

STATE OF CALIFORNIA
AGRICULTURAL LABOR RELATIONS BOARD

In the Matter of:)
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PUBLIC MEETING)
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PUBLIC MEETING
REMOTE
TUESDAY, OCTOBER 13, 2020
10:00 a.m.

Reported by:
Peter Petty

APPEARANCES:

BOARD MEMBERS:

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

STAFF:

Santiago Avila-Gomez, Executive Secretary
Ed Hass, Assistant to the Chair
Julia Montgomery, General Counsel
Todd Ratshin, Legal
Brian Dougherty, Chief, Administrative Services
Itir Yakar, Board Counsel
Chris A. Schneider, Regional Director, Visalia Office

PRESENTERS:

Sebastian Sanchez, Secretary, LWDA
Richard Mines, U.C. Davis
Silas Shawver
Gaspar Rivera Delgado, UCLA Labor Center
Marisa Lundin, CRLA

Public Comment:

None

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P R O C E E D I N G S

10:01 A.M.

REMOTE, TUESDAY, OCTOBER 13, 2020

CHAIR HASSID: Good morning.

BOARD MEMBER HALL: Morning.

CHAIR HASSID: Good to see everyone. This meeting of the Agricultural Labor Relations Board is called to order.

Please note for all meeting participants that we will have multiple language translation during the course of this meeting today. You can select your preferred language, Either English or Spanish by going down in the Zoom application. This is only on the web-based application. This is unfortunately not available for those that are calling in.

If you go on to the far right, there is a button labeled interpretation and then you need to select your preferred language, either English or Spanish. Even if you can hear me now, you will have difficulty if you do not select one language. So please go ahead and do that so you can fully participate in the meeting.

I will also do a roll call for identification purposes for all of our members.

Board Member Broad.

1 BOARD MEMBER BROAD: Here.

2 CHAIR HASSID: Board Member Flores.

3 BOARD MEMBER FLORES: Present.

4 CHAIR HASSID: Board Member Hall.

5 BOARD MEMBER HALL: Present.

6 CHAIR HASSID: And Board member Lightstone.

7 BOARD MEMBER LIGHTSTONE: Present.

8 CHAIR HASSID: And again, my name is Victoria
9 Hassid.

10 Also present from our staff today are our
11 Executive Secretary Santiago Avila-Gomez, and the assistant
12 to the Chair, Ed Hass, who are providing technical support.

13 As we all know, we are so living in a rapidly
14 changing time and during the pandemic, and the Board is
15 committed to taking the steps necessary to protect the
16 health of our staff, as well as members of the public. To
17 that end, in accordance with Executive Order N-29-20,
18 today's meeting is held -- is being held via virtual
19 teleconference with an option for members of the public to
20 dial in or join via web.

21 As reflected on the agenda, today's meeting
22 consists of two main parts. First, we will have our
23 regular open session business and we'll hear several items
24 and reports from members of the Board and staff. We'll
25 also have an informational panel where we will learn from

1 experts about Californian's indigenous farmworker
2 population and how we as the ALRB can improve the way that
3 we serve this critical population.

4 At the close of the business portion of the
5 meeting, we'll open the meeting up for public comment on
6 any portion of the meeting. Members of the public who have
7 contacted the Board, either by email or phone and asked to
8 be placed in the public comment queue, will be called on in
9 order received. If you do not previously contact the
10 Board, and you do wish to comment, you may still do so, and
11 we ask that you reach -- let us know in several ways. You
12 can either let us know in the chat feature, which is also
13 at the bottom of your screen in chat. If you click the
14 participant panel, you can also raise your hand, using that
15 feature to be placed in the queue for public comment.

16 If for any reason you're having any technical
17 difficulties, please email Mr. Santiago Avila-Gomez. His
18 email is available on the meeting agenda which is up on our
19 website at alrb.ca.gov. We will take public comments in
20 sign-up order and then open it up for all of those who are
21 joining later in the queue.

22 We do have limited capabilities for managing
23 participation during the meeting and during the public
24 comment period. So we're asking that everyone who is not
25 speaking to place their phones or Zoom on mute and wait to

1 unmute until you are called to speak. You can also see
2 these instructions on the agenda again, which is posted
3 online at alrb.ca.gov. And is on our homepage under the
4 news and information section.

5 With that, we will commence our open session.
6 Our first agenda item is approval of the public meeting
7 minutes from our last public meeting on August 11th, 2020.

8
9 May I have a motion from one of our Board members
10 to approve the public meeting minutes?

11 BOARD MEMBER HALL: So moved.

12 BOARD MEMBER BROAD: Second.

13 CHAIR HASSID: Right. I believe I have a motion.
14 I think I heard from Senator Hall first, and then Member
15 Broad, can I have a second?

16 Barry, do you second that motion?

17 BOARD MEMBER BROAD: Yes, I did. Yes.

18 CHAIR HASSID: Great. And next we'll move on to
19 the Chair's report.

20 We'll have a fairly short report today. I'd like
21 to provide an update on several items.

22 First, I would like to provide an update to
23 something that I first raised at our June 23rd meeting,
24 which was a few weeks after the tragic murder of George
25 Floyd. In light of that event, as well as a general

1 understanding by the executive team, the General Counsel
2 and I wanted to make a public commitment that we were
3 taking several steps to ensure that we had a collaborative,
4 diverse, and welcoming workplace culture at the ALRB, both
5 internally for the benefit of all of our staff and Board
6 members and that that would help better inform our work so
7 that we can improve the way that we serve the public, given
8 the populations that
9 we -- that we serve in our Mission.

10 To that end, we wanted to have the entire staff
11 at ALRB go through a implicit bias and unconscious bias
12 training as one piece of that work in order to effectuate
13 those principles and develop those skills as a team and
14 improve the workplace. I wanted -- I committed at that
15 time to provide an update and I'm happy to say that we have
16 contracted with a vendor and that we will be having that
17 full staff training in early November. It will be a two-
18 day, three-hour training and we're very much looking
19 forward to it and think that that is one of many steps that
20 we are going to take. I think that also ties in well with
21 the theme of our panel today, which is how we can better
22 serve our indigenous farmworker population and develop a
23 higher-level of cultural competency, that we are more
24 effective in our work.

25 Next, I would like to update the Board. We were

1 very pleased to participate in a recent event. California
2 OES, the Listos Program, and with the United Way of Fresno
3 Madera, cohosted an Emergency Preparedness and COVID-19
4 Farmworker Resources Fair. This event was held in Mendota
5 at Stamoules Produce last Friday. And both Board Member
6 Flores and I, as well as the General Counsel Julie
7 Montgomery and Silas Shawver participated.

8 And it was a great event. It was a socially
9 distance community resource fair as well as a drive-through
10 resource fair where an estimated three to five thousand
11 farmworkers, both from Stamoules Produce as well as the
12 larger community, were invited to drive through, get
13 information about how -- what to do to better prepare
14 themselves for disasters, resources available to them in
15 their community from Social Services, labor rights with
16 ALRB, as well as a multitude of other services and how to
17 protect themselves during COVID-19. And COVID-19 testing
18 was also available.

19 This was a pilot initiative by Listos, which is a
20 division within Cal OES and part of one of the Governor's
21 initiatives to help vulnerable communities better prepare
22 themselves for disasters and emergency preparedness. And
23 we're hoping if successful, that it can serve as a pilot
24 for other similar events in the community. It was great to
25 get out there and -- and it was done, we think, in a pretty

1 safe and effective manner.

2 Last but not least, I'd like to turn over the
3 floor and welcome one of our newest additions to the Labor
4 Agency family, Labor and Workforce Development Agency
5 associate secretary for Farmworker Liaison and Immigrant
6 Services, Sebastian Sanchez. Governor Newsom appointed
7 Secretary Sanchez at the end of June of this year and he's
8 been on the job about two months. And he previously worked
9 at, I believe that's FEDEC and CRLA, and I'm excited to
10 turn it over to him so he can share a little bit more about
11 the work that he's doing with Labor Agency and his vision
12 for that role.

13 Go ahead, Sebastian.

14 MR. SANCHEZ: Thank you, Victoria, and thank you
15 all. Last time that I joined this call, it was my second
16 day on the job, so I feel like you are now getting a full-
17 on veteran that has all the knowledge and all the
18 understanding of everything that is impacting farmworkers
19 throughout the state.

20 So Victoria asked me to speak a bit about what --
21 what I hope my work will look like and what I plan to work
22 on during my tenure as the associate secretary with the
23 Labor Agency on these issues. So I wanted to talk briefly
24 about, I think there are four separate areas of work that
25 kind of interrelate, but also are separate areas of work.

1 One of the things that I really want to focus on is making
2 sure that we can increase the accessibility to farmworkers
3 to the services that our different departments, divisions,
4 and Boards already provide.

5 One of the basic things that we did to address
6 this is, for example, with regards to COVID-19, we
7 developed and put together a website for farmworkers.
8 Specifically for farmworker resources, specifically on
9 COVID-19. Really focusing on providing -- on collecting
10 all the materials that were available and making sure that
11 there were materials that are graphic heavy, that are video
12 based, that are conscious of the fact that many of -- many
13 farmworkers might not have the literacy levels or
14 understanding to be able to read through some of the more
15 detailed FAQs that our departments and divisions tend to
16 put together.

17 And I really want to focus on creating new
18 content and pushing our different, again, all of the
19 different agencies, excuse me, departments, divisions, and
20 Boards, which I'll just refer to as departments going
21 forward, to create content that is accessible to the
22 community at large. And I really see it as creating three
23 different layers of materials. What I would say we
24 currently have on most of our websites, and most of the
25 information we put out and distribute is more at a level 3,

1 and its information that is more accessible to advocates.

2 I know that as a -- as a workers' rights
3 attorney, sometimes I would -- I would frequently turn to
4 the information put out by the departments to be able to
5 explain to workers what changes in law were happening. But
6 at times, even as an attorney, would be something that I'd
7 have to sit and read through and make sure that I properly
8 understood. So I want to make sure that we focus on
9 creating a second level that just simplifies that
10 information, puts it into video format or maybe just has
11 less words, and really just simplifies the main points that
12 we want to categorize and then drives people to different
13 resources for additional information.

14 And then at that first level, I really want to
15 create super simplistic content that are just flyers that
16 any worker just by the graphic representation would
17 understand basic rights. Just basic information, whether
18 it's -- we're talking about supplemental paid sick leave,
19 the Workers' Comp Presumption that just came out. Just
20 something really quickly that workers immediately
21 understand that there is a right and then guides them to a,
22 whether it's, for example, the ALRB helpline on COVID-19,
23 or another hotline, or another website that can provide
24 them with more information. I want to create that level of
25 content so that it's really accessible and it's really

1 useful for workers.

2 Through that I'm also just working on -- with --
3 to make these services more accessible. I want to work
4 with the ALRB, with EDD's Migrant and Seasonal Farmworker
5 Program to improve our outreach to workers. I know you'll
6 hear more about the ALRB helpline. That's something that
7 I'm really excited to support and figure out ways that I
8 can support the work that the ALRB itself is doing on this.

9
10 But some of the things that I want to provide
11 support on is helping develop better protocols with
12 referrals to other departments. So making sure that when a
13 case goes, if the ALRB receives a call from a worker on a
14 health and safety issue, making sure that when that case is
15 referred to Cal/OSHA, that there's follow-up, that there's
16 a clear understanding of what happens to the case at
17 Cal/OSHA. What kind of priority is given to that case.
18 What the outcome is of that -- of that case so that we have
19 an understanding of how effective is the helpline. How
20 much better can we serve farmworkers when we provide them
21 with a direct helpline.

22 I'm also helping to coordinate regular meetings
23 with other departments to make sure that there's a constant
24 conversation going on about what we can do to better serve
25 farmworkers. And this is something that I'm trying to

1 implement with all the other departments that are Labor
2 Agency supervisors. So not just Cal/OSHA, but the Labor
3 Commissioner's Office, the Labor Employment Taskforce, the
4 DIR -- that the Department of Industrial Relations
5 operates, as well as EDD, and the Division of Workers'
6 Compensation.

7 With EDD's Migrant and Seasonal Farmworker
8 population -- excuse me, Program, I'm also working with
9 them to help cross-train their outreach workers and their
10 housing investigators so that we can expand our capacity to
11 do outreach to workers directly through that program, and
12 to also be better able to identify possible violations. So
13 when our outreach workers are going out, they should also
14 keep an eye open for possible violations that they can then
15 communicate to the relevant agency or industry.

16 So that covers two areas. One is increasing
17 access and also supporting that interagency coordination of
18 services.

19 One of the larger things that I'm working on
20 right now, a third thing, is the Strategic Outreach
21 Initiative. As many of you may be aware, the state budget
22 was amended to provide our agency with a pot of money to do
23 community education, both to employers and to workers on
24 COVID-19. This is a outreach initiative that we are
25 developing right now, the structure of what that will look

1 like. We have spent the past month and a half calling, I
2 would say well over a hundred organizations to talk through
3 with them what this structure would look like, what their
4 capacity is to support, and to really understand how we can
5 best leverage our partnership with community-based
6 organizations to reach as many workers and employers as
7 possible with the information we want to develop for them.

8
9 We are working really closely with various of the
10 UCs for the ag context, and particularly with UC Davis'
11 Western Center on Agricultural Health and Safety, on
12 developing new materials that address some of the gaps that
13 might currently exist that address some of the rising
14 situations and scenarios to create new workshops and
15 trainings for, for example mayordomos, or supervisors, to
16 help them understand what they need to do to address
17 particular questions that farm labor contractors may have,
18 that employers might have so that we can really build on
19 creating a, I would say a stronger sense of voluntary
20 compliance from employers so that we can focus any
21 enforcement efforts just on some of those employers that
22 are not interested in voluntarily complying.

23 We also are working on creating new materials for
24 workers that is responsive both to their linguistic and
25 cultural needs. So working on -- with a lot of the CBOs to

1 customize the materials. Victoria mentioned the event by
2 OES that I also had the pleasure of attending on Friday.
3 And one of the things that I was really impressed by is
4 that OES has managed to put together a lot of their
5 information in audio format for various Mixteco variants.
6 I think this is something that all of our departments and
7 agencies should be doing. There's no reason that all of us
8 shouldn't be putting together materials that are
9 specifically responsive to large communities of farmworkers
10 that currently exist. So that is something that I'm really
11 stressing and hoping to be able to push out and make sure
12 that everything that we put together is at -- is responsive
13 at that level.

14 And I think the last area of work that I'm
15 focusing on is on workforce development. It's the other
16 part of my job. And one of the things that I want to
17 highlight is we are looking to develop more our strategy
18 around integrated education and training. And particularly
19 in the ag world, just figuring out how can we create better
20 jobs for workers, how can we create better access to
21 workers for the current jobs, whether there's more
22 technology that's coming into this particular sector,
23 whether there's particular needs that farm employers may
24 have. We want to identify where there are those spaces
25 where we can better train workers to provide them an

1 opportunity to have better paying jobs.

2 So we are working with some of the local
3 community colleges, some of the local workforce boards to
4 try to identify new initiatives that can really serve as
5 pilots and examples of what we can do when we find an
6 employer that is willing to invest on training up their
7 workforce to provide them with better opportunities to
8 progress in that space.

9 So those are the four broad areas of work that
10 I -- I'm focusing on at the moment. I know that certainly
11 with two months I don't have a full perspective of what can
12 really be done, but these are the areas that we're
13 prioritizing at the moment. And I know that things will
14 change as I continue doing the work, but hopefully this can
15 spark some -- some new ideas that can come out of this
16 work. And I'm always -- I always think that I should be
17 very flexible, and if something needs to change or there's
18 something else that needs to take priority, I'm willing to
19 do that.

20 But I just wanted to share those four general
21 areas of work and happy to take any questions that folks
22 may have about anything related to what I just talked
23 about, more about my past experience. But yeah, just
24 wanted to introduce and talk a bit about what I'm doing.

25 CHAIR HASSID: Thank you so much, Sebastian.

1 It's wonderful to have you. I think we're -- we very much
2 enjoyed the work we've already done in the short time
3 you've been here and are continuing to looking forward to
4 effectuating a lot of these initiatives.

5 I'd love to open it up to my colleagues to see if
6 any of them have any questions or comments.

7 BOARD MEMBER FLORES: Briefly. Sebastian,
8 welcome. I'm so happy that we're going to be working
9 together in an official capacity and I know the ALRB is
10 incredibly excited to work alongside you. And thank you
11 for sharing your work plan and just generally excited.
12 Welcome.

13 SECRETARY SANCHEZ: Thank you, Cinthia.

14 CHAIR MEMBER LIGHTSTONE: I'd like to join and
15 second that welcome. Delighted to have you aboard and I
16 think all the -- all the areas you've outlined are really
17 terrific.

18 One thing I wanted to note is that you mentioned
19 in the EDD outreach workers, they can be the eyes and ears
20 of their sister agencies. They're out there every day and
21 I think that's a really valuable resource. So I sort of
22 second the efforts to get them, connected to --

23 BOARD MEMBER HALL: Yeah. I'd like to -- want to
24 welcome you and I also third the comments of my colleagues.
25 I look forward to working with you and welcome aboard.

1 Thank you.

2 MR. SANCHEZ: I'll take the fourth and the fifth
3 if you all want.

4 But if you refer back to the EDD outreach
5 workers, I really -- I do want to stress that, you know,
6 the lead there, Familio Gomez, who some of you may know or
7 have worked with, has been really excited about pushing
8 this and cross-training, getting the outreach workers back
9 into the field.

10 They've put a substantial amount of effort in
11 training their outreach workers on how to do it safely
12 during the pandemic. So we just -- that just got restarted
13 earlier this month. The training's finished up. We're
14 providing more trainings to the staff and the various
15 departments as well. So we're going to get them trainings
16 from Cal/OSHA, from the Labor Commissioner's Office to
17 really make sure that they're aware of the possible
18 violations that may come up. So I'm excited about that as
19 well.

20 CHAIR HASSID: Thank you. I'd like to open up if
21 there's any other questions from anyone else on our -- in
22 the meeting, or comments.

