

AGRICULTURAL LABOR RELATIONS BOARD**OFFICE OF THE EXECUTIVE SECRETARY**

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**STATE OF CALIFORNIA
AGRICULTURAL LABOR RELATIONS BOARD
PUBLIC MEETING MINUTES**

**TUESDAY, FEBRUARY 9, 2021
10:00 A.M.**

There was no physical meeting location. Attendance was by remote meeting only (meeting number 829 6125 6172), via the attendee's choice of either Zoom videoconference or teleconference.

Board Members: Chair Victoria Hassid
Members Barry Broad, Cinthia Flores, Isadore Hall, and Ralph Lightstone

ALRB Staff: General Counsel Julia Montgomery
Executive Secretary Santiago Avila-Gomez
Division of Administrative Services Chief
Brian Dougherty
Chief Administrative Law Judge Mark Soble
Chief Board Counsel Todd Ratshin
Board Counsels Itir Yakar, Laura Heyck, and Scott Inciardi
Salinas Regional Director Franchesca Herrera
Visalia Regional Director Chris Schneider
Associate Governmental Program Analyst for
General Counsel Audrey Hsia
Executive Assistant to the Board Chair Ed Hass
Retired Annuitant Sharon Massie

Presenters: Sonya Harris and Tomas Evangelista,
Vaccinate All 58 Campaign

Interpreter: Hugo Weinstein

These meeting minutes include Appendices, which provide additional information about topics that were addressed during this ALRB Public Board Meeting. Each Appendix is referenced at the appropriate place within these Minutes.

OPEN SESSION

1. Call to Order, by Board Chair Victoria Hassid.
 - Roll-call of Board Members; all Board Members were present.
2. Approval of Minutes
 - Moved by Board Member Ralph Lightstone
 - Seconded by Board Member Barry Broad
 - Meeting minutes approved
3. Chair's Report (Victoria Hassid)
 - Chair Hassid welcomed Legal Secretaries Lori Miller and Angelique Duran to the Board
 - Board AGPA position is still vacant; advertised on ALRB web site
 - Newsroom page was recently added to ALRB web site
 - Chair Hassid shared remarks about Black History Month
 - Board Member Hall provided the history of celebrating Black History Month and the importance of celebrating diversity.
 - Update from the Vaccinate All 58 Campaign about COVID-19 vaccine distribution to farmworkers (Sonya Harris and Tomas Evangelista)
 - See Appendix A

Board and Public Comments about Vaccinate All 58 Presentation:

- Board Member Flores inquired about whether the campaign had identified a need to vaccinate entire households of farmworkers, even those who don't work on farms. Ms. Harris responded that they are still identifying those who are most at risk.

- Board Member Broad: What is the percentage of farmworkers vaccinated vs. still need to be vaccinated?
Ms. Harris: Data is still being collected and analyzed.
- Board Member Lightstone: People who were not vaccinated against polio in 1950s, should be invited to speak about the dangers of not being vaccinated, such as lifetime in wheelchair.
- Board Member Hall: How are you overcoming the fear factor? Fear of vaccine, fear of new virus variants. Need facts to overcome folk legend about vaccines.
Ms. Harris: By asking people, why are you fearful? And how can we help you?
- Board Member Hall: Which populations have the most fear of vaccination?
Ms. Harris: Still being analyzed, heavily in black and Latino communities.
- Board Chair Hassid: What is the priority of farmworkers vs. other populations, to get vaccinated?
Ms. Harris: Vaccines started with healthcare workers. Now starting 1B category: age 65+, and agriculture/food handlers. Currently working to simplify, standardize, make accessible to all Californians, improve efficiency. Governor's airplane boarding analogy, still boarding one group while starting next group. Currently 400,000 vaccines per week, between 61 local health jurisdictions (58 counties and 3 cities).
- Board Chair Hassid: Issues of technology (have to sign-up online) and transportation access can be more challenging in farmworker communities due to digital divide and other issues. How is the state addressing those issues?
Ms. Harris: Call center is open, supports 240 languages. Site selection should be close to those who have no transportation. Mobile clinics, on-site work clinics.
- Board Chair Hassid: Other highlights about distribution to farmworkers, need to repeat the cited example of high acceptance rates at one employer, apply state-wide.
Ms. Harris: Still collecting details.

