


STATE OF CALIFORNIA
AGRICULTURAL LABOR RELATIONS BOARD

Agricultural Labor Relations Board
Public Meeting
August 11, 2020

Remote via teleconference

Reported By:
Martha Nelson


APPEARANCESBOARD MEMBERS

Victoria Hassad  Chair

Ralph Lighthouse  Board Member

Barry Broad, Board Member

Cinthia Flores, Board Member

Isadore Hall, III, Board Member 

STAFF

Santiago Avila-Gomez, Executive Secretary

Todd Ratshin, Legal Counsel

Julie Montgomery, General Counsel

Brian Dougherty, Division of Administrative Services

SPANISH INTERPRETER

Catherine Torres, MLCI

PANELISTS

Ilde Carlisle-Cummins, California Institute for Rural
Studies

Don Villarejo, California Institute for Rural Studies

Nayamin Martinez, Central California Environmental Justice
Network

Irene de Barraicua, Lideres Campesinas

Lauro Barajas, United Farm Workers

APPEARANCESPANELISTS

Pete Maturino, United Commercial Workers Local 5

Bryan Little, California Farm Bureau Federation

Matthew Allen, Western Growers Association

Estella Cisneros, California Rural Legal Assistance

Arcenio Lopez, Mixteca Indigena Community Organizing
Project

PUBLIC COMMENT

Sebastian Sanchez, Labor and Workforce Development Agency

Hugo Morales, Radio Bilingue

Rafael Aguilera, California Workforce Development Board

Silas Shawver, ALRB

Annamarie Argumedo

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P R O C E E D I N G S

9:59 a.m.

1
2
3 CHAIR HASSAD:  Good morning. This meeting of the
4 Agricultural Labor Relations Board is now called to order.
5 Welcome.

6 Before we get into the formal  agenda, I want to
7 note that all meeting participants and members of the
8 public will need to select their preferred language that
9 they would like to hear the meeting in.

10 If you are in Zoom on either your computer or
11 through the Zoom application on your mobile device, please
12 go to the bottom right, you can select interpretation, and
13 then select either English or Spanish, whatever your
14 preferred language is. You must select one of these
15 languages in order to hear the meeting and properly
16 participate. Unfortunately, language interpretation
17 services are not offered if you are dialing in only from a
18 mobile device and not using the Zoom application.

19 Interpreter, can you please relay these
20 instructions in Spanish please?

21 (Spanish translation is given off mike.)

22 (Colloquy between Chair Hassad and Executive Secretary
23 Avila-Gomez)

24 CHAIR HASSAD: Gracias. Thank you. We are very
25 appreciative for our interpreter services this morning.

1 I will now do a roll call for identification
2 purposes only of our Board Members.

3 Board Member Broad? Here. I see he's here but
4 on mute.

5 Board Member Flores?

6 BOARD MEMBER FLORES: Present.

7 CHAIR HASSAD: Board Member Hall? Board Member
8 Hall relayed that he may have difficulty joining the
9 meeting this morning due to some last-minute issues so,
10 hopefully, he can join later.


11 Board Member Lightstone?

12 BOARD MEMBER LIGHTSTONE: Present.


13 CHAIR HASSAD: Wonderful.

14 BOARD MEMBER BROAD: I'm here. I'm sorry. I had
15 it on mute.


16 CHAIR HASSAD: Thank you, Board Member Broad.
17 Glad. It's good to see you.


18 Also present from our staff for today's meeting
19 are Executive Secretary Santiago Avila-Gomez, and the
20 Assistant to the Chair, Ed Hoss  who are providing
21 technical support. I also want to thank them, Board Member
22 Flores, and other members of the administrative staff who
23 worked to ensure that we could offer simultaneous
24 translation via the teleconference option.

25 As we all know, we're living in a rapidly

1 changing time. And the Board is committing to taking the
2 steps necessary to protect the health and safety of both
3 our staff and members of the public. Thus, in accordance
4 with Governor Newsom's Executive Order N-29-20, today's
5 meeting is being held via videoconference with an option
6 for members of the public to dial on 

7 As reflected on the agenda, today's meeting will
8 have two main parts. First, we will have the open session
9 business portion of the meeting where we will address
10 several items and hear various reports. And during the
11 second portion we have several informational panels
12 constituting labor, management, community-based
13 organizations, and advocacy groups that will share their
14 perspective on how COVID-19 is impacting California's
15 farmworker population.

16 At the close of the business portion of the
17 meeting we will open the  for public comment on any
18 portion of the meeting. Members of the public who have
19 contacted the Board, either by email or phone, and asked to
20 be placed in the public comment queue will be called in the
21 order received.

22 If you did not previously contact the Board and
23 wish to make a public comment at the end of the meeting you
24 may do so in one of several functions, one of several ways.
25 You can use the raise-hand feature, or message  executive


1 Secretary in the chat function, or email Santiago Avila-
2 Gomez to be placed in the queue for public comment.

3 We ask that you also provide your name and
4 organization if applicable. This information will become a
5 part of the public comment -- will become a part of the
6 official records of today's proceedings.

7 We will take public comments in sign-up order.
8 We will then open public comment to anyone on the call who
9 was not able to enter the queue.

10 If you wish to speak more than once, please alert
11 staff and have your name placed back in the queue.

12 If you have technical difficulties when you are
13 called up, please reach out to us via the Zoom chat
14 function or email and we will do our best to come back to
15 you.

16 We do have limited capabilities for managing
17 participation during the meeting and during the public
18 comment periods, so we're asking everyone who is not
19 speaking to place their phones or Zoom on mute and wait to
20 un-mute until you're called to speak. You can also see
21 these instructions on the agenda which is posted online at
22  www.alrb.ca.gov. under the meeting notice, which is also
23 listed on our home page.

24 Okay, we will now proceed to the open session.
25 Our first agenda item is approval of the June 23rd public

1 meeting minutes.

2 Members, may I have a motion for approval?

3 BOARD MEMBER FLORES: So moved.

4 CHAIR HASSAD: Thank you, Board Member Flores.

5 May I have a second?

6 BOARD MEMBER BROAD: Second.

7 CHAIR HASSAD: Thank you, Board Member Broad.

8 All those in favor, aye.

9 ALL BOARD MEMBERS: Aye.

10 CHAIR HASSAD: Meeting minutes are approved.

11 We also had the Regional Director's quarterly
12 meeting on June 23rd.

13 May I get a motion to approve the minutes from
14 the Regional Director's June 23rd meeting?

15 BOARD MEMBER BROAD: I'll move it.


16 BOARD MEMBER LIGHTSTONE: So moved.

17 CHAIR HASSAD: Thank you, Board Member
18 Lightstone.

19 May I have a second?

20 BOARD MEMBER BROAD: Thank you, Board Member
21 Broad.

22 All those in favor say aye.

23  ALL BOARD MEMBERS: So moved. The Regional
24 Director's meetings -- meeting minutes are approved.

25 Okay, we will next move on to the next agenda

1 item, which is the Chair's Report.

2 First, I am very pleased to report that since our
3 last meeting, two of our colleagues, Board Member Hall and
4 Board Member Ralph Lightstone, were heard in the Senate
5 Rules Committee and recommended for confirmation and
6 approved by a floor vote of the California State Senate.
7 Please join me in congratulating them on their successful
8 confirmation. We are grateful to have two amazing and
9 knowledgeable colleagues join us on the Board. And I am
10 sincerely thankful to Governor Newsom for these
11 appointments.

12 Additionally, on June 23rd, Governor Newsom
13 appointed Sebastian Sanchez to serve as the Associate
14 Secretary for Farmworker Liaison and Immigrant Services at
15 the Labor and Workforce Development Agency. We are very
16 excited to work with Mr. Sanchez in this new role and to
17 help improve how our state serves farmworkers. I believe
18 this is Mr. Sanchez's first week on the job, so we plan on
19 inviting him to our next meeting in October.

20 As we are all too aware -- oh, I believe he's
21 here.

22 Hello. Nice to meet you.

23 BOARD MEMBER SANCHEZ: Hi. Thanks for having me.

24 CHAIR HASSAD: Welcome.

25 BOARD MEMBER LIGHTSTONE: Welcome.

1 CHAIR HASSAD: I'm excited. Do you have any
2 words for us, Mr. Sanchez, anything you'd like to share?

3 BOARD MEMBER SANCHEZ: No. It is literally my
4 second day on the job, so I'm just here to listen and
5 learn, so thank you.

6 CHAIR HASSAD: Well, thank you. We'll definitely
7 have to have you back more formally once you've had a few
8 more -- a week under your belt. So we're so excited you're
9 here. I've heard wonderful things about you from some of
10 my colleagues and other members of the community, so
11 thrilled that you've come to join the administration and
12 help us improve our work for farmworkers.


13 BOARD MEMBER SANCHEZ: Thank you.

14 CHAIR HASSAD: As we are all too aware, COVID-19
15 has been a significant impact on the state and it's one of
16 the largest issues that we have ever faced. This has
17 impacted each and every one of us and, certainly, affected
18 essential workers, particularly farmworkers. Given our
19 role as the only state agency that's sole mission is to
20 serve farmworkers, we have been critically looking at our
21 own role and what we can do.

22 At the ALRB, our role is to protect the working
23 conditions and collective action of farmworkers and foster
24 collective bargaining, so we do have limited jurisdiction
25 in this role. And we've examined how we can better assist

1 and have an impact during this significantly challenging
2 time.

3 The COVID-19 crisis is several crises. It is,
4 first and foremost, a public health crisis, and also a
5 severe economic crisis. And at the juxtaposition of those
6 issues are the nature of work and working conditions and,
7 specifically, the working conditions of farmworkers.

8 Given our role and what we've been looking to do,
9 we see one of our main roles as an outreach and education
10 entity focused on farmworkers. And so this is one -- this
11 is the second of two meetings that we have held in order to
12 have a forum to discuss the impact of COVID-19 on the
13 farmworker population to provide a forum to discuss the
14 issues solely focused on this workforce population and,
15 hopefully, amplify issues and concerns and make sure that
16 those issues are being elevated and connected to the right
17 appropriate agencies, whether they be state or local or
18 community organizations. 

19 Additionally to that, the ALRB staff identified,
20 along with several other of our sister agencies and
21 departments across government, a need to have better
22 coordination by the administration to help address the
23 needs of the farmworker population during this time.

24 To that end, we have been participating in a
25 weekly internal working group focused solely on farmworkers

1 with members of our sister departments and agencies, EDD,
2 Cal/OSHA, the Labor Commissioner's Office, the Labor
3 Agency, Department of Public Health, Housing and Community
4 Development, Department of Food and Ag, and Governor's
5 Office staff, in order that we can better discuss the
6 issues that are going on, rapidly respond, see how we can
7 leverage outreach and education opportunities, and quickly
8 troubleshoot issues that we're hearing on the ground.

9 I will continue to bring reports of this internal
10 working group to the Board for discussion. This is a
11 relatively new group. We've met several times. But we are
12 hoping that it can be effective to help address the needs
13 of the farmworker population.

14 In closing, one of the main issues that has come
15 up in these discussions has been about, you know, what are
16 the issues that we think farmworkers need to hear or what
17 are we hearing? And one of the things that we are hearing
18 is that there is not as great of awareness as we would hope
19 about the option for paid sick leave for this farmworker
20 population.

21 Under the Federal CARES Act, and under Governor
22 Newsom's order, executive order, to fill in the gaps, all
23 farmworkers are eligible for up to 80 hours of paid sick
24 leave if they are advised by a healthcare provider to stay
25 at home and isolate or by a federal, state or local

1 quarantine order specifically to self-isolate. So I wanted
2 to highlight that. That's a good fully (indiscernible)
3 benefit for the health and safety of not only that worker
4 but of their colleagues and one that's very important.
5 They have that right to paid sick leave and we're hoping to
6 elevate that during this meeting.

7 And with that, are there any comments or
8 questions?



9 I also would ask, if you are not on mute, if
10 you're not speaking, to please go on mute because there are
11 some background noises. Thank you.

12 Okay, seeing no questions, I will move on to the
13 next agenda item, which is the Executive Officer's Report
14 on Elections, Unfair Labor Practice Complaints, and
15 Hearings.

16 Santiago Avila-Gomez?

17 EXECUTIVE SECRETARY AVILA-GOMEZ: Thank you,
18 Chair.

19 Since the Board's last public meeting on June
20 23rd, all of the following has occurred.

21 There's been an  notice of intent to take access
22 filed by the United Food and Commercial Workers Union Local
23 324 at Seven Points Management, doing business as Walnut LLC, in 
24 Long Beach, California. And it's a cannabis industry
25 employer. That N.A. was filed on July 20th.

1 There have been no notices of intent to organize
2 or NOs filed. No petitions for certification or
3 decertification filed.

4 There's been one complaint filed by the General
5 Counsel and that's in Chapala Berry Farms, filed on July
6 2nd and a Santa Cruz County, California, employer.

7 There's been one post-complaint settlement in
8 Pacific Fresh Produce Incorporated. And the parties
9 entered into an informal bilateral settlement agreement.
10 The notice to take hearing off calendar was filed on July
11 30th, 2020.

12 Since our last meeting we haven't had an in-
13 person or virtual hearing held. There's been no ALJ
14 decisions issued or Board decisions or administrative
15 orders.

16 At this time, pending are two -- three matters
17 before the Board, two for Board decision, one for
18 administrative order. The two Board decisions pending are
19 in Rincon Pacific, LLC, the briefing was completed in that
20 matter on February 21st, and Smith Packing Incorporated,
21 the briefing completed on June 15th.

22 And finally United Farmworkers, Flores Ramirez,
23 that matter is awaiting Board action and an administrative
24 order. And the briefing was completed on July 17th, 2020.

25 That is the end of my report. Please let me know

1 if you have questions.

2 For the public, it has been brought to my
3 attention that the reports are not yet on our website.
4 However, we'll endeavor to have those up as soon as
5 possible.

6 CHAIR HASSAD: Any questions? Okay.

7 Thank you so much, Santiago.

8 Next is agenda item number five, the Litigation
9 Report, presented by Todd Ratshin.

10 MR. RATSHIN: Hey, good morning. Can you hear me
11 okay?

12 CHAIR HASSAD: I can, yes.

13 MR. RATSHIN: Okay. Excellent. I had submitted
14 a report with litigation updates to the Board.
15 Unfortunately, it doesn't appear to have made it onto the
16 website yet, so there have been a few litigation matter
17 updates since the last meeting in June, so I'll try to
18 rattle these off quickly.

19 In Wonderful Orchards versus ALRB, a petition for
20 writ of review of the Board's decision in 46 ALRB Number 2,
21 Wonderful Orchards filed its opening brief on July 17th.
22 And the Board's respondent brief is currently due August
23 21st.

24 The United Farm Workers of America versus the
25 ALRB, a petition for writ of review of the Board's decision

1 in 45 ALRB Numbers 8 and 4, the UFW filed its opening brief
2 on July 7th. There was a stipulated extension of time for
3 respondent's brief, which was granted, so that the Board's
4 respondent brief and Gerawan Farming's opposition brief to
5 the position are due on October 9th.

6 In P&M Vanerpoel Dairy versus ALRB, to the
7 petition for writ of review of the Board's decision in 44
8 ALRB Number 4, the court issued a remittitur on July 8th,
9 2020, formally returning the case to the Board and that
10 litigation now is complete.

11 In Gerawan Farming, Inc. versus ALRB, a petition
12 for writ of review of the Board's decision in 44 ALRB
13 Number 1, the court issued a public opinion on July 15th,
14 which is reported at 52 Cal.App.5th 141, upholding the
15 Board's decision and remedial order.

16 And then finally, the last but certainly not
17 least, on July 29th, Cedar Point Nursery and Fowler Packing
18 Company filed a petition for writ of certiorari in the
19 United States Supreme Court, seeking review of the Ninth
20 Circuit's opinion rejecting a constitutional Fifth
21 Amendment taking challenge to the Board's access
22 regulation. The docket for the case is available at the
23 United States Supreme Court's website. The case number is
24 20-107. Currently, the Board's response to the petition is
25 due on September 2nd.

1 And that is it for the litigation update.

2 CHAIR HASSAD: Thank you so much, Todd.

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

5 Okay, moving on, the next item on the agenda is
6 item number six, the General Counsel's Report, from General
7 Counsel Julie Montgomery.

8 Julie?

9 MS. MONTGOMERY: Thank you. Thank you, Board
10 Chair Hassad.

11 And I want to begin by congratulating Board
12 Members Lightstone and Hall on their successful
13 confirmation hearings, so welcome.

14 So at the General Counsel's Office or in the
15 General Counsel Program, which is where the vast majority
16 of the ALRB staff work in our five regional offices, we
17 have been very busy in responding to just what we see as a
18 crisis, responding to the needs, right, of this crisis of
19 farmworkers, and agriculture just being hit with COVID-19
20 cases, and just all of the concerns, as Board Chair Hassad
21 mentioned. We hear that a lot of workers don't have
22 information about their right to paid sick leave and other
23 benefits.

24 So we are putting a significant amount of
25 resources into working on a coordinated project or a

1 variety of coordinated projects together with the Labor and
2 Workforce Development Agency and other departments under
3 the agency, in particular, the Department of Industrial
4 Relations which encompasses the Labor Commissioner and
5 Cal/OSHA, as well as the Employment Development Department.

6 And we have a number of staff working on this
7 project to develop more effective and strategic outreach to
8 the farmworker community, as well as having a more
9 streamlined and effective referral system so that people
10 don't have to guess who to call for what issue they have.
11 And we at the ALRB are putting ourselves forward as a
12 general resource for farmworkers to assist with those
13 referrals.

14 We are also working in coordination with these
15 different groups to develop materials for farmworkers on
16 COVID-related resources, such as the right to sick leave,
17 health and safety, disability, and unemployment insurance
18 benefits. And we are going to be working with a lot of our
19 community partners, as well, to broadly distribute that
20 information throughout the state and get the content in
21 language that is accessible to workers, as well as
22 indigenous language speakers.

23 And we are also developing strategies, as part of
24 this project, through remote platforms to do outreach,
25 through remote means, such as videos for social media.

1 Additionally, our staff, a number of our staff,
2 have appeared on radio and television interviews and
3 presentations. And this is an ongoing effort. For
4 example, just since the last Board meeting, we've had our
5 staff do radio and TV interviews on Radio Bilingue,
6 Univision, Radio Indigena, and some of those have been
7 broadcast on Facebook live. And there have been others, as
8 well, and we've had content in both Spanish and Mixteco.
9 And in our regional office we do -- offices we do have two
10 Mixteco speakers are very helpful in these efforts.

11 We are also hiring additional staff to assist
12 with outreach, referrals, and coordination with our sister
13 labor departments. So we have those positions posted on
14 our ALRB website. There's a link that says job opportunity
15 on the left-hand column, so please check those out, help
16 spread the word. We are accepting applications for those
17 positions.

18 We also have a number of our staff working on a
19 variety of regional and statewide task forces to address
20 the problem of COVID spread among farmworkers and in
21 agriculture, including the Central Valley Task Force, to
22 address these needs. And our Regional Director, Chris
23 Schneider, is serving on that task force, as well as some
24 of the staff in our Visalia region.

25 With respect to our office operations, we are

1 open. We have one office in Santa Rosa that is in an EDD
2 office that's closed to the public because that's managed
3 by the Employment Development Department.

4 However, our staff still is in the office and
5 they do meet with workers by appointment, and they're
6 available by phone. In the remaining regional offices, we
7 staff them every day. We have people present in the
8 office. And we are -- we've implemented social distancing
9 and other safety measures to protect our staff and the
10 public. And we have people staffing these offices on a
11 rotating basis so that we can be available and present for
12 people who need us.

13 And so please feel free to continue to refer
14 people to our offices. Either they can come by in person
15 of they can call. They can call our 800 number or any of
16 our regional office numbers for assistance. And we are
17 still continuing to meet with people with these protective
18 measures in place.

