

STATE OF CALIFORNIA

AGRICULTURAL LABOR RELATIONS BOARD

GERAWAN FARMING, INC.,	)	Case Nos.	2012-CE-041-VIS
	)		2013-CE-007-VIS
Respondent,	)		2013-CE-010-VIS
	)		(44 ALRB No. 1)
)		
and,	)	ORDER APPROVING JOINT	
	)	PROPOSED AMENDED NOTICE	
)		
UNITED FARM WORKERS OF	)	Administrative Order No.	2021-05
AMERICA,)		
)		
Charging Party.)		
)		
	)	(March 12, 2021)	
)		

On October 30, 2020, the Executive Secretary released the above-captioned case for compliance with the Agricultural Labor Relations Board’s (Board) Decision and Order, *Gerawan Farming, Inc.* (2018) 44 ALRB No.1. On February 19, 2021, the Regional Director filed a motion requesting that, in light of the decertification of the United Farm Workers of America (UFW) as the certified bargaining representative of the agricultural employees of Gerawan Farming, Inc. (Gerawan), the Board petition the court of appeal to amend the “Notice to Agricultural Employees” (Notice). The Regional Director provided a proposed amended Notice as an attachment to his motion.

On February 25, 2021, the Board issued Administrative Order 2021-04, directing the parties to meet and confer over the Regional Director’s proposal to amend the language of the Notice. The Board further ordered each party to file with the Board,

whether by joint or separate filings, their respective positions on proposed language in the Notice.

On March 5, 2021, the Regional Director submitted to the Board joint proposed amendments to the Notice, stating that the parties had met and conferred pursuant to the Board's order and had reached consensus on the appropriate amendments to the Notice. A copy of the amended Notice showing underlined additions and struck out deletions is attached to the filing as "Exhibit A," and a clean copy of the Notice incorporating the amendments is attached as "Exhibit B." Representatives from the UFW and Gerawan and the Regional Director have signed the document submitted by the Regional Director.

The Board has concluded that it is not necessary to petition the court of appeal to amend the Notice. The jointly proposed amendments to the Notice would not modify the remedial order enforced by the court in a manner that would alter Gerawan's unfair labor practice liability. Rather, the amendments to the Notice are technical in nature, and merely reflect the fact that the UFW is no longer the collective bargaining representative of Gerawan's agricultural employees.¹

¹ We previously have approved agreements to modify notice language during compliance proceedings. (*Premiere Raspberries, LLC* (Aug. 2, 2018) ALRB Admin. Order No. 2018-09; *T.T. Miasaka, Inc.* (July 10, 2018) ALRB Admin. Order No. 2018-08.) We also note the National Labor Relations Board has adopted a position that modifications to notice language appropriately are considered during compliance proceedings (*CC 1 Ltd. Partnership dba Coca Cola Puerto Rico Bottlers* (Jan. 24, 2013) 2013 NLRB LEXIS 44, *3-4; NLRB Case Handling Manual, Part 3, Compliance Proceedings, § 10518.1), even after judicial enforcement of an unfair labor practice decision (see Brief for the National Labor Relations Board, *White Oak Manor* (11-CA-021786), filed Dec. 16, 2010, at pp. 43-44, available at <<https://www.nlr.gov/cases-decisions/decisions/appellate->

PLEASE TAKE NOTICE that the Joint Proposed Amendments to the Notice to Agricultural Employees as reflected in Exhibit B are APPROVED. The Notice shall be amended as proposed.

DATED: March 12, 2021

Victoria Hassid, Chair

Isadore Hall, III, Member

Barry D. Broad, Member

Ralph Lightstone, Member

Cinthia N. Flores, Member

court/appellate-court-briefs-and-motions>; *NLRB v. White Oak Manor* (4th Cir. 2011) 452 Fed. Appx. 374, 383 [2011 U.S. App. LEXIS 21952, *25-26].

**STATE OF CALIFORNIA
AGRICULTURAL LABOR RELATIONS BOARD**

PROOF OF SERVICE
(Code Civ. Proc. §§ 1013a, 2015.5)

Case Name: GERAWAN FARMING, INC., Respondent, and,
UNITED FARM WORKERS OF AMERICA, Charging Party.

Case No.: 2012-CE-041-VIS, et al.

I am a citizen of the United States and a resident of the County of Sacramento. I am over the age of eighteen years and not a party to the above-entitled action. My business address is 1325 J Street, Suite 1900-B, Sacramento, California 95814.

On **March 12, 2021**, I served the within **ORDER APPROVING JOINT PROPOSED AMENDED NOTICE** on the parties in the above-entitled action as follows:

By Email and Certified Mail by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, with return receipt requested, in the United States mail at Sacramento, California, addressed as follows:

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By Email to the persons listed below and addressed as follows:

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on March 12, 2021, at Sacramento, California.

/s/Lori A. Miller

Lori A. Miller