MS. RIDEN: Yeah. I don't actually know of a
24 whole lot other than to say that our sense is that testing
25 is increasing in general across the state and that includes

1 agricultural workers. There is a group that I know someone
2 will include in the chat, I forget where they're located
3 but it -- they're backpack medics, something of this sort,
4 where they have actually gone to the field. So instead,
5 you know, they're not affiliated with the employer or other
6 groups. They come and independently test workers.

7 And so once again, I think that it's really
8 important to consider who's doing testing, who's doing
9 transporting of, you know, individuals who might be
10 infected, and the considerations for whether or not
11 infected individuals can safely isolate. I would also add
12 that testing itself it's -- can be -- it's a -- it's a
13 snapshot. It's a one-time picture. And so things like
14 contact tracing and ideally, community-based contact
15 tracing with trusted networks, is something that I think is
16 really important in this population.

17 CHAIR HASSID: Building off of that last comment,
18 I imagine, you know, like you mentioned, I think sometimes
19 there is a mistrust with this worker population and
20 government entities. Are you hearing about any innovative
21 strategies with contact tracing or any challenges just in
22 general with contact tracing with this -- specific to this
23 worker population?

24 MS. RIDEN: I would have to follow-up. I know
25 that there are many community organizations that are

1 talking to each other on a very regular basis about rolling
2 out contact tracing. And so those efforts have started,
3 and I can follow-up with more information.

4 CHAIR HASSID: Thank you. That was about five
5 questions as my last question.

6 Barry, Ralph, or Isadore, do you have any
7 questions or comments for our panelists?

8 MR. LIGHTSTONE: Yeah. I'm -- this is Ralph. I
9 have a couple of questions.

10 Let me go back to the earlier part of the
11 presentation and thank you for coming and giving us all
12 this information. You mentioned the outbreaks in Yakima
13 and Immokalee, I think, that are being tracked. Are there
14 -- do we know of any emerging hotspots in California right
15 now? That -- that's one question.

16 And I'll just add the second one, which is I
17 think you mentioned that there's a -- in the data that is
18 being collected by the counties, there's kind of a lack of
19 industry/occupation, or maybe ethnic data. Is there
20 anything -- is there movement to correct that so that we
21 get more information as they report?

22 MS. RIDEN: I --

23 DR. PINKERTON: I'll just mention one area that
24 I'm a bit concerned about because we spend so much time in
25 Imperial County in Southern California that that has been a

1 particular hotspot. And with so many increases in the
2 number of cases, that it's overwhelmed the hospitals in
3 Imperial County that they've had to life flight those
4 patients into other areas.

5 Now whether that is really based on agriculture
6 or just simply the exchange of workers across the border,
7 because much of the agricultural efforts in Imperial County
8 are accomplished by people coming from Mexico who have bi-
9 citizenship or have work permits for them to allow to come
10 in.

11 Again, Heather might be aware of other areas that
12 might be more agricultural specific.

13 MS. RIDEN: Yeah. So I spent a lot of time
14 yesterday trying to catch up and make sure I was up to date
15 on any potential outbreaks in California. And it's
16 amazing, I don't think I've ever seen so many news articles
17 written about farmworkers. I think that we have a unique
18 opportunity to be thinking about worker health and safety
19 right now. There was -- so I don't know what the
20 definition of outbreak is. So I -- I'm not sure if that is
21 the appropriate word, but in Santa Paula in Ventura County,
22 there were around 44 employees who tested positive at an
23 avocado packing plant. In Dinuba in Tulare County at a
24 frozen food plant, there were 174 cases. I believe that
25 these fall perhaps outside of the ALRA but it still is a

1 similar population and in agricultural communities.

2 Recently there was about 46 cases reported in
3 Solano County in Fairfield. And the thinking is that they
4 might have been vineyard workers from up in the Sonoma,
5 Napa area. And then I've also heard a lot of concerns from
6 colleagues in the San Joaquin Valley, just in Fresno, Kern,
7 in those regions about, you know, another crew went down,
8 you know, this is happening. So I think there's -- there
9 might be things happening that there probably are cases
10 that are happening in agricultural communities and among
11 agricultural workers that are not surfacing to the news.
12 And that is especially important when you think, or why it
13 is especially important for Public Health Departments to be
14 systematically collecting occupation.

15 As far as whether there's a movement to do that?

16 I hope conversations like this are helpful. I know other
17 researchers that I've been working with have made calls to
18 public health departments. And, you know, in all fairness,
19 they are dramatically overwhelmed with this situation. I
20 would -- I would propose that occupation, race, ethnicity,
21 can be part of a standard data collection that's important
22 across time, not only during a crisis, but we're seeing the
23 importance of it now.

24 MR. LIGHTSTONE: Thank you.

25 CHAIR HASSID: Thank you. And then I think we

1 have one comment from our executive secretary just about
2 some of our access issues. Santiago.

3 Okay, well Santiago may join us in a second.
4 You're on mute, Santiago.

5 MR. AVILA-GOMEZ: Yes. Because I had muted
6 everyone else, I forgot to unmute myself.

7 I just -- I wanted to quickly invite and
8 encourage Irene from Las Lira Campesinas to share her
9 important comment that she had -- here she had put on the
10 chat function. The chat function was supposed to be
11 restricted however it's not working as designed. And it
12 does not become part of our public record until someone
13 chooses to make a public comment so that the reporter can
14 record it.

15 I invite, encourage you, of course it's not a
16 requirement, but anyone who wishes to make a public
17 comment, please know that the chat function is not being
18 used for that purpose and it is not being recorded as part
19 of our minutes and records for this meeting.

20 (The interpreter translates the information)

21 CHAIR HASSID: Thank you very much.

22 Ralph, did you have any other questions?

23 MR. LIGHTSTONE: Not for now, thank you.

24 CHAIR HASSID: Thank you. Any other questions
25 for my board members?

1 Okay. Thank you so much, Dr. Pinkerton and
2 Heather. Really appreciate you joining.

3 If you could please stick around, we will be
4 opening this up for public comment at the end of our -- of
5 our -- the rest of our panelists and there may some other
6 questions or comments from the public that we would benefit
7 from at this time.