19 And I mentioned that our outreach -- we have our
20 outreach positions available. We also have a Field
21 Examiner II and an Attorney position that we will soon be
22 hiring for in Visalia. So, again, please help spread the
23 word, in addition to our outreach positions.

24 And finally, I'm going to just outline a couple
25 of settlements or highlight a few settlements that the

1 General Counsel Program has reached since the last Board
2 meeting.

3 The vast majority of results that we get for
4 farmworkers occur prior to a Board decision or they never
5 even get to a Board decision because they are resolved
6 between the General Counsel and the parties before hearing,
7 and that is with the vast majority of our cases. And so at
8 these meetings, I do like to give a brief overview of that
9 work, just because it's not among our listed Board
10 decisions, but they're very important results that our
11 staff is working hard to achieve for our charging parties
12 every day.

13 So we, just yesterday, I found out, finalized a
14 settlement for a worker at Verwey Farms Dairy in Kings
15 County. And in that case the worker alleged that he and
16 five other workers were terminated after they engaged in a
17 work stoppage following complaints about overtime pay and
18 discrepancies in their paychecks. The General Counsel
19 staff investigated, found reasonable cause that a violation
20 of the Act occurred, and we did file a complaint and the
21 case was set for hearing later this month. And this case
22 settled for back pay in the amount of \$77,139 for the six
23 workers, as well as reading, posting, and mailing as a
24 noticing to the workers of the violation. And we're going
25 to conduct supervisor training for the dairy supervisors.

1 We also achieved a settlement for workers who
2 were working at Materra Farming which is a pistachio
3 farming company in Kern County. And they claim they were
4 fired for complaining to their foreman about the company
5 not evenly applying a policy about when employees can
6 assist each other to complete their work. So it was a
7 complaint about some working conditions relating to a
8 company policy. And the workers claim they were fired
9 after complaining about that.

10 And the case settled pre-complaint, so we were in
11 the investigative phase, and the company agreed to pay just
12 a little under \$21,000 to the two workers, which included
13 back pay and front pay, as well as for the reading and
14 noticing to the employees at the at co.

15 And finally, we, as Mr. Avila-Gomez mentioned, we
16 received a favorable result for workers harvesting and
17 bunching herbs and vegetables at Pacific Fresh Produce in
18 Oxnard. And in that case a worker and his wife alleged
19 that they were -- they complained to the company that they
20 were not being paid as promised and that the company
21 retaliated against them by giving them undesirable work,
22 issuing warnings, and also terminated the husband. The
23 General Counsel's Office investigated and found reasonable
24 cause that a violation occurred.

25 And we did issue a complaint and that hearing was

1 originally scheduled to start today but it did settle for
2 \$27,000 in economic losses for the two workers, in addition
3 to reading and noticing to employees at the company, and
4 the farm labor contractor, as well as a posting.

5 So those are just a few of the ongoing
6 settlements that we have achieved and some results for
7 workers in our cases.

8 So with that, that concludes my report, unless
9 there are any questions.

10 CHAIR HASSAD: No questions but thank you so
11 much, Julie.

12 Do any of my colleagues or members of the public
13 have questions? Okay.

14 Thank you so much, Julie. And I'd also like to
15 reiterate, I'm very grateful to the Labor Secretary and
16 Governor Newsom and the legislature for approving the
17 outreach positions. And General Counsel and I and our
18 staff are very excited about them and that those efforts
19 are still being prioritized, especially now as we realize
20 how important it is to improve our education and outreach
21 to the farmworker population, so very excited to see those
22 positions posted. Check that out. Hopefully we'll get
23 some good candidates for that. Thank you.

24 Before moving on to the next agenda item, I do
25 just want to pause because we have had significant increase

1 in participation since the start of the meeting.

2 If you are just joining us, in order to have
3 optimal audio while you are listening to the meeting, if
4 you are dialing in via Zoom on your computer or via the
5 Zoom app on your mobile phone, please select your preferred
6 language. We are offering simultaneous translation in
7 Spanish. You can check either English or Spanish. You
8 should check one language in order to have optimal audio
9 conditions.

10 Unfortunately, if you are dialing in by phone
11 number only you are not able to have the simultaneous
12 translation feature.

13 Interpreter, can you please share that reminder?

14 (Spanish translation is given off mike.)

15 CHAIR HASSAD: Thank you very much.

16 Okay, next I will go on to the next agenda item,
17 number seven, a report.

18 Do we have a report from the Division of
19 Administrative Services, from Bryan today?

20 MR. DOUGHERTY: I just have a couple of real
21 brief updates from our last June meeting. Hi. Brian
22 Dougherty, Chief of the Administrative Services Division.

23 I'm happy to report that on July 29th, ALRB
24 submitted its yearend financial statements to the State
25 Controller's Office for Fiscal Year 2019-2020. Out of our

1 \$11.3 million budget, we finished the year with a \$755,000
2 budget surplus. As we spoke at the last Board meeting, the
3 majority of that surplus was the result of the Department
4 of Finance Budget Letter 2011, which was issued on April
5 30th, which was associated with the current year
6 expenditure reduction plan to limit the amount of
7 expenditures associated with state government in response
8 to the rising expenditures associated with COVID and the
9 budget shortfalls that were projected.

10 Department of Finance has also recently released
11 a budget letter about this upcoming current year budget
12 cycle and that there will be a forthcoming budget letter
13 that will be issued shortly that will ask all state
14 departments to come up with a five percent operating
15 reduction from its operating expenses and equipment line
16 item budgets. So more details will be shared once that
17 budget letter is released. But the staff of the
18 Administration Division are beginning to look at options
19 available on how we could implement such cost savings in
20 response to that requirement.

21 In addition, as part of the final signed budget
22 for Fiscal Year '20-21, ALRB did receive additional funding
23 through the budget change proposal process. We received
24 \$1,000,051 in three-year limited term funding to support
25 the outreach activities that are General Counsel, Julie

1 Montgomery, talked about which is currently funding the
2 training and community engagement specialists in Visalia
3 and Salinas that were spoke to that are at the AGPA level
4 that are currently being advertised, along with the Staff
5 Services Manager I, Outreach and Program Manager, and
6 Director of Communications. So those three posting for the
7 new positions are currently out and awaiting applications.

8 So those are the brief updates I have for the
9 Administrative Division, unless there is any questions.

10 CHAIR HASSAD: I don't have any questions.

11 Do any of my colleagues have any questions?

12 Any members of the public?

13 Okay, thank you so much, Brian. So appreciative
14 of all that you and your team are doing. I know you've got
15 a lot going on here.

16 Okay, next is agenda item number eight, the
17 Regulations Report.

18 Todd, is there anything to report?

19 MR. RATSHIN: No regulations updates to provide.

20 CHAIR HASSAD: Okay. Thank you.

21 I do want to follow up on a comment by Board
22 Member Broad from last meeting in June, asking for a review
23 of the ALRB's regulations. In light of that comment and
24 other feedback, we will be conducting a review of our
25 regulations. And I would like to invite all of our

1 stakeholders to send us feedback on what may need to be
2 revised, reviewed, updated or added. Please share those
3 thoughts via email with our Executive Secretary, Santiago
4 Avila-Gomez. His email is available on the meeting notice
5 for -- on this meetings agenda. We welcome that feedback.

6 I'm also designating two Board Members to serve
7 as a subcommittee to work with our staff to review that
8 feedback and help develop recommendations in the coming
9 months. Those two Board Members are Board Member Broad and
10 Board Member Lightstone. So I'm designating them for this
11 purpose.

12 Any questions or comments from the Board Members
13 or members of the public? Okay. Great.

14 Next, I'm moving on to agenda item number nine,
15 the Legislative Report.

16 MR. RATSHIN: No updates.

17 CHAIR HASSAD: Okay. Moving on to agenda item
18 ten, the Personnel Report. The Board has no personnel
19 items to report.

20 So I will now move on to agenda item number 11,
21 which is the public comment. Please be advised that the
22 Board is unable to adjudicate, comment or resolve any
23 pending case matters before the Board.

24 I will ask our Executive Secretary, Santiago
25 Avila-Gomez, to go first through the queue and then open it

1 up for other additional comments. You will have the
2 opportunity to also comment and ask questions of the
3 panelists.

4 If you have technical difficulties or miss your
5 turn, we'll work to come back to you. Please remember to
6 be on mute unless you are speaking. If you require
7 translation, please advise us. Okay.

8 Do we have any public comment?

9 EXECUTIVE SECRETARY AVILA-GOMEZ: I'll remind the
10 public -- sorry, I had my mute on -- so I'd remind our
11 participants that if you wish to make a public comment,
12 please either raise your hand using the Zoom feature or use
13 the chat box.

14 At this time I don't have any requests for public
15 comment from our participants in this meeting.

16 CHAIR HASSAD: Okay. I would like to advise that
17 we are in receipt of a written comment from Ed Kissam of
18 the WK Family Fund ahead of the meeting. These comments
19 will be included in the minutes for the public meeting.

20 Okay, we will now turn on to the second of our
21 two informational panels on COVID-19 and its impact on
22 agricultural industry and on farmworkers in particular.

23 As we know all too well, COVID-19 has radically
24 impacted how we all live our lives, including how we work.
25 Given the Board's mission and focus, we wanted to learn

1 more about COVID-19 and how it's impacting the agricultural
2 sector and, specifically, farmworkers.

3 At our meeting in June, we received a primer on
4 COVID-19 and heard from health and safety experts, as well
5 as from our state enforcement partners, the Labor
6 Commissioners Office and Cal/OSHA specifically. Today we
7 will hear from multiple stakeholders, including
8 representatives from labor, from employers, from community-
9 based organizations, and from advocacy groups.

10 I also want to note that we have all been
11 following very closely reports in the news, including a
12 recent FRONTLINE episode, as well as numerous reports in
13 local media. I do want to acknowledge that we are here to
14 listen. We are eager to hear your perspective of what's
15 going on, on the ground.

16 I have heard concerns, unfortunately, regrettably
17 but understandable, from members of the farmworker
18 community that they are all too often not being at the
19 table and not being consulted when working with government
20 agencies and others that are trying to provide aid and
21 resources during this time.

22 So I want to emphasize that we are here to
23 listen. We are very grateful for your participation and
24 very eager to hear from all of our panelists here today.

25 With that, I would like to invite our first

1 panelists to speak today. These are representatives from
2 the California Institute for Rural Studies, or CIRS. They
3 have -- they, in collaboration with multiple other
4 agencies, have conducted farmworker survey in California,
5 Oregon and Washington, and released their findings about
6 two weeks ago. They have generously agreed to present
7 their findings to the Board today, along with
8 recommendations.


9 Please let me introduce the CIRS Executive
10 Director, Ildi Carlisle-Cummins, Dr. Don Villarejo, one of
11 the cofounders of CIRS, Irene de Barraicua from the Lideres
12 Campesinas, Nayamin Martinez from the Central California
13 Environmental Justice Network, and Oralia Maceda of Centro
14 Binacional Oaxaqueno.

15 Ildi, I turn it over to you for your
16 presentation.

17 MS. CARLISLE-CUMMINS: Great. Thank you,
18 Victoria, and thank you to everyone, all the members of the
19 ALRB and everyone else who's here to hear what we have
20 learned from farmworkers conducting the COVID-19 Farmworker
21 Study over the last few months.

22 As Victoria mentioned, I'm the Executive Director
23 of the California Institute for Rural Studies. And I am
24 really in a facilitation role here. We have put together a
25 deep bench of researchers and folks connected to the policy

1 world, as well as a core group of six farmworker-serving
2 community-based organizations across California who are
3 really at the heart of this study. And it was through
4 their trusted networks of farmworkers who they've been
5 working with for many years that we were able to get
6 information on how COVID-19 is currently affecting
7 California farmworkers.

8 We conducted a phone-based survey, beginning in
9 the middle of May and ending in July, that talked to over
10 900 workers in 21 counties cross  the state. And I'm going
11 to let the team tell you about highlights from the findings
12 there but I'll say that our preliminary data brief that we
13 released yesterday -- or last -- a couple weeks ago, I'm
14 sorry, it feels like yesterday, it's been a whirlwind --
15 that we released a few weeks ago is based on 745, an
16 analysis of 745 of those 900-plus surveys. And we're going
17 to be releasing full data briefs on each of the subject
18 areas within the survey, so workplace conditions, workers
19 ability to protect themselves at home, healthcare access,
20 transportation, and economic issues. We'll be releasing
21 full data on each of those in the coming months.

22 But we felt like, as you mentioned, it was really
23 important for a farmworker voice to be heard directly in
24 these policy conversations and in the public conversation
25 about COVID-19 right now. And so we worked quickly to be

1 able to have sound data and well-analyzed data to enter
2 into that conversation.

3 So you'll hear from the team on the findings of
4 that study. And I think that there are some really
5 powerful insights here that I'm glad to hear are, maybe,
6 already affecting the way that the ALRB and other state
7 agencies are conducting business right now, particularly in
8 reaching out to indigenous farmworkers in their native
9 languages and other findings like that.

10 So you'll hear from the team that Victoria
11 mentioned now. But before we move to the survey team
12 leaders, who are Irene de Barraicua from Lideres
13 Campesinas, Nayamin Martinez from the Central California
14 Environmental Justice Network, and Oralia Maceda from
15 Central Binacional, in addition to them there were three
16 other team leads that are representing our team today.

17 But before we move there I would like to give a
18 few minutes to Dr. Don Villarejo, who also did some
19 important data analysis over the last few months of
20 administrative data available on COVID-19 infection rate
21 and on job loss in California. So I want to give him a few
22 minutes and then turn it over to our team.

23 Thank you.

24 DR. VILLAREJO: Thank you very much, Ildi, and
25 thank you Board Chair Hassad, for the opportunity to meet

1 with you all.

2 The first main thing I want to point out is that
3 agricultural workers are a vulnerable population. The
4 latest data we have from the Department of Industrial
5 Relations shows that, in 2018, agricultural workers were 50
6 percent more likely to sustain an occupational injury while
7 working. And that is information that I think is biased in
8 significant ways as compared, as I might say, to the whole
9 population of California workers.

10 I might say that that information is biased
11 because congress forbids obtaining that kind of information
12 from farms that have fewer than 11 employees.
13 And so the number associated is larger than what the
14 primary data shows on the website of the (indiscernible).

15 The second major point is that few Californians
16 are aware of the devastation of the food service produce
17 sector of California agriculture. When shelter in place
18 went into effect, not only restaurants and hotels and other
19 venues but schools, colleges, universities, and every venue
20 that depends on the food service industry to provide food
21 to their customers were either closed down or severely
22 limited in their operations.

23 As a result, an estimated \$8 billion of
24 California farm revenue for this year has been lost. And
25 as a result of that, unemployment has spread among their

1 employees. In June, the data that we have indicates about
2 97,000 jobs were lost as compared to the three-year
3 average, 2017-2019, and that is just one month, June, those
4 number of jobs lost, roughly 20 percent decline of
5 statewide jobs in agriculture. And the devastation of that
6 at the community level, and due to a lack of income, et
7 cetera, has yet to be measured.

8 The next point is that all pandemics are local.
9 And when this thing began I searched all of the public
10 record sources to find information about the prevalence of
11 the disease among agricultural workers. And I have to say,
12 it was a very disappointing experience. Out of the state's
13 58 counties, only three, today, provide information online
14 about employment of people afflicted with the virus.

15 How can you plan any kind of reasonable
16 interventions if you don't have local information about
17 what is going on? All pandemics are local.

18 I then sent an email to Imperial County to find
19 out why they didn't have the information available. They
20 wrote back, and I quote, "At this time, we do not collect
21 or display COVID positives that are employed in
22 agriculture," period. And a search using the California
23 Public Records Act request to all eight counties in the
24 Central Valley yielded, unfortunately, very scant
25 information but did yield legal opinions that that

1 information was not public from two of the counties.

2 The main thing that I learned in that effort was
3 that Monterey County is exemplary in providing online
4 access to information about the employment status of all
5 persons in the county who are afflicted with COVID-19. And
6 what I determined was that as of June 20, 2020, Monterey
7 County agricultural workers were more than three times
8 likely to become infected by the virus than persons
9 employed in the county's non-agricultural industries. Now
10 understand, this is a one-time snapshot applied to one
11 county.

12 As we speak, 1,250 Monterey County residents who
13 are employed in agriculture are afflicted. Back when I did
14 that study there were only 605. The number has doubled
15 since June 30.

16 I want to close with just some good news. Eight
17 days ago, Ildi and I and several others on the call were
18 able to participate in an informal coalition put together
19 in Monterey County that included growers, farmworker
20 advocates, health providers and others, and really good
21 things were happening.

22 I think the good things that were happening
23 included growers paying for the cost of individual workers
24 to privately quarantine, have meals provided, and have
25 visits from health professionals to see how they're doing.

1 And, as well, health professionals going to the fields and
2 talking directly with employers, with workers and others,
3 to try to encourage participation in the services that are
4 available. These are good things and I think we need to
5 recognize it.

6 But I need to say, at the end, that this
7 concealment of information about agricultural workers and
8 COVID is a disgrace to California. And even the state has
9 said, through the Department of Public Health, they do not
10 release that information. This is sad because how can you
11 plan any kind of meaningful intervention if you do not know
12 what's going on?

13 Thank you.

14 MS. CARLISLE-CUMMINS: Thank you.

15 CHAIR HASSAD: Thank you. Oh.

16 MS. CARLISLE-CUMMINS: I'd like to ask one
17 question, actually, if I could --

18 CHAIR HASSAD: Sure.

19 MS. CARLISLE-CUMMINS: -- of Dr. Villarejo. I
20 have read in multiple places that Monterey has been
21 exemplary. Do you have any insights? Are they only
22 tracking farmworkers? Are they only tracking the
23 agricultural occupation?

24 And then secondarily, any reason why maybe they
25 have been able to do this more successfully?

1 DR. VILLAREJO: Thank you. That's a very good
2 question.

3 I neglected to say that not only do they record
4 information about agricultural workers, they report the
5 employment status of every person diagnosed who is a county
6 resident, that is what industry they're working in, whether
7 they're unemployed, whether they're retired. And,
8 unfortunately, what we learned, also, is that the number of
9 folks for whom they do not have information at this time
10 has grown even more rapidly than the doubling of the number
11 of ag workers afflicted. When I did the June 20 analysis
12 there were 324 persons for whom they did not have
13 information. Today there's over 1,400 people for whom they
14 do not have employment information.

15 Contact tracing is a difficult thing. If you
16 speak Spanish, well, that will help. But what if you speak
17 Trique, what if you speak Mixteco, what if you speak
18 Zapoteco, and so on, are you trusted? If somebody calls
19 from a government agency and you're concerned about the
20 elephant in the room, which is immigration status, are you
21 going to answer the phone to somebody who calls from the
22 government? Click will go the phone in my opinion.

23 So, yes, they're doing an exemplary job.

24 MS. CARLISLE-CUMMINS: Yeah. Thank you, Don.

25 And I, actually, would love to jump on there and

1 then pass the mike to Nayamin, and then Oralia, and then
2 Irene, because I think what Don just pointed to is
3 something important about this study, which is the findings
4 are critical. The findings should be heard and be put into
5 action to make change. The numbers we've gathered matter,
6 the voices matter, but the methods that we've used here
7 matter also.

8 And as I mentioned, there are six community-based
9 organizations at the heart of this study and they are the
10 ones that are able to communicate out to their networks of
11 farmworkers to both relay information that might help
12 protect workers from COVID-19 and be a source of
13 information back about when, you know, when employers are
14 not complying with guidelines. Be -- we're really going to
15 have to lean on trusted networks that have been built on
16 the ground by community-based organizations to be able to
17 tackle this problem. So I would hold them up as a resource
18 and a model as well.

19 So with that, I'll pass it to Nayamin Martinez
20 from CCEJN.

21 Thanks.

22 MS. MARTINEZ: Buenos dias. Good morning. My
23 name is Nayamin. I work for the Central California
24 Environmental Justice Network. We were one of the six
25 organizations that conducted the surveys in the Central


1 Valley. And, you know, you received our briefing but I
2 just want to point out some of the things that were more
3 striking for me.