23 Okay. Thank you, Sebastian. I very much
24 appreciate it.

25 Before moving on to the next agenda item, I was

1 remiss in not -- in forgetting to note that we are
2 recording this Zoom and our public meetings are available
3 on our YouTube Channel. And we do post those so people who
4 are unable to make the meeting are able to participate and
5 see what's going on. So I do want to let everyone know
6 that
7 on that's participating right now, that we are recording.
8 We started recording at 10:00 a.m. on the dot at the start
9 of the meeting.

10 Moving on to the next agenda item is the
11 Executive Officer's report on elections, unfair labor
12 practices, and hearings.

13 MR. AVILA-GOMEZ: Yes. Good morning, Chair
14 Hassid and members of the Board.

15 In this report which along with the litigation
16 report will be posted at our website for interested parties
17 to look at and download. I'll be covering elections,
18 unfair labor practice complaints, and hearings.

19 Commencing with elections, and all of this
20 information is data that comes from August 11th, the date
21 of our last public board meeting to the present. Since
22 then there have been no notices of intent to take access
23 nor any notices of intent to take -- to organize all these.

24 There has been one election petition filed. There was a
25 petition for decertification that was filed. However, on

1 October 1st, the date of its filing, the Teacher's Local
2 Number 63, which was the certified bargaining
3 representative, submitted a letter disclaiming interest in
4 representing the bargaining unit.

5 There have been two complaints issued by the
6 General Counsel. One in Anthony Vineyards, Incorporated in
7 Kern County, California. The second, Coast King Packing,
8 LLC. And the employer in Monterey County, California.

9 Since the date of our last public Board meeting
10 there have been four post-complaint settlements. One in
11 B&H Flowers, Incorporated, which the parties entered into
12 an informal bilateral settlement agreement. The second,
13 Eat Sweet Farms, LLC and Durant Harvesting, Inc., where
14 they entered into an informal unilateral settlement
15 agreement. The third, San Miguel Produce, Incorporated,
16 they entered into an informal settlement agreement. And
17 finally for Philip Verwey Farms, where the parties entered
18 into an informal bilateral settlement agreement.

19 There have been no in-person or virtual hearings
20 held, however there have been a number of prehearing
21 conferences, case-managed conferences, and settlement
22 conferences related to the matters that are pending in the
23 Adjudication Unit.

24 Since our last meeting, there's been one
25 Administrative Law Judge decision issued and that was in

1 Ocean Mist Farms and the employer in Riverside County.

2 There have been two Board decisions. The first,
3 Smith Packing, Incorporated, a employer in Santa Barbara
4 County. And the second, Rincon Pacific, LLC, and employer
5 in Ventura County.

6 There have been two Board Administrative Orders
7 issued. Both in Coast King Packing, which involves the
8 employer in Monterey County.

9 Finally, cases pending before the Board for
10 decision or action, there are two -- three now if you
11 include the Petition for Decertification that John Degroot
12 & Son Dairy.

13 This other matters involve Ocean Mist Farms and
14 United Farmworkers of America. And that involves an
15 application for special permission to appeal the
16 (indiscernible) Administrative Project.

17 That concludes my report. I'm happy to answer
18 any questions relating to those matters.

19 CHAIR HASSID: Thank you, Santiago. Do any Board
20 members have questions? Any members of the public? Okay.

21 Thank you so much.

22 Going on to Agenda Item Number 5, the litigation
23 report. Turning it over to Todd.

24 MR. RATSHIN: Good morning. Can you hear me
25 okay?

1 CHAIR HASSID: Yes, we can.

2 MR. RATSHIN: Okay. Excellent.

3 I submitted the report to the Board. Doesn't
4 look like it's gotten to the site yet, but like Santiago
5 said, we will get them up there so I will try to rattle
6 through this quickly. There hasn't been a lot of updates
7 since the last meeting in August.

8 So I'll start with in the California Supreme
9 Court Gerawan Farming, Inc. v. ALRB, Case Number S264099.
10 Gerawan has filed a petition for review in the California
11 Supreme Court seeking review of the Fifth Appellate
12 District's published opinion upholding the Board's decision
13 in 44 ALRB No. 1. That petition was filed on August 24th.

14 The Board filed an answer to the petition on September
15 14th and Gerawan filed its reply on September 23rd. And
16 the matter is currently pending order from the Court
17 whether to grant or deny the petition. The deadline for
18 the Court to order review is October 23rd.

19 In the Fifth Appellate District, Wonderful
20 Orchards v. ALRB, Case Number F081172. This is a petition
21 for writ of review of the Board's decision in 46 ALRB No.
22 2. The parties filed a stipulation on August 12th to
23 extend the briefing periods for the Board and the reply
24 brief. The Board, per that stipulation, filed its brief on
25 September 21st. Wonderful's reply is now due on November

1 16th, after which briefing will be complete.

2 And then in *United Farmworkers of America v.*
3 *ALRB*, Case Number F080469. This is a petition for writ of
4 review of the Board's decisions in 45 *ALRB* Nos. 8 and 4.
5 The Board filed a respondent's brief on October 9th. And
6 Gerawan also filed an opposition brief that same day. The
7 UFW's reply brief currently is due November 3rd, after
8 which briefing will be complete.

9 And then finally, last but certainly not least,
10 in the United States Supreme Court, we have the matter of
11 *Cedar Point Nursery v. Hassid*, Case Number 20-107. This is
12 a petition for writ of certiorari of the Ninth Circuit's
13 opinion dismissing a constitutional takings challenge to
14 the Board's access regulation. Since the last meeting, the
15 Board obtained an extension of time to file its response to
16 the petition. Amicus briefs in support of the petition
17 were filed by the California Farm Bureau Federation, the
18 Pelican Institute for Public Policy, Mountain State's Legal
19 Foundation, the Cato Institute, and National Federation of
20 Independent Business, Small Business Legal Center, the
21 Institute for Justice, the American Farm Bureau Federation,
22 and the South Eastern Legal Foundation, and also the states
23 of Oklahoma, Arizona, Arkansas, Kentucky, Missouri,
24 Nebraska, and Texas.

25 And per the prior extension of time obtained by

1 the Board, the Board filed its response to the petition on
2 October 2nd. All of those materials are available on the
3 court's website and we are currently awaiting for the
4 matter to be distributed to conference of the Justices.

5 And that's it.

6 CHAIR HASSID: Thank you, Todd. Appreciate that
7 report.

8 Do any of my colleagues have any questions or
9 comments? Any comments or questions from the public?

10 Okay. Great.

11 Moving on to the next agenda item. It will be
12 Agenda Item Number 6, the general counsel's report.

13 MS. MONTGOMERY: Good morning, everyone. Chair
14 Hassid and Board members. It's a pleasure to be here. I'm
15 Julie Montgomery, the general counsel of the ALRB. For
16 those of you that may be joining us for the first time, the
17 general counsel is -- office is the part of the ALRB that
18 investigates unfair labor practice charges in our five
19 regional, or field offices. And we -- when we find a
20 violation, we issue a complaint and try it at hearing
21 before an administrative law judge. And we do -- we also
22 do a number of other things such as outreach and administer
23 elections, the regional staff does, and effectuate
24 compliance with a Board order.

25 So I'd like to take this opportunity to highlight

1 some of the work in the regional offices. There is a lot
2 of activity that goes on with our offices and our staff
3 that isn't on the website.

4 So I want to start out by highlighting some
5 settlements that we have achieved since the last board
6 meeting with our Regional Director Francesca Herrera's
7 leadership. The Salinas region has been very productive in
8 achieving settlements this past period, and in fact have
9 settled five cases that were set for hearing. And these
10 are cases in which we conducted a full investigation, found
11 evidence of a violation of our Act, and filed a complaint,
12 and were preparing for hearing. And for those of you that
13 have done this kind of work before, you know there's a lot
14 that goes into that. And so our staff's been working
15 really hard at that and we have achieved five such
16 settlements. And I'll just, kind of as a group, just in
17 interest of time, I'll go through a few of them, or just a
18 few details.

19 So there was a case against a grower called Eat
20 Sweet in Santa Maria in which our investigation found that
21 workers were disciplined and later fired for speaking up
22 about concerns with working conditions, including poor
23 treatment by their foreman. And in that settlement, the
24 employer compensated the workers for their economic losses.
25 Most of which were back wages as I think 3500. So they

1 didn't have a lot of wage loss, but they did get what they
2 -- what they lost. And there will be notice -- noticing to
3 the -- to the workforce where ALRB staff will go in and
4 inform workers of the case.

5 We also settled a case for five workers who were
6 harvesting greens for San Miguel Produce in Ventura County.

7 And our investigation found they were unlawfully
8 terminated in retaliation for complaining about a reduction
9 in their piece rates. And we were able to settle that case
10 for \$33,000 to the five workers to compensate them for
11 their losses, as well as a mailing to the employees. We're
12 not doing noticing in that case as the employer did close
13 its operations, but if they do resume within a year, we
14 will -- we'll do the noticing at that time and workers will
15 be offered reinstatement.

16 We also settled a complaint against Scarborough
17 Farms and our investigation there found that that grower in
18 Ventura County retaliated against a lettuce harvester
19 because she complained about the location and poor
20 conditions of the bathrooms in the fields, and a lack of
21 drinking water. And she did -- we found she made these
22 complaints on behalf of herself and her monolingual Mixteco
23 speaking coworkers. And so we settled that case prior,
24 actually, you know, prior to hearing, not too long before
25 hearing, where the company agreed to pay the worker for her

1 economic losses, which was a little over \$1100. And that
2 company had also closed, but we will do the reading and
3 noticing if they resume their operations within a year.

4 We also found a violation was committed by D&H
5 Flowers in Santa Barbara County, which is a cannabis
6 grower. And we found that they terminated five workers
7 because they complained about poor treatment from their
8 supervisor. And in that case, we also settled prior to
9 hearing for 32,800 for economic losses to the workers and
10 we are doing reading and noticing at that workplace as
11 well.

12 And then the last complaint that we settled in
13 the past couple months is we concluded that Chapala Berry
14 Farms in Santa Cruz County unlawfully suspended and
15 terminated two strawberry harvesters in retaliation for
16 complaining about crew assignments. And we received four,
17 a little over \$4,000 for those two workers to compensate
18 them for their economic losses and they are going to grant
19 ALRB agents access to conduct reading and noticing to the
20 employees about the settlement during peak season.

21 And when we go in and do that reading and
22 noticing we, you know, we talk -- we go in the fields, talk
23 to the workers at their workplace without supervisors
24 present and tell them what the case was about, what
25 settlement was achieved, who we are, what we do. So it's

1 an important way to remedy the violation to let workers
2 know that -- that there was a remedy for this violation and
3 that helps reduce what we call the chilling impact of those
4 actions.

5 And so those are some -- those are the complaints
6 that the Salinas office was -- had settled these past
7 couple months.

8 And moving on to our Visalia office, I'll just
9 briefly mention that they have been busy effectuating
10 compliance for a Board ordered -- a Board order in which
11 the Board found that Arnado Brothers had engaged in bad
12 faith bargaining with the United Farmworkers. And our
13 staff mediated a settlement with the employer, or with all
14 the parties in June. And -- or it was approved in June.
15 And we just -- our staff in Visalia distributed over, I
16 think it was 33 checks last month that totaled \$28,651.
17 And they are planning to deliver a total of 70 checks.
18 They have another distribution I think that's coming up
19 soon. So we are actually putting money into worker's hands
20 as a result of that case. So that's always an exciting
21 thing to do and very gratifying to be able to give people
22 their checks who have waited so long.

23 And another important component of what the
24 General Counsel's Office does is outreach. As I mentioned
25 in our last meeting, we are collaborating closely with our

1 Labor Workforce Development Agency, Sebastian Sanchez and
2 the work that he highlighted earlier in this meeting, and
3 our sister departments, the Department of Industrial
4 Relations, Employment Development Department, and EDD, and
5 some others to really come up with a comprehensive plan and
6 messaging so that workers can get the information they need
7 in a format that is accessible to them. And so we are
8 working closely with our partners on that project. We have
9 conducted interviews for our three outreach positions,
10 which we are adding towards this project and we really hope
11 to make offers very soon. That's our plan.

12 And our office -- and we have also had our Deputy
13 General Counsel Silas Shawver spend a fair amount of his
14 time working together with Sebastian at Labor -- and others
15 at Labor Agency and with our sister departments to really
16 help get a -- get a solid plan off the ground so that we
17 can all be on the same page and work most effectively. And
18 also work with our local community-based organizations who
19 are on the ground working with the farmworker community
20 more directly to make sure that the information is getting
21 to the right places and in an understandable format. So
22 Silas is doing a lot of work on that right now.

23 And we have also opened up our 800 number. We
24 have a -- for those of you that don't know, the ALRB has an
25 800 number that is statewide and available to anyone. They

1 can call around the state who wants to reach the ALRB. And
2 we do staff that line and we have real people answering the
3 phone. Live people. And we have opened that line up
4 statewide for not only ALRB issues, but any issues or
5 concerns that farmworkers have about COVID-related matters.

6 And we finalized a trifold brochure together with
7 our sister departments and Labor Agency that has
8 information for farmworkers, such as the right to sick
9 leave, a safe and healthy workplace, unemployment benefits,
10 and other things.

11 And so we have provided several trainings within that past
12 couple months to our staff on the different laws in this
13 regard and resources and how to make referrals. We've been
14 having meetings and Silas has been working hard to connect
15 the different representatives in these departments together
16 so that we can make sure that we're making effective
17 referrals to the right place and that people are getting in
18 the system and actually getting the help they need.

19 So that line is opened up. We have started to
20 get some calls and we've actually distributed well over
21 10,000 of these brochures. And I would imagine there's
22 actually, it's been even more than that. We've been giving
23 a large number of them to different groups for going out
24 and doing food distributions. Mass distributions. Our
25 sister departments have been printing and distributing them

1 in mass as well. We distributed thousands at the event in
2 Mendota that Chair -- Board Chair Hassid mentioned. And so
3 we are working hard to get the word out and do other
4 outreach to -- to let people know that this resource
5 exists.

6 And we're also on our IT department at the ALRB
7 is helping us get a more updated helpline system to be able
8 to easily track these calls and just make it more efficient
9 and useful for our staff. So we're embarking on that
10 project and hope that we can be a resource not only to
11 people on issues that directly impact the ALRB, but just
12 helping people get to where they need to go within the
13 state because it is -- it is a confusing process for even
14 those who -- who may know a little bit about it. And so
15 for farmworkers I think it is, you know, it's hard to know
16 exactly who to call for what issue and so that's what we
17 are here to help with.

18 And we also have our local office staff engaging
19 in outreach. Last month our -- some of our staffing in
20 Monterey County had an outreach training, participated in
21 outreach training with the Monterey County Health
22 Department. There were other state departments and
23 nonprofits serving farmworkers that all came together to do
24 this training.

25 We also participated in a legal clinic at a food

1 distribution event in Sonoma County, together with some
2 local nonprofits. And so although our in-person outreach
3 has been more limited just because of the situation with
4 COVID, we are doing what we can.

5 And as Board Chair Hassid mentioned, we --
6 several of us attended the event in Mendota and I thought
7 it worked really well. We all had our masks on the entire
8 time and the workers were driving through in a line to get
9 the information from people. And so I'm really hopeful
10 that that's a model that we can replicate and get out there
11 and continue to do that in-person outreach in a safe
12 manner. Because as we know, you know, there's a lot of
13 fear out in our communities and trust is a real issue. So
14 that in-person contact is still important. In addition to
15 social media, and radio, and television, and the other
16 forums that we're -- that we're utilizing.

17 So that is my hope and I'm happy to take any
18 questions if anyone has questions.

19 CHAIR HASSID: Opening it up to questions but
20 also I just want to say thank you, Julia, to you and your
21 staff for all the work that you're doing. It is -- we are
22 a pretty small staff. You would think we had hundreds of
23 employees by the sound of that list.

24 But want to commend the Salinas region for all
25 their work on settlements. I think that's always a very --

1 a great way to resolve an issue, especially expediently and
2 minimizing the need for contentious litigation and also
3 just all the work that you're doing on the helpline.

4 We're really hoping the helpline, the hotline can
5 serve as a resource for all of our farmworkers statewide to
6 get the information and resources that they need. I feel
7 like the theme -- the theme of this meeting and a lot of
8 our work right now is about better communication and
9 accessibility and you and your team are doing a lot to
10 effectuate that. I really want to thank you.

11 MS. MONTGOMERY: Oh, yeah. It's our pleasure and
12 we're -- everyone's very dedicated and concerned about the
13 situation.

14 I just also forgot to mention that we -- our
15 Visalia staff is integrally involved with the Central
16 Valley Task Force, which is through the Office of Emergency
17 Services, the State of California. And our Regional
18 Director Chris Schneider has really taken a leadership role
19 in that group. And we're really trying to be the voice of
20 farmworkers, low-wage workers in that conversation.

21 And several of us have also been participating in
22 a statewide task force that the Governor's Office has
23 convened. Board Chair Hassid and Member Cinthia Flores,
24 myself, and Silas Shawver, have all -- and Sebastian
25 Sanchez, we've all participated in that group in which

1 we're talking with the, you know, different departments and
2 organizations to try to address issues that farmworkers are
3 facing. So we're trying to -- we're all working to come
4 together and communicate effectively to figure out what are
5 the problems, what are the issues, and how can we best
6 address them.

7 CHAIR HASSID: Okay. Do any of my colleagues
8 have any questions or comments for General Counsel? Okay.

9 Any questions or comments from members of the
10 public?

11 Richard Mines.

12 MR. MINES: I want to just to tell you, Julia,
13 that in the COFS project we have six CBOs and we're coming
14 up with a leaflet we're passing out to many, many people.
15 And your 800 number is going to be on there prominently
16 displayed. So thank you.