- Question received in Chat: How are you reaching isolated H2A workers? Ms. Harris: Radio, also ask their family members to contact them.
 - GC Montgomery: Outreach is the best way to gain access. Is there an active campaign to engage employers to reach out to their workers? To replicate the 88+ percent acceptance of the vaccine at one farm worksite, by workers in employer housing?
Ms. Harris: Pilot projects are locally driven, not just state effort. Local agencies are closer to the community and more trusted. State is working with these more trusted local organizations. Need to avoid creating barriers due to administrative processes. Still developing standards of equity and access.
4. Executive Officer's Report on Elections, Unfair Labor Practice Complaints, and Hearings (Santiago Avila-Gomez)
 - See Appendix B
 5. Litigation Report (Todd Ratshin)
 - See Appendix C
 6. General Counsel's Report (Julia Montgomery)
 - General Counsel Montgomery reported that the new Outreach Specialists team is fully in place. The Outreach Program Manager and Communications Director is Daniela Ramirez, and the two Outreach Specialists are Erika Flores in Visalia and Grace Esparza in Salinas. Training of new outreach staff is underway.
 - The GC staff and outreach team are coordinating outreach with other state agencies and CBOs. The staff will provide referrals for non-ALRB related questions/issues.
 - GC staff participated in five food-distribution events, and recently participated in five radio/TV appearances. Additionally the General Counsel will have a weekly Central Coast radio broadcast. GC staff also distributed information at a Coachella event with social distancing. The GC continues to provide masks and shields when interacting with farmworkers.

- Check distribution of \$400,000 to 528 workers over a span of two days in Salinas, with social distancing, quick movement of line.
 - Three post-complaint settlement agreements: Coast King, Satellite Farms, and Terra Linda Dairy.
 - Job opportunities in GC program: Hiring attorneys in Visalia and Salinas, and an Attorney III and IV in Sacramento.
7. Division of Administrative Services Report (Brian Dougherty)
 - See Appendix D
 - 7 vacancies (Board, GC, and Admin)
 - Annual assessment on IT security will be in late April or early May
 8. Regulations (Todd Ratshin)
 - Nothing to report
 - Sub-committee on regulations: nothing to report
 9. Legislation (Todd Ratshin)
 - Nothing to report
 10. Personnel (Victoria Hassid)
 - Nothing to report
 11. Public Comment
 - None
 12. Announcements
 - RD meeting today at 2:00 – agenda is on the ALRB web site.
 - Cedar Point hearing at U.S. Supreme Court will be accessible live online.
 - Next Public Board Meeting is April 13. Schedule of all Public Board Meetings for 2021 is on the ALRB web site.
 - Silas Shawver (GC) is leaving ALRB next week.
 13. Adjourn Meeting
 - Meeting adjourned at 11:31 a.m.

**APPENDIX A:
VACCINATE ALL 58 CAMPAIGN**

REPORT ON COVID-19 VACCINE DISTRIBUTION TO FARMWORKERS



Vaccinate ALL 58

Together we can end the pandemic.

Agricultural Labor Relations Board

Update on COVID-19 Vaccine Distribution and Outreach Campaign

Tuesday, February 9, 2020

Sonya Harris

Senior Advisor

Tomas Evangelista

External Affairs Officer

Agenda

- COVID-19 Cases in California
- COVID-19 Vaccines are Safe
- Local Vaccination Programs Underway
- Vaccinate ALL 58 - Equity Driven Approach
- Communications with Cultural Humility
- Leveraging Trusted Messengers
- Research Highlights
- How Can We Partner?