4 One was that many people might think that
5 agricultural workers didn't suffer job losses or income
6 losses because they were essential workers that never
7 stopped working. But the matter of the fact is that they
8 did for a variety of reasons, either because of the way
9 that the workflow was changed as a result of allowing for
10 social distancing. So some workers were asked to work
11 three days a week and then the other crews were
12 alternating, so the number of days that they were working
13 were reduced, or the other reason was that they saw a
14 significant increase in the labor force, so meaning that
15 people that were working in other sectors, restaurants, or
16 were selling things in the flea market or worked, you know,
17 in the hair salons that were closed, and they had been
18 formally farmworkers, they went back and worked in the
19 fields.

20 So a women in Tulare told me, "My crew was
21 normally 35, 40 people at the most. Right now we're over
22 100 people. So we are done with our field in four hours
23 instead of an eight- or nine-hour shift. So I'm sent home
24 after being -- after having paid for my ride, for childcare
25 for my kids, and struggling because it's not easy to find

1 childcare right now; right?" And then she came home with
2 four hours of income made that day.

3 So that's a thing that we saw and it is very
4 concerning because many of these agricultural workers are
5 not eligible to receive any kind of economic benefit,
6 unemployment, or even the federal stimulus money, so
7 they're really having a hard time dealing with these
8 economic hardships.

9 On the other end, the working conditions did not
10 allow all the time for them to be safe. And despite that
11 90 percent of them reported that they were taking
12 precautions at home. In the workplace, it varies a lot.
13 Forty-six percent said that their workers  were providing
14 them face coverings but the rest that say no. And we saw a
15 difference between those that were employed directly with
16 the grower and those that were working with contractors,
17 being -- the growers being more responsible for allowing
18 for social distancing and offering other types of
19 assistance for them to be safe.

20 But over -- in general, we think that many of
21 them were not able to social distance. They did not
22 receive the face coverings. And then the accommodations
23 that were made by Cal/OSHA at the beginning of the pandemic
24 in their alerts, yes, they were bilingual, yes, they were
25 distributed but not -- they were not enforced. And many

1 contractors did not follow them.


2 And on the contrary, where, you know, not all of
3 them but a few were turning around and selling masks to the
4 farmworkers or were even threatening them, oh, you don't
5 want to work because I'm telling you that I'm not going to
6 allow you to social distance, then you are not going to
7 have work the rest of the week because there's a line of
8 people waiting for your work.

9 So these are stories that we heard and we're
10 really concerned. And we hope that, you know, things are
11 taken seriously and that more enforcement is made so that
12 our agricultural workers --

13 MS. CARLISLE-CUMMINS: Oh, Nayamin, it looks like
14 maybe we lost you, just at the very end there, but thank
15 you for your words and presentation.

16 And next, can we hear from Oralia Maceda from
17 Central Binacional?

18 MS. MACEDA: (Speaking Spanish.)

19 (Ms. Maceda's presentation in Spanish was not
20 transcribed.) 

21 MS. CARLISLE-CUMMINS: Gracias Oralia. Thank
22 you. Thanks, Oralia, for that and for also leading the
23 effort. You know, more than a third or approximately a
24 third, more than 300 of the surveys were done within the
25 indigenous farmworker community. So when you look at this

1 data brief you should know that, also, and that that is,
2 you know, a rare thing to have data from within those
3 networks of farmworker communities. And the reason we
4 could do that, in large part, was because of partnership
5 with Centro Binacional, and also with others, like Lideres
6 Campesinas, who Irene de Barraicua is our last team member
7 here representing the COVID-19 Farmworker Study. I'll hand
8 it to her.

9 MS. DE BARRAICUA: Hi everybody. Thank you,
10 Ildi. And, yeah, so Lideres Campesinas, we are a network
11 of women farmworker leaders throughout the state. And
12 during this pandemic it's, obviously, expanded, you know,
13 families, everyone speaking up. You have fathers speaking
14 up about lack of diapers at the beginning, right, when
15 there was a sparse of items in the stores and stores were
16 being super overwhelmed. So it was really interesting at
17 first to even hear from parents, from males talking about
18 the childcare issues.

19 Some of the stuff that we've been really
20 dedicated towards as a group is the lack of healthcare
21 among farmworkers. And we are very, obviously, not
22 surprised with the findings with the study after, let's
23 see, we found that over half of the respondents reported
24 lack of healthcare; right? This means they don't -- either
25 they're going to into debt due to healthcare costs or they

1 don't have insurance, or simply because of immigration
2 status they are very fearful to go get this healthcare.

3 So that's also one of the major things Lideres
4 Campesinas has been focused on is getting healthcare to the
5 fields, as well as PPE, masks.

6 Another things is the safety nets. We're finding
7 that, obviously, farmworkers being undocumented, many of
8 them, they don't have access to the stimulus checks, to
9 unemployment, to different safety nets that the rest of
10 essential workers do have access to.

11 So I think the coalition, or the group, the
12 collective group of community-based organizations, we all
13 are very focused on healthcare for all. One of the main
14 issues that we find during the pandemic, it doesn't help
15 for everybody to have to keep fighting for this; right? We
16 need farmworkers to have health insurance.

17 They're also -- we are finding, one of our cases
18 in one of the surveys was someone who went out to get
19 tested for COVID-19 ended up having actually like an ulcer,
20 so pre-diagnosed conditions are things that we are finding.
21 He ended up with a \$56,000 bill as compared to somebody
22 with insurance who just would have been, obviously, taken
23 care of. So he makes \$27,000 a year and he's left with a
24 \$56,000 bill.

25 So some of the things that we're really trying to

1 do is break these barriers with the agricultural industry,
2 but I'm going to talk more about that during our
3 presentation later, just in regards to getting these
4 healthcare workers to the fields to give an adequate
5 education and talk about the benefits that are available
6 because we are appreciative of some of the changes that
7 have happened.

8 But, pretty much, that's all I have to add in
9 terms of (indiscernible).

10 MS. CARLISLE-CUMMINS: Thank you, Irene.
11 Appreciate it.

12 So I don't know if we have time for questions now
13 but we're here if you all have them for us.

14 CHAIR HASSAD: We do.

15 Do any of my colleagues have any questions for
16 this first panel?

17 BOARD MEMBER BROAD: I do. I do.

18 CHAIR HASSAD: Go ahead, Barry.

19 BOARD MEMBER BROAD: So I know that your data is
20 kind of incomplete because -- if there's patchy reporting.
21 But are employers -- like what percentage of the employers
22 are supplying masks and other PPE? And are there employers
23 that are telling farmworkers to buy their own masks and
24 come to work? And what -- do you have a sense of what
25 percentage of the farmworker population is subject to that?

1 And then the last bit would be are there -- what
2 percentage or are there -- I mean, I've read newspaper
3 stories and stuff to this, that this is happening in some
4 places where employers are forbidding people from wearing
5 PPE or making them work when they're actively employed --
6 or actively ill --

7 MS. CARLISLE-CUMMINS: Um-hmm.

8 BOARD MEMBER BROAD: -- with COVID.

9 MS. CARLISLE-CUMMINS: Um-hmm. Well, let me --
10 thank you for the question. Let me make just a few
11 comments on the statistics, the data from our findings.
12 And then I know Nayamin maybe wants to make a comment on
13 the provision, the state's attempt to circulate masks out
14 through Ag Commissioners' offices. I know she has a strong
15 point on that.

16 But I'll just say that our last survey was
17 collected on July 21st. And so we know that the
18 situation -- you know, there have been big pushes to get
19 masks out there. We recognize that there may be a changing
20 data point here. And our analysis, you know, our
21 preliminary analysis points to an ongoing need for focused
22 attention on mask provision.

23 Only 54 percent of farmworkers we talked to said
24 that their employers are providing face coverings in an
25 adequate way. That means that, you know, slightly less

1 than half said that they either were provided no face
2 coverings at all or that they were provided inadequate face
3 coverings, meaning they got maybe a mask when the shelter-
4 in-place order happened or a couple of masks over a
5 multiple month period, the disposable mask kind.

6 So we really do have data here that says we need
7 to continue to sustain attention on mask provision. And we
8 know that our community-based partners have really stepped
9 in to fill some of these gaps in sewing and distributing
10 masks within their own networks because employers were not
11 providing them.

12 Now the other piece of data that goes along with
13 that sad statistic on mask provision by employers is that
14 we know that 96 percent of workers are telling us that
15 they're wearing face coverings. So, yes, they are making
16 up the difference when their employers do not provide
17 masks. And that's either, you know, bandanas or home-sewn
18 masks or purchased masks that they are buying with their
19 own money.

20 Nayamin, do you want to make a point about mask
21 distribution efforts?

22 MS. MARTINEZ: Sure. I just want to say that the
23 state made an effort of purchasing, you know, in bulk some
24 of the disposable face masks and they were given to the Ag
25 Commissioners. I don't know about the rest of the state

1 but here in the Central Valley there were various efforts
2 to try to distribute these to farmworkers.

3 In Tulare County, for example, the Agricultural
4 Commissioner decided to not only provide them to the
5 growers directly but, actually, they contacted
6 organizations like mine that work with the farmworkers and
7 they were giving us the masks. So when we were doing the
8 food distributions or the COVID-19 farm relief that we're
9 giving out, that's when we were also giving out the masks.

10 But in other counties it was just from the Ag
11 Commissioners directly to the growers. So, unfortunately,
12 not all the Agricultural Commissioners have a good
13 relationship or a direct relationship with farmworkers so
14 that there was a gap in, you know, we don't know if those
15 masks really made it to the farmworkers.

16 However, as Ildi explained, we have been doing
17 our effort of providing face masks, either because we were
18 able to get grants to pay for those or because we were able
19 to get donations from people that were sewing the masks or,
20 you know, a combination of things.

21 But, definitely, I have not heard of what you
22 mentioned of a grower saying -- prohibiting them to wear
23 the masks. I think that there has been a recognition that
24 that's one of the main ways of protecting them.

25 But what I did hear is the other point that you

1 made. Unfortunately, it was brought to my attention that a
2 couple of the people that we interviewed in Tulare County,
3 that they were sick with COVID but they are still feeling
4 frail and ill because they have other conditions, like
5 diabetes, and they don't feel that they're healthy and well
6 enough to come back to work, yet their employers are
7 demanding that they come back to work or they're going to
8 be laid off. So that, indeed, has happened or, at least, I
9 have heard of.

10 BOARD MEMBER BROAD: Thank you.

11 CHAIR HASSAD: Any other questions?

12 BOARD MEMBER FLORES: I have a question.

13 CHAIR HASSAD: Um-hmm. Go ahead.

14

15 BOARD MEMBER FLORES: Hi. Good morning everyone.

16 Thank you for the presentation, very informative, super
17 timely. I have a question with regards to some of the
18 safety net programs.

19 I know in the report the focus is around
20 childcare, food insecurity, and financial assistance
21 programs. My question is more toward the assistance to
22 farmworkers and their family members to stop the spread
23 from COVID-19.

24 So I know recently the administration announced a
25 program, Housing for the Harvest, whereby it would assist

1 with isolation from either folks that have been already
2 exposed to COVID or may have been exposed to someone that
3 was COVID positive.

4 Have you all -- I know it's a recent program but
5 are you in those conversations? I'm hearing that the CBOs
6 are incredibly important to the facilitation and execution
7 of those programs. So I just wanted to see if that was a
8 policy recommendation that you are in favor of and, if so,
9 if you're a part of the implementation process?

10 MS. CARLISLE-CUMMINS: Thank you for the
11 question. Yeah, we know that overcrowded housing
12 conditions are a huge problem for farmworkers to be able to
13 protect themselves from COVID-19. When you have
14 multifamily housing units with folks on the front lines
15 doing essential work for all of us and then coming back
16 together, that that is a major failing in terms of our
17 housing system for those communities pre-COVID and going on
18 into this crisis.

19 I wonder, Irene, do you want to make a comment?
20 You've been most closely participating in the Monterey
21 Coalition that has tried to do isolation housing.

22 We did, as Don mentioned, we briefed the
23 Governor's Office a couple weeks back when we first
24 released this data. And they had just announced the
25 Housing for the Harvest Program. So I would hope that our

1 conversation is informing the rollout of that but we
2 haven't been directly involved in the development of that
3 program.

4 Irene, do you want to comment on this?

5 MS. DE BARRAICUA: Yes. So the Housing for the
6 Harvest, it was modeled after the Monterey version that the
7 Grower-Shipper Association does in Monterey County. And I
8 think being a part of the Monterey Coalition, we have been
9 able to hear about the progress and sort of analyze what
10 works and what does not; right?

11 CDFA is the one taking on this role. So one of
12 our definite like suggestions would be to not only, while
13 the person is in quarantine, to have those wraparound
14 services, but to also work with your community-based
15 trusted organizations to encourage folks before they are
16 even sick or come out positive because people are unlikely
17 to use these isolation homes. And we don't, obviously,
18 want to just have something that's not going to go to use,
19 which did happen in Monterey County. They weren't used to
20 even a minimum of the capacity that they were there for but
21 it's nice it was there.

22 You know, just like in Sacramento, we have Arco
23 Arena. The old arena is a beautiful, huge hospital but,
24 luckily, it wasn't needed; right?

25 But if we have these quarantine isolation units,

1 we want to have trusted organizations preparing people,
2 sort of mentally and, you know, just telling them that it
3 is safe because of all the trust issues that we'd talk
4 about, afraid of costs, afraid of immigration, government
5 entities.

6 And so, yeah, I think it's great, the Housing for
7 the Harvest. And the way that they have it set up with the
8 wraparound services but those wraparound services, from
9 what I understand, are once the person is there they are
10 going to have community-based organizations bringing food
11 and such. So I'm looking more into how are we working with
12 the program before people come out positive and with the
13 community?

14 CHAIR HASSAD: Thank you.

15 MS. DE BARRAICUA: And the same thing goes for
16 like community -- for contact tracing; right? We also want
17 trusted organizations to prepare people for that as well.

18 BOARD MEMBER FLORES: Thank you.

19 MR. HALL: Do any of my other Board Members have
20 any comments or questions?

21 BOARD MEMBER LIGHTSTONE: Sure. A quick thank
22 you all for your presentation and your ongoing work on
23 this.

24 I just had one question, not about the Monterey
25 point, about the data collection that Dr. Villarejo made.

1 Is that -- I gather there's a lot of blank spaces here. In
2 places like Monterey where you're saying they're putting in
3 data that is very helpful in guiding these programs, is
4 there any progress in spreading that part of the model to
5 other counties?

6 DR. VILLAREJO: At this point, I'm continuing to
7 collect legal opinions about why the data is not public
8 from county officials. And I think we have an opportunity.
9 We have a new State Director of Public Health. And she's
10 stepped in and tried to do, you know, as best a job as she
11 possibly could. But we do have some resistance, I think,
12 at local levels where county officials are fearful of
13 disclosing information that might adversely impact the
14 local economy.

15 And the only case I can point to of that where it
16 was right up front was in the east coast where Smithfield
17 Foods had several hundred workers ill. And the county
18 where it occurred, the health officer came out and said,
19 "Well, we're not disclosing that information because they
20 are the most important employer in our county and we don't
21 want to, so to speak, tarnish their image."

22 And it's, I think, going to be necessary in the
23 short term to have one of the bills in the legislature
24 right now mandate that, immediately, all counties begin to
25 do a proper job of reporting. And that would be a solve

1 the problem right now.

2 MS. CARLISLE-CUMMINS: And, Don, there is the
3 8685, Assembly Member Rivas' [sic] bill, that is making its
4 way through the state legislature that would do that
5 mandate, both employer-side reporting and public health
6 officer reporting. So we're, you know, in support of that
7 bill.

8 MS. DE BARRAICUA: I believe it's Reyes.

9 MS. CARLISLE-CUMMINS: I'm sorry, it's Reyes,
10 it's not Rivas.

11 MS. DE BARRAICUA: Okay.

12 MS. CARLISLE-CUMMINS: Yes. Thank you for the
13 correction. Yeah.

14 MS. DE BARRAICUA: Yeah. I did that too.

15 CHAIR HASSAD: Thank you. Unless any of my other
16 Board Members have any comments, I do want to open it up
17 for public comment. I did see some comments that were
18 entered into the chat. I believe that we can -- that will
19 be entered -- we get a log at the end and that will be
20 entered into the record. But if any of the public comments
21 that were entered into the chat, if those individuals or
22 organizations want to share that publicly, especially for
23 those on the phone, that would be helpful.

24 Any members of the public with comments or
25 questions for this first panel?

1 MS. CARLISLE-CUMMINS: I see one from Hugo
2 Morales from Radio Bilingue.

3 MR. MORALES: Yeah. I just want to thank
4 everybody who made the presentation (indiscernible). And,
5 you know, we at Radio Bilingue try to -- well, that's our
6 beat, right, following the farmworkers and because we were
7 founded by farmworkers and we continue to respect that.
8 And each one of the partners here is a partner with us
9 ongoing.

10 So -- but, you know, it's been really hard, as
11 Mr. Villarejo pointedly said, with the consistence by the
12 counties to provide information. Like I was putting in the
13 chat, you know, in Fresno County there's a few of the local
14 regional foundations, there's a forum every Thursday
15 morning to coordinate about, you know, response to the
16 COVID by not just the government but also CBOs, et cetera.
17 So this is about 400 folks on the line. And since my
18 participation a few months ago I've been asking for this
19 data that he's asking for, you know, in terms of ethnicity
20 but, also, occupation of those people that are contracting
21 it, and also deaths.

22 And finally, about two months ago, a Fresno
23 County rep who was making the presentation said, We
24 actually have this data of the dead but -- from COVID but
25 we have nobody to put that data together."

1 So in the meantime, of course, we know the county
2 has, you know, over \$80 million that they allocated for the
3 federal government. So it's a real sad situation with that
4 direct assistance.

5 At the same time, (indiscernible) asking about
6 any directives to employers about -- you know, because
7 there are some directives from the county, you know, for
8 the public. But any directives going through the
9 agricultural employers or the contractors, and that has
10 fallen on deaf ears as well, I mean, it goes nowhere.

11 So there's a lot of suspicion but a lot of us
12 that we don't have that kind of information, as opposed to
13 some folks, for example, in L.A. County, for example.
14 They're providing a lot of good information.

15 Also, there was a lot of resistance about
16 disclosing the ethnicity of the folks that were dying. So
17 finally about, I think, six weeks ago they did provide that
18 information. And about three weeks ago there were about
19 100 dead and 69 were Latino. And about, I don't know, a
20 little bit, like 20-some were White. And then the rest
21 unknown.



22 So you know that -- what we don't know is the
23 occupations. Are the Latinos that died, are they all
24 lawyers and doctors? You know, I doubt that that's the
25 case but that's the way I put it and there's no answer from

1 the county. And it's really -- it really is very
2 frustrating, what Villarejo is saying, how can you do a
3 plan, which is part of the reason for these convenings, by
4 the way, every Thursday at 9:00 a.m., if you don't know who
5 are the people being affected with that. So it is very
6 frustrating for those of us that are here in the community
7 trying to address this.

8 And I want to commend all the partners and
9 (indiscernible) for doing the study because, you know, this
10 is very, very important and timely, so thank you.

11 And thank you, the ALRB, for doing this hearing
12 by the way. I'm very, very impressed.

13 CHAIR HASSAD: Thank you, Hugo. Good to see you.
14 Good to hear from you too.

15 Are there any  other public comments? I did some 
16 one other pop up in the chat. If you want to reiterate
17 that comment out loud?

18 MR. AGUILERA: Yeah. Hi. This is Rafael
19 Aguilera. I'm with the California Workforce Development
20 Board.

21 A shameless plug. We're working on High Road
22 Training Partnerships. And it's really trying about trying
23 to find employer and worker collaboratives. And it's, you
24 know, rare in the agricultural sector, perhaps, but that's
25 why I'm here.