17 MS. MONTGOMERY: Thank you. That's fantastic to
18 hear.

19 CHAIR HASSID: Thank you.

20 MS. MONTGOMERY: Really glad to hear that.

21 CHAIR HASSID: That's wonderful. And it looks
22 like our -- one of our regional directors, Francesca
23 Herrera, has put the 800 number in the chat. Thank you so
24 much, Francesca, for those of you that want to see that and
25 distribute that to your networks. Really appreciate that.

1 Thank you.

2 Any other comments or questions?

3 Okay. Thank you so much, Julia. And thanks
4 again to all of your team.

5 Going on to our next agenda item, we have a
6 report from the Division of Administration Services.
7 Brian.

8 MR. DOUGHERTY: Hi, there. I'm Brian Dougherty.
9 I'm the chief of the Administrative Services Division.
10 I've got a couple of updates to share.

11 As Julia just talked about on the recruitment
12 side, we are currently actively trying to fill the three
13 BCP positions that we received funding for back in July and
14 we're in the interview and candidate selection stage of
15 those recruitments. As a reminder, those are two positions
16 for Training and Community Engagement Specialists. One in
17 Visalia office and one in the Salinas office. And those
18 are both being created at the AGPA level. And we have one
19 Staff Services Manager I position that is to serve as the
20 Outreach Program Manager and Communication Director for the
21 outreach project. So hopefully we will have candidates
22 selected in the very near future and we'll have staff
23 onboard to be able to those important functions.

24 As far as the additional positions within HR, we
25 currently have four vacancies within ALRB's 64 authorized

1 positions, which results in a 7.7 percent vacancy rate.
2 Those vacancies consist of two vacancies in the General
3 Counsel's Office that are in Visalia, to Field Examiner II,
4 and an Attorney I position, both which currently have
5 active recruitments under way. And we have two vacancies
6 on the Board side. One for an AGPA position and one for a
7 legal secretary position. So we're doing very well that
8 this is probably the lowest vacancy rate the ALRB has had
9 in quite some time. So we are doing very well as far as
10 the recruitment and filling these positions.

11 A couple additional updates. We have completed -
12 - admin was able to complete the deployment of a new VOIP
13 phone system for ALRB that was rolled out to all of six
14 offices across the state. And it's -- and had AT&T provide
15 online training to all the end users on the new
16 functionality of this phone system.

17 This is, timing-wise was very well because our
18 phone system was kind of aging and moving to the new VOIP
19 platform will allow more flexibility for ALRB to meet
20 worker needs, specifically as we're transitioning to a more
21 remote workforce. It will allow us to be able to roll
22 phones and ultimately move towards being able to take phone
23 calls directly through computers as well. So it will
24 provide more flexibility to allow workers to have more
25 office-like features from their remote workforce location.

1 In addition, as Julia spoke a little bit about as
2 well, Rafael Diaz, our IT Information Security Officer has
3 been working closely with AT&T to configure our -- the
4 functionality of our 800 number to be able to address the
5 additional call center functionality that we're going to be
6 needing to be able to move forward with, based on the
7 additional outreach that is occurring.

8 This functionality that we're looking to procure
9 will basically allow up to about 12 operators within ALRB
10 and 4 managers to utilize their laptops to take additional
11 phone calls that are coming through the 800 number so that
12 we can be able to manage the queue, be able to have
13 statistics about the number of phone calls that are coming
14 in, be able to track call wait times and be able to have
15 more flexibility in ensuring that we are promptly
16 responding to phone calls that come in through that COVID-
17 related topics due to the LWDA and ALRB outreach efforts
18 that are occurring.

19 So those are kind of the top areas of focus for
20 admin over the last couple of months since our last Board
21 meeting.

22 CHAIR HASSID: Thank you so much, Brian. Really
23 proud of all the work that our team has done to have a low
24 vacancy rate. I think that's really critical for us and
25 also just want to thank you and your team for all that

1 you've done to make sure that our telephonic technology is
2 actually up to date. It's one of our primary ways of
3 keeping in touch with all of the population that we serve
4 and it's really critical and you guys have just done a lot
5 of Herculean work, as you know all too well, in a short
6 amount of time. So we really appreciate that. Thank you.

7 Does anyone have any questions or comments for
8 Brian? Okay.

9 Moving on. Our next agenda item is Item Number
10 8, the regulation report. Todd.

11 MR. RATSHIN: Nothing to report on regulations
12 today.

13 CHAIR HASSID: Thank you. Just do want to share
14 a friendly reminder for all of our stakeholders that are
15 participating that we are undergoing a -- we do have a
16 subcommittee, Board Member Lightstone and Board Member
17 Broad are reviewing our current regulations. And we're
18 looking to revise our regulations early next year and also
19 have discussion about that at our December meeting. If you
20 do have any comments or proposed regulatory changes, please
21 send those to our Executive Officer Santiago Avila-Gomez.
22 We are still in the pre-rulemaking phase, but we are hoping
23 to go into that rulemaking in early 2021.

24 Moving on to Agenda Item Number 9, the
25 legislative report.

1 MR. RATSHIN: Again, no updates on the
2 legislation or amendments to our Act.

3 CHAIR HASSID: Thank you, Todd.

4 Okay. Moving on to Agenda Item Number 10 is the
5 personnel report. And the Board does not have personnel --
6 any personnel items to report at this time.

7 So we'll now be moving on to Agenda Item Number
8 11, the public comment. Please be advised that the Board
9 is unable to adjudicate, comment, or resolve any pending
10 case matters before the Board.

11 I will ask our Executive Secretary Santiago
12 Avila-Gomez to first go through the queue for public
13 comment, to the extent we have one, and then open it up for
14 others who wish to have a comment.

15 If you are having technical difficulties or miss
16 your turn, we will work to come back to you. And please
17 remember to be on mute unless you are speaking. If you
18 require translation, please advise us and we will make sure
19 you get those services.

20 Santiago, do we have anyone in the comment queue?

21 MR. AVILA-GOMEZ: None pending.

22 CHAIR HASSID: Anyone else who would like to have
23 a question or public comment? Okay.

24 All right. We are now going to move on to our
25 informational panel which I'm very excited about, which is

1 engaging the indigenous farmworker population.

2 Several months ago several ALRB Board members, as
3 well as many members of our staff had the opportunity to
4 participate in a webinar series that was hosted by the
5 Ventura County Child and Family Welfare Services Agency.
6 And through the course of that series, we were able to
7 learn more about California's indigenous population more
8 generally and gain insights from local government as well
9 as CBOs, community-based organizations, I should say, about
10 some of the issues about populations or spaces and ways
11 that we can work to improve them.

12 We wanted to have a more focused discussion on
13 the indigenous population in the farmworker community and
14 that is the focus of our panel today. And we thought that
15 was imperative to discuss as a Board and focus on the
16 issues that affect them. And so hopefully we can improve
17 the way we serve that population.

18 I want to extend a very special thank you to
19 Board Member Flores for taking the lead on instigating this
20 -- initiating this panel discussion today and helping to
21 coordinate that. I'm very excited to hear from our
22 panelists, some of which who participated in the webinar
23 that we had the opportunity to participate in a few months
24 ago.

25 Please join me in welcoming our panelists today.

1 We will first hear from Rick Mines who will provide a
2 primer on the indigenous populations in the -- in
3 California's farmworkers workforce.

4 Our second panelist will be Gaspar Rivera
5 Delgado, the project director for the UCLA Labor Center,
6 who will address cultural competency as an integral factor
7 to engage indigenous farmworkers.

8 And then our third panelist will be Marisa
9 Lundin, the legal director of the Indigenous Program for
10 CRLA. And she will discuss language just as an integral
11 factor in communicating with indigenous farmworkers.

12 With that, I will turn it over to our first
13 panelist, Richard Mines.

14 MR. MINES: I think I have a slide show to --
15 that's going to come on in a second.

16 I'm really excited to hear all the -- all the
17 activity at the ALRB. It's great to hear.

18 I'm going to -- I'm going to expose to you a lot
19 of data. So this is an overview from data sources so
20 anytime you want to interrupt and ask a question, please
21 do. I'm going to -- it's very comprehensive and, so please
22 interrupt whenever you want. Hi, Silas.

23 MR. SHAWVER: Hi, Rick. I'll interrupt you.
24 Don't worry.

25 MR. MINES: Good. Can you put on the slide show?

1 CHAIR HASSID: Santiago, are you able to assist
2 with that PowerPoint?

3 BOARD MEMBER FLORES: Right. Santiago, if you
4 could just give me access to share screen.

5 MR. AVILA-GOMEZ: Okay. Working on that now.
6 Okay, you should have that ability now, Cinthia. Along the
7 bottom of your screen.

8 CHAIR MEMBER FLORES: Oh, great.

9 MR. MINES: Okay. So --

10 CHAIR HASSID: Thank you, Santiago.

11 MR. AVILA-GOMEZ: You're welcome.

12 MR. MINES: So let's see can you move it over a
13 little bit to the right? Let's see. Can you go -- oh,
14 there it is. It's not -- maybe that's the first one.
15 Maybe the other -- it seems a little bit off my screen.
16 Maybe you should leave it like that. I don't know. Can
17 other -- I can't see it. In the smaller one I can see it.

18 CHAIR HASSID: I think it may be -- yeah, I think
19 it may be better in the editing format because it just
20 the -- it's not --

21 MR. MINES: Yeah. Put it in the editing format.

22 Okay. So who are the indigenous? So I'm going
23 to talk about these topics, where do they come from and
24 where they go to? Why they are both creators of wealth and
25 impoverished at the same time? How they compare with other

1 farmworkers, you know, with Mixteco farmworkers? What are
2 their special needs and conditions? And how they react to
3 difficulties like COVID?

4 And throughout this I'm going to talk about
5 something called a type hometown networks, which I'm sure
6 Gaspar and others will mention and Marisa. But I think
7 that's the best way to think about understanding and
8 studying this community.

9 Next slide, please.

10 So who are -- who are they, the indigenous?
11 Outsiders can't define them. Their identity's very
12 particular through each small group and they have to define
13 themselves. As Gaspar will mention later, many more people
14 identify as indigenous than speak the language.

15 So let's go to the next slide.

16 I'm going to use three sources. An indigenous
17 farmworker story, which we did in 2008, 2007 to 2008. It
18 has enormous detail. There was -- it was -- it's a
19 community sample. Then there's a random sample survey,
20 then also the National Agricultural Worker Survey, which
21 has been -- it started in 1988 but it does about 700
22 interviews a year in California and it's very good for
23 comparing between indigenous and nonindigenous. And
24 finally, the COFS survey, which we just did just now as it
25 samples 9 or 15 convenience sample, and 6 frontline

1 organizations. You know, I believe Campasinas and groups
2 like that did the survey, and we helped organize it by CRS.

3

4 Okay. Next slide, please.

5 So where do they come from? And Gaspar will go
6 into more detail about this but there's large groups of
7 language -- native languages. But most of them come from
8 Oaxaca, Guerrero, Puebla, and Michoacán. You'll see that
9 80 percent are from Oaxaca. These are -- these are
10 California farmworkers. You know, the 10 percent from
11 Guerrero, and Puebla, and the other -- Chiapas, and
12 Michoacán, a few come from there, but you see 80 percent
13 form Oaxaca, 10 percent from Guerrero. And the languages
14 in our survey in 2008 is probably hasn't changed all that
15 much since then because it's of the stability of the -- of
16 migration. Mixteco's about 54 percent. Zapotecos, 25
17 percent. Triqui 10, percent. Nahuatl, and so forth.
18 Chatino and many others languages are -- have small
19 representations. But half -- 90 percent are Mixteco,
20 Triqui, and Zapotecos.

21 Next slide, please.

22 There's a -- there's a long history of migration
23 and discrimination in this group. You know, since the
24 Conquest of the Americas by the Spanish. They were -- the
25 are traditionally are a very self-sufficient culture. Up

1 until 1940 about, they were. They made their own clothes,
2 their own food, they cooked their own -- they grew their
3 own food, they had their own agricultural implements and so
4 forth. But in about 1940, the economy started changing.
5 They started -- people from other places came in and
6 started selling stuff. They started buying clothes, and
7 cars, and agricultural implements, and so forth, and so
8 they had to start migrating to pay for it.

9 First they went to (indiscernible) in Veracruz,
10 then they went (indiscernible) in the northwest. They
11 didn't cross into the United States until about -- until
12 like -- until the 1970s and almost -- very large numbers
13 started coming in the 1990s.

14 Now under the colony, they were forced to do
15 abusive contract labor and under the republic, they were
16 subject to a thing called desindianizacion, which meant
17 that their languages were obliterated by the -- by the
18 government. And they have been and continue to be
19 discriminated against in employment, receiving services.
20 And they were made fun of in popular culture in Mexico all
21 the time and mocked by -- you, in radio and so forth. You
22 know, elendito. So -- and the discrimination continues in
23 California because -- because most of their supervisors,
24 their landlords, their shopkeepers, are Mestizos that are
25 dealing with them. You know, why don't you speak Spanish?

1 What's the matter with you? You're Mexican. So the
2 discrimination continues.

3 Next slide, please

4 But they have -- they have adapted and survived
5 very well. They haven't been obliterated. The cultural
6 groups adapt at keeping their distinct age-old customs.
7 They have strict rules about citizenship in their
8 hometowns. Land is not held privately, generally, but given
9 to citizens for use. Male citizens are expected to fill
10 all kinds of public jobs like mayors, and credit directors,
11 corporate health directors. These are called cargos and
12 also expected to do manual labor called tequios.

13 And the man has to return to the village or hire
14 somebody, pay somebody else, to take those jobs or they'd
15 lose their use (indiscernible) rights, their right to plant
16 land. And they can -- some have even lost their houses.
17 So this is seen by a burden by some, but the usos y
18 costumbres, this is what the whole system is called, have
19 kept the communities together in face of severe
20 discrimination by Mestizo society.

21 Next slide, please.

22 Okay. This is our traders of wealth, indigenous
23 farmworkers, Californian farmworkers. The networks make
24 decisions about the distribution of their population
25 between the home area and the United States to minimize

1 their family's costs. Men of working age, many here
2 without their families, represent a large portion of the
3 population of indigenous immigrants. You can see in the
4 slide that the red is female, blue is male. The ones in
5 the United States, and these nuclear families, that's
6 everybody in the family, the males are mostly in the United
7 States, females -- there's fewer than Mexico, but there's a
8 more of a female population.

9 Next slide, please.

10 The couples come back -- come up -- a lot of
11 couples come up by themselves, leave their children back
12 with the grandparents, and bring the boys up mostly when
13 they're -- when they're of working age. This is a very,
14 very hard working employed group. You can see in the
15 slide, and the, you know the children and mothers work only
16 for a month, or two, or three months a year, they're
17 working. You can see in the slide that -- that as the kids
18 get older, they work a month or more in the field. You
19 know, this -- these are numbers, so you can see that eight,
20 seventy -- 80 percent of the kids are working.

21 Another thing is that there's a high percentage
22 unaccompanied. Unaccompanied men are always a high
23 proportion of farmworkers in the United States, the Mexican
24 farmworkers in the United States. But the indigenous
25 having even a higher percentage. You can see that the

1 unaccompanied among the indigenous, the orange bar, is 52
2 percent, where it's only 36 percent, a third among the --
3 among the nonindigenous. So they have more people that are
4 working. They don't have children -- they aren't a -- they
5 aren't a burden on our social services because they're here
6 by themselves without their families.

7 Next slide, please.

8 Also, another thing that keeps down the cost of
9 the -- of the indigenous is they follow the crops. You can
10 see in the slide that FTC stands for follow the crop. You
11 can see that three times as many indigenous, the orange
12 bar, follow the crop than the blue. The -- they're up --
13 they're going up to Oregon, and Washington, principally,
14 and (indiscernible). But we see that they're inexpensive
15 labor for the California economy. The rest of us benefit
16 from the fact that so many of them are working and so --
17 and they're so, such a, you know, hardworking and migratory
18 group.

19 Next slide, please.

20 Okay. Now indigenous are poorer than a Mestizos.
21 Here's -- I'm going to go through -- run through a bunch of
22 slides that shows you how poor they are. They -- the
23 average, you know, the crowdedness is judged by the -- by
24 the Census Bureau. If you're -- if you're more than 1.5
25 per room, excluding kitchens and bathrooms, you're

1 considered extremely crowded. You can see here that in our
2 study in 2008, the Indigenous were 1.75. You can see along
3 the coast, it's even worse where there's Watsonville,
4 Salinas, and Ventura, so forth, Santa Maria, they're up --
5 they have Watsonville is the extraordinary three per room.
6 Very, very, crowded. Two and three families per maybe a
7 two-bedroom apartment.

8 And the people don't necessarily want to be with
9 the people they're with. Some are with family, but others
10 are with strangers. And one woman told me one time, you
11 know, I don't want to be -- I want to live with my husband
12 and my children alone, I don't want to be with two other
13 families. This is a very extremely crowded population.

14 And you can see also in the NAWS data -- NAWS is
15 the National Agricultural Workers Survey data from the 2014
16 and '16 period, the most recent data that I have. You can
17 see that the indigenous in the orange, exceed 43 percent in
18 the NAWS, exceed the two per room. On -- whereas the
19 nonindigenous which is also a very, very high rate, 28
20 percent. But the indigenous, more crowded.

21 Next slide, please.

22 They have fewer assets than the indigenous --
23 excuse me, than the Mestizos. The indigenous, the orange
24 again, they own a car half the time. They have to -- need
25 a car to get to work, but the nonindigenous, Mestizos, 60

1 percent of the time.

2 I -- almost all -- almost all farmworkers in
3 California are Mexicans. Mexican born. About 95 percent.
4 Only about 2 or 3 percent are U.S. born. The -- and only
5 the --

6 MR. SHAWVER: Rick, can I ask a question about
7 indigenous versus Mestizo?

8 MR. MINES: Yes.

9 MR. SHAWVER: Are there a lot of mixed families
10 where you, you know, have indigenous and Mestizo? Or do
11 you find that it's pretty easy to sort of identify one from
12 the other in terms of your study and your statistics?