8 At this time for the second portion of our panel
9 we'll be hearing from some of our lead workplace
10 enforcement entities. My old colleagues --

11 MR. AVILA-GOMEZ: I'm sorry. Victoria.

12 CHAIR HASSID: Yes.

13 MR. AVILA-GOMEZ: I'm sorry to interrupt. We do
14 have one public comment at this time if you're able to take
15 it.

16 CHAIR HASSID: Yes. We will. We're able to take
17 that public comment.

18 MR. AVILA-GOMEZ: Great.

19 Irene, you are free to make your comment.

20 MS. IRENE: Hi. Thank you very much. I -- my
21 name is Irene, or Irene and I'm with Las Liras Campesinas.
22 So thank you.

23 I wasn't sure how this commenting chat here works
24 but I did just want to share what I shared in the comment.

25 And I really appreciate hearing Heather and also

1 partnering with Heather as a community-based organization
2 that really depends a lot on their resources and our
3 communication and collaboration.

4 But one huge, sort of initiative mission that Las
5 Liras Campesinas, we are a network of women farmworker
6 leaders and their families throughout the state of
7 California. And so we have really been pushing for health
8 professionals to go to the fields. We're very focused on
9 prevention and so early on we did find that there was
10 inadequate education being given by the supervisors. And
11 we collected several testimonies and feedback, and wrote a
12 letter to the governor regarding this and, with the
13 collaboration of the backpack medicine team that Heather
14 mentioned, we have found that it's been extremely
15 successful to go to the fields and give this education
16 because of that inaccessibility to healthcare that many
17 farmworkers have, right, due to immigration issues and
18 certain fears.

19 So we have found that this interaction with a
20 health professional is a basic human right that makes a
21 huge difference, right, in how serious they take the
22 illness and also builds that trust with their doctors. And
23 so I just wanted to note there that it is statewide effort.

24 One by one, county by county, we are trying hard to get
25 healthcare professionals to visit the fields and any help

1 from an agency like the ALRB is extremely appreciated.

2 And thank you again to Heather and Mr. Pinkerton,
3 and all of you. Thank you.

4 MR. AVILA-GOMEZ: Thank you.

5 CHAIR HASSID: Thank you very much for your
6 public comment.

7 And I understand we have another commenter,
8 Santiago.

9 MR. AVILA-GOMEZ: Yes. Noe Paramo, the
10 California Rural Legal Assistance Foundation.

11 Go ahead, Noe.

12 CHAIR HASSID: Okay. We may -- can you try and
13 unmute yourself?

14 Okay, in the interest of time, we're going to
15 keep going to our next panelists, but we will make an
16 effort to come back to you and there'll be other
17 opportunities for public comment.

18 So with that, I'd like to go to our second group
19 of panelists who are from my -- so my old coworkers at the
20 Department of Industrial Relations, they are our lead
21 workplace enforcement entities for the state. Both -- we
22 have representatives from Cal/OSHA and the Labor
23 Commissioner's Office.

24 Our first speaker will be Cal/OSHA's program
25 manager for Communications and Strategic Planning, Brandon

1 Hart, and he will provide an overview of relevant
2 occupational safety and health standards, early complaint
3 data, and review Cal/OSHA's COVID-19 agricultural industry
4 specific guidance.

5 Brandon, welcome.

6 MR. HART: Hi, thank you.

7 Thank you, Chairwoman Victoria Hassid.

8 Before I begin my presentation, I'd like to thank
9 the Labor Relations -- the Agriculture Labor Relations
10 Board for inviting Cal/OSHA to present to the board and
11 provide the public who are in attendance with updates and
12 information on our very important work. And also
13 congratulate Chairwoman Victoria Hassid on her recent
14 appointment, the governor made a very fine choice.

15 So for those who are unfamiliar with Cal/OSHA,
16 Cal/OSHA is mandated to protect and improve the health and
17 safety of California's workers, and the safety of
18 passengers riding on elevators, amusement rides, and
19 tramways through the following activities. We set and
20 enforce standards, we provide outreach education and
21 assistance, we issue permits, licenses, certifications,
22 registrations, and approvals.

23 As Victoria mentioned, in today's presentation
24 I'll be sharing information specifically on the overview of
25 applicable workplace health and safety standards and

1 agriculture related to COVID-19, and overview of COVID-19
2 agriculture specific guidance that has been published by
3 Cal/OSHA, and Cal/OSHA's public enforcement statistics,
4 Cal/OSHA's consultation services that are available for
5 agriculture employers, and outreach for workers and how
6 they can file a complaint with Cal/OSHA for unsafe or
7 unhealthful work conditions.

8 Regarding the overview of applicable workplace
9 health and safety standards and agriculture-related work to
10 COVID-19, there is no specific or unique safety or health
11 standard or regulation specific to the novel coronavirus.
12 For example, like emergency wildfire smoke regulation.
13 However, there are current and existing regulations that
14 Cal/OSHA may use and of course should follow to mitigate
15 the risk to workers who perform agriculture-related work.

16 Under Title 8, Section 3203, employers are
17 required to establish an effective Injury and Illness
18 Prevention Program in writing and evaluate unsafe or
19 unhealthful work conditions. Cal/OSHA has determined that
20 COVID-19 is a workplace hazard since it is widespread in
21 the community and employers need to take proper precautions
22 to protect workers who may be exposed to this infectious
23 disease such as physical distancing along with face
24 coverings. I'll talk about more of that later.

25 Additionally, Under Title 8, Section 3457, field

1 sanitation, employers are still required to provide soap
2 and water to wash hands, clean and disinfect commonly
3 touched items such door handles, water jugs, chairs, et
4 cetera, that employees may touch or be exposed to.

5 With regards to an overview of the COVID-19
6 agriculture-specific guidance, Cal/OSHA has been busy since
7 late February in continuing to produce guidance for both
8 employers and workers. Cal/OSHA has a dedicated webpage
9 specifically to COVID-19 and includes Cal/OSHA guidance
10 materials, resources, videos, and guidance from the
11 California Governor's Office of Business and Economic
12 Development, commonly referred to GO-Biz, and also Cal/OSHA
13 has developed and posted the following guidance in training
14 materials and resources and videos. Julie mentioned some
15 of them briefly earlier which we work closely with
16 Agriculture Labor Relations Board on.

17 To date as it relates to agricultural industry,
18 we have developed COVID-19 daily checklists for employers,
19 those are both in English and in Spanish. We've also
20 developed a general checklist for agricultural employers in
21 both English and Spanish. We have developed infection
22 prevention for agriculture employers and employees. This
23 is in multiple languages and is available in English,
24 Spanish, Chinese, Vietnamese, and we're currently
25 completing our translation of Punjabi.