1 And I really appreciate the ALRB having this
2 presentation today. I'm learning a lot. It's really
3 heartbreaking to hear all the news of how COVID is, you
4 know, tearing apart Latino families and sad story in the
5 agricultural industry. We're trying to lift up positive
6 examples and find ways to lead in that area. It's long
7 overdue.

8 So just wanted to reiterate that. If anyone on
9 this call, whether it be community-based organizations
10 representing farmworkers or folks who have relationships
11 with positive employers, employers that are doing good
12 things, that would be great and helpful. We're looking to
13 put out grant money within the next couple of months to
14 fund these type of partnerships. And it's all under
15 greenhouse gas reduction funds, looking to encourage
16 environmentally-safe practices, as well as worker and
17 employer sort of win-win solutions.

18 So thank you.

19 MS. CARLISLE-CUMMINS: Well, thank you for your
20 comment there, Rafael. And I would just draw your
21 attention to the section of the preliminary data brief
22 where we do pull out best practices recommended by workers.
23 I mean, that's another key finding here that deserves some
24 air time is that, you know, no one knows better than
25 agricultural workers themselves where the points of

1 contamination and contact are.

2 And we do have a whole section that asked workers
3 for their suggestions. And about 60 percent of those
4 suggestions were employer targeted, so about better hygiene
5 practices or, you know, wanting increased bins to
6 consolidate produce into or, you know, hand -- someone
7 dedicated at certain stations to sanitize hands, like very
8 practical on-the-ground best practice suggestions emerged
9 from this. And 30 percent of workers told us that they
10 wanted, you know, themselves and coworkers to follow strict
11 COVID-19 guidelines.

12 And so there's a real, to us what that says, is a
13 real willingness and an understanding within the farmworker
14 community that this has to be a collaborative effort
15 between employers and employees, that employees also have
16 some responsibility for taking these on, and a willingness
17 to be in partnership. Again, there has to be a trusting
18 relation. And we have to address, you know, issues of
19 retaliation because we heard those too. When workers make
20 complaints about, you know, COVID-19 practices not being
21 upheld, there's certainly the threat of retaliation.

22 But there is something here about workers, you
23 know, wanting to point to best practices, being a resource
24 for redesigning their workplaces. And they should have a
25 good seat, many seats, at the table in designing COVID-19

1 workplace safety plans and they're ready for that.

2 So I would direct you towards that section. And,
3 certainly, our team is here to keep the conversation open
4 about that.

5 MR. AGUILERA: I appreciate that. Thank you.
6 Yeah, that sounds like a great representation of the value
7 of worker voice. And, you know, everybody in different
8 industries has different skill sets to offer. And, you
9 know, whether it be harvesting grapes or going into
10 canneries or meat packing places, every situation is
11 different but worker voice is always something that should
12 be lifted up. And employers actually have to be willing to
13 listen. And we know in ag there's a great imbalance in
14 power.

15 And so these partnerships, what we're trying to
16 do is level the playing fields and lift up best practices,
17 so thank you.

18 CHAIR HASSAD: Thank you.

19 Any other? I think there was another comment in
20 the chat as well, if you'd like to share, or a question.
21 Okay.

22 Any other members of the public that have
23 comments or questions for this panel? Okay.

24 I'd like to thank all of our panelists so much,
25 from CIRS and from the other organizations, for your work

1 on this survey. I'm excited to see the issue briefs or
2 eager to see them, I should say, as they roll out. And
3 really appreciate both the quantitative, as well as the
4 qualitative, aspects of this.

5 I think having the data, although understanding
6 some of the limitations, as well as hearing directly from
7 some of the workers, I really appreciated the briefing on
8 the report. I think it really helped bring home what
9 exactly is going on out there and there's a lot, so really
10 appreciate that. And I know we'll be hearing from some of
11 our -- some of the folks on the panel in a little bit.

12 So with that, I'd like to move on to our labor --
13 to hearing from some of our labor representatives. I'll
14 note, there is one change to the agenda. We do not have a
15 member from the International Brotherhood of Teamsters.
16 There was a logistically issue in having that
17 representative join today.

18 But I am pleased to say that we do have two
19 members, Lauro Barajas, the Vice President of the United
20 Farm Workers. And then, also, Pete Maturino, the
21 Agricultural Division Director of the United Farming
22 Commercial Workers Local 5.

23 Lauro, are you able to present first?

24 MR. BARAJAS: Yes. Well, I think a lot of the
25 issues that we have, and witnesses, and seeing, hearing,

1 it's what already the other people were talking about, so
2 basically, the infections of farmworkers. And that's --
3 and we have witnesses that -- we have witnessed that the
4 workers reporting to the companies, somebody in my house
5 got positive and I have some symptoms. They don't even
6 give them days off, much less paying them for the days, for
7 some of them who -- they took it upon themselves. So we've
8 been looking at worker stoppages in some packing and, also,
9 workers in the fields.

10 So it's -- the other part, it's the
11 (indiscernible) workers. I was talking to five of them
12 about a month ago. And apart from the hard work and the
13 lack of quality of food that the -- some of the companies
14 provide to them, and they were notified that two of the
15 coworkers were sick with COVID. And they didn't know that
16 the company didn't tell them which of the workers were
17 infected. So they come into the hotel for just one room,
18 so everyone needs to grab the handle. They have four --
19 they were 4 -- there were 16 and they have 4 showers. And
20 about the same amount of toilets.

21 So it's pretty scary because you don't know where
22 you're going to encounter this coronavirus. It could be
23 with the person that I'm talking to but I have no other
24 option.

25 So we have been listening to all kinds of these

1 examples. And what we did is we noticed that workers were
2 losing money for different reasons. The kids are staying
3 at home. A person, instead of paying \$100 of work pay,
4 \$250, or even \$300 because they need to pay for more
5 children, so that's another reason.

6 And what we did is a started a distribution of
7 food in six different cities, (indiscernible), Madera,
8 Oxnard, Salinas, Santa Rosa. We distributed more than
9 250,000 hot meals made by the local restaurants especially
10 for farmworkers.

11 So together with COVID, other issues, I think
12 we're to focus on COVID-19, but pesticides and not cleaning
13 bathrooms and other working conditions have been not
14 getting better. It's getting worse. I have seen -- and
15 I've been taking pictures of work -- I can see the sign
16 where it says, "Do not enter," and there's workers working
17 at a few meters close to the sign. So it's something.

18 And I think it's good to -- about a week ago,
19 someone was talking to me about a new law that went into
20 effect in California. And the person told me, "What do you
21 think about this new law?" It was a reporter.

22 And I told her, "I think that the laws are good
23 but the law is very rarely to be enforced. The law is good
24 but we need enforcers."

25 And in the case of the companies not paying the

1 workers who get COVID-19, although the governor signed that
2 they need to pay about two weeks.

3 So what we have seen, it's -- we have seen, also,
4 very responsible companies. And I can give examples real
5 quick. They modified the transportation. They encouraged
6 the workers to, instead of riding the bus, all of them -- a
7 good amount of them were taking their cars. And they
8 facilitated this specific issue.

9 The sanitation, they hire extra workers just to
10 do that, to make sure bathrooms and machines and
11 everything, well, get sanitized after they finish for the
12 day. Masks, gloves.

13 And other companies modified, also, the lunch
14 rooms. If they were bringing 100 workers to take their
15 lunches at 12:00, they started distributing between 11:00,
16 11:30, 12:00, 12:30. The groups are smaller. They're
17 smaller groups.

18 And the issue that I have seen, it's working with
19 the companies, together with the workers and us, we were
20 able, in companies, not to mix the crews. So a group of
21 30, basically, was the commitment of the workers. Although
22 we finish late, we don't want anyone to help us because we
23 don't want to get in touch with other workers.

24 So those are some the very concrete examples that
25 I have seen with companies that are doing the right thing.

1 And like I said, there's -- there's a few who don't -- they
2 continue not even cleaning the bathrooms. So they're not
3 concerned about workers wearing face masks, washing their
4 hands. It's a joke for them.

5 I will finish, saying that although we have a lot
6 of cases here in Monterey County and parts of Santa Cruz, I
7 think the companies can do better. And I think a part of
8 the issues is that the unions here, we have members on the
9 contract. And we enforce with our members that the
10 companies comply with the basic requirements of face
11 covering, sanitation, and other issues. And I see that
12 that's putting pressure to other companies to do the same.

13 So with that, I'm stopping there.

14 CHAIR HASSAD: Thank you so much, Lauro. I
15 appreciate it.

16 I think we'll go to our next -- I do have some
17 questions but I anticipate there will be questions for both
18 you and our next panelist, so I'll have him present first.

19 Pete Maturino, are you here?

20 MR. MATURINO: Yes, I am.

21 CHAIR HASSAD: Great. Go ahead. We'd love to
22 hear from you.

23 MR. MATURINO: Well, I want to thank Chairwoman
24 Hassad for the invitation. I never thought I was going to
25 be invited to talk on behalf of the ALRB, kind of. I've

1 been doing this for quite a while. And for a number of
2 years, I was, probably, dead set to criticize more the ALRB
3 than give it kudos.

4 You know, I was going to be talking about
5 different items, including cannabis and the enforcement of
6 the regs with regards to cannabis and stuff. But since
7 we're talking about COVID-19, you know, I'll kind of
8 confine myself to that.

9 We had a conversation, I'm not sure, a week ago,
10 a week and a half ago, and part of the conversation is that
11 I'm glad that the -- to hear from Don Villarejo from, you
12 know, his organization, and Lideres Campesinas. And what
13 it's telling me is that there's more people being more
14 involved, not because of COVID-19, but because they've been
15 involved in farmworker issues for many years.

16 One of the things, though, I do have to say about
17 Monterey County, though, since I'm here in Monterey County,
18 is that, yeah, they're very good about putting together the
19 information. And the local media announces every day the
20 changes that are going on in the Tri-County area, as we
21 call it.

22 One of the things, though, is that -- where I had
23 a big problem with the county medical officer here in
24 Monterey County was that when Governor Newsom announced
25 that they were going to mandate the face coverings, we had

1 one of the employers that we have under contract and that
2 employer was told that they could -- they were going to
3 require not only the farmworkers that they have under --
4 there but, also, the workforce that we represent, which is
5 about a couple hundred people.

6 And so what I told that employer was, "You're
7 going to require them, as of Monday morning, to wear face
8 masks or coverings. Are you going to provide them?"

9 And they said, "No."

10 And so the conversation between I and the medical
11 officer and the county was how can you put out an order,
12 whether it's from Newsom or anybody else, for farmworkers
13 or the ag workers to be required to wear them and not tell
14 that employer, you must provide those face masks or those
15 coverings?

16 And what the employer ended up -- as a gesture of
17 good will -- ended up giving bandanas. And everybody
18 understands that bandanas is probably the least effective,
19 you know, in trying to corral the coronavirus or COVID-19.
20 And I can't -- because it's not mandated, it's not by law,
21 I can't enforce that employer to provide, you know, another
22 type of mask.

23 And so that's the only thing that I have to say
24 about the Monterey County situation. I mean, they are on
25 top of things. At the beginning, they were not giving out


1 any information. But I still say that if you're a state or
2 federal agency and you're going to mandate something on a
3 group of workers, you have to know that these workers will
4 probably not be able to afford the face coverings. And so
5 you have to mandate, also, that the employer provide these
6 face coverings.

7 I have to say that all the other employers that
8 we deal with, whether they're farmworker membership or ag
9 in salad process, do provide the masks and they're doing a
10 good job about it.

11 But if you come to Monterey County and you're
12 going to look at the different operations as you drive
13 through the fields here, and some of them have made some
14 adjustments on the mechanical equipment that they have out
15 there where there's harvesting crews behind them, and they
16 put up the plexiglass partitions and stuff, so they've made
17 some adjustments.

18 But a larger portion of the employers through
19 labor contractors, as they may be, or others have not made
20 those adjustments. And they're still continuing to require
21 that the employees work right next to each other, and I'm
22 talking about they're only about, I think it's a foot-and-
23 a-half away because, you know, two-foot furrows or rows, so
24 they're still doing that.

25 And the big thing with me and what's going on

1 here and in California, because you see them all over, is
2 the California-Us  (phonetic) vans that you see out there on
3 the road when you're coming up to ag, whether it's here,
4 Central Valley or wherever it is, I'm assuming that they
5 get some kind of deal from the State of California to
6 provide these vans. Well, these vans carry 15 people. And
7 15 people are just smashed in there. And it becomes a
8 problem because all it takes is one person that's infected
9 to infect the other 15 people that are going to go back to
10 their homes and maybe infect their kids or their mom, their
11 dad, and whoever else in the family.


12 And then that comes to another point that you
13 guys were talking about earlier is that things have not
14 changed so much here in Monterey County that there are
15 still two or three families per home, two or three families
16 per apartment, because of the expense. And the wages that
17 they receive are just -- it's something that not one, you
18 know, a single family cannot afford an apartment here in
19 Salinas, let alone Santa Cruz.

20 Or even the -- and San Benito is becoming very
21 expensive because the people from the Bay Area, especially
22 now, with all those techies out there with millions of
23 dollars selling their homes over there, that a three
24 bedroom, two bath, regular home over there is like \$5
25 million or \$3 million in the Bay Area. And now they're

1 coming to Hollister and Monterey County and now they, with
2 those \$3 million or \$4 million they can purchase a mansion
3 and work out of their homes. A lot of these tech companies
4 now are going to let these employers -- employees work out
5 of their homes.

6 But I think it's essential for the ALRB -- and
7 like I said, we talked about it -- to work together with
8 not only statewide nonprofit organizations, like where Don
9 Villarejo is, the Coalition of Immigrant -- and then
10 Lideres Campesinas, or anybody else. I just saw a little
11 take from the gentleman that were there on his organization
12 and I think it's great.

13 I think that the ALRB, together with interagency
14 cooperation with the Labor Commissioner, Cal/OSHA, and
15 others is essentially, not only because of COVID, but
16 anything else related to the farmworkers, and that's what
17 you deal with, is under the ALRB. With us and United Farm
18 Workers and the Teamsters, we deal with two agencies, which
19 is the ALRB and the NLRB and dealing with ag because of the
20 salad plants and things like that.

21 But with COVID, I also like the idea, like
22 there's organizations, like CAUSE  that deal, you know,
23 deal specifically with the farmworker, ag workers and stuff
24 on social services and other services. And I think it's
25 very important that the farmworker community -- I mean,

1 there's only 800,000 or 900,000 here in the state of
2 California, and so I think it's very important that these
3 individuals have information as to what the ALRB does and
4 what services you provide. And I think we talked last time
5 and if it's something that you don't do, that you're
6 willing to kind of point them in the right direction, which
7 is the Labor Commissioner and Cal/OSHA.

8 But I think this bill that's coming up, AB 685
9 with Reyes, is going to be a game changer because it's
10 actually going provide information to not only the public
11 and the nonprofit organizations but also to workers.
12 Because workers are asking, you know, did anybody get
13 infected today? And workers find out. They find out a
14 little bit later because they figured it out that that
15 person is missing and hasn't come to work for a while. And
16 then -- or they talk to the family members and things like
17 that.

18 But I think it's very important for workers to be
19 informed as to somebody within their crew or coworkers is
20 infected because they're going to have to make an informed
21 decision about whether they are going to continue working
22 for that employer.

23 And, yeah, you know, there's -- things haven't
24 changed that much. There's always retaliation for
25 something, especially when it comes to labor contractors,

1 now they call them real fancy names, like temp agency, that
2 there's retaliation.

3 You know, there was a PBS documentary that was
4 done here recently. It starts off with a farmworker within
5 Greenfield, California, which is here in Monterey County.
6 And it's talking about COVID-19 and the exposure and the
7 effects and things. To was -- it's a great documentary.

8 But it also talks about one of the employers that
9 we have here in Salinas that works out of San Juan Batista.
10 And somebody, unknowing to the H.R. director, filmed them
11 with their phone and caught it and said -- you know, saying
12 that he was going to terminate all those people if they
13 didn't go back to work. And he didn't want to give them
14 information because that's what they were afraid of, is
15 there were people that were infected that was coworkers and
16 they wanted to find out if it was true or not.

17 So he was going to fire all those people, there
18 was about 60 people, that were refusing to go back to work
19 until they got information. So there is retaliation on
20 behalf of some of the employees here.

21 And Hugo was talking about the H-2A workers.
22 This is a part of the worker population that we haven't
23 dealt with, with regards to COVID or anything else. If I
24 wanted to organize a workforce that was half H-2A workers
25 and the other half local workers, the local workers

1 probably have other -- more issues because some of them are
2 undocumented. The H-2A workers are contracted but, yet,
3 they also have needs. And what happens when we try to
4 organize a H-2A worker? What is going to be the ALRB's
5 position? Because these individuals that are contracted
6 are only going to be here for a year, maximum two years if
7 the employer gets his way.

8 And then, also, these individuals -- and here
9 where I sit right now in my office, about 50 feet away here
10 is a hotel next to me and it's packed with H-2A workers.
11 And they have seven to ten workers per room.

12 And so one of the workers in the H-2A is
13 infected. What does he -- or what is he going to do? Who
14 does he go to? Do they hide them? Do they call the
15 Mexican Consulate and that employer say, we know longer
16 need this person, so we need to ship him back to Mexico and
17 he's sick?

18 Or is he going to infect his coworkers and -- or
19 is he going to be allowed to be pulled out of this hotel
20 and sent to the housing that Monterey County or the Grower-
21 Shippers Association is saying that they have this housing
22 for these people that are quarantined?

23 Even though we have membership and they've been
24 infected, both the farmworkers that I represent and the
25 non-farmworkers in ag, such as the salad plants, we, in the



1 union, have become the enforcers of what's required by law.
2 And I'm talking about the 80 hours that we're talking about
3 that people are aware or not aware of.

4 My job has turned into -- from enforcing the
5 labor contract that was negotiated with that employer to
6 enforcing something that's state law with the COVID and
7 make sure that these individuals get paid. Make sure that
8 these individuals don't lose their job, don't lose any
9 seniority. That the employer, basically, one that does the
10 right thing, the other that they do what the contract
11 requires, and that's part of our job. And it's kind of
12 awkward, the things that we've had to switch over to in
13 order to service the membership that we do have.

14 But even then, even with these employers that are
15 union that have a contract, even them, they're trying to
16 hide the fact that somebody was infected because they don't
17 want the bad publicity. It's almost like the publicity of
18 a salad recall kind of thing where they don't want you to
19 know who it is. And it's a big no-no here, man, to say
20 that it was Employer A or Employer B because they're going
21 to lose profitability.

22 And somebody at the beginning of this -- the
23 panels and stuff, they were having the conversations, the
24 impact on farmworkers has been -- the economic loss has
25 been pretty great. And I hear it because I'm in

1 negotiations yesterday and this employer that I represent
2 was telling me that he lost, currently, a little over \$2
3 million packages that he had at the same time last year,
4 and that translates into jobs.

5 And so the farmworker community has lost it. And
6 you can see it when you work, when you're going out to the
7 fields here, and instead of watching farmworkers still
8 working at 5:30, 6:00, seven o'clock at nine  their day is
9 finishing up at one o'clock or 11:00 a.m. or 2:00 p.m., so
10 there  losing hours, they're losing income. And so it makes
11 it even worse, you know, when it comes to the living
12 conditions that these employees have to go through.

13 So I guess my take here is, like I say, I was
14 going to talk about the cannabis and access and things that
15 we've had some problems with because of cannabis, but I
16 just think that the key here is collaboration on behalf of
17 all your nonprofit agencies, state agencies, even the
18 unions themselves because we all have one goal in mind and
19 that's the health of the farmworker, me a little bit more,
20 because I want better wages and working conditions and
21 benefits. And then the other agencies, they just want to
22 make sure that these farmworkers that don't have a union or
23 representation, that they don't lose their employment and
24 that they don't get sick.