13 MR. MINES: The answer to the second question is
14 no, it's not easy to tell. The answer to the first
15 question is I don't think there's a lot of mixing. I think
16 there's -- they're pretty, you know, like my grandmother
17 has been like gentiles, you know. They don't -- they
18 didn't -- they're pretty -- a closed community. You know.

19 And so I don't think there's a lot mixing, you know, in
20 the first generation.

21 With respect to the second question, yes, it's
22 hard to tell who indigenous is because you can't go on just
23 on the language. You have to ask them for their identity.

24 Now in the NAWS they have a bunch of questions and I think
25 it's pretty good, but this -- all these data are

1 approximate in the Census. Some of the -- some of the
2 nonindigenous probably are indigenous and don't want to --
3 I remember I talked to a guy in a laundromat, a
4 (indiscernible) speaking guy and he has -- he spoke
5 terrible Spanish. I said where are you from? He said oh,
6 you know, he had denied that he -- that he was
7 (indiscernible). There's a tendency to, you know, to, you
8 know, not -- there's some that are not indigenous that are
9 really -- that really are indigenous.

10 Next slide, please.

11 They just also have poor working conditions.
12 Farmer contractors are associated with poor working
13 conditions and you can see that the, on the right side
14 there, the indigenous work for farmer contractors more than
15 the nonindigenous.

16 Next slide, please.

17 Here's -- there's three common measures of poor
18 working conditions that I use and many other survey
19 researchers use and this is hard to get at poor working
20 conditions. And so we use pay for equipment, pay for
21 rides, and piece rate. That's two, you know, if one group
22 has got more of it than the other, that indicates they're
23 probably being mistreated more than the other group. So
24 here what you see that it's more pay for equipment, you
25 know, one and half times as many, twice as many pay for

1 rides, and twice as many do piece rate. So there's a
2 measure of poor working conditions for the -- for the
3 indigenous.

4 Next slide, please.

5 They're paid less. Here, you know, both hourly
6 and piece rate. And then in the NAWS and National
7 Agricultural Workers Survey they, indigenous are paid, you
8 know, 15, 20 percent less than the -- than the
9 nonindigenous.

10 Next slide, please.

11 Now why are they more impoverished? Now they're
12 impoverished because of discrimination. Because of 500
13 years of discrimination against a group that has really
14 been terribly treated in Mexico and continues to be treated
15 poorly by the Mexican, the Mestizos in the United States,
16 and by, you know, the children of Mestizos, and other --
17 and other Americans.

18 But then other factors that are important that
19 you should know about. They come from very remote
20 villages. About half or less than of 500 people in 2008.
21 When I ran through the next Consensus and figured it out,
22 they come from very small places. In the NAWS, indigenous
23 had 5.7 years of school, Mestizos 7.8 years of school.
24 They're younger. They came -- they came more recently,
25 13.7 years ago instead of 19.3 years ago. And they're

1 younger, 35 instead of 38 years old. So they're younger
2 and more recently arrived group, and a more poorly educated
3 group.

4 Next slide, please.

5 They came after IRCA. And this is -- this is a
6 little bit startling maybe for some of you. But you see
7 that 87 percent in the NAWS, in the nineteen -- in 2016,
8 '14, '15, '16 are unauthorized. 55 percent of the -- of
9 the Mestizos are unauthorized. So about 45 percent are
10 work authorized among the Mestizos. Only 13 percent among
11 the -- among the indigenous are authorized to work in the
12 United States. So it's -- that really reflects on owning
13 houses, on how much they're paid, and whether they --
14 whether the foreman is, you know, discounting their wages
15 and so forth. Next slide, please.

16 I wanted to show you that this is -- I found this
17 in the NAWS by going from the data and I couldn't use the
18 indigenous definition here because I don't trust the
19 earlier -- the earlier data in the NAWS for defining
20 indigenous. They weren't asking enough questions back at
21 the beginning. And so I used a proxy, which is Southern
22 Mexico. Most the people from Southern Mexico are
23 indigenous. (Indiscernible) in Mexico aren't. I figure,
24 but over probably 90 percent of the ones who are not
25 considered Mexico are not indigenous. So I made this

1 comparison.

2 So in the -- this is a percentage of the total
3 California farm labor force that are -- that are from the
4 Southern Mexico. Among all Mexicans -- I'm sorry, total
5 Mexican California farm labor force. So in the '91, '93
6 period, 5 percent were sent from the south. Then it went
7 up precipitously. In those -- in those years, half, half
8 of all the new -- the newcomers, the one in the first year
9 in agriculture, were from the south. They were just
10 pouring in, into agriculture.

11 And there was -- there's a, as you know, there's
12 a fast turnover. There was a -- there was, until recently,
13 a fast turnover in agriculture so the indigenous were
14 coming in at a very high rate up to 2008. And then we see
15 -- we sense a decline since then. I don't think it's so
16 much leaving, though a lot of them left, especially from
17 the construction industry. But I think that fewer are
18 coming in now. Among all the groups, but the indigenous
19 especially.

20 Okay, so next slide, please.

21 So where do -- where do the indigenous go in
22 California? Again, I have to go back to 2007 data. I have
23 no idea. I have no idea. There's no surveys done, you
24 know, that I know of that really, you know, it's all WAGs,
25 you know, wild ass guesses about where people are. But

1 these we actually did a hometown count. We sent out 40
2 interviewers, and we counted 350 towns around California,
3 and we counted where they were. And you can -- you can see
4 that, well that we know from that count that of course
5 people came up to San Diego, then Riverside, then they
6 started settling out in Fresno, Madera. That was one of
7 the earliest places and still the biggest place. You see
8 almost 25 percent in 2007 were in that area. So it's a
9 huge place. But in the -- around 2000, late '90s,
10 2000s they started shifting to the coast. You know
11 Greenville where all the Triquis are. The Mixtecos went
12 over for the strawberries and so it's -- so it's more on
13 the coast now. And you can see that, in the slide on the
14 left, that this, you know, Santa Maria, San Diego, Salinas,
15 Ventura, and so forth on the coast are where the people go.
16 And you can see a division in 2007 between the areas.
17 Central Coast is 45 percent; Central Valley, 33 percent,
18 and so forth. San Diego is still a big one, and the north
19 coast.

20 Okay. Next slide, please.

21 So now if you have -- if you have time, I'm going
22 to go through some slides from the COFS survey, which is
23 the COVID-19 Farmworkers Survey, which we just did. And it
24 -- here at -- Silas, I'm going to use -- for indigenous,
25 I'm going to use if they did their interview in an

1 indigenous language. So I'm comparing that with the other
2 people.

3 So I figure about 85 percent of the others are
4 not indigenous, would not identify as indigenous, but I
5 have no idea. We didn't ask them. So I don't know.
6 Anyway, so I -- this anyway, this is a proxy. And you can
7 see that the indigenous are kind of disadvantaged in a
8 series of ways in this COVID crisis. More of them go to
9 emergency rooms, 43 percent against 29 percent. Fewer of
10 them have private doctors. More use home remedies. You
11 can see that on the slide, 6 percent versus 4 percent. 12
12 percent versus 3 percent private doctor. So there's a
13 tendency for them to not to go private doctors like the --
14 like the nonindigenous and use emergency rooms.

15 Next slide, please.

16 They're more blocked by cost, lack of
17 information. They, you know, about one and half times of
18 them as a
19 nonindigenous say cost is a barrier for healthcare. They -
20 - lack of information, 10 percent against 2 percent say
21 there's a lack of information. But 24 percent of the
22 people say they could figure out a way to get some
23 healthcare, but only 9 percent of the -- of the indigenous.
24 So they are certainly disadvantaged in this regard
25 according to our data.

1 Next slide, please.

2 They're also, and this is an easy one, they're
3 exposed to infection more. One of the things we found out
4 is that people, especially in vans, are going with
5 strangers to work. The indigenous more so, 40 percent
6 against 49 percent are going in vans. So they're more
7 exposed to infection.

8 Next slide, please.

9 And also we found that both groups, they're
10 increasing the number of people in their house after COVID.
11 Instead of decreasing it, they're increasing it. 11
12 percent of the -- of the indigenous have increased the
13 number of people in their house against 5 percent of the
14 nonindigenous. Another measure of being more exposed.

15 Next slide, please.

16 Also this is -- I find this one very interesting.
17 We asked a series of questions about training. And
18 everybody says they -- almost everybody says they got a
19 talk. And a lot of people said they were given an
20 information sheet. But only 1 out of 5 about were
21 explained in detail how they use the equipment. And among
22 indigenous, that was almost nobody, 3 percent whereas
23 nonindigenous was 20 percent.

24 So they're not, you know, I question whether if
25 you, you know, with these language challenged people, where

1 they give a -- give a talk by the foreman in Spanish, I'm
2 not sure how much he knows about COVID anyway. But if you
3 give a talk in Spanish, how much is getting through to the
4 indigenous? They say that they don't -- they were not
5 trained in how to run it, like, you know, one-seventh as
6 much.

7 Next slide, please.

8 CHAIR HASSID: Rick, can I -- can I ask? Is the
9 distinction there between talk and explain, that the -- the
10 explained is more interactive?

11 MR. MINES: No, we asked them -- asked them, did
12 you get a talk? Yes, I got a talk. Then, did somebody
13 explain to you how to -- how to put on a mask, when to wear
14 a mask? Were you given a detailed explanation how to use
15 PEP (sic)? And most people said no.

16 Thanks for that question, Victoria.

17 Next slide. I'm almost finished.

18 It's interesting that the -- that the indigenous
19 still protect themselves more. They lack healthcare
20 information. They don't have as much health insurance.
21 They travel more with strangers. They received inferior
22 training, but they wore masks more. And their colleagues,
23 they say their colleagues are wearing masks more.
24 They -- 91 percent say they wear a mask. Almost everybody
25 says they wear a mask.

1 It's actually what, if your colleagues wear a
2 mask, I think which is the better measure. And because
3 people have a, you know, a different view of themselves
4 than others. And the indigenous say their colleagues are
5 wearing masks more. So I think it's -- I think maybe the
6 indigenous are more sensitive to the COVID and protecting
7 themselves, maybe because they're more exposed.

8 Next slide.

9 So that -- so to summarize, the indigenous are a
10 diverse but very different group than any other Mexican
11 farmworkers. With their own culture and they've -- they
12 have survived. They suffer from more poverty and are more
13 exposed to disease than the Mestizos because of
14 discrimination and history, and because they're more
15 recently arrived. And they contribute disproportionately
16 more to the well-being of other Californians.

17 And remember when in the design of your programs,
18 which seem to be helping farmworkers a lot, that if you --
19 if you remember how the farmworkers organized, they're
20 very, very loyal to their -- to their hometown. And their
21 hometown organization -- they know people from their
22 hometown. And I think it's very important to remember that
23 in how you design programs to reach them.

24 Thank you very much.

25 CHAIR HASSID: Thank you, Rick. That was

1 incredibly informative. I'd like to open up to my
2 colleagues, the Board members first to see if they have any
3 questions or comments.

4 BOARD MEMBER LIGHTSTONE: Well, I'd just like to
5 thank you for the presentation. That was very, very
6 interesting and informative.

7 I had just one question. Could you elaborate a
8 little on why immigration changed after IRCA in the way
9 that that slide showed?

10 MR. MINES: In 1986 there was a -- there
11 was -- from '86 to '88, probably Julia probably knows more
12 of this than I do, but there was an amnesty program. You
13 know, a legalization program that legalized almost a
14 million Mexican, mostly men. Farmworkers, with the SAWS
15 Program. And so a lot of farmworkers got legalized. I
16 mean, you know, close to a million nationally. You know,
17 you know, maybe a third, a hundred, three or four hundred
18 thousand Californians.

19 So a lot of them are -- and they didn't -- since
20 they came after 1986, they didn't benefit from that. So
21 there -- so once -- and once you're in the system, then you
22 can get your relatives in, you become a citizen. You know.
23 You noticed in that slide that the indigenous almost
24 nobody's a citizen, whereas the Mestizos, there's a, I
25 can't remember what it is, you know, 10, 15 percent are

1 citizens.

2 So the Mestizo population started coming in the
3 '20s. Really heavily in the '40s, and '50s, and '60s. And
4 the indigenous really started coming in the '70s and
5 heavily in the '90s. So it's a much more recent population
6 so they're not -- they're not institutionalized. They're
7 not, you know, plugged into our institutions because of
8 discrimination by other Mexicans, because of language
9 barriers, because of educational levels, because they come
10 from very small places that are not -- they're not used to.

11 A lot of Mestizos come from big towns and
12 neighborhoods and cities. Fewer -- maybe 40 to -- 40 to 45
13 percent of the -- of the farmworkers in California that are
14 Mestizos didn't even have an agricultural background in
15 Mexico. Whereas, you know maybe 70 percent of the
16 indigenous do. So it's a different population.

17 BOARD MEMBER FLORES: Richard, this is Board
18 Member Cinthia Flores. Thank you so much for the
19 presentation.

20 I wanted to follow up. So it appears to me that
21 because there is a direct correlation with the
22 authorization to work, and the level of pay, therefore
23 because indigenous populations are less likely to be
24 authorized to work, is there a direct relationship that
25 makes them more likely to be exploited in the workforce?

1 Or even maybe less likely to speak up about, you know, wage
2 theft or issues of that nature?

3 MR. MINES: That's a controversial issue whether
4 there's a direct correlation between undocumented status
5 and wage. There's, you know, papers on both sides of that.

6 I think that wages in general, for farmworkers, don't go
7 up that much. They're not -- they're not that sensitive to
8 experience, strangely enough. They go up somewhat, but the
9 whole thing is very flat.

10 But, yeah, they're, you know, the -- also the
11 language barriers are very important for indigenous because
12 when you're, especially piece rate, you come up to the --
13 your boss with your -- and he measures this 20 pounds or
14 you know, or 15 buckets, or whatever it is. He says, well
15 you've got 14 and I say no, I got 15. He says well I can't
16 understand. You don't speak Spanish. I can't understand
17 you and so I'm not going to give you 15 buckets.

18 So there's -- I think there's quite a bit of -- I
19 wouldn't under, you know, be underwhelmed by the racism in
20 Mexico. Gaspar is going to talk about that. But the
21 Mestizo mind is almost all Mestizos. There's very few
22 indigenous mayordomos. And, you know, their whole life
23 they've been seeing this -- this been -- seeing these
24 indigenous people being mocked on TV and radio. And so,
25 you know, Gaspar can answer that question better.

1 CHAIR HASSID: So the population, is
2 it -- are -- is there any data or any indication, is this
3 population going back and forth across the border? Or are
4 they once they're here, staying here and are there kind of
5 like second and -- second generation?

6 MR. MINES: There's definitely second generation.
7 Of the -- the ones like San Miguel Cuevas, you know, Santa
8 Maria (indiscernible) that came -- that came earlier in the
9 '70s. There's a lot of second generation.

10 There's a lot of variation within the networks,
11 within the hometown networks. Most of them have come since
12 the '90s, but some have come before. Those are -- have a
13 second generation. And those that have -- came earlier and
14 qualified for documented status, they can go back and
15 forth. But, you know, it's a very intraputed (sic) of
16 farmworker that's going back and forth across the border.
17 And that's so expensive and dangerous. You know, Border
18 Patrol's in front of you and narcos behind you. You know,
19 it's a -- it's a dangerous situation, so people are pretty
20 much that are here are staying here. And there's a trickle
21 across, and people go back, you know, because they have to.
22 But they -- people avoid -- are avoiding it.

23 This -- I think -- still people are bringing
24 their children up, you know, of working age. You know, 16-
25 year-old boys, put them in the field. But I don't -- I

1 have to do a, you know, somebody's going to have to fund
2 these in the interim to do -- to do a updated study to
3 gather some of the current data. Maybe Gaspar has an idea.

4 CHAIR HASSID: That actually leads me to my next
5 question is anecdotally my understanding is that the
6 general farmworker population is aging. And I wondered if
7 that -- the indigenous farmworker population track that or
8 if we had any sense if it -- if there was any demographic
9 to --

10 MR. MINES: You know, I think that's right. I
11 think the whole populations in the NAWS is around 38. And
12 if you look about ten years back, it probably would be, you
13 know, 33, 34, something like that. And the indigenous
14 population, which is about three or four years younger,
15 would track it the same. Would, you know, if you -- I
16 could run that for you if you want to send me an email.

17 CHAIR HASSID: Okay.

18 MR. MINES: I could track indigenous population
19 over time. They're aging.

20 CHAIR HASSID: Great. Any other questions from
21 colleagues?

22 MS. YAKAR: Yes, Chair Hassid. This is Itir
23 Yakar, Board member -- sorry, Board counsel with the ALRB.
24 Thank you so much for your presentation. It was very
25 informative and helpful.

1 I'm just curious if there's any training being
2 done that you're aware of to address the discrimination
3 since it's such a prominent widespread problem and it
4 impacts wages, you know, whether our sister agencies, or
5 whether the ALRB, or the General Counsel's Office, if
6 anybody would like to respond. I'm curious about any
7 training to address the --

8 MR. MINES: It should be done. But Marisa and
9 Gaspar are better positioned to answer that.

10 MS. YAKAR: Okay, thank you.

11 MR. MINES: It certainly should be done. And I
12 think there's -- I think there's some interest in the
13 Guerrero community, too, in doing that.

14 CHAIR HASSID: Any other questions or public
15 comment?

16 MS. MONTGOMERY: Yeah. This is Julia Montgomery.
17 Hi. Thanks. Thank you so much, Rick. Really, really
18 appreciated your presentation. Very informative.

19 Just a quick question and I think it may be a
20 little early to answer this. I'm not sure if we have the
21 data yet. But I'm wondering, is there any data that speaks
22 to the COVID infection rates of indigenous populations in
23 the United States versus Mestizo populations, like in the
24 farm working communities. I'm curious if there's a
25 difference.