1 We've also developed a COVID-19 worker protection
2 video and this is really for employers and employees to
3 both watch. It provides them with important information
4 that they can use to protect employees and prevent the
5 spread of COVID-19 in the workplace. This is the video
6 that Julie mentioned earlier where we work with them on
7 developing the transcript, obtaining still shots, videos,
8 and other important information to include in the video.
9 That is both in English and in Spanish, and we've also had
10 it translated in Mixteco which the ALRB participated in and
11 actually produced for us. So I'd like to thank the ALRB
12 for participating in that.

13 Other guidance and resources produced with the
14 governor's office, California Department of Public Health,
15 and the California Department of Food and Agriculture are
16 also agriculture, livestock, and statewide industry
17 guidance. We also have an agriculture livestock industry
18 checklist for employers to utilize as well.

19 We've also included other resources such as CDC
20 and federal OSHA guidance for the meat and poultry
21 processing, the CDC webpage for coronavirus 2019 which
22 links to the governor's webpage, frequently asked questions
23 on laws enforced by the California Labor Commissioner's
24 Office, and UC Davis COVID-19 resources for agriculture
25 that they've produced as well which we think is very, very

1 helpful to workers and employers.

2 As far as some items that we're currently working
3 on, we are revising and updating our current guidance to
4 reflect the new guidance that has been put out by
5 California Department of Public Health on June 18th as
6 requiring face coverings in workplaces. We expect that to
7 be posted and updated this week. We're also working on
8 developing an employee self-evaluation that they can
9 utilize to score and rate themselves to better understand
10 their level of knowledge as it relates to COVID-19 and also
11 evaluate the workplace that the employer may find helpful
12 from their workers.

13 We're also working on developing training modules
14 that we plan to post online which will be broken up based
15 on the specific training requirements of an employer for
16 their workers. And at the end of each of the training
17 modules, there will be approximately three to five
18 questions that workers can answer, submit, be scored on it,
19 and then at the end of all of the modules, the employer can
20 then certify that employees have completed the COVID-19
21 training that's been developed by Cal/OSHA. We hope that
22 that would be a tool that employers would utilize and be
23 available for workers.

24 As far as our public enforcement statistics, I do
25 have current statistics as of June 21. To date, Cal/OSHA

1 has received 3,050 complaints for all industries related to
2 COVID-19. Specific for agriculture, we have received 26
3 complaints. Cal/OSHA has received a total of 185 serious
4 illnesses, 14 of which were in the agricultural industry.
5 Cal/OSHA has received 51 workplace COVID-19 fatalities, two
6 of which are in the agriculture industry.

7 All of the onsite inspections and investigations
8 are still open and therefore, Cal/OSHA has not issued any
9 citations. As a result of those open inspections and
10 investigations, I don't have any further information at
11 this time to provide.

12 As far as consultation services that are
13 available for ag employers, consultation services has
14 conducted 2,575 telephone based consultation services as of
15 March 1st specifically related to COVID-19 for employers.

16 They've also provided and have geared up to
17 provide additional assistance to other state agencies.
18 They've also provided qualitative and quantitative
19 respirator fit testing to other state agencies who are
20 participating in COVID-19-related events. And they've
21 developed and are providing Zoom and similar based
22 presentations on Injury and Illness Prevention Program,
23 heat illness prevention, and other COVID-19-related topic
24 matters.

25 They are working with the Labor of Occupational

1 Health Program, LOHP, at UC Berkeley, the Office of
2 Emergency Services, many workers' compensation insurance
3 companies, the Southern California Builders Safety
4 Alliance, American College of Occupational Environmental
5 Medicine, Radio Bilingue, and many others.

6 To minimize exposures for both conventional
7 consultation voluntary protection programs, they're
8 conducting as much administrative work as possible using
9 Zoom videoconference and other similar systems as well as
10 conducting onsite visits at early and late times where we
11 reduce the amount of exposure.

12 As far as outreach for workers, there's been a
13 lot of discussion about this throughout this meeting so far
14 so I'd like to report on that. So far Cal/OSHA's been
15 working with work organizations, advocacy groups, and
16 community-based organizations. And we're encouraging them
17 to request assistance through Department of Industrial
18 Relations' outreach request process. When we receive this
19 information at Cal/OSHA, our outreach coordination program
20 assigns a bilingual outreach trainer to provide outreach.
21 In addition, we're developing news releases, social media
22 posts, and we correspond with agriculture leaders
23 throughout the state to share our guidance and information
24 as it is released in real time.

25 In addition, we are working with the Employment

1 Development Department's Monitors Advocate Office and the
2 Foreign Labor and Farmworkers Services Group to promote and
3 share our guidance material, videos, and resources. This
4 is particularly helpful because on November 2019, the
5 Employment Development Department awarded \$100,000 of the
6 Wagner-Peyser 10 percent allocation funds to MICOP. And so
7 they get involved with radio and media solicitation
8 proposals. Through the radio and media grant, MICOP is
9 developing and implementing radio and media strategies to
10 conduct outreach to hard to reach communities to inform
11 them about workforce programs and other communities
12 services available to these workers and their families.

13 This allows us to target the Mixteco and
14 indigenous community organization project and they unite
15 with indigenous leaders and allies to strengthen the
16 Mixteco and indigenous immigrant community, particularly in
17 Ventura County. The Department of Industrial Relations'
18 Communications Office is also coordinating and scheduling
19 radio and TV PSAs.

20 And then lastly I was asked to talk about how
21 workers can file a complaint with Cal/OSHA if they feel
22 they have an unsafe or unhealthful workplace. In case you
23 are unaware, workers are allowed and they can file
24 anonymous complaints to the nearest district office and
25 this can be done by looking up the office of Cal/OSHA's

1 website or filing a written email complaint on line. We
2 prefer that employees call so that we can obtain all the
3 necessary information to properly conduct the investigation
4 into the complaint. Employee's representatives can also
5 file a complaint on behalf of the employee. These are
6 treated as formal complaints similarly to if an employee
7 filed a complaint directly themselves.

8 That concludes my presentation. At this time if
9 anyone has any questions that they would like to ask, I'm
10 happy to answer them to the best that I can.

11 CHAIR HASSID: Thank you so much, Brandon, that
12 was a lot of really great information. I certainly have
13 some questions but want to open up the floor to my
14 colleagues to see if they have any comments or questions
15 for you.