25 And I know the employer, there's a lot of them

1 out there that want to be able to know that their workers
2 aren't sick because they need them. And they're skilled
3 workers. A lot of people think that farmworkers are
4 unskilled jobs. And I would challenge anybody to try to go
5 out there and cut lettuce and you'd probably get fired
6 within the first five minutes.

7 And I remember, to us it was funnier than heck,
8 we had an Anglo newspaper reporter about 20 years ago and
9 she wanted to do a story on the farmworkers. And she
10 wanted to see if she could get a job. And she put herself
11 in front of the buses there at four o'clock in the morning
12 in front of McDonalds. And when she started asking the
13 labor contractor or the bus driver, do you guys -- what
14 time is your rest period and do I get gloves and all this
15 other stuff, they wouldn't let her on the bus, you know,
16 because you're asking too many questions. And so right
17 away, they didn't even give her a job.

18 But I also know some people that have gone out
19 there and they have worked as a farmworker and they would
20 never do it again. Because it's that type of job that, it
21 used to pay pretty good, now it's all hourly and now it's a
22 lot of contracted workers from Mexico that's under the H-2A
23 programs and stuff and that, they're trying to change that
24 also.

25 But there's a lot of effect here in Monterey

1 County, and throughout the Central Valley is supposed to be
2 a hot spot with the workers. About 28 percent of the
3 farmworkers here in this area, or ag workers, are being
4 affected, the infections that we have so far, according to
5 Monterey County and the local media.

6 So I think I'm going to kind of leave it at that.
7 And I'm not sure if anybody, you know, has any questions
8 about this.

9 CHAIR HASSAD: Thank you. Thank you both so
10 much. I do have questions.

11 I want to know, we're running -- because of the
12 myriad of issues that are being addressed, and it's really
13 fascinating, we are running a little bit long. So I do
14 have some questions and we do have time for public comment
15 and questions but I'd like us to, hopefully, move on in the
16 next 10 to 15 minutes because I know one of our panelists
17 is time limited.

18 I had a couple of questions. Actually, I'm
19 really heartened, Lauro, to hear your comments, that you
20 are seeing some best practices, particularly in
21 transportation, as well as the plexiglass. So while I know
22 that may not be widespread, or not everyone, I should say,
23 and I am heartened to hear that there is some of that going
24 on.

25 I have a question for both of you. Pete, you

1 mentioned you're having to enforce state laws. And I want
2 to be mindful to ask that you not discuss any charges that
3 you may have filed with our organization, the ALRB, because
4 that may be something that we are reviewing. But if you
5 could speak generally about how you've helped workers if
6 they've had questions about sick leave and how you've been
7 able to maybe help get them sick leave? What have you --
8 what have either UFW or UFCW, what experiences have you had
9 in that regard?

10 MR. BARAJAS: Well, I think, I went to do my -- I
11 went to take my own test last week and the test like the
12 first day. And I talked to the persons on the place taking
13 the test, because we were doing the food distribution and
14 dealing with a lot of people, and I was talking to someone
15 who test positive and I was talking to him. So when I
16 explained she goes, "Well, you know what, yeah, we can do
17 the test for you today." But sometimes it takes two weeks
18 for anybody to have a test. That's just to have the test.
19 And then you need to wait like between four to seven days,
20 so that's three weeks. And the people can -- possible
21 people is not with COVID, they just have a regular cold.

22 So at least what we try to do right away is tell
23 the workers, have yourself go and have -- do the test so
24 you know if you're infected or not. If we can improve this
25 for people to do it, like in the first day or second day

1 and have the results in a week or -- then instead of people
2 who is not with COVID-19, instead of wait three weeks, the
3 end of the waiting can be four to five days.

4 So that's -- for me, that's one of the big issues
5 that workers and companies are confronting because in some
6 industries they don't have enough workers and in others it
7 could be the case. So for me, that's, like I said, that's
8 one of the biggest issues that workers are confronting.

9 And the other, when people get positive they go
10 home and, like Pete mentioned, the living conditions,
11 there's a lot of people living in the house. So it's very
12 hard not to go -- not to infect other members
13 (indiscernible) or people who live with them.

14 So for me, those are very important issues and
15 that's why people get infected.

16 CHAIR HASSAD: Pete, do you have any comments?
17 Have you been able to help workers get sick leave or have
18 you seen that any of your members have been able to take
19 some of the paid sick leave provided under the CARES Act or
20 Governor Newsom's Executive Order?

21 MR. MATURINO: Yes, we have. I mean, we've had
22 quite a few people that we needed to make sure that they
23 got paid the 80 hours. But then there's some people that
24 weren't able to return back to work for a week or two,
25 three weeks. We got them leave of absences, either through

1 our contract, through FMLA, or some of the other state
2 mandated or federal mandated laws and stuff.

3 And, you know, I've gone from people just getting
4 sick to, actually, you know, one of our members dying and
5 having to talk to his daughter about that. And this is the
6 problem, of course, it's brand new. And all I could tell
7 her is that they were going to have to contact an attorney
8 because I know the State of California said that if you
9 have the COVID-19, it's basically considered Workman's
10 Comp. That's what, you know, Governor Newsom and the State
11 of California said, so we're treating it as such and then,
12 you know, referring them to an attorney.

13 But I know all this -- like I told her, this is
14 all new, and new territory legally, and whether you can sue
15 somebody or not sue somebody and what's going to happen.

16 But I went from that to making sure that somebody
17 is quarantined, and then that they're tested before they
18 come back to work and allowed back to work, because of the
19 rest of the membership.

20 CHAIR HASSAD: Thank you. I'm so sorry to hear
21 about your member that passed away. That's very tragic.

22 Do any of my Board colleagues have questions for
23 either of our panelists? Okay.

24 Do any members of the public have questions for
25 either of our panelists? Okay.

1 Thank you. I just want to thank both of you so
2 much for taking the time and for all the work that you're
3 doing. I really, really appreciate you presenting this
4 information and sharing this here. I've been taking notes.

5 I do want to note that we have been discussing in
6 that internal workgroup I mentioned the issue around
7 transportation. I will say the focus of our initial
8 conversations have been around improving outreach
9 materials, having them be more understandable, more
10 widespread, and then also working on supporting the Housing
11 for the Harvest initiative. But the transportation issue
12 has come up, so I did take some notes, Pete, and I may be
13 following up with you on some of those specific issues that
14 you've raised. I really appreciate you bringing that up.

15 MR. MATURINO: Thank you.

16 BOARD MEMBER LIGHTSTONE: Thank you both.

17 CHAIR HASSAD: All right, we will now go on to
18 our next panel, which is our employer representatives.
19 Please join me in welcoming Bryan Little with the
20 California Farm Bureau Federation. He's the Director of
21 Labor Affairs for the Farm Bureau. And then Matthew Allen,
22 the Director of Government Affairs for the Western Growers
23 Association.

24 Bryan, I understand you do have a time
25 constraint, so would you like to present first?

1 MR. LITTLE: Thank you. That would be very
2 helpful. And I appreciate your accommodation on that.

3 I've been on for about an hour and I have been
4 encouraged to hear that there are a lot of efforts going on
5 to try to do everything possible to try to help our
6 industry and our workforce work our way through this
7 current situation. This is going to be and has been very
8 difficult for everyone involved.

9 When all this started back in March, I think it
10 kind of caught everybody by surprise. And we were in a
11 difficult spot where we had facilities and machinery and
12 housing and other kinds of facilities that are necessary to
13 do agricultural production in California that just were not
14 set up to for -- to accommodate social distancing. I think
15 we knew fairly early on that there weren't enough masks or
16 any kind of face coverings to go around, shortages of hand
17 sanitizers and other types of supplies that just made
18 things very difficult to try to get ahead of it.

19 Now that we're getting into the harvest season,
20 my anecdotal observation is that some of those shortages
21 are starting to ease off and I think that our employers
22 have done a lot of work in doing things, like providing
23 additional space for shade during hot weather so that we
24 can do social distancing when people are on meal breaks or
25 rest periods, modifying machinery and facilities to allow

1 for social distancing, providing additional hand-washing
2 stations.

3 I spent an hour on the phone earlier today with a
4 large agricultural producer in the valley just trying to
5 work through how he should go about providing water in a
6 way that's going to be as safe as possible for his workers.
7 And we talked through all those issues and I'm really not
8 sure exactly what he's decided he's going to do. But he's
9 aware that there are, regardless of which -- of what he
10 chooses to do there are going to be issues that are going
11 to have to be worked through as a result of that.

12 So all of this has been, I think, difficult for
13 everyone involved. When all this started about 40 percent
14 of our industry went to -- of our production went to
15 restaurants and food service. And, of course, all that
16 stopped very quickly and very precipitously. And that's
17 not a supply chain issue that you can resolve quickly.
18 Most people going to the grocery store aren't interested in
19 buying a 20-pound bag of lettuce or a 10-pound block of
20 cheddar cheese. And so when you already have that stuff in
21 the pipeline you can't just shift it from going to food
22 service to going to retail. It just doesn't work.

23 I think we've seen -- I noted some people talked
24 a little bit about -- I think it was Pete who talked a
25 little bit about how workers seem to be having shorter

1 days. And I think that some of the employment numbers I've
2 seen have reflected that, as well, that we have fewer
3 people employed. And we're probably -- and I'm pretty
4 confident that we're going to wind up producing less.

5 We've -- some of the economic information we've
6 seen indicate that our -- what in 2019 was a \$45 billion
7 industry is going to wind up being about \$8.3 billion
8 smaller in 2020 than it was in 2019. So that's going to
9 present challenges for everyone involved.

10 But since all this began I know that I've spent
11 an enormous amount of time and energy, and the Farm Bureau
12 has, too, in working to get information out to our members
13 so that they understood as best as we could help them
14 understand what was going on, what they needed to do to
15 protect their workforce and to be able to continue
16 producing because we're an industry of about 800,000 people
17 working to feed the other 37 million of us in California.

18 If any of you -- I've met some of you but I
19 haven't met all of you. If any of you met me, you can tell
20 from looking at me that I don't miss many meals and I like
21 to eat. I think we all like to eat.

22 And so the extent that we are an essential
23 industry, we want to continue to farm and we want to
24 protect our labor force.

25 We were pushing out so much information for a

1 little while there in March and April and May that I was
2 actually getting emails back from people saying, "Bryan,
3 can you send me a few fewer emails because I'm having a
4 hard time keeping up with all of it." My response was
5 usually, "I'd like to but there's too much going on that
6 you need to know about that I need to be able to tell you
7 about for me to send you less emails than I'm sending you."

8 And then other piece of this has been that I've
9 been answering, on average, five to ten phone calls a day
10 from agricultural employers just trying to understand the
11 safety issues around COVID-19, what the latest thinking was
12 from CDC and CDPH and CDFA, and the others, not to mention
13 Cal/OSHA and the Department of Industrial Relations and the
14 issues that they try to deal with, and just trying to give
15 them as much guidance as I can about how to work through
16 all of this stuff.

17 We've encountered a lot of problems with
18 situations where sometimes Cal/OSHA wants you to do
19 something and sometimes the local Health Department wants
20 you to do something a little bit different. And then CDC
21 is kind of out there kind of talking about things a little
22 bit differently and putting things in different ways that
23 it caused a great deal of confusion. And we've been put in
24 a sometimes uncomfortable position of trying to help them
25 sort through all that and try to figure out. I think it's

1 been, largely, an exercise in trying to help them figure
2 out what they need to focus on and not necessarily to the
3 exclusion of anything else but just a question of
4 priorities.


5 Farm Bureau, in addition to just the efforts that
6 I've made and the efforts our county Farm Bureaus have been
7 making in working with local agencies and local Health
8 Departments to try to work through some of these issues as
9 they come up, the Farm Bureau spent about \$100,000 on two
10 flights of radio ads, one in April and one in July, public
11 service announcements, and related paid media to educate
12 our workforce about the sanitation and personal distancing
13 and other issues related to COVID-19 back in April.

14 And then when we did the second flight in July to
15 remind them that all those things that you've been doing
16 for all of these months, you need to do those when you're
17 not working, as well as when you are working. And by the
18 way, you might want to reconsider going to a party this
19 weekend because in July it started to emerge that we
20 thought we were starting to see a greater number of -- a
21 greater incidence of transmission that were occurring in
22 social situations. And so we tried to be responsive to
23 that and tried to get out there with information about
24 that.

25 We've also been surveying our members. We

1 surveyed them once in April and again in August, that
2 survey is still out there to our membership, trying to
3 understand what kind of challenges agricultural employers
4 are facing and farmers in general are facing. And the
5 answers have been interesting. A lot of people have had
6 some reduced activity. They've had reduced employment.
7 They haven't been able to employ as many people as they
8 normally would.

9 They've also had difficulty because of the
10 inability to source personal protection equipment. They've
11 had some inability to be able to do the things they would
12 normally do. That was early on in the season and a lot of
13 that had to do with preparatory and cultivation activity
14 that they were not able to do because of the unavailability
15 of certain kinds of personal protective equipment.

16 We're now getting into even, perhaps, a more
17 interesting and harrowing and perilous situation where we -
18 - the wildfire smoke regulation requires agricultural
19 employers, well, all outdoor employers, really, to provide
20 N95 respirators when the AQI exceeds 150 as a result of the
21 presence of wildfire smoke and PM2.5. And I think we all
22 know right now that N95 respirators are very difficult to
23 come back 

24 And trying to get the kinds of numbers of N95
25 respirators you might need to supply a labor force of

1 400,000, 500,000 people, because you don't know where the
2 wildfire is going to occur, it probably won't occur
3 everywhere at the same time, but everybody needs to be
4 ready for it in the event that it does occur where they
5 are. So that's going to create a lot of demand for N95
6 respirators that might not fit the supply chain right now,
7 today, could not satisfy.

8 So there are -- we have a lot of concerns about
9 how that's all going to unfold going forward, as well,
10 because nobody wants to take N95 respirators away from
11 critical frontline healthcare workers. That's the last
12 thing we would want to do.

13 But another thing that a lot of effort has gone
14 into, also, there was some conversation earlier about
15 furnishing face coverings. I think a lot of face coverings
16 have been furnished through a lot of different sources,
17 including employers, so there's a lot of that happening.

18 And there's -- I think it's important to keep in
19 mind that face coverings aren't just something that you're
20 supposed to be using at work. We're all supposed to be
21 using them all the time whenever we're outside our home or
22 away from the people that we are -- that are in our
23 household on a day-to-day basis.

24 So there is a -- there's been a great deal going
25 on. I think, based on the information that I get from

1 agricultural employers that I talk to every day, I think
2 there's making a huge effort to try to protect their labor
3 force, to try to provide them with what they need to
4 protect themselves, have the training and information and
5 providing them with workplaces that aren't a hazard related
6 to COVID-19, and to try to do everything they can. Because,
7 at the end of the day, if we don't have a labor force we
8 can't produce food for all the rest of us to eat.

9 So I think there's a recognition that because
10 we're an essential infrastructure industry that we need to
11 be mindful of making sure that we protect our workforce to
12 the greatest extent that we possibly can.

13 So I don't know that I need to say anything
14 further than that but, perhaps, at this point I'd defer to
15 my colleague, Matthew, I think he's still on, and let him
16 say his peace.

17 So thank you.

18 CHAIR HASSAD: Hi Matthew. Welcome.

19 MR. ALLEN: All right. Good afternoon, I guess,
20 to everyone. And in the interest of time, I know we're
21 running a little long in the meeting, I will attempt to
22 keep my comments brief.

23 But, you know, I would definitely reiterate
24 everything that Bryan said. I mean, our industry is
25 absolutely an essential industry. Without food, you know,


1 we can't survive. And our labor force is absolutely
2 critical for our industry and, also, because of the human
3 element that's involved. This is really important to all
4 of the Western Growers' memberships is prevention of COVID-
5 19 and how to best keep our workforce safe.

6 Back in March and early April, of course, as the
7 shutdown happened, as Bryan and others have mentioned, we
8 had an immediate shutdown of food service and schools. And
9 so we had a lot of product that was lost that had to get
10 rotated back down into the fields. And we had to scurry
11 quickly to make sure that we could redo contracts to get
12 food volume placed in the retail and other consumer
13 markets.

14 That all has an impact on the workforce, the
15 growers, obviously the economy and local economies upwards
16 of \$8 billion are the estimates. And, you know, we would
17 expect that that -- those numbers will continue as to see
18 some negative impacts in the weeks and months ahead. But
19 we have been extraordinarily proud of our workforce and our
20 growers in keeping a focus on not just what we have to do
21 today but what does next week and next month look like? And
22 what do we do -- what do we need to be doing to prepare for
23 that?

24 So I want to cover a couple of topic areas and,
25 really, when it comes to sort of what we're doing at the



1 field level on COVID-19 prevention. And there's sort of
2 five key areas that are growers are really focusing in on
3 sort of on a daily basis. And they kind of range in level
4 of sort of what's easier all the way up to what tends to be
5 more difficult or more challenging.

6 And the first is, you know, immediately
7 disinfecting all the common surfaces. So, you know, that's
8 something that we were already doing because of food safety
9 protocols but now we're doing it even more often throughout
10 the day. A lot of training going on to all of the
11 workforce about the necessity for this and standards that
12 are in place for additional surface cleansing. Hand
13 washing, another great example. That's something that we
14 continue to train on. It's part ur, already, food safety
15 awareness training, but now we're even doubling down on
16 that and have been since March. So all employees are
17 washing hands not only more often throughout the day but
18 for longer periods of time, so that's also very helpful.

19 Now getting more difficult, and that's physical
20 distancing. As Bryan mentioned, there are certain
21 operations that happen in the field that make it more
22 difficult to maintain the six-foot spacing that's
23 recommended. So our growers are working through to make
24 sure that everything that can reasonably be done to
25 maintain that is actually being done. If it's requiring

1 sort of plexiglass and to some of the machinery to keep
2 some spacing between people, they're doing that.

3 Another good example is that we have, in
4 harvesting, instead of having workers in every row in crop,
5 we will space people out so they may be in every second or
6 third row. It's difficult on productivity but it maintains
7 physical distancing. And so our growers are doing that as
8 well.

9 Face coverings, that's just stand  As Bryan
10 mentioned, everybody is wearing face coverings. There's
11 reminders throughout the day, at morning briefs, to make
12 sure that, in addition to the hand washing, all the
13 sanitization procedures, that people where  their face
14 coverings. And face coverings I, I think, becoming a
15 little bit less of an issue because we're seeing a little
16 bit more stability in the supply of PPE. But early on that
17 was definitely a critical issue for our industry.

18 And we engaged early on with Department of Food
19 and Ag, Cal/OSHA, the Governor's Office, in trying to find
20 additional ways to maintain a supply for our industry as an
21 essential category. You know, we really view our
22 workforce, really, right in line with the healthcare
23 industry. Face coverings and PPE equipment are absolutely
24 critical.

25 And to that end, back in late June, we announced,

1 along with the California Manufacturers and Technology
2 Association, a partnership with the State of California on
3 a portal called the Safely Making California portal that
4 links manufacturers of PPE equipment, so face coverings, to
5 employer workforce groups so that they can access sort of
6 the general supply of PPE equipment. And that is actually
7 getting off the ground and running, really being led by
8 CMTA with Western Growers and a handful of other
9 organizations participating in that partnership. So we're
10 proud to be doing that and look forward to doing even more.

11 One of the things that I think others have
12 alluded to in the meeting, it's a much more difficult area
13 to sort of manage, is what happens outside of the
14 workplace? You know, we definitely encourage our employees
15 and provide information to them about best practices, you
16 know, when you're not at work. And we have employers that
17 will provide a flyer to the workforce or conduct that as
18 part of their tailgate briefings. But what is happening
19 outside of work is really just as important as what happens
20 at work when it comes to preventing COVID-19.

21 I would say, in the last couple of weeks, one of
22 the main focus areas that we have had is on testing because
23 we continue to hear that it's difficult to get testing done
24 in a rapid manner with rapid turnaround time frames in the
25 valley and other areas of the state. And we continue to

1 hear cases taking 8 to 12 days turnaround time to get a
2 test result back. And right now, for our industry, that's
3 not acceptable for us. We want to make sure that we're
4 able to provide information to the worker about the test
5 results in a quick manner. And also for the employer to be
6 able to then deal with that situation, and then kick into
7 place quarantining, and also taking care of, basically,
8 then getting the other things that were being handled on
9 the employer end.