1 MR. MINES: I don't know. I mean the survey, the
2 COFS Survey is -- can't, you know, measure prevalence or,
3 you know, it can't do that. I mean, it's the best data, I
4 think, to measure farmworker is by ZIP code. I did a study
5 in Salinas in 2017, which I measured joint housing. You
6 know, people living with other families in a house, by ZIP
7 code. I did that in 2017. But I took the data from 2020
8 from the Monterey County ZIP code data where the COVIDs
9 were. And it's -- it was -- there was a correlation
10 between where the -- where there's joint housing was among
11 farmworkers.

12 I think there is a correlation of things. I
13 think that it's got to be true. Just from the -- from the
14 -- one can deduce if they're traveling with people more at
15 work with strangers, if they live in more crowded housing,
16 you know. They're already wearing masks more. That's
17 good. But they -- but all farmworkers are more exposed.
18 Yes. It's three -- the rate is probably three times as
19 much as nonfarmworkers, but I don't know about indigenous.

20 BOARD MEMBER BROAD: I have a question.

21 CHAIR HASSID: Yes.

22 BOARD MEMBER BROAD: Are the indigenous languages
23 related to one another so that different, you know, like,
24 they can't communicate with one another across their
25 language group?

1 MR. MINES: No, they -- there's many, many
2 variantes within each language, so Fausto Sanchez, who is
3 on this call, and I went to Doslaciaco to do some
4 interviewing. He couldn't talk to those people at all.
5 Zero, you know. So I think Gaspar should answer that.
6 Gaspar, please, help me out here.

7 BOARD MEMBER FLORES: I think this might be a
8 good time to switch over to the second portion.

9 CHAIR HASSID: Yes. I think we will. So and
10 thank you, Rick, for starting the introduction of Gaspar
11 Rivera Delgado, who's the project director for the UCLA
12 Labor Center and will be speaking about cultural competency
13 as an integral factor to engage indigenous farmworkers.

14 Gaspar, please take it away.

15 MR. RIVERA DELGADO: Thank you. And it's a
16 pleasure to be with you all here.

17 Thank you, Rick, for such a great presentation.

18 Cinthia, do you mind if I share it from my
19 screen? Thank you.

20 CHAIR HASSID: Santiago, would you mind providing
21 Gaspar -- there you go. Thank you.

22 MR. RIVERA DELGADO: Okay. Thanks.

23 There were some interesting questions already.
24 And I think some of those questions I'll be addressing in
25 this presentation. But also Marisa will talk a lot about

1 language.

2 My main goal really is to highlight some of the
3 findings that we had for a study that we did in 2018 for --
4 for the Labor and Workforce Development Agency that
5 incorporated a study of the communication strategies from a
6 lot of the agencies, the departments, and Board. And while
7 we did also is that based on this study, we develop a
8 series of training -- trainings. So we develop a training
9 for agency stock for advocates and also for farmworkers
10 themselves.

11 Our main goal was to really start thinking about
12 this issue of becoming a learning organization for
13 different agencies of the state to know the population and
14 to readily change practices. So once you get information
15 such as the one that provider rate, what do you do with
16 that? How do you think that kind of information and to
17 start building your capacity to respond to the multiple
18 challenges represented by a diverse workforce?

19 So already Rick presented some of the challenges
20 that it means to deal with a diverse workforce. So
21 basically, then, my hope is that I plant the seeds along
22 with my colleagues Rick Mines and Marisa for transforming
23 the Agriculture Labor Relations Board into a learning
24 organization that can develop capacity ensuring practices.
25 Already the beginning we heard reports from different

1 folks from different agencies in the state and I'm so glad
2 that, you know, already there's some very interesting
3 models that we can develop.

4 One of the challenges, though, is that, you know,
5 this state is big and there are many agencies. But there's
6 already good practices. So as Sabastian mentioned, these
7 farmworker initiative. And I think one of the great
8 practices that has been developed is, you know, they
9 uploaded, they created a webpage for indigenous
10 farmworkers, they reached out to a lot of community
11 agencies that are -- that have the ability, capacity, that
12 are training interpreters and translators and they
13 uploaded, actually, some of the information on COVID-19 and
14 other basic labor rights into their webpage. And it would
15 be great for you to look at, to go and look at it. And
16 that's so you can start hearing the sound of these
17 indigenous languages.

18 There was one question about whether or not
19 indigenous languages are mutually exclusive or can people
20 understand each other. What we should know is that when we
21 talk about indigenous languages such as Mixteco, Zapotec,
22 and I'll go over that a little bit later, it would be
23 better to think about family of languages.

24 When we talk about Mixteco, we say oh, these
25 populations speak Mixteco, there's always number because

1 already has the fact that Rick was pointed out. A lot of
2 these Mixtecos come from villages in which they don't
3 understand each other. So it's better to think about
4 family of languages and that is key because when you're
5 trying to find a match for an interpreter, if you know
6 where people come from, then you'd be better at finding a
7 match.

8 So this is a good practice that already the state
9 is incorporating. So when they say Mixteco, they have all
10 these different variations of Mixteco. And one of the most
11 established Mixteco communities in the Fresno area that
12 Rick was referring to is San Miguel Cuevas. They've been
13 around, you know, for more than 40 years. There's a
14 vibrant second generation. So our colleague here Irma Luna
15 who used to work CRLA and now works for Centro
16 Internacional. She's one of the growing cadre of
17 trilingual interpreters. She's fluent in English, Mixteco,
18 and Spanish. So she comes from San Miguel Cuevas so she
19 represents this new wave of second generation that is not
20 losing their identities, actually, you know, becoming the
21 cutting nature of really becoming trilingual.

22 My hope is that as we learn more about these
23 population, we transform our practices and hopefully the
24 1-800 numbers can be multiplied. And one of the ideas that I
25 had is why not create a 1-800 with Mixteco, Triqui,

1 Zapoteco where indigenous people can call with a specific
2 question knowing that they could get access with specific
3 information in their own language.

4 Also I can make available the full report where
5 we study the communication practices of different agencies.

6 And we took a sample available in the different websites
7 from all the major agencies, especially the ALRB, Cal/OSHA,
8 the Implement Department, and also other agencies. And we
9 evaluated how effective they would convey key information
10 to farmworkers. And in general, we can say that there's a
11 lot of work to be done. A lot of these communication
12 strategy that we found in the website relies on rate and
13 tax. And so that's kind of the main way in which different
14 agencies communicate important information. And that's a
15 shortcoming.

16 We also conduct focus groups with indigenous
17 farmworkers. And the main way they communicate is orally
18 and through video. So there's already some very important
19 initiatives that rely on that such as the one I just show
20 uploading sound and video is actually a better strategy and
21 to make that -- those information more interactive. And we
22 can -- if we have time, maybe you're interested, we can
23 talk about that.

24 My main goal right now is to really think of you
25 all as decision makers and how can we start reframing our

1 narrative about the workforce, the front worker workforce
2 and to start thinking about these workforce as multiethnic,
3 multilingual. And then when you know about that, then,
4 what are the ways in which you can increase your capacity
5 to respond to the multiple challenges that these
6 population, the (indiscernible) farmworker population
7 faces?

8 I -- full disclosure, a member of the Mixteco
9 community, I was part of that mass exodus of Mixtecos who
10 came to the United States in the mid-1980s, 1990s. So
11 deeply imbedded in those community networks. But also, I
12 have to say that, you know, this population keeps growing
13 and keeps becoming more complex. So even members of that
14 community, there's no way they can know everything about
15 indigenous farmworkers. So it is always great to work in
16 collaboration with other state agencies, nonprofit
17 organizations, academia in not so different communities.

18 So one way which you can think about the
19 challenges, so thinking about farmworkers and this is
20 something the core of Rick Mines' presentation is how we
21 think about farmworkers and think about diversity. How we
22 thinking about indigenous versus the Mixteco or Hispanic
23 Latino and, you know, there's this huge debate even what is
24 the larger ethnic label for these community. And even at
25 the larger level, there are these debate between are they

1 Hispanics, are they Latino? And then what are indigenous
2 community?

3 One key question is why are we so concerned about
4 indigenous Mexicans? How diverse is Mexico? How many
5 languages are spoken in Mexico? I see some familiar faces
6 in this Zoom call. Some of you have attended some of the
7 cultural sensitivity workshops that we have organized with
8 other nonprofit organizations so you might know the answer,
9 but that is a key question. Is Mexico a diverse country in
10 terms of ethnicity of languages? And we'll go over the
11 numbers.

12 And how can we think about indigenous languages?
13 Are there dialects? Because many times even the word in
14 Spanish that people use to describe this indigenous
15 languages are dialectos. And I have to tell you, you know,
16 I have found that indigenous languages have those, are
17 languages full communication system, they're not variations
18 of another language. We can talk about dialects within the
19 family of languages of Mixteco, Zapoteco, or Triqui.

20 So one of the most prevalent narratives that
21 really dominates our thinking about diversity within the
22 farmworker population comes from really the senses, how we
23 think about diversity within the Latino Hispanic community
24 and basically the main sources of information that we have
25 is the senses. And as we can see here in this graph, this

1 is a graph that illustrate the dramatic increase of
2 migration from Mexico coming to the United States
3 especially starting in the 1980s, but booming -- booming
4 steadily. So we're really seeing really a demographic
5 revolution, the dramatic transformation of the labor
6 workforce and the general population of the United States.

7
8 And of course, look at this growth, this
9 exponential growth, actually. So according to consensus,
10 it is projected that in 2050, in 30 years, 28 percent of
11 the U.S. population will be of Latino Hispanic origin.

12 And the way we think about diversity within this
13 population is along the information, the data that comes
14 from the Census which is along nationality. So if you're
15 Hispanic Latino, you fill out the Hispanic Latino question
16 and then you say -- state the country of origin where you
17 are from. And then you have to fill out the racial
18 question. You know, as you know, there are only very
19 limited options for the racial question. And this is
20 especially hard for indigenous Mexicans. You know, what
21 are you? White, African-American, Native American, or
22 Asian, Hawaiian, or Native Alaskan.

23 There has been -- there's a campaign currently
24 undertaken by a lot of nonprofit organizations that work
25 with indigenous migrants that they're encouraging all

1 indigenous migrants from Southern Mexico, also indigenous
2 migrants from Guatemala to state that they're Native
3 American and that they can write their -- the Pueblo of
4 origin instead of the tribe to write it there. So
5 hopefully we can see more people and we can have some
6 numbers about how many Mixteco there are. And this will be
7 especially good in California.

8 This practice started in the Census of 2000 and
9 little by little the people who have identified as Mixteco,
10 Zapoteco has been in prison. But this -- this year,
11 there's a massive campaign with the Census. Of course
12 things that are a little bit complicated because of the
13 COVID and, you know, as for the change in politics of the
14 Census.

15 I'm going very fast because I have a lot of
16 information to share.

17 Should I go -- Cinthia, to what time should I go?

18 BOARD MEMBER FLORES: Sorry, Gaspar. We -- I
19 think we could do until 12:10.

20 MR. RIVERA DELGADO: Okay.

21 MS. FLORES: Should be fine.

22 MR. RIVERA DELGADO: So let me go very quickly
23 and then maybe we can open it up for questions. And then
24 also to allow Marisa to do her presentation and maybe at
25 the end we can come back with some questions from everyone.

1
2 So just, you know, just to test your -- your
3 knowledge of Latino Hispanic, who are these people are
4 Latino Hispanic? So think about it. So of course the
5 answer is obvious, all of them. Right? Because Hispanic
6 Latinos can be from any racial background. So we have here
7 different people who would qualify as Latino Hispanics in
8 the United States.

9 And this is part of training that we do on
10 cultural sensitivity. Trying to questions these labels and
11 opening up labels such as Latino Hispanic but also the
12 label of Mexicanness. So this same question would apply,
13 then, to indigenous people from Mexico. So if you could
14 take a guess about who are these people are indigenous.
15 Can you tell indigenous people just by looking at their
16 faces? Is it a (indiscernible) typical issue, is it a
17 language issue? How can we tell who indigenous people are?

18 And of course the answer is that, you know, all of these
19 are Mixtecos. And so you can see the variety of faces
20 (indiscernible). So you cannot tell just by looking at
21 them who they are.

22 And one of the key takeaways that I want you to
23 really think about is how diverse linguistically and
24 ethnically Mexico is. There are currently 70 indigenous
25 groups in Mexico. Each one of them, as I mentioned, is

1 speaking their own language and actually, you know, these
2 are family of languages. So there many variations of these
3 within each language.

4 And as Rick mentioned, most of the indigenous
5 languages are concentrated in what we call the Southern
6 Corridor of Mexico in the states of Guerrero, Oaxaca, and
7 Chiapas. And this is Guatemala right here and this is the
8 Yucatan Peninsula. Actually, the two largest indigenous
9 languages are the Mayan -- the Nahuatl language spoken by
10 the Aztecs which is spoken in Central Mexico and the Mayan
11 Yucateco in the peninsula.

12 But the state with the -- and this is the list
13 and I can facilitate, of course, this -- this PowerPoint so
14 you can see all the different languages. The -- but you
15 can see that and we'll go more into detail. The most
16 diverse state in terms of ethnicity of languages is the
17 state of Oaxaca. And we'll go over that.

18 Most of this data comes from a recent Census done
19 in Mexico, the Mexican Census. They change the way they
20 identify the population. The practice since the postwar
21 years have been that really Mexico tried to minimize the --
22 the size of indigenous population and they would only count
23 a (indiscernible) the people who spoke an indigenous
24 language. So Census takers would go up to indigenous
25 population, they would ask the question not whether or not

1 you are identified as Mixteco, Zapoteco, Triqui, but they
2 would ask the question do you speak an indigenous language
3 at home? And if you were five years or older and you said
4 yes, you would be counted as indigenous. But if you live
5 in an indigenous community and you didn't speak the
6 language, you were not counted as an indigenous person.

7 So for a long time, the number officially
8 indigenous population in Mexico was around six, seven
9 percent. And this is 2015 Census, those people who were
10 asked whether or not they spoke an indigenous language at
11 home hover around 6.6 percent. However, for the first
12 time, the Census allowed for self-identification. And it
13 allowed people to say whether or not they would identify as
14 indigenous, as an indigenous person. So this interested
15 and would be a source of a lot of questions. So who's
16 indigenous?

17 We have here, then, that 25.6 million Mexicans
18 out of a population of 120 million identified, self-
19 identified as indigenous. This is 21.5 percent of
20 population. So there's a large debate about well, which is
21 the official indigenous population, those who say who self-
22 identify and this is completely free, nobody's forced, they
23 can fill out the Census just like the United States, you
24 can -- you're free to choose whatever identity you have or
25 those who speak an indigenous language.

1 More as, it's important to realize how difficult
2 it is to use the side and label and impose this identity. I
3 think I would go more for the self-identification. Right?

4 Well, you can identify whatever you are. These are really
5 interested numbers because as I mentioned before, you see
6 the rise of immigration to the United States since the mid-
7 1980s, Mexican immigrants were driving that increase. Of
8 course there were migrants from Central America and we
9 have, you know, a large population from El Salvador,
10 Honduras, Guatemala. But by far, close to 78 percent of
11 the Hispanic Latino population is of Mexican origin.

12 So these indigenous people were part of that
13 massive migration arriving here. So from the very
14 beginning, this Mexican population has been very diverse
15 ethnically and linguistically. And of course something
16 that we need to realize is in Mexico, it is the most
17 indigenous country in the Americas in terms of sheer number
18 of population. It would take a number of self-
19 identification, Mexico would have the largest number of
20 self-identified indigenous people in the Americas. In
21 terms of percentage, of course there are countries that are
22 more indigenous than Mexico. Peru, Bolivia, Guatemala
23 cover 50 percent of the population.

24 And this is -- we're interested about farmworkers
25 than they're interested about their communities of origin.

1 And I think this is a map that shows the linguistic
2 diversity of Oaxaca. So there are 16 indigenous languages
3 spoken in Oaxaca. A lot of them are going to have -- some
4 of them will have various small numbers. But the large --
5 the top three languages are spoken among farmworkers in
6 California are Zapoteco, Mixteco, And Triqui.

7 So we might find, of course, checking on
8 migrants, Mexican migrants more and more. But it would be
9 a very good guess to say that, you know, especially
10 Mixteco, Triqui, and Zapoteco are the ones most prevalent
11 languages in California.

12 And let me just see if I can use -- play this
13 very short video about one of the challenges that we're
14 speaking. And this is framing the issue that Marisa will
15 elaborate more in her presentation. And this is -- there
16 are many challenges both internal and external dealing with
17 indigenous migrants. Of course indigent migrants we can
18 define them as the decedents of the population that were in
19 Mesoamerica before the arrival of the Spaniards. So when
20 we hear their languages, we're hearing those ancient
21 languages that were here before the Spaniards arrived here.

22
23 And throughout the history, they're, you know,
24 they have endured a lot of racism and discrimination. We
25 have to acknowledge that they don't -- there is a racial

1 hierarchy in Mexico and the indigenous people are
2 (indiscernible) about racial hierarchy. And this is
3 translated into everyday practices from the general Mexico
4 population from the general Mexican population. They come
5 to the United States already with preconceived ideas about
6 race initially.

7 And something to think about is that, for
8 example, the Latino Hispanic community in California, most
9 of them, the majority of them choose the -- white as their
10 racial identity. So one has to ponder, you know, is it
11 because there's no other choice or is it because that's a
12 sign of racial aspiration. But what we need to really
13 realize is that this racism is translated into the fields,
14 is translated into schools, but also translated into the
15 structure of the system.

16 So if we have bilingual staff in agencies, in
17 hospitals who assume that everybody from Mexico speaks
18 Spanish, what would happen if somebody who does not -- who
19 looks Mexican who does not speak Spanish shows to their
20 room. And this is an example of what could happen if you
21 fail to speak Spanish.

22 So let me play this video of a Triqui speaker and
23 her experience with the healthcare system in the Salinas
24 Monterey area.

25 Can you hear the sound?

1 MS. HASSID: We cannot.

2 MR. RIVERA DELGADO: So just the presentation is
3 much larger, of course, the PowerPoint presentation that I
4 have for you, I'm going to make it available. And there's
5 a lot more information here.