COVID-19 Cases in California

Total Cases

3,346,340

10,414 Today

+0.3% Increase
from prior
day total

Total Deaths

44,150

208 Today

+0.5% Increase
from prior
day total

Total Tests

44,323,550

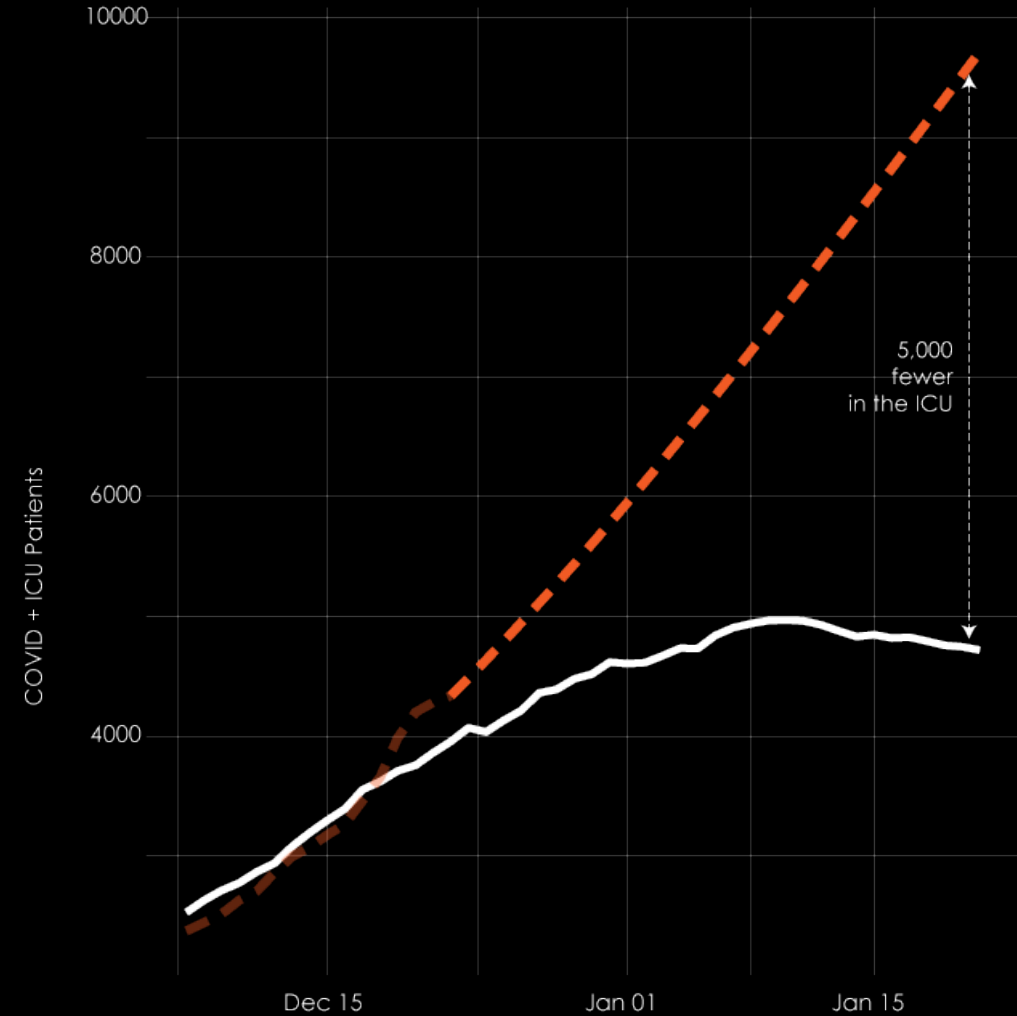
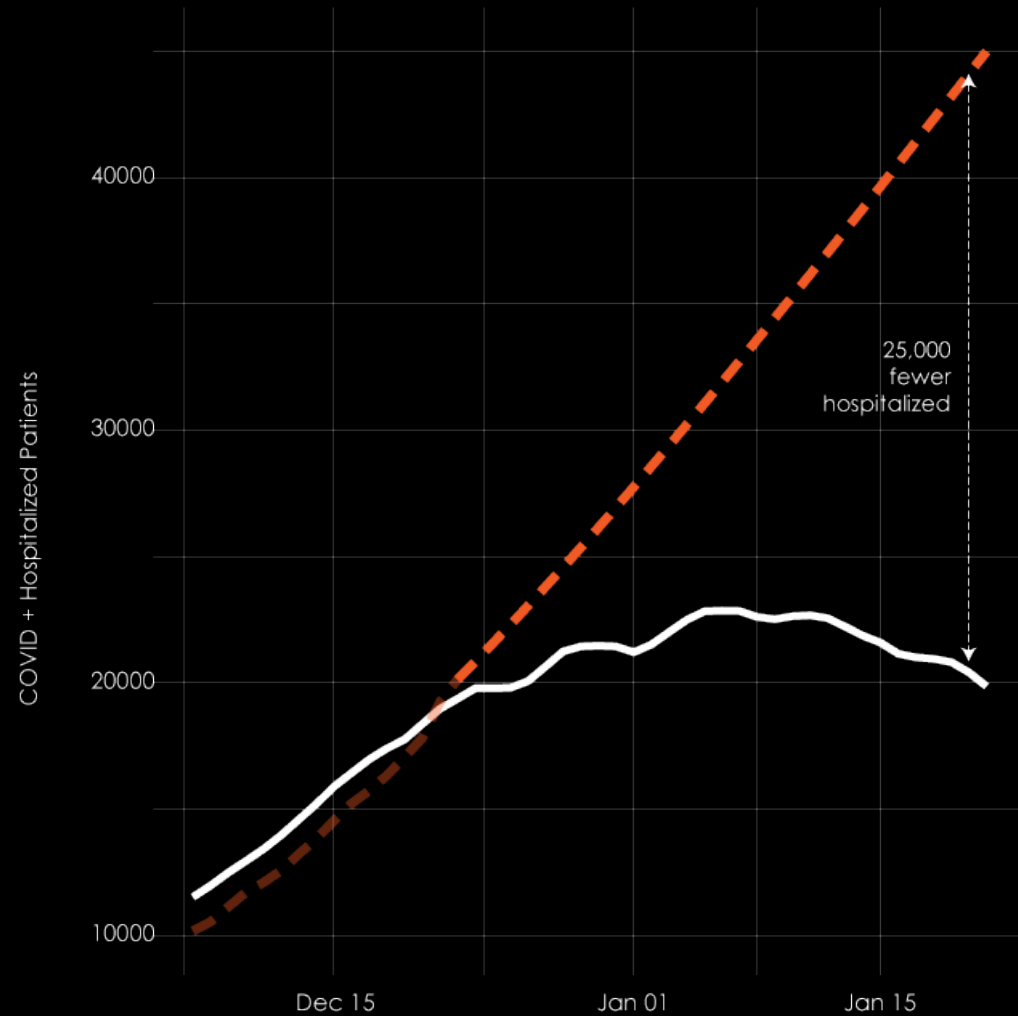
329,228 Today