16 Cinthia?

17 MS. FLORES: Yeah. Thank you for your
18 presentation.

19 I'm just wondering if Cal/OSHA has considered
20 maybe utilizing alternative outreach methods for
21 (indiscernible) workers whose best language may not be
22 English or Spanish or the -- whose main language may not be
23 within the forms or documents that have been translated.
24 So I'm thinking something like popular education or
25 different (indiscernible, unstable Internet connection)

1 that may assist to full capacity indigenous languages that
2 they speak in their primarily language.

3 MR. HART: Right. So thank you for your
4 question. As I mentioned, we've been working with EDD MAO
5 and also MICOP. And so as we're translating the
6 information into the indigenous languages, we're trying to
7 get the material into the hands of those folks who actually
8 have those relationships and contacts with some of those
9 folks who may not speak the traditional language such as
10 Spanish or English.

11 And so, you know, we were working at some point
12 on grant funding to try to work more closely with some of
13 these community-based organizations to try to use them as a
14 channel to deliver a lot of information and guidance that
15 we're developing.

16 So at this point, we extend our, you know, hand
17 out to many of these organizations. We do it
18 telephonically, we also do it through e-mail. And we've
19 got several folks, I've worked with LRB also, we're trying
20 to reach out to try to get to some of those hard to reach
21 folks who may not speak those traditional languages.

22 CHAIR HASSID: Okay. Any more -- Ralph or Barry
23 or Isadore, any questions? Why don't I jump into things --

24 MR. DOUGHERTY: Yeah. Well, I do have a --
25 okay -- well.

1 CHAIR HASSID: No, go ahead, Barry.

2 MR. DOUGHERTY: Want me to go ahead?

3 Well, I actually have a follow-up question. I
4 read recently that -- and I don't know -- I don't know how
5 accurate this was. I -- the -- some of these indigenous
6 languages are basically largely unwritten so that written
7 materials in those languages actually won't really reach
8 anyone, it has to be -- they have to hear it, it basically
9 has to be spoken.

10 I don't know how true that is but if that is the
11 case or do you find that's the case? And if that's the
12 case, then there would have to be a much more intensive
13 personal system of communication to reach those workers.

14 MR. HART: Yes. And that's an excellent point.
15 That's something that, you know, Cal/OSHA discussed
16 intimately with the ALRB when we were developing our video.
17 We worked with a translation services company who also
18 echoed your exact remarks that a lot of times the folks
19 that speak Mixteco or some of these other indigenous
20 languages, the written form of it may not be as helpful.
21 So that's one of the reasons why when we develop the
22 agriculture worker video, we were sure to have that
23 translated into Mixteco and then also have a voiceover in
24 Mixteco so therefore it was easier for that -- that
25 population to see the video and hear it in a language that

1 they understand.

2 And I should say knowing that, you know, our goal
3 would be to have as many of our documents, you know,
4 translated in maybe an audio recording format as long as it
5 meets ADA guidelines for online publication. So for those
6 who maybe have difficulty reading in the particular
7 indigenous language, it would be available to them in an
8 audio format.

9 MR. DOUGHTERTY: Okay. And I have another
10 follow-up question about Cal/OSHA procedure and enforcement
11 in a pandemic which is if, you know, so ordinarily a worker
12 makes a complaint about a working condition and you cite
13 the employer and you tell the employer fix the problem.
14 Like let's say, and I don't know, I assume this has
15 happened somewhere if not in agriculture, somebody calls up
16 and says, you know, we're working here and we're close to
17 each other and there's no masks available.

18 Do you -- when Cal/OSHA enforcement personnel go
19 out to investigate, would they immediately make those masks
20 somehow available? In other words, in a pandemic, it's
21 like way -- it's equally if not more important to get the
22 mask to the worker rather than immediately try to figure
23 out, you know, when the employer gets a citation. Not to
24 say they shouldn't be cited if they should be cited, that's
25 not my point. My point is that the workers' lives may be

1 in, you know, danger if they don't get masks right away
2 because you can transmit this disease so quickly and
3 easily.

4 So what -- what happens in reality in that sort
5 of circumstance?

6 MR. HART: Well, I mean, that's a very
7 interesting question. And I mean, since this is a
8 hypothetical, you know, I must -- I must say that every
9 case has its, you know, its own set of facts and details
10 and evidence that must be considered by the compliance
11 officer.

12 You know, Cal/OSHA does have specific tools in
13 its toolbox. If it's determined to be in imminent danger
14 that cannot be immediately fixed or corrected, then
15 Cal/OSHA can take certain actions to eliminate the hazard
16 to those workers.

17 As far as ensuring workers immediately get face
18 coverings or face masks as was suggested in your question,
19 and Cal/OSHA currently does not have an inventory of those
20 to hand out so they would not be providing those to the
21 workers, but we would certainly be ensuring that the
22 employer mitigate that risk to the employees through some
23 type of administrative controls immediately. And that
24 could be separating workers so that they're not working in
25 close proximity. You know, if they're working outdoors,

1 certainly that does help. But they would want the employer
2 to take immediate action to mitigate the risk to those
3 workers.

4 As far as requiring compliance with a regulation,
5 that comes through a citation process. So as I mentioned
6 earlier, many of those investigations are still ongoing and
7 facts are being collected and interviews are being
8 performed. So in the interim, between the inspection and
9 the interviews and the citation issuance, it would be a
10 conversation that the compliance officer would have to the
11 employer to ensure that they're made aware of what the
12 requirements are for them to protect those workers.

13 MR. DOUGHERTY: Okay. Thank you.

14 CHAIR HASSID: Any other questions?

15 Okay. I may launch into a couple of my
16 questions. You know, one of issues that I know it's kind of
17 a long-standing issue in agriculture in particular is
18 challenges around availability of proper resources for
19 hygiene, particularly like handwashing which we know is so
20 critical for reducing and mitigating the spread.

21 What are we recommending to employers right now
22 in terms of frequency to allow the workers to hand wash.
23 Kind of what are you seeing anecdotally, are you seeing any
24 best practices? If you could just talk about how that's
25 going in the field.

1 MR. HART: Sure. And that's a good question.

2 Thank you.

3 So a lot of this information is contained in our
4 guidance documents as far as what employers should be
5 doing. They should certainly be increasing their frequency
6 of cleaning and disinfecting any areas that employees would
7 come in contact with.

8 As I mentioned, you know, restroom door handles,
9 the water jugs that employees are, you know, obtaining
10 water from, any -- any tools that maybe are being shared
11 amongst workers, areas where they take their breaks or
12 where they seek rest from heat. All those areas, the best
13 practices for an employer and what we would expect an
14 employer to do is to ensure that they're frequently
15 cleaning and disinfecting those areas that may have been
16 touched or where an employee may have sneezed or coughed
17 and created some potential form of infection for other
18 workers.