6 But just another issue, so the issue of a
7 structural racism. There has been quite a lot of debate in
8 Mexico about whether or not Mexico is inherently a racist
9 society, especially because of the street mental indigenous
10 population. And it's interesting there's a debate of
11 people rarely question the fact that Mexicans can be
12 racists, right? I mean, after all, the general narrative
13 is that Mexico is -- there was (indiscernible) mix in of
14 many different races. The European, the Spaniards, and the
15 indigenous population and also the substantial presence of
16 Afro-Mexicans, and therefore there were (indiscernible)
17 with this multiracial society which is mixed this part.

18 But according to recent report, different
19 studies, Mexico also is having a reckoning with this racial
20 path. And I think that a lot of the things that we see,
21 especially hearing the reports, these racial hierarchy is
22 translated into the workplaces in California and especially
23 in the fields. So it's not just about, you know, the small
24 issues. Some people said microaggressions are too small to
25 be considered, you know, a bigger problem. But

1 microaggressions when they're repeated and the accumulation
2 of those microaggressions and when they're embedded in
3 structural power, they and really have a tremendous result.

4 And Rick Mines was highlighting, for example, the
5 wage differential between indigenous people and Mixteco
6 farmworkers. I would argue that that wage differential is
7 not only because indigenous people have less skills or are
8 new arrivals but actually is the result of these racial
9 hierarchy operating at all levels of the workplace. So we
10 need to really pay attention to that in lieu from an
11 analysis not only individual experiences but doing an
12 analysis of a structural practices that really lead to
13 these wage differential.

14 For those of you who speak Spanish in the call, I
15 don't know how many of you were able to understand the
16 Triqui speaker that was in the video. So that's the other
17 also myth, right, that some people say well, if I speak
18 slow Spanish, they will understand me. And so I bet that
19 if we slow down the video when the woman, the farmworker is
20 speaking Triqui, even if you speak Spanish, you would not
21 be able to understand her.

22 So there's -- those are different languages and
23 sometimes, you know, we don't, you know, we don't realize
24 that. And I've seen over and over interactions with
25 indigenous migrants. And reflect a lot of interactions of

1 English speakers with only English speakers. People tend
2 to shout, people tend to talk with their hands in the hope
3 that they can communicate. And it's the same thing with
4 indigenous folks.

5 So we have to really overcome not only this idea
6 of structural practices that produce a different outcome
7 but also we need to train our staff about inherent
8 (indiscernible) practices and especially this is true for
9 people of Mexican origin. There's a lot of embedded racism
10 and prejudice that has been translated, actually, into our
11 everyday language.

12 So even, I mean, you speak Spanish, you travel to
13 Mexico, you know, if you want to insult somebody, all you
14 have to say is no ces indio and that's actually a
15 pejorative phrase. Don't be an Indian. That means don't
16 be uneducated, don't be somebody without a culture.

17 So it just tells you how these vision of
18 indigenous people is really part and partial of mainstream
19 cultural ideology in Mexico.

20 So I'm going to stop here and see if you have any
21 questions. And I'm hoping that I'm setting up the context
22 for Marisa's presentation about how to develop good
23 practices about finding a good interpreter. And I think
24 that the -- that they could. And then I'll make this
25 presentation available to you all to see if you have -- so

1 you can read at your own pace. But I'm going to stop here
2 just to see if you have any questions that we can discuss.

3 Go ahead.

4 CHAIR HASSID: Barry, I think you're on mute
5 still.

6 BOARD MEMBER BROAD: Thank you for pointing that
7 out. I got pretty far before you said something.

8 Anyway, I'm thinking about training of
9 farmworkers and that a lot of training is in written
10 materials. That's how we set the whole thing up
11 frequently. So my question about indigenous, people who
12 speak these indigenous languages, is one, are they written?

13 And two, are people literate in them if they are?

14 MR. RIVERA DELGADO: Thank you. That's a very
15 important question. Most of these languages have recently
16 been written. In general, one has to assume that people --
17 that these languages are orally. Most of the farmworker
18 population have, you know, between three- and four-year
19 education. And most of these indigenous people, whose
20 primary language is indigenous, they never learned how to
21 write it because in Mexico, there's -- the public education
22 system does not teach you. There's not a single bilingual
23 program that would teach you how to write your own
24 language. Most of the bilingual education in Mexico is
25 what we call assimilation programs. They teach you how to

1 speak Spanish, but they don't teach you how to write in
2 your own language.

3 And so no, most of the people -- and this is
4 interesting because we did some focus groups among
5 farmworkers and we asked them this specific question. How
6 do you get information about your rights in California?
7 How do you find out what is the minimum wage? How do you
8 find out where to go if you get injured?

9 And to me it was surprising. They communicate a
10 lot with this app called WhatsApp. And they exchange a lot
11 of videos, messages, they're very active on Facebook. They
12 communicate with their hometowns. So the activity that
13 they do is mostly orally and visual. And I think that
14 would be a good practice. Most of the most effective
15 materials coming from different state agencies are in the
16 form of videos.

17 So there's a wonderful training about the use of
18 pesticides, for example, that has been translated into
19 Mixteco, into Triqui, into Zapoteco, and people watch that.
20 And we screen those materials and people thought they were
21 very attractive. They -- they were done using farmworkers
22 as the actors and people thought that, you know, they --
23 they were very effective. They wish they would be in a
24 smaller format -- shorter format so they can be uploaded
25 and easily share via Facebook, and via WhatsApp. A

1 publication where they can share these materials.

2 Also, we have to point out that the oral
3 tradition is well and alive to the point where we have
4 indigenous radio programs in California. Radio Bilingue
5 has vibrant, La Hora Mixteca every Sunday and they have
6 incorporated all their languages and there is Radio
7 Indigena in Oxnard.

8 So just that fact that these languages are oral
9 has not impeded these communities to communicate. But one
10 has to assume that in the short term, the most effective
11 way to communicate with this population is orally and
12 visually.

13 CHAIR MEMBER BROAD: Thank you.

14 MR. SHAWVER: Can I ask a question?

15 CHAIR HASSID: Please.

16 MR. RIVERA DELGADO: Go ahead, Silas.

17 MR. SHAWVER: Okay. I'll go ahead. And thank
18 you for your presentation, Gaspar.

19 And may -- with this question I may be inviting
20 you to do a whole other presentation some other time. But
21 I'm thinking about one of the last points in Rick Mines'
22 slide, which was talking about how the -- the hometown
23 networks and some -- the tradition of community involvement
24 that really emphasizes how everybody has an important role
25 to -- to play is, you know, a source of strength in many

1 ways and allows, you know, indigenous communities to defend
2 themselves and advocate for themselves.

3 And I think apart from the important issues of
4 language access, appropriate translation, and having, you
5 know, materials in formats that people can -- can access.
6 I kind of wonder if you have any thoughts on how the labor
7 law, the -- you know, rights around protected activities
8 and unionization, you know, can be communicated in a way
9 that resonates more with that experience, you know, of
10 these networks.

11 And I think, you know, in agriculture, indigenous
12 workers have been some of the most active in exercising
13 these rights, whether or not they know about the ALRA. But
14 people have tight-knit communities and they've gone on
15 strike and, you know, engaged in a lot of activities
16 together to support themselves. And I wonder if there are
17 some kind of lessons that we need to think about in terms
18 of how we, you know, communicate in a more culturally
19 appropriate -- in a way -- what, you know, we have a
20 tradition of individual rights that sometimes may not
21 resonate as well with groups that think more collectively.

22 But, you know, I wonder if there are any implications, you
23 know, for thinking about that.

24 MR. RIVERA DELGADO: Thank you, Silas. I think
25 that's a very important question that goes to one of the

1 basic strategies also to deal with indigenous communities.

2 I think that the way you're putting it, Silas, is
3 to really reframe our relationship and how we think about
4 indigenous migrant communities and going from a deficit
5 perspective. What do they need? What do they lack? To an
6 asset perspective. How can we collaborate?

7 And I think that's a massive change of mind
8 because many times agencies and staff approach these people
9 from the deficit perspective. Here they are, you know,
10 they're begging for money. They don't know anything. They
11 don't know where to go. So I'm here imparting knowledge.

12 And many times we forget that in collaborations,
13 in full-stream partnership, there's a lot of strength. So
14 how can a staff think okay, I'm in Fresno, how can I engage
15 with the vast network of hometown associations, community
16 organizations, cultural organizations, as the venue to
17 spread the word.

18 We asked indigenous farmworkers to other -- in
19 these focus groups, to identify the state agencies that are
20 important for them. They could not identify a single
21 agency by their full name. The only agency that rose to
22 the top, and I don't know, and of course everybody here
23 knows, that they would -- they could name La Ley Laboral as
24 the only agency that most of these workers could name. But
25 it wasn't, you know, the Agricultural Labor Relations

1 Board. It was La Ley Laboral.

2 It's interesting that why is that? Why, you
3 know, very important agencies that are there to guarantee
4 basic access, basic rights to these farmworker communities
5 are, you know, they couldn't name them. And I think -- so
6 who has the responsibility to reach out? And I think this
7 is another change in your framing, right? Are state
8 agencies also educators about rights? Are -- who educates?
9 Who reach out to communities? Are the advocates the only
10 ones who should educate the larger community? Should
11 workers themselves find on their own who does what?

12 And I think if we were frame this the way you're
13 framing it, Silas, is okay well, how can we develop more
14 collaborations? And this assumes, also, that your staff
15 knows that these networks exist. Your staff, it assumes
16 that your staff knows what community-based organizations
17 are there. When do they have their activities? Whether or
18 not, for example, we went to two community-based
19 organizations, one in Fresno and one in Oxnard, and we
20 checked their offices to see if they had any material from
21 state agencies that they could distribute. None of these
22 offices had any important material to distribute, so
23 despite the fact that they serve farmworker communities.

24 And we had actually another focus group with
25 advocates and we asked them about the relationship with the

1 state agencies. And in general, they had a very
2 conflictive view of state agencies. And overall they say
3 they're -- they're nonresponsive and it's very difficult to
4 navigate the bureaucracy.

5 So we have a big challenge. If farmworkers
6 cannot identify the state agencies, if advocates are saying
7 that, you know, they don't know who the representatives of
8 the different agencies are in Fresno or in Oxnard, and
9 these are very prominent community-based organizations,
10 we're in big trouble. How can we, then, be more proactive?

11 And of course, there's always a caveat. This is
12 a political process. Hometown associations, social
13 networks, we need to handle them with care. On the one
14 hand they're very good assets in terms of knowing who they
15 are but also, you know, a lot of these networks are very
16 male dominated. Dominated by adults. So we need to take
17 that into consideration too.

18 And also the fact that, especially for the
19 younger generation, they -- they have formed their own
20 networks and they're active, not only within their hometown
21 associations, but they're active within the immigrant
22 advocacy networks, youth groups, undocumented networks.

23 So I think that we need to really prepare people
24 who -- who are sophisticated and who have a sophisticated
25 knowledge of the community. And that only comes through

1 time. I mean, you cannot acquire that with one training,
2 right. It's a practice that you (indiscernible) and that
3 you convene, and that you build over time.

4 So there's more about this and I think we need
5 to -- yeah, we can talk about more about the caveats of
6 working with hometown associations, and I'm thinking about
7 the Triqui community, especially in the Greenfield area.

8 Triqui -- one part of the Triqui community,
9 especially coming from San Banco Pala, they're basically
10 political refugees. They've been fleeing a lot of
11 political violence that is taking place within the
12 community. There are -- there are different armed groups
13 within that community. So that community has been
14 displaced by violence to local Mixteco communities. They -
15 - they're fleeing to Northern Mexico and they're fleeing to
16 Greenfield. So their experience would be a little bit
17 different than the experience of Mixtecos from San Miguel
18 Cuevas who have a very sophisticated, established, not only
19 one hometown association, they have many committees.

20 Just to end this comment, they have a committee
21 called El Comite de los Muerto Tito. So this is a list of
22 volunteers who every time somebody passes away, they want
23 to send the body home to Oaxaca. But it costs between five
24 to ten thousand dollars. So it's not cheap. So they have
25 a list of close to 300 individuals who at the drop of a

1 hat, that network is activated if somebody passes away.
2 They contribute between 50 to \$150, and they're able to get
3 about \$12,000 to donate to the family to send that body
4 home.

5 And this is one subset of the, it's not a
6 hometown association, they have a Commite del Pueblo, which
7 is the one that interacts with the hometown. They have a
8 sports committee, and you have many trilingual people
9 within that. So you have the contrast of some folks, like
10 the Triquis, who really are fleeing violence. And when you
11 tell them hey, you have a hometown association, they're
12 very wary to then discuss that, right. Because their
13 relationship with the hometown is very conflicted.

14 And you have the opposite where people from San
15 Miguel Cuevas say okay, what committee are you talking
16 about? We have so many. So, you know, how can we
17 communicate this knowledge, this asset to staff of
18 different agencies? So agencies have this knowledge, but
19 not all of it. So we need to start centralizing this
20 knowledge so that we can be access to different staff.

21 CHAIR HASSID: Thank you so much, Gaspar. Really
22 appreciate it. I think we do want get -- make sure we get
23 to Marisa as well.

24 And so with that, Marisa, if you could share with
25 us your presentation.

1 I think you're still on mute.

2 MS. LUNDIN: I'm so sorry. I went into
3 presentation mode and then the control screen for unmuting
4 disappeared.

5 So about how long do I have here?

6 CHAIR HASSID: I think about, you know, 20
7 minutes to a half hour. We would like to try and wrap the
8 meeting by 1:00 and we do have --

9 MS. LUNDIN: Sure. Okay. Okay, I'll go through
10 as quickly as I can, then.

11 And do you have my presentation on the screen?

12 CHAIR HASSID: We do. Thank you.

13 MS. LUNDIN: Okay. Thanks. Okay.

14 So I'll go ahead and start off and introduce
15 myself. I'm Marisa Lundin. I've been with CRLA for about
16 seven years and I've been in the role of the program
17 director over the Indigenous Program for three years. So I
18 have learned a lot in the last three years. I've made some
19 mistakes. And I love talking about what I have learned,
20 what I am continuing to learn because I want to model that
21 you don't have to be an expert to serve indigenous
22 communities.

23 I think sometimes it can be overwhelming to hear
24 this amount of new information and it can create a sense of
25 urgency that, you know, the only way we're going to be able

1 to serve this very diverse wonderful group of people is if
2 we can become complete experts that rival Rick and Gaspar's
3 level of knowledge.

4 And I'm here to tell you that you don't need to
5 be an expert because indigenous people are experts in their
6 own communities. All that we need to do is be humble and
7 willing to work hard and adapt as we strive to better serve
8 them. So, I don't know if anyone was just feeling
9 overwhelmed, I just wanted to share that information. So.

10 In being mindful of time, I'm going to just kind
11 of skip around my presentation a little bit. I -- more or
12 less what I'm going to be talking about today is providing
13 trained, qualified indigenous language interpreters. We'll
14 touch on how to identify them and then some of the
15 challenges working with indigenous interpreters where the
16 infrastructure's not fully built up in California the same
17 way that they would be for like picking up the phone and
18 requesting a Spanish language interpreter. I'm also going
19 to talk briefly about the issues that we see in our office
20 that effect indigenous farmworkers.

21 I apologize, some of our transitions are going to
22 be very quick and awkward because this is adapted from like
23 a half-day curriculum, and I know we're a little time
24 pressed now. So we're going to be all over the place but
25 I'm going to try and make sure that there's some logical

1 continuity.

2 So brief overview. CRLA was established in 1966.
3 I'm sure most of you are aware of who we are. We have this
4 identity, a very farmworker focused identity, legal aid for
5 farmworkers. We established the Indigenous Program in
6 1993. So it only took us like 30 years to realize that we
7 were underserving indigenous communities. And now here we
8 are 30 years later, and we are still constantly looking for
9 ways to improve our services and build relationships and
10 trust with the different indigenous communities in our
11 service area.

12 So my office is in Arvin. I see a few of my
13 coworkers on the call so I just wanted to give a shout out
14 to them. We are unique in that we're the only office in
15 CRLA, we are exclusively a program. So all five of us in
16 the office are focusing on serving indigenous communities
17 all day, every day, nights, weekends. We are living and
18 breathing this topic.

19 So we do a combination of direct services, impact
20 litigation, educational outreach, know your rights. So all
21 of these topics here, bringing up all of the challenges
22 that you've identified, we're thinking through them daily.

23 How do we get outreach materials out if we know that the
24 target population we want to reach is not going to be able
25 to read the majority of those materials? What are some

1 innovative ways we can connect?

2 COVID has been just a real special challenge
3 because so much of our outreach efforts were focused on
4 that interpersonal connection. So it has been challenging
5 but not insurmountable. We're mostly focused on labor and
6 employment and we also provide some support for our 17
7 field offices.

8 So let's just dive right in here with language
9 access versus language justice. So I -- you've probably
10 heard this quote before and I don't know who can be
11 credited for saying it originally, but I most recently
12 heard Dolores Huerta say this, that if you don't have a
13 seat at the table, then you're probably on the menu. And I
14 love that quote and I love the imagery that it brings up.
15 For me it really illustrates this contrast between language
16 access and language justice.

17 So I'm going to beat this metaphor to death. But
18 when I think about language access, I think about inviting
19 somebody to my house for dinner and locking them out before
20 they have a chance to walk in the front door but leaving
21 the curtains open. So they can peer in through the window
22 and they can see what we're eating. And if they shout loud
23 enough, we might be able to hear them, and if we speak
24 loudly enough, they might be able to hear what we're
25 saying. But they're not really participating, they're

1 catching the gist and they're not really feeling like an
2 honored guest.

3 When I think of language justice, I think of
4 inviting somebody to dinner, inviting them into the house
5 to have a seat at the table. We're dining on the same
6 food. We're engaged in the same conversation. We're
7 exchanging ideas. We're building a relationship. When I
8 think of language justice, I know that my guests are not on
9 the menu. So language is power. It's very easy to exploit
10 someone who's unable to communicate their mistreatment.