10 Bryan mentioned wildfire smoke issues. And we
11 continue to push on Cal/OSHA and other agencies to make
12 sure that, you know, we're keeping sort of an open mind to
13 flexibility when it comes to other regulations that are
14 going into effect. Given that there's so much pressure on
15 PPE and N95 respirators that, in other situations, we
16 should be looking to other types of protection that would
17 be helpful because anything is better than zero percent
18 protection. And even though something might not be quite
19 as effective as an N95, we should be keeping an open eye to
20 other types of technologies that might work for our
21 industry.

22 So that's kind of a very, very brief update from
23 kind of what we're seeing at Western Growers. And I'm
24 definitely open to any questions anybody has.

25 CHAIR HASSAD: Thank you. I really appreciate

1 both of you, especially Bryan. I know we initially had
2 thought this might go on a little bit earlier, so I just
3 want to thank you both for, also, providing so much
4 education to your members and helping them ensure that
5 their workforce is safe and, also, sharing some of the
6 challenges that you shared in terms of how it's impacted
7 the economy of the industry in terms of loss of certain
8 demand and the impact that that has had.


9 I am going to actually hold questions because we
10 do have some other panelists on our next panel that do have
11 some other time commitments.

12 So, Bryan, I know you have to go.

13 Matthew, if you're able to stay on, maybe for the
14 end, that would be great but, if not, I understand.

15 MR. ALLEN: YES.

16 CHAIR HASSAD: I just really want to thank you
17 both for your time and for the work that you're doing to
18 help support your members and protect workers, to thank
19 you.

20 Okay, so our next panel, last but certainly not 
21 we have representatives from several community-based
22 organizations.

23 So please join me in welcoming Estella Cisneros,
24 who is the Directing Attorney for the California Rural
25 Legal Assistance. I'll note that this was erroneously

1 listed as the CRLA Foundation. CRLA Foundation and CRLA
2 are two separate organizations and Estella is part of CRLA,
3 so I apologize for that error. We also have Oralia Maceda,
4 the Co-Executive Director for Centro Binacional para el
5 Desarrollo Indigena -- I apologize, I'm not able to
6 pronounce -- Oaxaqueno. We have Irene de Barraicua from
7 the -- the Public Relations Manager for Lideres Campesinas.
8 And Arcenio Lopez, the Executive Director for Mixteca
9 Indigena Community Organizing Project, also known as MICOP.

10 Estella, would you like to go first?

11 MS. CISNEROS: Yes. Definitely. Thank you so
12 much. Can you hear me okay?

13 CHAIR HASSAD: I can. Thank you.

14 MS. CISNEROS: Okay. Great. Thanks so much.
15 Well, good afternoon to everyone. Thank you so much for
16 having me. I'm really pleased to be able to address the
17 ALRB, as well as the remaining members of the community,
18 and everybody else who's on the line. My name is Estella,
19 Estella Cisneros. I'm the Legal Director of the
20 Agricultural Worker Program at California Rural Legal
21 Assistance, Inc. CRLA is a nonprofit legal aid
22 organization created in 1966 to represent California's low-
23 income rural communities and their residents, including
24 agriculture workers.

25 So the program that I work for, the program that

1 I manage, represents agricultural workers exclusively. So
2 that's, you know, as all of you, I'm sure, are familiar
3 with, includes field workers, dairy, as well as people who
4 work in dairies, package houses, nurseries, and meat
5 processing facilities. And we represent them in a variety
6 of legal matters including employment law and issues
7 related to workplace health and safety.

8 AWP, which is, again, the Agricultural Worker
9 Program, has offices in Stockton, Fresno, Salinas, Oxnard
10 and Coachella. However, the organization also serves a lot
11 of non-farmworker rural residents in a variety of legal
12 issues, such as housing, education, employment, health, and
13 immigration in the 17 offices we have statewide. And then
14 we also serve specific populations, such as the LGBTQ-plus
15 community and the Mexican-Indigenous community through two
16 specialized programs.

17 I would like to start by first focusing on the
18 issues our farmworker client communities have raised with
19 us throughout the state with respect to COVID-19. So,
20 definitely, the biggest concern that we have heard and
21 continue to hear is the Catch 22 that they find themselves
22 in with respect to their jobs. Should they -- with respect
23 to their jobs as essential workers, you know, should they
24 put themselves or others at risk of contracting COVID-19 or
25 put food on the table for their own families?

1 What this has demonstrated to us is that workers
2 continue to, simply, not feel or believe that their
3 employer is doing everything it can to ensure they can work
4 as safely as possible. This has been true since the
5 beginning of the pandemic and continues to be the case and
6 with respect to all of the workers that call our -- all of
7 the farmworkers that call our office.


8 Employers in all the areas that we serve have
9 failed to do a variety of things, some of which have
10 already been discussed that I won't repeat, but just very
11 briefly -- that I won't repeat in great detail but I'll
12 just briefly overview.


13 Establishing and following social distance
14 measures, especially in the packing and meat processing
15 industries, we still continue to hear of a lot of workers
16 in these industries that continue to work shoulder to
17 shoulder with very little or no personal protective
18 equipment or equipment used to protect others as the PPE --
19 it's commonly, as all you know, referred to as PPE but it
20 doesn't actually protect the wearer, it protects the other
21 individuals.

22 And that also applies to people in packing
23 houses, so a variety of packing industries, we've also
24 heard a lot. We continue to hear complaints from workers
25 there, the provision of equipment.

1 Encouraging employees to stay home if they feel
2 sick or if someone in their home is suspected of having
3 COVID, this isn't really something that a lot of the
4 workers that we've discussed -- that we've been in contact
5 with have heard from their employer which we feel is very
6 important as reassurance that if they were to take sick
7 leave, right, they're going to have their job back.
8 They're going to be able to return to work once they are
9 well enough to return.

10 Also, you know, practical and necessary
11 distancing measures, like staggering meal and lunch breaks,
12 staggering start shift times, providing more hand-washing
13 facilities, these things are not being done.

14 Critically providing this information in
15 languages our clients speak, including Mexican indigenous
16 languages, such as (indiscernible  and Mixteco.

17 So those are some of the things that we continue
18 to hear from workers, that they're  employers are not
19 implementing or following.

20 And then, of course, the second part of that is
21 that if they do fall ill or suspect that they are ill or
22 somebody in their household is ill or is suspected of being
23 ill, there's a lot of fear that they'll lose their jobs,
24 they wouldn't be able to go back to work because of
25 retaliation that they fear or have actually experienced


1 from their employer.

2 Something that has been touched on already
3 briefly that we've also been hearing about is the issue of
4 H-2A workers. Their entire work and home situation is
5 provided by the employer, so there's really great
6 opportunity there for the spread of COVID-19 amongst people
7 that are being transported in the same vehicle or that are
8 housed together in the same hotel or other such close
9 quarters.

10 As I believe all of you are aware, that I'm not
11 sure has been discussed yet, is the higher instances of
12 COVID-19 that are now being found in the Latino community
13 in a larger proportion than their proportion of the
14 population. People are starting to kind of theorize about
15 the reasoning for that. You know, we posit that it's, you
16 know, a significant proportion of the front line. Low-wage
17 work, right, has continued despite the pandemic, including
18 agriculture and production work, is comprised of the Latino
19 community, the Latino immigrant community.

20 So for us, really, we've been working to help
21 employers -- excuse me, to help employees kind of address
22 the health and safety concerns that they have in the
23 workplace for many years. And so before COVID, we saw many
24 instances of the failure to provide, you know, water,
25 shade, hand-washing facilities and so, you know, we

1 wouldn't expect that to be any different in the COVID-19
2 world that we live in now.

3 There were a couple of kind of questions that
4 were suggested to us. I won't take up as much time on that
5 but I do think it is helpful to know sort of what CRLA is
6 doing because in a  of areas we are the only or one of
7 the very few legal service providers in, you know, many
8 parts of California where a lot of farmworkers live. So
9 we've really had to shift from the pre-COVID legal needs to
10 the post-COVID legal needs. There's a lot of similarities
11 but there has been sort of heightened or sort of, kind of,
12 more specific kind of knowledge and legal issues that we've
13 had to tackle.

14 So, you know, a large one, of course, is the
15 moratorium that's going to expire on evictions this Friday.
16 We expect a huge flood of such cases and such legal need to
17 happen after people can once again be evicted.

18 A lot of our clients, of course, also have
19 education needs for their children. A lot of parents are
20 struggling, especially if they don't speak English,
21 especially if English is their second language, with
22 setting up, you know, setting up an environment in their
23 home where their child can learn remotely. Even as, you
24 know, basic as not having a stable internet; right?

25 And then, of course, then there's the secondary

1 issue of having to work through lesson plans and sort of
2 other, you know, kind of information that their child is
3 supposed to obtain when the parents themselves may not have
4 that skill set.

5 And then, of course, there's also children with
6 special needs, right, that may be having a lot of
7 difficulty being out of school and the without additional
8 resources that are provided at school through special
9 education programs.

10 In terms of employment, a lot of people -- and
11 something that we've pivoted to that we -- a lot of offices
12 have been doing unemployment insurance assistance with
13 claims but now a lot more offices throughout the state are
14 doing that given the high need that there is with so many
15 people who are laid off. Being able to access unemployment
16 insurance, as well as kind of obtaining information on what
17 their rates are in the workplace with either the federal
18 extended sick leave, the California sick leave, the sort of
19 extended sick leave for employers above 500, that was
20 provided by Governor Newsom for workers who work in the
21 food context.

22 And then, finally, in health, of course, there's
23 a lot of concern from people about how to seek medical
24 treatment, where to obtain it once they -- if they are
25 infected or if they believe that they're infected. We have

1 struggled a lot, actually, with being able to connect
2 workers and other client communities with healthcare
3 centers in terms of getting tested. That's something that
4 I've heard other panelists address. That's still a huge
5 need, especially in the rural parts of the state. There's
6 still a lot of people that are struggling just to figure
7 out where to get tested. And then, of course, then there's
8 the two weeks that you have to wait to even get the
9 results.

10 And in the meantime you're supposed to self-
11 isolate. But for a lot of families that's very hard
12 because they don't have, you know, savings, et cetera, or
13 if they're not able to access unemployment if they're not
14 eligible for unemployment insurance, that's also another
15 concern for families.

16 So what we've done, like I said before, is we've
17 pivoted to kind of addressing a lot of these legal needs
18 that we were already doing but it's kind of an emphasis on
19 that, as well as continuing to deal with the prior legal
20 needs, right, that all of our client community served --
21 that all of our client communities had prior to COVID.
22 It's definitely increased the amount of legal needs that
23 people have.

24 And we continue to do our best, despite working
25 from home, all of us are working from home, but we continue

1 to provide legal services to clients.

2 So, you know, to the extent that anybody has any
3 need to, you know -- or any -- I'm always trying to put a
4 plug in for referrals to our office, to our offices
5 statewide.

6 And then, finally, in terms of resources to
7 address the needs, it's definitely, definitely, definition
8 enforcement, enforcement by a variety of agencies of a
9 variety of protocols and recommendations. We have, you
10 know, worked with Cal/OSHA. We've worked with local county
11 Ag Commissioners. We've worked with local Public Health
12 Departments.

13 The Monterey County, sort of, Coalition with
14 growers and, you know, CRLA, organizations like CRLA and,
15 you know, Cal/OSHA and the Public Health Department, that's
16 definitely a model. Just -- I mean, nothing is perfect, of
17 course. I know that there's been concerns raised about the
18 issues that advocates there have had. But it's definitely,
19 to my knowledge, one of the very few, if not the only one
20 in the state, that kind of has that coalition work that
21 they're doing. So it's definitely something that I would
22 want to see in other counties because a lot of other
23 counties are simply struggling to give that -- give the
24 necessary information out right to the community.

25 There's not a lot of transparency or clarity on

1 what protocols local county Health Departments are taking
2 to ensure that, you know, we contain the spread of COVID-19
3 if possible, so, you know, contact tracing, as well as
4 gathering information by occupation. To my understanding,
5 that is still something that a lot of Public Health
6 Departments are struggling with, which is critical, to
7 really kind of, you know, making sure that we try to
8 contain it to the extent possible.

9 But also, of course, the work that we do with
10 Cal/OSHA, you know, the complaints that are filed, the
11 follow through, that's definitely something that is
12 critical to addressing some of the concerns that our client
13 communities have had.

14 And then, finally, of course, is the retaliation
15 piece, so that's where some of the other agencies come in,
16 in terms of enforcing those rights, not just state -- on
17 the state level but also on the federal level.

18 So I won't take up any more time. Thank you so
19 much for inviting me. And if I could answer any questions,
20 I'd be happy to.

21 CHAIR HASSAD: Thank you so much, Estella. I
22 know some of our -- the other panelists also have time
23 commitments. So we're going to hear each of the panelists,
24 then open it up for questions from Board Members, as well
25 as the public comment.

1 I'll note, I'm seeing some questions in the chat
2 for public comment. And I ask that when we do open it up
3 for public comment and questions at the end, that you
4 reiterate those questions verbally over the Zoom for those
5 that have asked questions in the chat that have not spoken
6 up yet.

7 And I am seeing some questions about whether this
8 recording will be shared? We are trying to do that. We
9 also are trying to share the recording from the last
10 meeting and had some technical challenges but we are
11 working on doing that and we'll share more information once
12 we're able to get that going.

13 So with that, thank you, Estella. Please hold on
14 because I do have some questions.

15 Irene, I know you had a timing issue, so maybe
16 you can go next?

17 MS. DE BARRAICUA: Hi. Yes, I can go next.
18 Thank you.

19 CHAIR HASSAD: Sorry. Sorry to interrupt or talk
20 over you. If you have a presentation that you'd like to
21 share, please hit share screen on your screen for that.

22 You can go ahead, Irene.

23 MS. DE BARRAICUA: All right, let's see here.
24 Thank you. Do you -- okay, let me present. Do you see?
25 Yes; right?

1 CHAIR HASSAD: I saw and now it looks like it's
2 loading, so --

3 MS. DE BARRAICUA: Okay.

4 CHAIR HASSAD: -- we'll just give it a moment.

5 MS. DE BARRAICUA: So I'll just start with my
6 name is Irene, or Irene. I'm with Lideres Campesinas. I'm
7 the Public Relations Communications Manager. During this
8 time of COVID-19, I've sort of been overseeing our work
9 statewide in response to COVID-19 in relation to the
10 farmworkers.

11 Lideres Campesinas, as you see here, the mission
12 is to strengthen the leadership of farmworker women and
13 youth so that they can be agents of economic, social, and
14 political change and ensure their human rights. This
15 hasn't proven to be -- I mean, this has proven to be
16 extremely true and approachable during this time of a
17 pandemic and a crisis. This strong network of women
18 farmworker leaders is really the backbone of the work that
19 we do.

20 And so this is a statewide movement. We have
21 chapters as far south as Coachella and up north to
22 Sonoma/Napa and all in between. And right now, during
23 COVID-19, our response has really been just really
24 uplifting the voices, right, the stories, the testimonies
25 of women and families throughout the state.

1 And thank you to the leadership of our Executive
2 Director, Suguet Lopez, who really stressed the importance
3 early on in March, when we didn't really know how serious
4 the pandemic was, to all of us, as a team, make sure that
5 we were well informed and in touch with our local Health
6 Departments. And it happened to be that we were in a staff
7 meeting in Ventura and the meeting almost became about the
8 topic of COVID-19 and none of us were expecting this. So
9 we did take part in the county town hall for the County
10 Department of Health. And so I really appreciated her
11 leadership in that sense of making sure we were all in tune
12 with what was happening.

13 And I'm trying to change the slide here and I
14 don't know why it won't. Okay.

15 And so some of the issues that Lideres Campesinas
16 already has focused on throughout the years. Lideres has
17 been around for 30 years. It started in the Coachella
18 Valley. And some of the issues that we focus on is
19 environmental factors, labor conditions, violence against
20 women and children, civic engagement and much more. And so
21 we were very, very busy with over 20 programs.

22 So already, you know, nonprofits like ours
23 already are taking a huge toll in just doing outreach to
24 the communities, to the rural communities, and this is pre-
25 COVID, of course. So we were working hard with the Census,

1 right, making sure people are counted and seeing the
2 importance of being counted. Also very focused on
3 pesticide and exposure and the different dangers in the
4 workplace. And just doing sort of outreach focused on all
5 of these different issues.

6 So that's sort of what Lideres Campesinas has
7 been doing over the years. Somebody mentioned some of the
8 work. We're always doing outreach in the fields. We have
9 here -- you know, giving out calendars regarding poison
10 control and how to protect the families and the children,
11 and how to protect oneself when working out in the fields,
12 so we're very focused on prevention.

13 Doing a lot of civic engagement with local county
14 supervisors, city officials and, of course, just one of the
15 main things is uplifting the voices of women. And during
16 this pandemic, we have seen that this has been very
17 important. Getting a lot of calls from media. It's been
18 neat to see the media really kind of show this interest and
19 seeing a rising consciousness of wanting to learn what
20 farmworkers are going through. And so we've really been
21 able to help in that sense.

22 Some of you who saw the documentary of FRONTLINE,
23 Cinthia is a member of Lideres Campesinas. So it's not
24 very easy to just go out, you know, due to the longstanding
25 issues that exist, it's not very easy to just go out and


1 get someone to share their intimate, very, you know,
2 vulnerable stories. And that's one thing that Lideres has
3 been effective with. And we really appreciate those
4 members that are working hard in the fields and, yet,
5 responding to requests to be in stories, such as that, and
6 divulging their personal life. That's the only way,
7 really, that we are going to accomplish the systems change
8 that we're looking for here.

9 So some of the changes that have occurred has
10 been the cancellation of (indiscernible), I say it better
11 in Spanish, but this is -- we have taken part in
12 workgroups. It was very neat to see the roundtables that
13 occurred and seeing these different entities, like ag
14 representatives, advocates all at the same table. That was
15 fairly new. And now we're seeing it more during COVID-19.
16 But definitely seeing that it's important to protect all of
17 our families, all of our communities, from environmental
18 factors such as pesticide exposure, contaminated water.

19 So these are all general issues that we have
20 already been very busy, you know, on the front lines. Then
21 came COVID-19, so we've been very, very, very, very busy.

22 So we came up with -- obviously, after being
23 deemed essential by the Department of Homeland Security, we
24 wrote a letter to the Governor just, you know, kind of
25 expressing all of the concerns. We were very overwhelmed

1 getting phone calls, getting different testimonies from
2 people, so we decided to write these down. And then we
3 decided to record them.

4 And so, accompanied with our letter to the
5 Governor, we did share, also, recorded testimonies. We
6 know that with the Cough  (phonetic) Study, we've been able
7 to gather some concrete data, right, numbers. However,
8 like many have mentioned here, these are things that we
9 already have known exist. Nobody knew we were going to
10 face a pandemic.

11 But one of our major points that we're making,
12 and we sort of, you know, started by really using the
13 hashtag, "always essential," is that farmworkers need to be
14 treated as such. They've always been essential. Our
15 economy of California, \$50 billion in revenue. Thank you
16 to the farmworkers. So the welfare of our state is thanks
17 to the agricultural workers that are not being granted the
18 same essential human rights.

19 So that's some of the things that we expressed.
20 And being an organization made up of women, we decided we
21 would also dedicate our letter to the First Partner,
22 Jennifer Newsom.

23 And so some of our concerns that we continue of
24 focus on today is inadequate health education in the fields
25 and, also, inaccessibility to healthcare. We were seeing

1 that early on. It was the (speaking Spanish), which are
2 the supervisors, being given -- you know, giving these
3 orientations out. And nobody, not even us as, you know,
4 community organizers that were learning what COVID-19 was,
5 we weren't even equipped to do this kind of education.