19 So as I mentioned earlier, we do have general
20 sanitation that is enforced. A lot of that deals largely
21 with the hygienic procedures that employees may be exposed
22 to. But largely we have guidance that's out there.
23 Employees are required to implement an effective Injury
24 Illness Prevention Program. We've identified that COVID-19
25 is a workplace hazard and so employers really need to be

1 vigilant to ensure that they're doing everything they can
2 to ensure that those commonly touched areas are frequently
3 cleaned and disinfected.

4 CHAIR HASSID: Okay. My next question is about
5 face coverings or masks. You know, certainly there's been
6 a lot of education around this, a lot of discussion, I
7 think as members of the general public may, you know, even
8 if they're, you know, understanding the importance of masks
9 and try and practice that, they come in all shapes and
10 sizes, maybe different comfort levels and certainly far
11 more can be very tiring and labor intensive.

12 Is there anything in particular that Cal/OSHA is
13 recommending or enforcing for just general work in the
14 fields that's not specialized in any case that may need
15 like an N95 or best practices around face coverings and
16 masks?

17 MR. HART: Well, Cal/OSHA is following the
18 guidance from CDC and also from the California Department
19 of Public Health. And so we are recommending and advising
20 that when you're working outdoors, that you're required to
21 wear face coverings. As far as a level of comfort, I think
22 to each individual they fit differently like you mentioned
23 so it would be suggested that employees find a face
24 covering that they find comfortable and they have to ensure
25 that they wash it.

1 If an employer is providing the face coverings to
2 the workers, then they should allow for different sizes,
3 different materials for the employees that may want to use
4 them. Or that are required to use them, I should say.

5 So, you know, for those that are working in the
6 agricultural industry at this point it's face coverings,
7 it's not an N95 unless there's additional specific hazards
8 such as, you know, just other things that they may be
9 exposed to that actually requiring an N95 respiratory or
10 some other type of elastomeric respiratory. But for those
11 that are just performing regular agricultural work, a face
12 covering is sufficient at this point.

13 CHAIR HASSID: Okay. And is there -- you
14 mentioned that there's no specific OSHA standard around
15 COVID-19 or this novel virus. But is there any enforceable
16 standard that may encapsulate either not providing face
17 coverings or if employees are working and not wearing face
18 coverings?

19 MR. HART: Certainly. So as I previously
20 mentioned, Title 8, Section 3203, it's a performance
21 standard so it really is -- it requires the employer to
22 evaluate unsafe work conditions and protect employees from
23 those hazards. Cal/OSHA has identified COVID-19 as a
24 workplace hazard because it's community-based widespread
25 transmission and so, therefore, employers are obligated to

1 protect their employees from that hazard.

2 If it's determined that employers are not
3 protecting employees from the potential transmission of
4 COVID-19, then there could be violations under Title 8,
5 Subsection (a)(4) for failing to identifying an unsafe work
6 condition or potentially Subsection (a)(6) for failing to
7 correct an unsafe condition.

8 So even though there's not a specific COVID-19
9 standard that's been promulgated and adopted, we do have a
10 horizontal standard which is the Injury and Illness
11 Prevention Program which applies to all employers.

12 CHAIR HASSID: Got it. I also wanted to go to
13 kind of what employers are required to do in terms of
14 reporting instances of COVID-19 to Cal/OSHA. Are they
15 required if they learn that someone on their workforce has
16 tested positive, are they required to report that to
17 Cal/OSHA or are there only certain circumstances? And how
18 does that work?

19 MR. HART: Yes, employers are required to report
20 that to Cal/OSHA. We've actually created a frequently
21 asked question on our COVID-19 webpage that gives specific
22 examples and instructions to employers. In our guidance
23 and our FAQ, we encourage employers to err on the side of
24 caution and report those to Cal/OSHA and record them in
25 their Log 300 also when it's determined to be work related.

1 CHAIR HASSID: Okay. So even if it's unclear
2 where the employee may have contracted the virus, they're
3 encouraged to report that to Cal/OSHA and record it.

4 MR. HART: That's correct.

5 CHAIR HASSID: Got it. Okay.

6 This has been so interesting and I just want to
7 thank you for all your efforts and your partnership and
8 some of the outreach that Cal/OSHA's done with the board
9 and for the voluminous amount of materials that you guys
10 have produced and also your effort to translate them in
11 multiple languages, I think that's really critical.

12 Are there any other questions from the board
13 members? And if not, we will go to our next panelist.

14 Okay. Brandon, if you could also just stick
15 around in case there are questions or comments during the
16 public comment that would be wonderful. And I really
17 appreciate you taking the time to join us today, I know you
18 guys are extremely busy.

19 Please join me in welcoming our second panelist
20 from the Labor Commissioner's Office Connor Schmeding who
21 will be informing us about the Labor Commissioner's efforts
22 to provide outreach and education, also enforcement around
23 COVID-19 in agriculture.

24 Connor.

25 MR. SCHMEDING: Okay. Thanks, Chairwoman Hassid.

1 So my -- let me start with for those of you not
2 familiar with the Labor Commissioner's Office, the central
3 mission is to ensure a just day's pay in every workplace in
4 the state and to promote economic justice. My job is to
5 oversee the Labor Commissioner's (indiscernible) team in
6 the Oakland District Office. I also lead the statewide
7 team that focuses on strategic enforcement ag industry.

8 Today I'm going to cover a couple of things. I'm
9 going to cover the executive order on supplemental paid
10 sick leave, the impact we're seeing the pandemic have on
11 workers, our response to that, and efforts, just general
12 efforts we have that we're -- where we're trying to improve
13 our outreach ag workers.

14 So our website's a great resource. It has a lot
15 of charts, tables, and information and frequently asked
16 questions all about the pandemic and, you know, the
17 protections that are available to workers.

18 And you guys, please feel free to interrupt if
19 you have questions, I'm happy to clarify as I go if that's
20 easier.

21 So Executive Order N15 -- or sorry, 5120 that was
22 issued on April 16th, filled the gap for paid sick leave
23 that was left by the Families First Coronavirus Response
24 Act that Congress passed. If you go to our website, you
25 can find the table the side by side comparison with the

1 FFCRA that compares not only those, the supplemental paid
2 sick leave with the FFCRA, but also with the California
3 Paid Family Leave, and the state paid sick leave law that's
4 law, you know, regardless of whether the pandemic and
5 (indiscernible).