11 So let's look at these definitions. We have
12 these very dry definitions that I pulled from -- some are
13 in the legal materials that we'll go over later about what
14 the legal obligation is to provide language justice --
15 language access.

16 So for language access, we have this ability for
17 people who are limited English proficient to access
18 programs or services of an agency or organization. And
19 LEP, which is a term you'll hear a lot as well, is defined
20 as a person who doesn't speak English as their primary
21 language and has a limited ability to speak, read, write,
22 or understand English. So we're really just kind of
23 focusing on access, but there's not much of a discussion or
24 thought about the quality of that access, the quality of
25 the experience, and it's a little bit more about checking

1 the box.

2 So CRLA is really embracing a model of language
3 justice. We have a language justice program now. We are
4 training interpreters. We have a curriculum that we have
5 built. And we're really trying to advance this where you
6 focus more on the fundamental right to communicate. So if
7 we look at these definitions, we have the right everyone
8 has to communicate, to understand, and be understood in our
9 languages. It's a commitment to creating spaces where no
10 one language dominates over any other. A commitment to
11 facilitating equitable cross-language communication, and
12 just fundamentally a respect for everyone's language
13 rights.

14 And when you -- it's not like you could go
15 through and like here's your language justice model and
16 there's a prescribed list of things you can do, it's more
17 of a guiding principle. And it's something that's helped
18 me because it's very tempting, especially we're all very
19 busy, we are all under resourced. It's very easy to focus
20 on the convenience part of extending language access. What
21 is going to be easiest and cheapest to accomplish the goal.

22 And when I use language justice as a guiding principle,
23 I'm focused more on what is the outcome and I'm focused
24 more on the individual sitting across from me and whether
25 or not I've truly connected with them and have been able to

1 be heard and hear what they are telling me.

2 So there is -- I kind of -- I'm going to jump
3 around here a little bit because some things came on -- up
4 in questions to Gaspar and Rick's presentation that I
5 wanted to touch on. And that is we talked about the
6 diversity of indigenous languages. And there it is
7 breathtaking diversity. We've talked about how it's not a
8 dialect and I want to expand a little bit on that concept
9 of dialect.

10 Saying that Mixteco is a dialect. The
11 implication is that it's a dialect of Spanish. And so
12 that's offensive and inaccurate. It's like saying that
13 Navajo is a dialect of English. And when we know in this
14 country the history of persecution and oppression against
15 Native Americans, to claim that their languages that
16 predated English are subordinate to English, are a lesser
17 version or a minor variation of English, it's really
18 offensive.

19 So a lot of people -- a lot of indigenous
20 language speakers still refer to their own language as Az
21 dialects. And that's might be the only word they were ever
22 exposed to to communicate to outsiders that they speak this
23 other language. So we model it, we say languages when we
24 mean language. So Mixteco is a language, Triqui is a
25 language, Zapoteco is a language. Within Mixteco you have

1 84 variations. Some of those languages have no linguistic
2 similarity whatsoever to -- within each other. So when
3 Gaspar was talking about a family of languages, that is
4 accurate. Some it might be that there's just a few words
5 that are different. But other variations of Mixteco you
6 will need completely different interpreters or no one will
7 be able to understand.

8 So if you're feeling overwhelmed and like how are
9 we ever going to accomplish this, there's so many
10 interpreters how -- where will we begin? I want to
11 reassure you that in most service areas, you're not going
12 to really see more than five to seven various indigenous
13 communities because people do migrate in community and
14 people seek out that community structure. So I think that
15 in larger areas where we have denser populations of
16 indigenous communities, it is possible you're going to see
17 a little bit more, but you're not going to need 84
18 interpreters in one day. I promise you that. I will
19 personally pay for them if you would need -- have the need
20 for 84 interpreters in one day. So.

21 Okay. So next awkward transition now, let's jump
22 over to employment. So these are some of the issues that
23 we see in our Arvin office and statewide that come up among
24 -- for indigenous farmworkers. So trainings are given in a
25 language that they don't understand. Their safety

1 trainings, know your rights trainings. There's really
2 targeted vicious anti-indigenous bias that plays out in the
3 workplace, this discrimination that's based on national
4 origin.

5 And I'll tell you a dynamic that we frequently
6 see in farm work, which is we have a crew, like an
7 indigenous crew, and then you have Mestizo nonindigenous
8 foreman, foreperson who is relentlessly discriminating
9 against the indigenous crew. And then, for example, when
10 like the vineyards in Northern California, you might have a
11 supervisor who has absolutely no awareness or is very
12 woefully -- willfully ignorant to that dynamic. And
13 they're thinking, well how can a Mexican discriminate
14 against a Mexican and they're not seeing that that form of
15 persecution that's going on.

16 And if you're in that indigenous crew, the only
17 way that you have of elevating your complaint and, you
18 know, going up the proper channels, is to use your foreman
19 as an interpreter. And so you might be navigating and
20 trying to explain the abuse you're experiencing in a
21 language you don't speak fluently, through your oppressor,
22 to the person above them.

23 So I can't emphasize enough just how isolated a
24 lot of the experiences are for indigenous communities. So
25 people are harassed and bullied for speaking their language

1 at work. There's a lot suspicion and paranoia if a group
2 of Indigenous language speakers are speaking amongst
3 themselves. We've seen bans, wholesale bans on speaking.
4 You cannot speak your language anywhere on work property.
5 Not during breaks. Not during lunch. That's illegal.

6 The same wage theft, meal and rest violations,
7 not provided tools. Anecdotally we see that higher among
8 indigenous communities. They're seen as less savvy, less
9 able to assert their rights. And it's true because a lot
10 of the agencies where they would go and complain about that
11 don't provide interpreters in their languages so they're
12 just unable to make the complaint. Less likely to complain
13 because of these communication barriers and fear, lack of
14 access to transportation that Rick covered. Generally
15 given these more difficult, less desirable work
16 assignments.

17 And this last point, the racist myths that
18 persist that justify it. I've personally heard this eight
19 or nine times in the three years I've been here. Where
20 someone is explaining to me why these conditions persist
21 for indigenous workers and they're explaining it to me like
22 I don't understand. They're like no, no, you don't
23 understand. Like, their bodies are built for this type of
24 labor, they don't feel pain. And it's incredibly
25 dehumanizing and immoral. And anytime you're claiming that

1 an ethnic group doesn't feel pain based on their ethnic
2 identity, I think is an indication that you're -- you have
3 lost your path in life.

4 So let's talk a little bit more about these
5 barriers to receiving services. Obviously, we have
6 linguistic barriers. We also have cultural barriers.
7 There's this really specific dichotomy that we have
8 identified where there's invisibility among some service
9 providers, and then that targeted discrimination among
10 others. So that can manifest in a couple different ways.

11 But I'll use, for example, DFEH. You know, when
12 we draft the DFEH complaint about a form of discrimination
13 that an indigenous client has experienced, I know that
14 overwhelmingly the likelihood is that the investigator
15 doesn't have any cultural framework or context for the
16 types of terminology, or the stereotypes that have been --
17 and specific words that were used against the clients. So
18 it's not going to have the same like umph. It's not going
19 to have the same impact.

20 So if I was drafting a complaint for a black
21 client and I said they were called the N-word in the
22 workplace, that has immediate significance. The
23 investigator knows how harmful that is, they know that's a
24 slur, they know it is offensive and that it's harassment.
25 With indigenous clients, if I say they were called Indio,

1 it said that they were -- there were comments about their
2 short stature, dark hair. Somebody might not be like, well
3 why? That's not really -- maybe that's bullying behavior,
4 but that's not race based, that's not tied to national
5 origin.

6 So not only are they experiencing this very identity-based
7 discrimination, but then there's invisibility when they try
8 to complain about it or have their complaint heard.

9 So fear of consequences of the public charge
10 rule, just a misunderstanding and a lot of myths persist
11 within the community about how expansive that is. Distrust
12 of public agencies or programs. That stems from the very
13 systemic racism in institutionalized races and in Mexico.
14 And then this common practice of keeping your head down and
15 don't complain.

16 So a little deeper dive in the -- to the
17 linguistic and cultural barriers. We see some heightened
18 linguistic and cultural barriers for women and elderly
19 people. Of course, none of this is 100 percent of the
20 time. I've also had, you know, female indigenous clients
21 who are leading the charge and were, you know, absolutely
22 ruling everybody in the workplace because they knew their
23 rights and they knew exactly how to assert them. So just a
24 reminder that, you know, none of these comments that we're
25 making apply to every single person. It's a -- we're

1 talking about an incredibly diverse group of people.

2 We tend to see men that are more commonly heads
3 of households hold positions of prominence within the
4 community. So indigenous languages that are very diverse
5 and poorly understood. And as a result of that, it's not
6 as easy to pick up the phone and call language line or
7 comgap, any of these telephonic interpreter systems and
8 say, hey I need a Mixteco interpreter. First of all,
9 that's not enough specific information. And second,
10 they're not really trained and we see high rates of
11 mismatches between the interpreters they try to provide.

12 And then let me skip over cultural practices for
13 now, just based on time. Here.

14 So it's overwhelming, and it's human nature that
15 if you speak Spanish and the person in front of you is
16 nodding at some of the words of Spanish you're speaking and
17 speaking a few words of Spanish, you really want to believe
18 that that's okay and that you're understanding each other.

19 And I've seen wonderful people just -- just charge forward
20 like a bull in a china shop, where we're going, they don't
21 get you. And they're like, no they get me, they get me, we
22 are both speaking Spanish. And it's like that's -- I
23 promise you -- and then, you know, we waste hours. And
24 then at the end they go, you know, I don't think they
25 understood me. We're just going right, that's what we

1 tried to say from the beginning.

2 So it does cost money to hire an indigenous
3 interpreter, it requires advance planning and training and
4 it's effort. And it is absolutely worth it. It is cost
5 effective, and I say this from personal experience, the
6 cost of reinterviewing somebody, just the staff time, the
7 cost of proceeding when you've made a mistake, the -- I
8 mean, for us like a malpractice risk of going forward with
9 the wrong facts because we didn't take the time to hire the
10 interpreter.

11 And, you know, lastly, we have the same legal
12 obligations that other agencies and service providers do to
13 provide language access to the communities we serve. So
14 the risks of proceeding in Spanish, especially where you
15 are trying to gather evidence for a fact-based narrative is
16 that you run the risk of creating an inconsistent narrative
17 at no fault of the person you're interviewing. So if
18 they're stumbling through and they don't understand the
19 words you're using and they're saying yes and agreeing to
20 something, you're going to write that down as a fact. And
21 if the second time someone talks to them they, you know,
22 say something different because they never understood that
23 word, it looks like their narrative's changed. And the
24 narrative hasn't changed, but the language has just never
25 been strong enough to be able to pull off that consistent

1 narrative.

2 I will also say that this is something to keep in
3 the back of your mind anytime you use an interpreter.
4 Interpreters use different words. And they aren't 100
5 percent perfect. So there are times that a
6 misinterpretation, a mistranslation can give rise to the
7 appearance of a inconsistent narrative when in fact it's
8 more of a language barrier issue.

9 So we see this sum -- I'm not trying to put like
10 OSHA on blast or anything, but I've spoken with some of the
11 OSHA investigators and, you know, they've said that they'll
12 go and speak to people in the workplace who share a
13 language with the investigator who is in the field, you
14 know, the field agent who is going out and investigating
15 workplace abuses. You're most likely speaking with the
16 person who has the most power in that situation.

17 If you're only going to speak to someone who is
18 bilingual in English and Spanish, you're going to be
19 talking to someone who is probably least likely to have
20 experienced the harmful conditions. So when you are -- if
21 you're not connecting and speaking with the people who
22 speak less commonly spoken languages, you're missing an
23 opportunity to gather the real story.

24 So the convergence of cultural and linguistic
25 barriers, painting a false picture of understanding, this -

1 - what I mean by this is that -- and I've experienced this
2 too, indigenous people show a tremendous amount of respect
3 to people in authority. They're -- in my -- it's not
4 everyone, of course, but, you know, I see a pattern of
5 people being very unwillingly to correct me or disagree
6 with me. So I have to be very careful in the way I ask
7 questions. Because if I say, okay so you went in on
8 Tuesday, right? They're going to say yes, because they
9 don't want to disagree with me to be rude. So you have to
10 be mindful of the way you're framing your questions and be
11 mindful of the power that you bring into the room.

12 You know, a classic example that people say is
13 that, you know, a sign of respect in some indigenous
14 communities is to avoid eye contact. And that's a way of
15 showing that they respect you, you know, is to not make eye
16 contact. You know, in our culture, we see that as a sign
17 of dishonesty. Somebody's not able to look you in the eye,
18 they're probably not telling you the truth.

19 And I've -- I've personally -- I've been in a
20 situation where I was watching a law enforcement officer
21 interview a sexual assault victim. And I saw him writing
22 down notes about her not looking at him, and at the end of
23 the interview I, you know, I said, you know, she's showing
24 you respect by avoiding eye contact with you. Oh, and that
25 was like this big thing for him. And it was such an

1 afterthought to even make the comment. And it opened my
2 eyes to how much those little moments can impact your
3 assessment of somebody's credibility.

4 So let's skip over the client's story for now,
5 too, I just want to make sure we have time.

6 So everything we've talked about is sort of like
7 the moral, for lack of a better word, like it's the right
8 thing to do. We want to communicate, connect to a group of
9 vulnerable workers. It's also the law. So I have both
10 Title 6 and Government Code 11135 up here. Title 6 applies
11 if you receive federal funding. And if you don't receive
12 federal funding, if you're just Cal -- state funded, it's
13 still a useful law to dig into because a lot of the
14 precedent and analysis will likely be applied in how 11135
15 complaints are analyzed. The regulations for those are
16 still currently being developed, but we anticipate that
17 they will track Title 6 and that we'll go a little bit
18 further in their mandates.

19 More people are familiar, surprisingly to me,
20 with Dymally-Alatorre than 11135 or Title 6, even though
21 Dymally-Alatorre doesn't really offer the same protections
22 and is a little bit of a strange outlier of the law in that
23 it doesn't really have teeth and I don't think that it
24 really does much to protect people who don't speak English
25 fluently.

1 So. Oh then -- sorry, if I didn't -- but the
2 requirement for extending language services is rooted in
3 the prohibition of discrimination based on national origin.

4 So language is a proxy for national origin.

5 I won't go too deep into this, but the basic
6 parameters of the legal requirements is to come up with a
7 written language access plan, to have somebody appointed
8 it, who is -- can train staff on the plan. You need to be
9 researching what the language needs of your community are
10 and come up with, like, a concrete plan of how you'll meet
11 those language needs. I'm including this little nerdy
12 thing at the bottom here, defining interpretation and
13 translation so it, too, can ruin your life, like it's
14 ruined my life, because you will notice this misused
15 everywhere. You can just, like, watch it on the news and,
16 ah, you're using it wrong.

17 So interpreting refers -- refers to converting
18 spoken messages, and translation is written messages. So
19 if you say we need a translator, what you're really asking
20 for is someone who is going to sit down and then write by
21 hand, you know, or type out the difference. But if you're
22 talking about oral language, we're talking about an
23 interpreter.

24 So let's talk about hiring the interpreter. So
25 if you call an interpreter agency and you say, we need an

1 interpreter from Oaxaca, they're going to giggle at you,
2 because that's sort of like saying, we need an interpreter
3 from Europe. It's just incredibly imprecise and it could
4 be any one of many different languages.

5 So I've given you a little cheat sheet here down
6 at the bottom, state and at the bottom, you can put here
7 country, are as broad. So we're going from most specific
8 to broadest. So let's start with -- we'll start with the
9 languages of my coworker on the phone here. So we start
10 from my -- the person in front of me speaks, is from
11 Mexico, the state of Oaxaca, the Coixtlahuaca district, the
12 municipality of San Juan Mixtepec, and then the town.
13 Which, you know, there's the town, we find that you don't
14 necessarily have to have the town, so long as you can get
15 to municipality, you have a pretty good chance of matching
16 the languages.

17 And the reason you need that geographic
18 information is because of the diversity of the languages.

19 And it's a very interesting historical reason for that,
20 which we don't have time to get into, and I will not get
21 into it. But it's not 100 percent match, but that's the
22 best way. So then you get someone, an interpreter on the
23 phone who has that region match who might say, you know
24 what, that's not my municipality but I've matched with
25 people in the past. And you're going to need them to do a

1 variant check. You need them to talk ahead of time, before
2 you plan everything out, to make sure they really do
3 understand each other. Because people move, they might
4 have given you their hometown, but they've only been in
5 that hometown for one generation. And really the majority
6 of people who speak their variant are from a different
7 hometown. So it's important to double check and make sure
8 you have the right information.

9 So here is some better practices. I'm not going
10 to say best practices because all the time we're going,
11 hmm, that did not work on something that we tried, and
12 we're realizing that we need to reevaluate our own approach
13 to something. So I'll go through here and I've got one
14 more slide and then I'll pause for questions.

15 So, you know, it's helped to proactively get to
16 know the indigenous communities in your service area, and
17 you can use local CBOs. I will manage your expectations
18 and say that a lot of CBOs are struggling to do this
19 effectively as well. So it's not just like if you're cool,
20 and you're down and you're part of a CBO you have this
21 knowledge magically. It's a group of people that are being
22 underserved across the board. So you have to seek out
23 maybe specifically indigenous focus organizations to gather
24 this information.

25 Make sure that the community knows that your --

1 your agency serves indigenous communities. And a lot of
2 this, I know you're thinking, of course we do, and of
3 course we would never turn away anyone because of the
4 languages they spoke. But you have to be mindful and
5 evaluate those subtle messages you're sending. If you say,
6 can you come back with someone who speaks Spanish, can you
7 come back with someone, bring someone who speaks English?
8 You're sending a message that you're not welcome here to
9 the person that you're serving.

10 So making announcements when you do a
11 presentation, you know, we provide indigenous language
12 interpreters. We provide interpreters such as, who speaks
13 languages like Mixteco, Zapoteco, Triqui. Not all
14 indigenous people use the word indigenous to describe
15 themselves. So that's why we like to say things like, do
16 you speak another language like Mixteco, Zapoteco, Triqui,
17 and give people multiple ways to capture that identity.