6 So we identified very early that we need the
7 right people kind of going out to the fields, especially
8 with the vulnerable population that never has that one-on-
9 one interaction with healthcare professionals. And these
10 are people who, as we know, have preexisting undiagnosed
11 conditions already. And so building that trust with
12 healthcare professionals has been our number one goal. And
13 so we were very grateful to be able to collaborate with
14 specific volunteer doctors in our different areas where our
15 chapters exist.

16 And so these were some of the concerns. Some, of
17 course, you know, have sort of calmed down a bit, like the
18 lack of food. We know, like organizations like UFW, which
19 we have really been able to help and volunteer there in
20 getting the food out in small towns, like Greenfield and
21 different other areas, and Lamont, I believe Kern County
22 and Ventura. So a lot of this has really helped, when we
23 wrote a letter and many others wrote letters, was getting
24 on that same page and seeing who was going to be helping in
25 what areas; right? Because we all can't do anything.

1 And so here's just a YouTube that's in our
2 YouTube Channel. It's the voices of the farmworkers, very
3 powerful, powerful statements, and we have many more.

4 So here are some of the images of the PPE
5 distribution that, you know, we, like has been recognized,
6 many -- the state did not have access to PPE, to masks,
7 facial coverings. So we got a lot of donations. We ended
8 up distributing over 140,000 masks. And so this is some of
9 the work. We have here Sonoma County, Ventura, Fresno,
10 different areas where PPE has been distributed. And this
11 was a collective work, really, because also we have our own
12 stay-at-home regulations. So a lot of the times it was the
13 farmworkers themselves working with us; right? And they
14 are farmworker leaders as well. So they would go out and
15 give this PPE.

16 So it's very neat, like when we say about
17 engagement, it's really about them also going and taking
18 all of this to the field and recognizing that they are
19 making this effort, and for employers to embrace that and
20 to recognize it and to reward them if that's possible.

21 Here's some of the work we've also been doing is
22 Take It To The Field is another initiative really promoting
23 for healthcare professionals to go to the fields. We have
24 here Clinica Sierra Vista in Kern County that goes out.
25 Lideres Campesinas has helped to coordinate the visits

1 because a lot of times that's difficult. The first team
2 that we worked with here, down below on the left, is the
3 Backpack Medicine Team in Ventura.

4 So we really praise these, you know, essential
5 frontline workers healthcare professionals that knew the
6 importance of going out to the fields and actually have one
7 personal interaction with a doctor so that people would
8 know when is -- we also didn't want to overwhelm the
9 testing when there was rarely -- you know, there wasn't too
10 much testing available. So it was also letting them know
11 when to go test, right, and that they're not going to go
12 into debt.

13 Here in the middle we have the example of the
14 Monterey version done by Natividad Hospital. It's called
15 the Chadla (phonetic) Program. So there's different
16 versions; right? What we really would love is for there to
17 be an executive action to say, if you're an agricultural
18 employer, please, accept, if you are approached or you have
19 this available in your area, to use -- make use of this.
20 Because what's happening is people are -- agricultural
21 employers are not -- haven't been very easy to accept these
22 things. I think now that things have sort of progressed
23 and gotten worse they see the use in it.

24 But it would be nice to just have an amplified
25 message that if you have doctors in your area -- like over

1 here, top right is Coachella Valley, bottom right is Santa
2 Maria, and so these are our doctors ready and available to
3 go to fields. And this should be something that now it is
4 required to have an implement -- a prevention program. And
5 Cal/OSHA, we know that Cal/OSHA has been stressing that
6 lately, so this helps. This counts, I mean, for employers
7 if they do invite the doctors.

8 So these are some of the programs. And we do
9 really appreciate Ventura County now has -- we consider
10 this a systems change, right, Cultivating Health in
11 Agricultural. Now it's become an actual program by Ventura
12 County. And, to me, is thank you to the Backpack Medicine
13 Team who just took that initiative and went out there.

14 And we have the -- ourselves, also, Lideres
15 Campesinas, we just did an MOU with the County Department
16 of Health in Ventura. And that's to go out to the housing
17 complexes of South Oxnard and do outreach regarding COVID-
18 19.

19 Some of the other work, you know just us as a
20 small organization that is statewide, but we still are
21 small in considering our capacity, we've been breaking
22 these barriers (indiscernible) cultural in employers. So
23 something that we really have appreciated is the Ag
24 Commissioners who have taken the initiative to create an
25 agricultural advisory and to work with community groups,

1 such as Lideres Campesinas, MICOP, CAUSE, and others, and
2 ALRB has been and CRLA are involved in these conversations.
3 They're sitting here at the table creating a COVID-19
4 agricultural advisory.

5 So some are a little more intentional than others
6 when it comes to this collaboration. And that would be one
7 of the critiques I may have. You know, if we compare the
8 advisory of Ventura to county, there really needs to be
9 that intentionality of working with advocate groups.

10 And Kern County just also made their ag advisory.
11 And so at the bottom of these ag advisories you will see
12 resources. And I love how he put UFW, the Dolores Huerta
13 Foundation, so you'll see the differences; right? So I
14 think that the goal here is to create these ag advisories
15 throughout the state. Sonoma County is also working on
16 one.

17 And so, yeah, that's some of the work that we're
18 doing. We're also working in these coalitions that were
19 spoken of in Monterey, Ventura, Sonoma. Santa Barbara has
20 an incredible coalition. And these are a mix of healthcare
21 professionals, attorneys, Department of Health, and
22 advocates. And so I think it's very important to create
23 these sort of statewide coalitions and all of us be in
24 sync.

25 And thank you again for all of you for letting me

1 speak today. Thank you.

2 CHAIR HASSAD: Thank you so much, Irene, for all
3 the work that you're doing and for also giving this
4 presentation. It was very informative. I know you have to
5 go in a little bit so I don't know if we'll get a chance to
6 ask you some additional questions but just thank you for
7 all of your work, really appreciate it.

8 Next can we hear from Arcenio Lopez from MICOP?

9 MR. LOPEZ: Hi. I would like to share my screen
10 if it's possible?

11 CHAIR HASSAD: Okay. I think you can do that
12 now.

13 MR. LOPEZ: Thank you. (Speaking Spanish.)

14 (Mr. Lopez's presentation in Spanish was not
15 transcribed.)

16 CHAIR HASSAD: Thank you so much, Arcenio.
17 Really appreciate your comments and the information that
18 you're sharing and, also, all the work that your
19 organization is doing to help provide services to
20 farmworkers, as well as inform local and state governments
21 about ways to improve those services.

22 I do have some question. And I'm sure some of my
23 colleagues do too. We are going to go on. If you do -- if
24 you're able to stay on a little bit, we are going to go on
25 to our next panelist, Oralia, and then we'll open it up for

1 public comment and questions as well, so thank you.

2 Oralia, are you ready?

3 MS. MACEDA: (Speaking Spanish.)

4 (Ms. Maceda's response in Spanish was not
5 transcribed.)

6 CHAIR HASSAD: Thank you so much, Oralia, for all
7 of that. That was a lot of information. I have a couple
8 of questions. And I'm sure some of my colleagues do too.

9 I also want to thank our interpreter, who has
10 been working this whole time. And just thank you so much,
11 Catherine, for all your hard work.

12 I do have a couple of questions, actually, for
13 all the panelists on this panel. And, actually, this may
14 be relevant for some of our labor panelists too.

15 One of the questions that I had, open to any of
16 our panelists here, is about contact tracing. I know
17 that's been an issue just in terms of having enough local
18 resources to actually reach out to people. But then the
19 bigger part, I think, for my question is building the trust
20 with farmworker populations in order to respond.

21 Have you seen any successful messages in terms of
22 making farmworkers feel safe sharing this information? Are
23 there any pieces of information that you tell farmworkers,
24 like a contact tracer will never ask you for your status or
25 never ask you for your social security number or anything

1 like that, that you can share? And that's open for
2 anybody.

3 MR. LOPEZ: I think we do recognize that it's
4 always a challenge with trust with farmworkers. I think I
5 want to touch a little bit on at least what we are seeing.

6 So I think there's a lot of, how do you say,
7 stigma right now that's a feature of this COVID-19 when you
8 are positive because it's still unknown. And so it's fears
9 to how you're going to be seen by your friends, your family
10 or, you know, your workers, other coworkers. So what we
11 are seeing is that farmworkers, they don't want to come
12 forward when they are being positive.

13 They are coming to our organization but very in a
14 confidential way and we need to respect that. And that
15 makes it even harder, you know, for -- I think what we are
16 seeing is those farmworkers, that they, somehow, they
17 already have trust with our organization and they get
18 positive and they come and they say it. But we know there
19 is a lot more there where our people are not coming forward
20 because of their known COVID-19 positive.

21 In Santa Maria, what we've been hearing in the
22 dialogues is that when a farmworker is positive and they
23 are being -- taking time off from work but they are not
24 having severe symptoms, they'll start looking for another
25 job in a different, you know, field or with a different

1 company. Because what we are assuming is that is because
2 there is not really a real, I don't know if it's
3 conversation or awareness of what, really, it means on the
4 COVID-19 being a virus. And it's not that you are not
5 having severe symptoms, it just means that by passing this
6 to other coworkers that might have a preexisting health
7 condition, that it will be the same with that worker. That
8 other worker might be putting their lives at risk.


9 So what I saw, like three weeks when I was in
10 Santa Maria, is that the workers just go in any clinic or
11 hospital, they give their result positive and say you are
12 positive. And I think there is the lack of interpretation
13 always is a challenge with language and both, as is in the
14 work site, as well as in the -- by the health providers.
15 And it makes it pretty hard to, you know, track these
16 positive cases.

17 I will just stop there.

18 CHAIR HASSAD: Based -- just a quick follow up,
19 based on your experiences, are you finding that those --
20 that even the workers that are -- maybe do not have severe
21 symptoms, are they trying to get paid sick leave or are
22 they even asking for that?

23 MR. LOPEZ: As Oralia stated, I think this thing
24 about public charge is a big deal in our communities. Our
25 people, many are asking for support, even if it's financial

1 support. But we know that a lot of people are coming
2 forward saying I don't want to ask this because I don't
3 want this to be a problem in the future.

4 I think what you hear in the media in general is
5 that like public charge. And now this is a new thing.
6 It's not going to affect yourself. But I think it's just
7 too late. I think our people already perceive the message
8 and now they're afraid. So when it comes to the 80 hours
9 of sick days, there's many factors there. People are
10 afraid, maybe, because of getting represalias  you know, to
11 be fired by the companies. They are -- we've been seeing
12 this, that the companies will say, you're positive, okay,
13 just take your time off, we're going to pay you. And when
14 they're trying to come back there is no more work for them.
15 People, they don't want to put themselves in that position.
16 Or people, they don't want to ask the 80 hours because they
17 seen it as it can be, potentially, a public charge.

18 So that's a big problem that we see there but I
19 will let others comment.


20 MS. DE BARRAICUA: I think, also, in many places,
21 even, you know, Santa Maria, Yolo County, there's been that
22 fear of coworkers knowing -- or workers that turn out
23 positive fear telling their coworkers because they know
24 that the work may be ended. Some employers are stopping
25 the work just to be safe or, also, maybe to avoid paying

1 the sick time, so it's safer to just stop them all for two
2 weeks. And so other workers, you know, they don't want
3 that to be blamed on them, that others can't, obviously,
4 have a job, right, and survive? Yeah, so I've heard that a
5 lot.

6 But in terms of the contact tracing, I did want
7 to say that we really do advocate for community-based
8 contact tracing. And just some of those barriers is,
9 obviously, the requirements, right, citizenship being one
10 of them in order to work directly with the Health
11 Department. But, hopefully, some of these barriers can
12 sort of be worked through by contracting out with the
13 organizations themselves.

14 But, of course, that's another barrier is that we
15 need a pathway to citizenship. Because, especially during
16 a crisis, we know that the ones that are going to really
17 help stop this spread are people within the communities.
18 And so that's why we really advocate for community-based
19 contact tracing.

20 So that's a really good question.

21 CHAIR HASSAD: I just want to make sure I'm
22 understand  what you're saying, Irene, too, is that the --

23 MS. MACEDA: (Speaking Spanish.)

24 (Ms. Maceda's response in Spanish was not
25 transcribed.)

1 CHAIR HASSAD: Very appreciated.

2 And, Irene, one question I had for you was, so
3 are you hearing that in order to be a contact tracer one
4 must be a citizen? Was that -- am I correct in
5 understanding that's what you were saying?

6 MS. DE BARRAICUA: Yes. Uh-huh. It's one of the
7 requirements because they did -- you know, they opened up
8 the job to furloughed county employees. And so in these
9 coalitions that I'm a part of that's kind of the first
10 question I would ask. When this, the idea of community-
11 based contact tracing, came to us a couple, a few months
12 ago, right, and so it was all a learning process. But
13 that's -- well, the first question was what is the job
14 description? And so it was county furloughed employees.
15 Definitely, you know, specific -- I don't know what the
16 specific degrees are but it is, I believe, college perhaps.
17 And then speaking English. And at that time, I think they
18 were actually furloughed employees.

19 I was looking here, just because of the question
20 you asked, there has been a good kind of model that was
21 used in the Mission District in San Francisco with
22 community-based contact tracing. It's not farmworkers.
23 But also in Florida, I've read of some -- not just with
24 contact tracing but really getting people out to do the
25 testing. And these were community-based organizations but

1 they were also working towards community-based contact
2 tracing.

3 But, yeah, citizenship is definitely a
4 requirement in order to do the one that's through directly
5 with the Public Health Department. But I think like Oralia
6 said, some things are being worked out. There's also a big
7 project, hopefully, coming about with UC Davis with
8 working -- partnered with doctors, researchers and
9 community-based organizations. And it's to get rapid
10 testing to farmworkers in rural areas, as well as
11 community-based contact tracing.


12 I know Sonoma County also has a great RFP that's
13 a holistic approach to wraparound services in response to
14 COVID-19. And we also shared an action plan for community-
15 based contact tracing that, hopefully, this RFP will lay
16 the groundwork for that.

17 So it's in process it's just not happening yet
18 everywhere from what I know of. Thank you, though, for the
19 question.

20 CHAIR HASSAD: Very informative. Thank you all
21 for your feedback.

22 I have other questions but I want to open up the
23 floor to my colleagues. Do any of my fellow Board Members
24 have any comments or questions for either this panel or the
25 employer panel?

1 BOARD MEMBER FLORES: I have a question on the
2 public charge issue. So I understand the idea or the
3 public charge being a barrier for folks to access the 80
4 hours paid leave. I was just wondering, are there any
5 efforts to work with maybe community-based legal
6 organizations or what kinds of efforts are being made to
7 educate folks that, in fact, the 80-hour paid leave will
8 not count against them for public charge purposes?

9 BOARD MEMBER LIGHTSTONE  In our case, as an
10 organization, you know, we are an organization who we have
11 20 different programs. So one of our programs is
12 immigration legal services that we do provide, as well as
13 outreach and education about immigrants rights.

14 So when it comes to like individuals who reach
15 out to us asking those specific questions is, for us, we
16 just do a referral to our staff and say, can you take this
17 case and meet or call -- I mean, call the person and just
18 explain where we are with this public charge?

19 And the second thing that we do is that we
20 develop PSAs or, you know, Facebook Live, or we provide
21 this information.

22 I think, again, it's just the community is pretty
23 big, it's large. There are some people that they are
24 getting information from -- through other kind of media.
25 And there's a lot to (speaking Spanish), like little, you

1 know, breakdowns, oh, what does that mean, public charge?
2 Because it's just -- it's pretty -- especially for the
3 Spanish medias, when it comes to like public charge and
4 just talking about this super high language register, it's
5 pretty hard for our community to absorb that and say, like
6 what does this mean? If it means that, you know, now I'm
7 going to be -- you know, in the future, it's going to
8 impact me or not. So they need that extra help.

9 And that's where I strongly support what Oralia
10 keeps saying. When it comes to our communities, you know,
11 we need to be able to create kind of like programs that
12 it's community, by communities of people, by communities,
13 train our people from our communities and build this model
14 that exists there. You know, it's the models of (speaking
15 Spanish), models of community outreach workers, people who
16 speak the language and train those communities to pass out
17 those informations.

18 And I think that's still a big problem, like
19 language access in general, it's a big, huge problem still.
20 There's a lot that is being done to train at the work
21 sites, you know, to provide trainings. But if trainings
22 are not being the language that the farmworkers speak it's
23 worthless.

24 You know, you can keep doing these trainings but
25 if you -- that's one thing, you can keep training the

1 supervisors and have them bring this up but there is still
2 a lot of issues about discrimination and racism within our
3 own farmworker communities. So often, if you have a
4 supervisor or a crew leader who is a Spanish-only speaker
5 person and you have like the rest of the workers are, you
6 know, Mixtecos, Zapotecos, Trique speakers, you know,
7 discrimination and racism can play a crucial role there.
8 So you're training a person that might be having a
9 difficult time to provide this information to the
10 indigenous speaker workers.

11 So there's a lot of factors. But I think if I
12 can contribute something a little bit more it's just that
13 trust has been built through the language that you speak
14 and with people that speak the same language. And that's
15 been lacking in our system.

16 BOARD MEMBER FLORES: Thank you. And then I had
17 another question for Oralia specifically.

18 You mentioned, you know, some of the farmworker
19 populations that you and your organization work with
20 directly don't have access or just rely on a basic kind of
21 phone feature. I know in this COVID time that we're living
22 a lot of us have relied on remote platforms, whether it be
23 apps or whether it be Facebook or a website.

24 You specifically mentioned WhatsApp. And just,
25 maybe anecdotally, if you could let us know how effective

1 you think WhatsApp is at communicating to folks and by just
2 your participation in the survey whereby, I believe, it was
3 like almost like a third of the respondents came from your
4 organization, it seems that it is fairly effective. So I
5 just wanted to see what your thoughts were on that.

6 MS. MACEDA: (Speaking Spanish.)

7 (Ms. Maceda's response in Spanish was not
8 transcribed.)

9 BOARD MEMBER FLORES: Thank you.

10 CHAIR HASSAD: Do any of the other Board Members
11 have comments or questions?

12 BOARD MEMBER BROAD: I have a question.

13 CHAIR HASSAD: Go ahead, Barry.

14 BOARD MEMBER BROAD: I don't know if any of the
15 employer representatives are still here but if they're not,
16 because this would be best answered by them, but somebody
17 else could comment too.

18 My question is, you know, a mask -- not all masks
19 are created equal. And, obviously, N95 masks are the most
20 effective. And bandanas, I just read this morning,
21 although they kind of look cool, they are completely
22 ineffective.

23 And so the question I have is what kind of masks
24 are employers getting? And how do they make these
25 decisions? And is there any circumstance in which they're

1 supplying workers with N95 masks, especially if they work
2 in conditions, like field agriculture, where sometimes
3 people work much closer than six feet from one another, or
4 in packing sheds to other places? So that's my question.

5 CHAIR HASSAD: I don't know if we have the
6 employer reps on. But if anyone else wants to answer that,
7 that would be great.

8 MS. CISNEROS: This is Estella. I can answer
9 based on what we've seen.

10 We've seen the disposable masks that some
11 employers have been obtaining from local county Ag
12 Commissioners. We're also seen cloth masks.

13 In terms of N95 masks or respirators, we haven't
14 seen a lot of those yet. It may be due to supply, unless
15 they were already being provided by the employer based on
16 the occupation or, for example, like pesticide sprayers may
17 already have access to those.

18 So that's what we've seen in terms of the masks
19 that are being provided by employers to employees.

20 BOARD MEMBER BROAD: Thank you.


21 MR. LOPEZ: I would just say that's the same that
22 has been our experience. Disposable masks, not that many
23 N95 masks.

24 The other reality is that a lot of the employees
25 are not getting the equipment that they need. I mean,

1 that's another kind of like -- we're coming back to this
2 recommendation that needs more enforcement there.