6 So specifically this executive order provides
7 supplemental paid sick leave for food sector workers
8 working for employers with 500 or more workers nationwide
9 with any of the three following circumstances. So one, the
10 worker's subject to COVID-related quarantine or isolation
11 (indiscernible). Two, the worker's advised by a healthcare
12 professional to self-quarantine or self-isolate related to
13 COVID. Or three, the worker's prohibited from working by
14 employer due to concerns related to potential COVID
15 transmission.

16 So this supplemental on page -- these protections
17 are especially important in light of the recent outbreaks
18 we've been seeing in the food sector, you know, across the
19 state, and especially the fruit and meat packing plants.

20 It turns out -- it turns out that I believe I
21 read something recently that ag workers made up almost half
22 the COVID cases in (indiscernible, unstable Internet
23 connection). So there are a couple of additional
24 requirements qualified supplemental payments --

25 CHAIR HASSID: Connor, can you --

1 MR. SCHMEDING: Yes.

2 CHAIR HASSID: Connor, sorry to interrupt you,
3 can you repeat that last piece about what you read recently
4 because it cut out at least where I am just briefly and it
5 sounded interesting, my ears were perked.

6 MR. SCHMEDING: Oh. Sorry. Okay.

7 (Indiscernible.)

8 I scanned an article that said that half of the
9 ag work -- the ag workers made up half of all COVID cases
10 in Monterey County. That's pretty -- I think that's pretty
11 significant.

12 So okay. So there are two additional
13 requirements for qualifying for the supplemental paid sick
14 leave. The worker must be working outside, you can't be
15 working from home. As it relates to ag workers, food
16 sector work must be covered by one of the four Industrial
17 Welfare Commission order -- sorry, Industrial Welfare
18 Commission Wage Orders. Order 3 which covers canning,
19 freezing, preserving. Order 8 which covers processing of
20 another entity's ag products after harvest. So an example
21 would be a commercial packing house. Order 13 where the
22 workers are preparing ag products for the market on the
23 farm where the product's were produced. Example would be a
24 packing shed. And Order 14 which covers ag occupations not
25 covered by the industry order. So basically, you know, if

1 you work in ag, you're covered.

2 As far as calculating the amount of paid sick
3 leave that workers are entitled to, it's basically going to
4 be the average of two weeks' pay. So for full-time
5 workers, that -- they're going to be entitled to 80 hours
6 of supplemental paid sick leave.

7 And for part-time workers whether they just
8 started or, you know, they've working -- or they worked a
9 varied schedule, you basically just would average out what
10 two -- what, you know, one week or one week would be and
11 multiple it by two and just take, you know, an average two
12 weeks.

13 The rate of pay to -- using calculating the
14 benefit is going to be the worker's regular pay which can't
15 be less than the higher of the state or local minimum wage
16 (indiscernible).

17 The benefits capped at \$511 a day or a total
18 benefit of \$5,110. One exemption to the Executive Order is
19 for employers that provide existing supplemental paid
20 benefit program specifically for COVID purposes that was in
21 effect by April 16th that either meets or exceeds the
22 Executive Order's requirements.

23 One thing that's really -- that I think is really
24 important to note about the supplemental paid sick leave is
25 that unlike -- that like with the regular paid sick leave

1 law, employers can't require a health provider
2 certification before providing a supplemental paid sick
3 leave. You can't require doctor's notes.

4 As far as enforcement, workers can file wage
5 claims with our office if their employers deny them use of
6 the supplemental paid sick leave. And they could also file
7 retaliation claims at our office if the worker is
8 retaliated against by the employer for requesting or using
9 the supplemental paid sick leave.

10 So general retaliation. One of the -- one of the
11 things I think we're seeing a lot -- we're going to see a
12 lot more of is, you know, outside of the supplemental paid
13 sick leave, workers would also be protected from
14 retaliation if their employer retaliates against them for
15 making a complaint either to them, the employer, Cal/OSHA,
16 or another health and safety agency about workplace health
17 and safety issues at their job. So this isn't new but I
18 think that we're probably see -- be seeing this more in the
19 future, depends on if it progresses.

20 Let's see. So since -- what we're -- so a couple
21 of things we're seeing -- we've been seen since the
22 pandemic started in addition to, you know, the regular
23 things that we usually see. We're seeing a lot of, we're
24 hearing from a lot of workers who've had -- who are out of
25 work and are having difficulty accessing either the

1 unemployment benefits through EDD or their immigrant
2 disaster relief assistance available to undocumented
3 workers.

4 You've -- I'm sure you've probably read articles
5 in the paper about EDD being overwhelmed by the volume of
6 calls that are coming in. I think -- we've -- I heard from
7 one worker who said that he'd been calling -- he called all
8 day or days on end and still unable to get through.

9 We're also hearing a lot about workers who are
10 unable to make rent and being threatened with eviction
11 despite protections that are in place at the state and
12 local levels. As well as -- for those who do have jobs, a
13 lot -- we're hearing a lot of people who are afraid of
14 being (indiscernible, unstable Internet connect) COVID at
15 work and getting their family sick because their jobs don't
16 allow them to socially distance properly. And we've heard
17 from some of our community-based organizations that, and
18 especially true for ag workers.

19 So far some of the things that we're doing in
20 response to the pandemic. So over 300 of our staff within
21 the Department volunteered to provide assistance to EDD's
22 call center over Memorial Day weekend and we were able to
23 help them process over 39,000 unemployment claims that were
24 in their backlog.

25 Another thing that we're -- our office is

1 exploring is proactively notifying businesses subject to
2 supplemental paid sick leave requirements about their
3 requirements or the order and also possibly issuing
4 separate notices to smaller businesses that are subject to
5 the local -- to a local city or county supplemental paid
6 sick leave provision. We're also looking into a few
7 businesses that we've received complaints about for not
8 providing supplemental paid sick leave.

9 So and kind of the last thing I wanted to talk
10 about, it's not specifically COVID related but I think
11 there are a lot of parallels in terms of, you know, the
12 drive to leverage technology and connect with people
13 remotely.

14 So within the Division's Field Enforcement Unit,
15 we have statewide strategic teams that are dedicated to
16 seven different industries in the underground economy one
17 which is ag. The goal of the team is to find strategic
18 approaches for enforcement to create industry-wide change
19 and ensure that workers get paid. Each of the industries
20 has -- consists of field enforcement staff and at least one
21 community-based organization partner. On the ag team, we
22 partner with CLRA and MICOP which was mentioned here today.