18 Gaspar mentioned the radio ads on indigenous
19 language radio stations that are very effective for us.
20 Taking outreach materials to indigenous communities can
21 identify ways we have -- I'm sorry -- we have adopted, you
22 know, some outreach brochures that have like indigenous art
23 and things that might, somebody might see, and think okay
24 this is targeted to me. Avoiding the use of the word
25 dialect or any, liker never say Indian, or Indio in

1 Spanish.

2 Recruiting employees and outreach workers who
3 come from indigenous communities, that's really key and
4 important. Attending cultural events, such as the La
5 Guelaguetza and other significant events so that you will -
6 - you will tap into that hometown network and meet very
7 large groups of people all at once. And it's a good
8 opportunity to build relationships with the community
9 leaders.

10 Committing to honoring their language needs,
11 being respectful of cultural differences, not making
12 assumptions. And this is the double-edged sword of an
13 insular community. Gaspar talked about this asset/deficit
14 model. And it's very true. There's some beautiful,
15 amazing strength. Like this isn't a problem that we have
16 people who speak various languages in California. That's
17 tremendous. The fact that these languages have survived
18 after targeted attempts to eradicate them off the face of
19 the earth is amazing. And we should do everything we can
20 to continue to preserve that and give people the right to
21 communicate in their languages and retain these distinct
22 cultural traditions.

23 So. But as a result of all the outside
24 interference and oppression, indigenous communities are
25 very insular. Everyone believes and relies on each other

1 for support. And so it goes both ways. If you have a good
2 experience with one person in the community, that's going
3 to travel widely and they're going to go, that's a
4 trustworthy office, you can trust the people there, you're
5 safe there. But then the opposite is true too. If they
6 have a bad experience, that can kind of become the dominant
7 narrative. If none of your outreach efforts are getting
8 through, and the only story that's going on about ALRB is a
9 bad experience someone had, that becomes the dominant
10 narrative in the community.

11 So it's both a -- it's both a good thing when
12 things go well, but it's something to be mindful. It's
13 something I stay up at night and think of, I've got to give
14 tough news to a client, are we going to lose access to that
15 entire community now?

16 So I won't go through these, these are just some
17 ideas mostly tracking the legal mandates in Title 6 for
18 next steps. I know this can be overwhelming. You might
19 have some different ideas or disagree with some of the
20 contents and that's really, you know, an internal
21 discussion for you about what your next steps can look
22 like. But I just wanted to share some of the things that
23 have been successful for us in improving our services to
24 indigenous language speakers.

25 Okay. Oh, and then a couple random things I'm

1 going to shoehorn here in the end. Just because I -- I
2 want to make sure I got a chance.

3 Mixteco Alta, Mixteco Baja, that's something that
4 we're trying to get away from, using those distinctions,
5 just because we've found high rates of mismatching variance
6 when we use those. So Mixteco Alta could cover many
7 different languages, same thing with Mixteco Baja. Some
8 people -- some speakers from the same community say no, we
9 speak Mixteco Alta; no, we speak Mixteco Baja. So we try
10 to stay away from that and we just say Mixteco Bay, Mixteco
11 -- Mixtec from and then the region in Mexico.

12 And I think that's it. And I'll probably
13 randomly shoehorn some other things in there. But I'll
14 pause and see if anyone has any questions.

15 CHAIR HASSID: This is Victoria. I do want to
16 say thank you, and thank you for that last part because I
17 had not heard that. There were other things in your
18 presentation that were new to me too. But I do -- I do
19 appreciate you shoehorning that in. I apologize that you
20 felt a little rushed here at the end.

21 MS. LUNDIN: No worries.

22 CHAIR HASSID: I'd like to open it up to
23 questions from our -- my colleagues.

24 MR. AVILA-GOMEZ: Hi, this is Santiago. I have
25 two questions from staff. One from Ed Hass.

1 Ed, you can unmute and ask your question.

2 He will be followed by Annamarie Argumendo.

3 MR. HASS: Okay. I just wanted to see if you
4 could maybe comment a little more on this because I'm aware
5 that translation, interpretation, you can't do literally
6 because there are cultural differences, so cultural
7 references in your communication wouldn't resonate with a
8 person. So you have to take cultural context into account.
9 I wondered if you had some pointers to give to people just
10 in general on that area.

11 MS. LUNDIN: Yeah, that's a great point. I think
12 that is true. You know, I recently saw something that, you
13 know, a public health message, I forget where it was from,
14 where it was comparing, it was saying, you know, socially
15 distance the length of skis -- six feet is the length of
16 skis. And I mean, I've never seen skis in my entire life.

17
18 I'm a, you know, a relatively successful person
19 and I don't -- I could not tell you how long skis are. So
20 I do think that those cultural meanings sneak in in
21 outreach materials in a way that you don't realize. And I
22 think the best way to make sure is to work with a focus
23 group. Identify a group of people, build a relationship
24 who'd be willing to vet some of your materials, and say
25 like, hey does this resonate, does this make sense.

1 It also underscores the importance of working and
2 hiring outreach workers who come from communities. They're
3 not going to be able to represent what will work for every
4 community or even many people from their own community, but
5 it might be a little bit of a step in the right direction.

6
7 And does that answer your question?

8 MR. HASS: I think so. Your skis were a good
9 example. Because I was thinking about -- I worked in
10 Germany for a while and people would make reference --
11 other Americans would make reference to American TV
12 commercials, which, of course, mean nothing to a German
13 person. You know. So it was kind of interesting.

14 MS. LUNDIN: Yeah, absolutely. It goes -- and
15 that goes into that cultural, you know, the cultural
16 differences versus just the linguistic.

17 Another thing I want to randomly shoehorn in here
18 because it just -- it set something off for me is Google
19 translate, machine-based translations. And I think now
20 this is why they understood enough, so maybe I'm just
21 preaching to the choir here.

22 But there's not a tech solution to this. Tech can
23 assist, and there are some tech solutions that will help us
24 kind of get there. But it is absolutely not solving any
25 communication problems yet. Anybody who is bilingual will

1 just take any block of words and plug it into Google
2 translate and have a good laugh because the way that those
3 machine-based translations work is they just comb the
4 Internet for references and then a machine tries to
5 amalgamate them to make some sort of sense. So we haven't
6 done away with the need for humans yet, we still need the
7 humans to serve as interpreters and translators.

8 CHAIR HASSID: Thank you. And then I think
9 Santiago, you had messaged me. It looks like Cinthia had a
10 question or comment.

11 BOARD MEMBER FLORES: I think Annamarie was
12 before me, no?

13 CHAIR HASSID: I think she solved it.
14 Annamarie --

15 MR. AVILA-GOMEZ: Yeah, she indicated she does
16 not have a question.

17 BOARD MEMBER FLORES: Okay.

18 UNKNOWN SPEAKER: Can you stop -- can stop the
19 sharing? Stop the sharing?

20 CHAIR HASSID: Sure.

21 UNKNOWN SPEAKER: Thanks.

22 BOARD MEMBER FLORES: Marisa, I just wanted to
23 say thank you so much. It was a very comprehensive
24 presentation.

25 I have a question and maybe we can work offline

1 on. This is the first time I've heard of comprehensive
2 language access plan. So what -- what does that plan,
3 like, look like? What does it comprise? And, like, how
4 have you utilized it maybe in your line of work?

5 MS. LUNDIN: Yeah, sure. That's a great
6 question. I'll tell you -- I'll talk about CRLA's language
7 plan. So I'll talk about the before times when we were not
8 using best practices. And then I'll talk about what we've
9 done to really improve. I want to be transparent about
10 that, to not give this appearance that we're doing it
11 perfectly and everyone needs to fall in line.

12 So in the before times, we had a language access
13 plan that was kind of general and staff didn't really know
14 where to find it, and they were like, I think it's on
15 SharePoint, and we kind of vaguely knew what was in it.
16 And we knew that we had a telephonic interpreter line. And
17 that was kind of it. And then for indigenous languages, we
18 knew that we had our partner organizations.

19 But our staff weren't really well trained on
20 how -- like if they actually needed in the moment, someone
21 was standing in front of them, they would kind of, they
22 were like lost. Like, do I call directly, do I call
23 Marisa, do I call somebody else? Like how do I hire the
24 interpreter? So we've started this major overhaul of our
25 own language practices and we've developed much more

1 written out, comprehensive policy that assessed the
2 language needs statewide, based on existing datasets that
3 capture language ability. Indigenous languages are not
4 captured in any existing demographic scoop of any formal.

5 So we had -- we looked at Rick Mines' study from
6 2000 and 2008 -- I'm sorry, that came out in 2010. We
7 talked to partner organizations, we looked at our own
8 records to see what, you know, languages were coming in the
9 door, and then we kind of worked backward from there to see
10 what indigenous languages needs were.

11 From there, we set -- proactively set up
12 contracts. And this is all in our plan. This was all part
13 of the planning process for the plan. We set up agreements
14 with the indigenous language interpreter agencies, set up
15 contracts so that the process was very quick. So that if
16 somebody did come in, we had the process already set out
17 about how to hire an interpreter.

18 We also have a network of interpreters we work
19 with in Mexico for languages that we're not able to match
20 domestically. And we do that pretty regularly. And
21 sometimes people act like that's like going to the moon to
22 find an interpreter. And, in these days with Zoom and all
23 the technology, it's really not that big of a deal. The
24 hardest part is your finance department will have to wrap
25 their mind around sending money to Mexico, and they're

1 going to be like, I don't know about that. And you just
2 have to assure them that we're a, you know, a global
3 society now and it's okay to send some money to Mexico to
4 pay for a legitimate service.

5 So we identify a protocol for how to identify a
6 language need. We identified a protocol for when to use an
7 interpreter. Because sometimes it's a -- if it's just a
8 few words, and you know the client speaks a few words of
9 Spanish, can you set up a meeting? Like, we try to resolve
10 some of those internal conflicts.

11 And then the most important thing is we are just
12 aggressively telling our staff it's okay to incur these
13 expenses. Because we're a nonprofit and I'm sure, like all
14 agencies that are resourced challenged, you're so used to
15 being like save that paperclip, turn off the lights, and
16 doing everything you can to save money. And so some staff,
17 with very good intentions, think they are saving your
18 agency or organization money by not incurring the cost.
19 And you have to say, look this is the cost of doing
20 business, it is okay to hire, that is more important than
21 saving the money and proceeding in a language that, the
22 client or the individual doesn't speak.

23 And then we regularly staff -- train staff on the
24 contents of the plan. We have it on ready access now, and
25 look at it all the time. It's where we think out any

1 possible impediment.

2 It's a really silly one but, you know, one of the
3 biggest barriers for us for people to use telephonic
4 interpretation is they can't figure out the three-way call
5 function on the phones. Like, they're totally all about
6 providing language access, but it's just the fear of using
7 the three-way call function. So it's thinking about
8 everything like that. And then talking about when we need
9 an in-person interpreter versus when telephonic is
10 sufficient, when video interpreting should be used, and
11 going through the different -- different situations where
12 that would be warranted.

13 BOARD MEMBER FLORES: Thanks. I have a general
14 question I don't want to -- I don't want to hog up all the
15 time. But is it okay if I ask one more question?

16 MS. LUNDIN: Yes.

17 BOARD MEMBER FLORES: Okay. So this might be a
18 general question, but. So one of my takeaways from this
19 presentation -- or, you know, the three presentations is
20 that it's important for us to be proactive and to be a
21 forward facing agency, you know, there's some challenges
22 with being recognized and gaining the trust of certain
23 communities, but one of the ways that I -- at least taken
24 away from this is that we need to be more proactive.

25 And so I think a question that arises is we've

1 heard about, you know, WhatsApp and Facebook being very
2 good methods for communication. I'm thinking, you know, if
3 the ALRB wanted perhaps to host like an instructional video
4 on their website, would that like -- would that be
5 effective communication, or is it too far off for us to
6 think, well if folks don't really recognize our entity, are
7 they going to go on our website, right?

8 So I think effective methods of communication
9 given, you know, the challenges that we've identified
10 today. How -- how -- any suggestions on how to be a little
11 bit more proactive in a way that's going to be outcome --
12 that's going to, that's going to result in some positives
13 outcomes, I think. Generally speaking.

14 MS. LUNDING: Sure. First is I think it's
15 helpful to plan -- have a plan in place for how to receive
16 the community members you're conducting outreach towards.
17 Because I'm seeing a big push with some agencies who are
18 trying to produce outreach materials in various indigenous
19 languages and then they don't have any plan for how to
20 receive people once they come in the door.

21 So I think I just want to make sure you're not
22 shooting yourself in the foot by getting people in with a
23 false expectation that they will have language services and
24 then they don't get them once they come in.

25 Indigenous language radio has been very

1 successful for us. We have a -- and I mean, we're trying
2 to build our own visibility with like a YouTube channel. I
3 think YouTube is widely used and it's just kind of a matter
4 of getting that link to the right community leader or
5 organization. I think that if you build relationships with
6 an organization like MICOP or CBDIO, and they can, you
7 know, they can emphasize -- no, they can elevate -- I can't
8 think of all the right words I always use with social media
9 -- retweet, bring up the link or whatever, then on their
10 platforms, then you can kind of plug into those social
11 networks.

12 We are very lucky. I mean, you know, the members
13 that we have on staff, like we have people who are very
14 well respected in their communities, so if they, you know,
15 post a Facebook video on their personal Facebook page, it's
16 going to get a lot of hits because of their network is very
17 large. So I think it's kind of tapping into existing
18 networks.

19 So you can store it on your webpage, but I think
20 having like a YouTube channel and looking for other
21 partners to, say hey, can you put this link on your site
22 would be a good way to elevate that.

23 BOARD MEMBER FLORES: Thank you. I also think
24 Chris, I believe you had a comment or were in the queue as
25 well.

1 MR. SCHNEIDER: Yes, thank you. And great
2 presentation.

3 One thing that you said at the end that I think
4 really is important to emphasize. You said a good
5 experience goes a long, so does a bad one. But I would
6 sort of rephrase that. The good experience goes a long
7 way, a bad one goes a whole lot further. If we go
8 someplace for service, and we have a bad experience, we
9 tell ten people about it.

10 MS. LUNDIN: Right.

11 MR. SCHNEIDER: If we have a good experience,
12 we're probably not going to tell anyone. And we have to
13 keep that in mind as we serve the community that if someone
14 comes from a new community to us, and they have a bad
15 experience, that's not going to impact just that person,
16 it's going to have implications throughout the community.

17 Thank you.

18 MS. LUNDIN: I think that's a great point. And
19 the way that we think about the expenditure of resources on
20 this is like, you know, I might take a case that I -- we
21 should probably refer out and my thought is, okay, I can do
22 this case in five hours and that's going to save me 15
23 hours in outreach to this community.

24 So you really have to be dynamic in your thinking
25 of cost. And you have to remember it and you can't just

1 think of it as a line by line. The same thing with
2 investing in interpreting, it pays off dividends, it really
3 does. But it's one of those things that people, if you're
4 used to just looking line by line at expenditures and you
5 go, well that's -- that's larger than what we paid in the
6 past, so it's too much. And you have to just look at your
7 budget a little bit more holistically.

8 CHAIR HASSID: Thank you. I'd like to open up if
9 there's any other public comment.

10 Doesn't look like there's anyone else in the
11 queue.

12 Any other questions or comments from our Board
13 members or staff?

14 Okay. I just -- I want to thank again all of our
15 panelists today Gaspar, Rick, and Marisa. It was
16 wonderful. I think we'll -- I learned a lot. I really
17 appreciate the thoroughness of your presentations. I
18 anticipate that myself and others on our staff will likely
19 be reaching out to you for some feedback.

20 I think the focus of our time right now has
21 really been enhancing the way that we communicate, the way
22 -- making sure that we are accessible in a very holistic
23 sense of that word. And so really appreciate the
24 information that you shared with us today. I think it will
25 be really helpful in a number of future endeavors that we

1 have at the ALRB. It was very interesting as well.

2 Moving on to our --

3 BOARD MEMBER HALL: Chair, can I get a copy?

4 Marisa, do you mind if I get a copy of your -- of
5 your presentation as well?

6 MS. LUNDIN: It should all be in the -- right,
7 Cinthia? I think they'll be all in the reading materials,
8 and we have them in English and Spanish.

9 BOARD MEMBER FLORES: Correct.

10 BOARD MEMBER HALL: Perfect. Thank you so much.
11 Great presentation. Thank you. Thank you.

12 CHAIR HASSID: And with that, I'll move on to our
13 final agenda item which is announcements.

14 And just to let everyone know, we do have in
15 about an hour, at 2:00 our Regional Directors' meeting.
16 There is a separate agenda and dial-in information for
17 that, again, on our website listed under the news and
18 information tab, as well as under our meetings tab under
19 public notices and agendas. So it's the Regional
20 Director's meeting is at 2.

21 We will not have a public board meeting in
22 November, but we will have our last meeting of the year in
23 early December. That date is to be determined, but that
24 will be posted by around mid-November.

25 Additionally, at that meeting we will be having

1 our pre-rulemaking and discussing where we are in our
2 regulatory review process. So really welcome any and all
3 feedback and we hope to engage with our stakeholders there
4 about ways that we can improve regulations and make them
5 easier to use.

6 And so I just want to thank everyone for their
7 participation today and look forward to seeing everyone in
8 about an hour at the Regional Director's meeting.

9 With that, this meeting of the ALRB is adjourned.

10 (The meeting adjourned at 1:03 p.m.)

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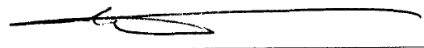
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I do hereby certify that the testimony in the foregoing hearing was taken at the time and place therein stated; that the testimony of said witnesses were reported by me, a certified electronic court reporter and a disinterested person, and was under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

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IN WITNESS WHEREOF, I have hereunto set my hand this 25th day of April, 2021.



PETER PETTY
CER**D-493
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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

April 25, 2021