3 So maybe this is sort of out of the box but one
4 of the things, like, for example, the clean restrooms and
5 issues and, you know, water, enough water, and water to be
6 closer to employees so they can wash their hands
7 constantly, that only gets improved when, you know, there
8 is reports from workers, when Cal/OSHA or, you know, an
9 agency actually do a visit to the fields.

10 But what we have seen is that Cal/OSHA will
11 notify the company before getting in the company. So, of
12 course, when you get there it's -- you see everything looks
13 perfectly, you know, as it's supposed to be because there
14 was a previous warning that there was some site inspection.
15 We see an issue with that. It should be like surprise
16 visits. And I know there's some -- there is some work that
17 needs to be done there.

18 The second thing I think it's -- that we are
19 working locally is working with public health directors.
20 There are some level  of enforcement that can be done to the
21 county level, especially now during the pandemic times.
22 But often what we kept hearing is that there's some state
23 agencies who are responsible or this is a state who needs
24 to reinforce this. But I think at the county level, it's
25 something that can be done. So that's another work that

1 we, as CBOs, are constantly, you know, pushing and
2 advocating for.

3 MS. CISNEROS: And if I could just very quickly
4 add to what Arcenio is saying?

5 So we have struggled with having Cal/OSHA go out
6 to do field enforcement related to COVID-19 complaints that
7 we've had that workers have filed with us. And so, you
8 know, that's one thing that we're trying to work through.

9 Another thing is, as well, that we've also filed
10 complaints with local Public Health Departments that are
11 doing some sort of enforcement, have struggled with that.

12 So those are like two sort of opportune, right,
13 sort of enforcement measure, right, that we have struggled
14 to kind of see to fruition or sort of see anything kind of
15 actually trickle down to, you know, changing a workforce or
16 at least a local place.

17 And then the other thing that I was just going to
18 mention is that in some counties it seems like, for
19 whatever strange reason, the agencies, state agencies,
20 aren't even working together, so Cal/OSHA isn't working
21 with the Public Health Departments, which seems strange to
22 me.

23 So it kind of just even goes back like the basics
24 of, you know, agencies, different agencies talking to each
25 other on an issue that very naturally, you know, they're

1 aligned. So that's a part of what we've been seeing as
2 well.

3 CHAIR HASSAD: Thank you. I do just want to
4 touch on that. And, also, this came up with Arcenio with
5 your presentation as well. There's certainly more
6 improvement needed in terms of coordination across state
7 and, probably, local governments as well.

8 One thing I want to highlight is Secretary Julie
9 Su has really emphasized and put forward an initiative, and
10 that is some of what the budget positions that the General
11 Counsel announced at the meeting are going towards, to
12 improve coordination particularly with Cal/OSHA, the Labor
13 Commissioners Office, and us, the ALRB, directly serving
14 farmworkers, obviously, given our jurisdiction. And so we
15 are working on hiring people to do kind of generalized
16 outreach efforts.

17 We understand -- you know, the Secretary always
18 says, "People don't know where we draw our lines." And we
19 know that workers' time is valuable, plus they may be
20 scared to come forward. And so when a worker reaches out
21 to any one of us, we should be able to assist them, even if
22 it's not something within our jurisdiction. We can't
23 enforce that, we can't enforce the Cal/OSHA regulations,
24 but we can give -- really help that worker, get them to
25 Cal/OSHA, improve our general referral system, and make

1 sure that that is followed up on. It's still in the
2 beginning stages. There's still work to be done. But I do
3 want to acknowledge that we definitely are aware that that
4 is a real issue and a problem and one that we're working on
5 improving. And it's something that is really being
6 supported from the very top.

7 And so, again, really grateful that Governor
8 Newsom prioritized that in his budget because agreed that
9 was something that we need to keep doing. So hopefully
10 you'll see the fruits of that, those efforts, soon. We are
11 working to fast track that, particularly with COVID-19.

12 Any other comments or questions from my
13 colleagues?

14 BOARD MEMBER LIGHTSTONE: Ralph here. A real
15 quick couple of items. One is a follow-up on the WhatsApp
16 discussion that we just had.

17 I think that the General Counsel's Office, the
18 information we put out is we use our webpage and we use
19 Facebook. I'm seeing General Counsel nod. If we should be
20 using WhatsApp or some other mechanism to reach people that
21 don't have smart phones, I think it would be good to get
22 recommendations from you all about what we should use. So
23 that would be one comment. And you could send it to us or
24 you could make it now.

25 And then I had one other comment about reduced

1 hours and wages.

2 I don't know if anyone wants to comment on the
3 WhatsApp issue? If there's no comment, just I would love
4 to have your recommendations on how to reach people that
5 don't have smart phones and have these less robust phones.

6 And the second thing is -- and, unfortunately, I
7 think the employers have left, but I think I heard a
8 consensus here of reduced hours. But I think I also heard,
9 during the labor panel, that there's been a shift away from
10 piece rates or pay. And I'm just interested if anyone has
11 comments on any significant changes in the way farmworkers
12 are being paid today?

13 MS. CISNEROS: If I could just briefly address
14 that? I haven't seen -- not to say that it's not happening
15 but I haven't seen that shift. So I don't know if other
16 community groups that are working with farmworkers have
17 seen it.

18 But I was going to very briefly make a comment
19 about the ways that we can reach farmworkers because I know,
20 I believe, earlier somebody asked the question, as well,
21 about outreach strategies. So we've really had to -- we
22 really have had to shift our outreach strategies because we
23 used to do -- so we do a lot of outreach, community
24 education, as part of our work statewide through our
25 community workers, as well as other staff members.

1 And so we used to do a lot of in-person community
2 education and outreach which consisted of public health
3 fairs, other kind of community events like that, where we
4 could go and table and talk to people one-on-one. We used
5 to do a lot of small group presentations to different
6 community groups and/or just groups or people that request,
7 you know, can I get a know your rights on XYZ? So we've
8 really had to limit those to small groups, as well as we're
9 trying to figure out whether we can, you know, hold them
10 outdoors, you know, socially distanced, in a socially
11 distanced manner to keep everybody safe to the extent that
12 we can.

13 But we also have had to do sort of more kind of
14 new outreach strategies. We've had to do -- so we
15 generally try to do TV and radio, like short little spots
16 on different rights or different topics or simply, you
17 know, CRLA is here, please, you know, come to our office if
18 you need help with XYZ. Definitely, videos and sort of
19 other short segments on Facebook.

20 I would reiterate the WhatsApp. The use of
21 WhatsApp, especially for some of the H-2A work that we do
22 for H-2A workers, you know, who don't have or may not have
23 a U.S.-based cell phone service, right, but they have one
24 in Mexico where they use that app. We've had to do --
25 we've had to switch to doing sort of leaflets and flyers at

1 doctors' offices, outside stores. We've kind of done that
2 throughout the years but, definitely, much more of that,
3 just sort of go where farmworkers are.

4 If there's a place -- if there's a store that
5 people kind of frequent right after they get out of work,
6 right, we've held what we call like drive-thru events where
7 people pick something up from us but it's in a drive-thru
8 manner so nobody has to get out of their car. It's
9 contactless car caravans.

10 Because part of -- and I know other organizations
11 or worker organizations that have been part of this
12 discussion have also been doing census work. And so CRLA
13 has also been doing census work with farmworkers. And
14 we've really had to switch the outreach strategies there
15 because a lot of it depended on sort of the person-to-
16 person contact that, you know, is no longer safe for
17 people.

18 So I just wanted to kind of throw those out there
19 as kind of different outreach strategies that we've
20 utilized, you know, and also reaches workers that may not
21 have smart phones.

22 But then, of course, there's also the concern of
23 the -- of our farmworker community that doesn't have the
24 ability to work. Sort of handing our leaflets, right, is
25 not useful to them. So it's also, actually, involved a

1 little -- a lot of one-on-one calls, which is why we
2 encourage people to call us because that's another way that
3 we can remain accessible to people that, you know, we miss
4 out on if we just distribute written information, which we
5 distribute plenty of as well.

6 MS. MACEDA: (Speaking Spanish.)

7 (Ms. Maceda's response in Spanish was not
8 transcribed.)

9 CHAIR HASSAD: Thank you.

10 Any other comments or questions from my fellow
11 Board Members? Okay.

12 I'd like to open it up again to public comment.
13 First, we'll go -- Santiago, is there anyone in the comment
14 queue?

15 EXECUTIVE SECRETARY AVILA-GOMEZ: Yes. One of
16 our participants -- sorry, I'm un-muting here -- one of our
17 participants doesn't have access to the audio tools, so I
18 can restate her question. And it is directed at -- to
19 CRLA, which I think Estella, in part, answered.

20 But the question is, "What is CRLA using to hold
21 employers accountable and with what results?" It's a
22 multi-part question. Some of the examples of types of
23 strategies is causes of action, type of claims, strategies
24 or approaches.

25 And then a second question is, "Who has been your

1 most meaningful enforcement arm among state regulators?"

2 The question is in the chat box if you want to
3 reference it, Estella. I think you saw it.

4 MS. CISNEROS: Yes. Thank you so much.

5 So a lot of what we've been doing involves
6 working with the different agencies, Cal/OSHA, local county
7 Health Departments, county -- excuse me, Ag Commissioners,
8 sort of filing complaints, following up on them. That's
9 one aspect of things that we've been able to do.

10 Another one has been, when we can, kind of
11 stepping in to kind of raise concerns about things that are
12 happening. So one example is out of the El Centro office,
13 we became aware that the local courthouse was actually
14 continuing to process eviction notices, despite the
15 moratorium, so we got involved there and kind of let them
16 know about the law and that they should be following it.

17 And so, you know, we -- so, you know, that's kind
18 of another aspect of things that we've done, as well as
19 working with the Labor Commissioner. You know, there's
20 different branches that we've worked with throughout the
21 years in terms of information, as well as processing wage
22 claims and all of that, as well as a lot of demand letters,
23 calls to employers.

24 We have -- and then, also, advocacy with like
25 unemployment insurance. So there's that kind of work where


1 we, again, do like sort of what we were doing before but
2 with a slightly different angle or a slightly different,
3 sort of different, issues because a lot of workers are
4 calling us about problems accessing unemployment insurance,
5 as well as problems accessing the paid sick leave. And so
6 some of it involves sort of negotiation or sort of
7 reminders, right, to employers about following the law, as
8 well as any follow-up needed if they don't follow the law.
9 And kind of trying to, to the extent that we can, provide
10 sort of wraparound referrals for workers that do contact us
11 that are sick or believe that they're sick, referrals to
12 local clinics and sort of other services that we don't
13 provide as a legal office but, you know, that we have
14 knowledge about because of the collaborative work and just
15 kind of being out in the community.

16 A lot of public information, so know your rights
17 to the extent that we can still do that, to the extent that
18 we do our outreach. We haven't done any litigation yet
19 that I know of statewide. But, you know, as a law firm,
20 that's something that I think other attorneys have kind of
21 done. But a lot of it has involved the community education
22 and sort of providing the encourage legal recourse, if
23 possible, if needed for workers and sort of families that
24 reach out to us.

25 Another thing, as well, that I should mention is,

1 you know, we've been trying to assist families to the
2 extent that we can, not just with housing but also with
3 education issues that are kind of coming up related to
4 COVID-19 with students needing to work from -- be in
5 school. With the return to school a lot of -- each
6 district is doing different things. There's a lot of
7 concerns with concerns with special education students,
8 especially, and other children that need, you know, the
9 direct services.

10 So there's a lot of concerns there and a lot of
11 work to be done there, so nothing innovative but definitely
12 continuing the work that CRLA has been doing for a number
13 of years and doing the best that we can with providing the
14 community with the legal knowledge and tools that are
15 accessible to them.

16 MR. HALL:  Thank you.

17 Are there any other commenters in the queue,
18 Santiago?

19 EXECUTIVE SECRETARY AVILA-GOMEZ: No one that has
20 indicated their wish to comment right at this moment.
21 However, earlier, during the presentation, two employees,
22 two ALRB staff members had questions that they could
23 restate now.

24 Silas, if you are still on the call or the
25 training, you can restate your question.

1 MR. SHAWVER: That's okay. I think it's
2 basically been addressed through some of the other
3 presentations but thank you for that opportunity.

4 EXECUTIVE SECRETARY AVILA-GOMEZ: Okay. Thank
5 you. And then I believe Annamarie had a question.

6 MS. ARGUMEDO: I had, I believe, it was two
7 questions, I think three of them, three questions.

8 (Indiscernible) --

9 EXECUTIVE SECRETARY AVILA-GOMEZ: We're unable to
10 hear you, Annamarie. If -- I believe the clamshell on your
11 laptop is closed. If you open it, I think it will be
12 easier to hear you.

13 MS. ARGUMEDO: Okay. Can you hear me now?
14 Okay.

15 CHAIR HASSAD: A little bit, yeah.

16 MS. ARGUMEDO: Okay. Some of the questions that
17 I addressed is (indiscernible) that farmers (indiscernible)
18 are demanding (indiscernible) farmworkers.

19 EXECUTIVE SECRETARY AVILA-GOMEZ: Can folks hear
20 her?

21 MS. ARGUMEDO: Can you hear me?

22 CHAIR HASSAD: Annamarie, we're having a little
23 bit of trouble hearing you.

24 MS. ARGUMEDO: Okay. Let me move my laptop.

25

1 CHAIR HASSAD: Okay. That's better, much better,
2 yeah.

3 MS. ARGUMEDO: So mainly my concern, I'm a third-
4 generation farmworker. And one of the problems has always
5 been to -- you know, that they have the lack of water, the
6 lack of clean outhouses, and not a place to eat when the
7 sun is beating down on you.

8 So what I wanted to say, would it be safe to say
9 that the farmers should be mandated by the Governor to
10 provide to farmworkers these essentials, that has always
11 been an issue, now that COVID is here because drinking --
12 clean drinking water and clean outhouses and tarps and
13 toilet paper, they have always been a problem. Should the
14 Governor be mandated -- mandate farmers to provide that to
15 the farmworkers? Because COVID, in and of itself, brings
16 more new issues to what's happening.

17 And I wish he would mandate because a lot of
18 these farmworkers, I mean, we're going back -- like my
19 grandpa was a farmworker until he was 94. My dad was a
20 farmworker, you know? And I had to be out there, too, but
21 I had decided not to -- I needed to go and study to college
22 because my dad said, "Mija, you know, being out in the
23 fields is not for a woman," because he saw how it was back
24 then, it was hard.

25 And, you know, I heard a lot of true stories, you

1 know, with (speaking Spanish) and, you know, being out with
2 people out, you know, living in government housing, you
3 know, having to go to schooling in the center of a
4 government housing. I see all that in my eyes because I've
5 lived it, you know? And these are things that have been --
6 these are questions that have been -- you know, it's been
7 happening for years and nobody has really done anything
8 about it yet to fix it.

9 I wish that they would at least mandate the main
10 things, like water and -- because, honestly, if you don't
11 have clean water and if the farmer comes and brings a thing
12 of water, you don't know where he got it. Sometimes you
13 can get H pylori if that water is dirty.

14 Or even in Mendota, when I used to visit my
15 friends, and they're drinking water from the faucet in
16 their home came out brown. And I said, "Well, your water's
17 brown."

18 They go, "Yeah, that's the irrigating water."

19 I said, "Why are you guys, you know, receiving
20 this?" And they didn't know why.

21 So these are issues that people don't really know
22 about that I've lived it and I know it and I've seen it.
23 But these are issues that has been happening for years.

24 And, you know --

25 BOARD MEMBER LIGHTSTONE: I can --

1 MS. ARGUMEDO: -- honestly --

2 BOARD MEMBER LIGHTSTONE: If I can just respond,
3 Annamarie, the drinking water, wash water and toilet
4 standards are mandatory and enforceable. They're Cal/OSHA
5 standards, so just -- they've now been mandated.

6 MS. ARGUMEDO: Thank you.

7 BOARD MEMBER LIGHTSTONE: Um-hmm.

8 MS. CISNEROS: If I could just very briefly
9 respond to that.

10 No, definitely, thank you. They are required.
11 And I think where we kind of run into concerns with COVID-
12 19 is that right now the guidance that is put out by
13 Cal/OSHA's guidance, so it has to be part of the employers
14 IIPP, the Illness and Injury Prevention Plan. You know, I
15 can't comment on what needs to be -- you know, I can't
16 comment on laws or whatnot. But, you know, guidance is
17 different than actually regulations or a law.

18 So I think that's kind of where you're seeing a
19 lot of issues because it is very site specific, it is very
20 employer specific, sort of what is going to be sort of
21 required, right, if a worker does call in to make a
22 complaint. The water, the shade, the restrooms, the hand-
23 washing stations, those are -- our regulations, those are
24 very clear.

25 And with COVID-19, you know, it's something that

1 a lot of employers, not just ag employers, are kind of
2 facing in terms of what's required, what's recommended.
3 What do we follow? Do we follow what the CDC is
4 recommending? Do we follow what Cal/OSHA is recommending?
5 Do we follow what local counties are recommending? So
6 it's, you know, very complex. But you know, at the end of
7 the day, there's a lot that can still be done in terms of
8 what's actually regulated and what's required.

9 And if we go back to the basics, which, you know,
10 water, shade, hand-washing facilities especially, those are
11 very important and were preexisting for COVID-19; right?
12 Those are even important in the COVID -- in our COVID-19
13 world. So, you know, to the extent that that can be, you
14 know, enforced, that's certainly something that we strive
15 to do in terms of filing Cal/OSHA complaints.

16 CHAIR HASSAD: Thank you.

17 Annamarie, do you have any other additional
18 comment?

19 MS. ARGUMEDO: Not at this point, just things are
20 going in my head, but I'm okay. Thank you.

21 CHAIR HASSAD: Thank you.

22 MS. ARGUMEDO: Um-hmm.

23 CHAIR HASSAD: And I believe, Santiago, there
24 were a few other people that had issued comments or
25 questions in the chat?

1 EXECUTIVE SECRETARY AVILA-GOMEZ: They've been
2 covered.

3 CHAIR HASSAD: I think I saw -- okay. Okay.
4 Is there any other participants who have comments
5 or questions for public comment? Okay.

6 With that, we will close public comment.

7 I do want to thank all of our panelists today. I
8 know this went longer than we had anticipated but I think
9 it was because we had a very in-depth and robust
10 discussion. I'm very grateful to all of you for taking the
11 time. I know everyone is incredibly busy and working
12 around the clock these days to work on all these various
13 issues, so I'm very appreciate of all the time you've taken
14 to speak here today and inform us. I definitely have a lot
15 of other questions but want to be respectful of the time.

16 I also really want to thank our Court Reporter,
17 who will be offering a transcript of this, and we hope to
18 have that posted on our website soon.

19 And also, again, to Catherine, the Interpreter,
20 who's been just working tremendously hard for four hours
21 now, so thank you so much.

22 I also want to thank all the ALRB staff, many
23 people who worked to get the simultaneously translation, a
24 well as worked through some of the technological issues
25 that we had to present the meeting, so thank you so much.

1 We're all working to pivot quickly to be able to do this in
2 a way that allows for more participation and I'm very
3 pleased with how it turned out today.

4 Our last agenda item is number 13, which are our
5 announcements. We do not -- we will not have a public
6 meeting in September. We do anticipate having public
7 meetings in October and December. Those dates have not
8 been announced yet but we will be posting them on the
9 website. And we're also hoping to have a Regional
10 Directors meeting after our public meeting in October
11 for -- also in October. So check our website for those
12 dates.

13 And with that, this meeting is adjourned and the
14 record is closed. Thank you everyone.

15 (The Board meeting concluded at 2:18 p.m.)

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CERTIFICATE OF REPORTER

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 17th day of August, 2020.



MARTHA L. NELSON, CERT**367

CERTIFICATE OF TRANSCRIBER

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 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.

I certify that the foregoing is a correct transcript, to the best of my ability, from the electronic sound recording of the proceedings in the above-entitled matter.



MARTHA L. NELSON, CERT**367

August 17, 2020