23 So one of things we're looking at doing is using
24 social media and, you know, maybe possibly specifically
25 Facebook to raise awareness to communities both training

1 videos about workers' rights, you know, which would allow
2 us to reach more workers who maybe don't speak English and
3 are more comfortable speaking a native language like
4 Mixteco or (indiscernible). We want to raise awareness
5 and, you know, get the word out about the services that we
6 offer and the rights that workers have.

7 We're also looking at social media can help us
8 maintain contact with certain worker communities so that we
9 can locate them when we have money. One of the biggest
10 problems we have in ag enforcement is the inability to
11 locate workers when we actually receive wages for them.
12 You know, I don't know about ALRB responses, but on our end
13 it can take years, you know, from the start of an
14 investigation until we've collected -- we've collected
15 money. We have -- we have an investigation, we've got an
16 audit, we have an appeals process, we have judgment
17 enforcement, we search for assets we have to go collect.
18 And then we have to deal with, you know, issuing checks and
19 contacting workers.

20 And so, you know, that can take three years and
21 if we don't -- if we're not able to contact the worker,
22 what we do is we end up having to put the money into an
23 account so that the worker can come forward and claim that
24 money later. And in my experience, I haven't had -- I'm not
25 aware of any workers who have come forward afterwards after

1 we put money into that account.

2 So, you know, one thing that social media --
3 we're hoping social media can help us with is maintaining
4 the contact with the workers because, you know, even if we
5 do have phone numbers or physical addresses for workers,
6 chances are because of the migratory nature of ag, they're
7 probably going to be -- they're probably going to have
8 different number and a different addresses (indiscernible).
9 So we're hoping that that can help us just be more
10 effective in our outreach and enforcement, make our
11 enforcement in ag that much more meaningful.

12 So that kind of wraps up what I was going to talk
13 about. Are there any questions?

14 CHAIR HASSID: I -- I have a couple.

15 MR. SCHMEDING: Sure.

16 CHAIR HASSID: Just one, thank you so much for
17 taking the time to speak with us and give us this overview.
18 I think it's really important, I know the Labor
19 Commissioner's Office is such a vital link in resource for
20 workers so I really appreciate you taking the time to
21 inform us.

22 You answered one of my questions which I just
23 think bears repeating which is that workers can take
24 advantage of this specific COVID-19 specific paid sick
25 leave without having a doctor's note.

1 MR. SCHMEDING: Yes.

2 CHAIR HASSID: I think that's really critical
3 given the lack of insurance coverage, access issues, costs,
4 et cetera. So I think that's really important.

5 One of my questions that it came up frankly when
6 I was at DIR that I was particularly troubled by given our
7 population is whether you're getting calls from workers
8 that are concerned during shelter-in-place or stay-at-home
9 orders that may be stopped by public agencies asking where
10 they're going or why they're outside the house. I heard
11 some anecdotal reports about that and I don't know if
12 you've gotten any questions about that or if workers are
13 utilizing any best practices to show that they are, you
14 know, in the car or outside their home on their way to or
15 from work.

16 MR. SCHMEDING: Yeah, that's interesting. I -- I
17 personally haven't heard anything like that happening. I
18 think that at least in our area I think law enforcement has
19 generally been, public health districts have generally been
20 pretty understanding, you know, when workers explain where
21 they're going and why they're out, they haven't had a
22 problem.

23 CHAIR HASSID: Well, that makes me happy to hear,
24 I hope that's widespread.

25 MR. SCHMEDING: I mean, I'm happy -- I'm happy to

1 check, I mean, I'm happy to check and get back to you if
2 that will be helpful.

3 CHAIR HASSID: Yeah, that would be great.

4 MR. SCHMEDING: Okay.

5 CHAIR HASSID: As the state's reopening, my hope
6 is that that's less of an issue but I've heard that
7 anecdotally --

8 MR. SCHMEDING: Yeah.

9 CHAIR HASSID: -- and it was obviously very
10 concerning.

11 I'd like to open it up to some of my colleagues
12 and see if they have any questions or comments.

13 Anyone on the phone or on WebEx of my colleagues?

14 Okay. Well, thank you so much, Connor, I really
15 appreciate you taking the time --

16 MR. SCHMEDING: Okay. No problem.

17 CHAIR HASSID: -- if you could just stick
18 around --

19 MR. SCHMEDING: Sure.

20 CHAIR HASSID. -- our next agenda item is public
21 comment. And we may have some members of the public that
22 have questions for you.

23 So Item Number 12 -- or excuse me, our next
24 agenda item is actually Item Number 12. And so I just want
25 to reiterate that we are going to be planning a second

1 public meeting in August related to COVID-19. We want to
2 focus again and hear from worker, at-workers' community-
3 based organization and employers on how all of the things
4 that we've been learning about today are working on the
5 ground, what are kind of the new trends as this pandemic
6 and the way that we cope and deal with it evolves.

7 So please look out for that for our next meeting.

8 We have not determined a date but it will be sometime in
9 August.

10 I also want to note that we're going to have our
11 Regional Director's meeting starting at 2 p.m. Please see
12 the agenda posted on our website, alrb.ca.gov. It has a
13 different WebEx meeting ID and call-in number so it's
14 different from this meeting but we hope you'll join us and
15 get a report on what's going on in our regional offices.

16 We are now on to our final agenda item, Number
17 13, public comment. Please be advised that the board is
18 unable to adjudicate, comment, or resolve any pending case
19 matters before the board. I will ask our executive
20 secretary Santiago Avila-Gomez to go first through the
21 queue and then open it up.

22 If you have technical difficulties or we miss
23 your turn, we will work to come back to you. Please
24 remember to be on mute unless you are speaking. If you
25 require translation, please advise us and can the

1 interpreter share that last bit of information, please.

2 THE INTERPRETER: Yes, thank you. Thank you,
3 Madam Chair.

4 (Interpreter interprets Chair's comments)

5 THE INTERPRETER: Thank you, Madam Chair.

6 CHAIR HASSID: Thank you.

7 Santiago, do we have any people in the queue who
8 would like to make public comment?

9 MR. AVILA-GOMEZ: Yes, Noe Paramo.

10 Noe, you are clear to make a public comment.

11 CHAIR HASSID: I'm unclear for our commenter, if
12 you could -- you may be on mute.

13 MR. AVILA-GOMEZ: I'm going to attempt to unmute
14 everyone at once here to try to identify the phone line. I
15 believe the commenter has called in.

16 Good afternoon. Good afternoon.

17 CHAIR HASSID: Okay.

18 MR. AVILA-GOMEZ: I'm going to identify his line
19 and in the interest of time, I did see a hand up earlier
20 from Michael Marsh.

21 Mr. Marsh, if you are there and wish to comment,
22 you may do so now by unmuting yourself.

23 No? I'm working on identifying the line now.

24 Hello, Noe?

25 MR. PARAMO: Yes. Hello, can you hear me?

1 MR. AVILA-GOMEZ: Go ahead.

2 MR. PARAMO: This is Noe, this is Noe. Am I on?

3 MR. AVILA-GOMEZ: You may make your public
4 comment.

5 MR. PARAMO: Good afternoon, board members,
6 staff.

7 I'm Noe Paramo, I'm with California Rural Legal
8 Assistance Foundation.

9 And as you hold your first hearing on COVID-19's
10 impact on the agricultural industry and farmworkers, I want
11 to make several recommendations. And one of which is to
12 have the LRB partner with other labor enforcement and
13 health agencies to do three things and they have subsets.

14 So one is perform audits of Illness and Injury
15 Prevention Plans, observe how the workers are being trained
16 and protected and see what is actually happening with
17 fields and packing facilities. And we are working with
18 community-based organizations statewide and we're
19 convening, gathering with the agencies and the governor's
20 office to share these stories on the ground as they're
21 happening.

22 Two, ensure that when there is a workplace
23 inspection, agriculture employers take the corrective
24 action such as the deep cleaning the term and work related
25 contributing factors, inform other workers, guarantee that

1 infected workers receive care and that close contacts are
2 quarantined with compensation for time off work.

3 And three, require every county to collect and
4 report the occupations of persons testing positive for
5 COVID-19 to track outbreaks and enhance prevention. We've
6 seen an inconsistent gathering of data. 80 percent of the
7 data is missing for farmworkers, and only 20 percent of
8 that is and only a couple of the counties are doing that.
9 We need to have a broad approach to this to make sure each
10 county is documented so we know what is going on. This is
11 too important to protect our food supply and our
12 farmworkers in this \$50 billion agriculture industry and we
13 just -- we can make sure that we protect our families and
14 in contact with the workers.

15 And many of what was discussed today, we're
16 hearing from on the ground from these community-based
17 organization. We even heard about the anecdotal story that
18 was just addressed in terms of contact with public agencies
19 at their shelter-in-place, and you're an essential worker
20 and you're going out.

21 So we're in contact with the Sacramento
22 Immigration Advocates and we're also monitoring that aspect
23 as it relates to public agencies, law enforcement, ICE, and
24 contact with essential farmworkers.

25 And we really look forward to August when the

1 meeting's held when community-based organization
2 participates meaningfully and effectively to really share
3 this data and information that's being gathered statewide.

4 So thank you very much for your time and
5 appreciate all the work and the presentations and
6 testimonies given here today. Good evening. Good
7 afternoon.

8 CHAIR HASSID: Thank you so much for your
9 thoughtful comments, really appreciate it. And I was
10 taking -- taking notes. In some of these cases, we do not
11 have jurisdiction over these areas but we are partnering
12 both with our other labor agency partner agencies like
13 Cal/OSHA and like Labor Commissioner's Office and like EDD
14 and others to get information out there and thinking of new
15 and creative ways to do that. And certainly meet the
16 partnership of our community-based organizations to really
17 be effective in our goals.

18 I'm also so pleased that the administration has
19 really taken this collaborative interagency approach and
20 really work to get government entities and community-based
21 organizations working together to address where there are
22 gaps. And certainly there are a few things that I've heard
23 today that I want to be following up on and really hope to
24 continue this conversation with you and others in August.

25 Anyone else have a comment?

1 MR. PARAMO: Thank you.

2 CHAIR HASSID: Thank you.

3 Santiago, do we have any other members, public
4 comment members in the queue?

5 MR. AVILA-GOMEZ: At this time there is no one
6 else that's indicated that they wish to make public
7 comment.

8 CHAIR HASSID: Okay. All right. Well, in that
9 case, if there are no additional members of the public that
10 would like to make public comment, I'd like to once again
11 thank all of our presenters today, it was incredibly
12 informative. And I know this is a very hectic time and you
13 are all on the front lines doing important work. So I
14 really appreciate you taking the time to making these
15 presentations and help inform us. As we anticipate, we're
16 going to be seeing these issues come across as -- through
17 our work at the board.

18 I also appreciate all of the staff who made
19 presentations today as well as all of those Ed, Santiago,
20 Audrey, who all work together to ensure that we're able to
21 do this meeting. This is our first time doing this virtual
22 conference and it was a lot of -- a lot of prep work and so
23 I really appreciate that.

24 Also like to reach out to my colleagues at DIR
25 who helped give us some technical advice in the lead up to

1 this meeting. Very grateful for that as well.

2 Thank you to everyone, we appreciate your
3 testimony. The public meeting is now adjourned and the
4 record is closed.

5 (The hearing adjourned at 12:25 p.m.)

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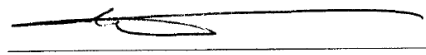
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REPORTER'S CERTIFICATE

I do hereby certify that the testimony in the foregoing hearing was taken at the time and place therein stated; that the testimony of said witnesses were reported by me, a certified electronic court reporter and a disinterested person, and was under my supervision thereafter transcribed into typewriting.

And I further certify that I am not of counsel or attorney for either or any of the parties to said hearing nor in any way interested in the outcome of the cause named in said caption.

IN WITNESS WHEREOF, I have hereunto set my hand this 16th day of August, 2020.



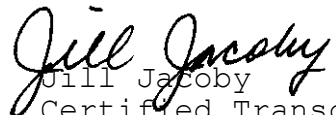
PETER PETTY
CER**D-493
Notary Public

TRANSCRIBER'S CERTIFICATE

I do hereby certify that the testimony in the foregoing hearing was taken at the time and place therein stated; that the testimony of said witnesses were transcribed by me, a certified transcriber.

And I further certify that I am not of counsel or attorney for either or any of the parties to said hearing nor in any way interested in the outcome of the cause named in said caption.

IN WITNESS WHEREOF, I have hereunto set my hand this 16th day of August, 2020.


Jill Jacoby
Certified Transcriber
AAERT No. CERT**D-633