+0.7% Increase
from prior
day total

Updated February 8, 2021 at 11:00 AM with data from February 7, 2021

<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/Immunization/ncov2019.aspx>

Stopping the Surge - Bending the Curve



COVID-19 Vaccines

Current vaccines with FDA emergency use authorization (EUA) recommended for prevention of COVID-19:

Pfizer-BioNTech (BNT162b2) COVID-19 vaccine

- Approved for for those 16 years and older
- Consists of two doses given 21 days apart
- 95 percent effective against COVID-19

Moderna (mRNA-1273) COVID-19 vaccine

- Approved for those 18 years and older
- Consists of two doses given 28 days apart
- 94 percent effective against COVID-19

COVID-19 Vaccines are Safe

California has its own **Scientific Safety Review Workgroup** comprised of immunization, public health, academic and other experts who are vetting vaccine safety.

The Scientific Safety Review Workgroup has confirmed that the Pfizer-BioNTech and Moderna **vaccines have met high standards** for safety and efficacy.

Sometimes vaccination can cause a sore arm, aches, fatigue or fever for a few days after getting the vaccine, but these are not harmful.

California's Vaccination Guiding Principles

California's plan for the distribution and administration of a COVID-19 vaccine is guided by the following overarching principles:

- Ensuring transparency by bringing in community stakeholders from the outset
- Ensuring the COVID-19 vaccine meets safety requirements
- Ensuring the vaccine is safe, distributed and administered equitably, at first to those with the highest risk of becoming infected and spreading COVID-19
 - Given recent surge and vaccine scarcity, this has shifted to those with highest risk of morbidity and mortality

Local Vaccination Programs Underway

Fresno County - pilot projects underway to meet the needs of several different types of agricultural workers

One employer had 88% of their farmworkers accept the vaccination

Riverside County - on-farm clinic partnership between the county and growers with tri-lingual staff onsite

Santa Cruz County - partnership with California Strawberry Commission, Dignity Health and Santa Cruz County Farm Bureau

Vaccinate ALL 58 - Equity Driven Approach

Goal: Educate, motivate and activate Californians to get vaccinated when it's their turn

Audience: Disproportionately impacted Californians

Key Messaging Topics:

- Provide basic vaccine facts
- Address barriers like lack of access and hesitancy
- Help Californians navigate vaccination eligibility and process

Vaccinate ALL 58 - Equity Driven Approach

- **Strategy 1:** Informing campaign decisions through a data-driven approach that evolves over time
- **Strategy 2:** Communications efforts with cultural humility
- **Strategy 3:** Community engagement through trusted messengers

Communications with Cultural Humility

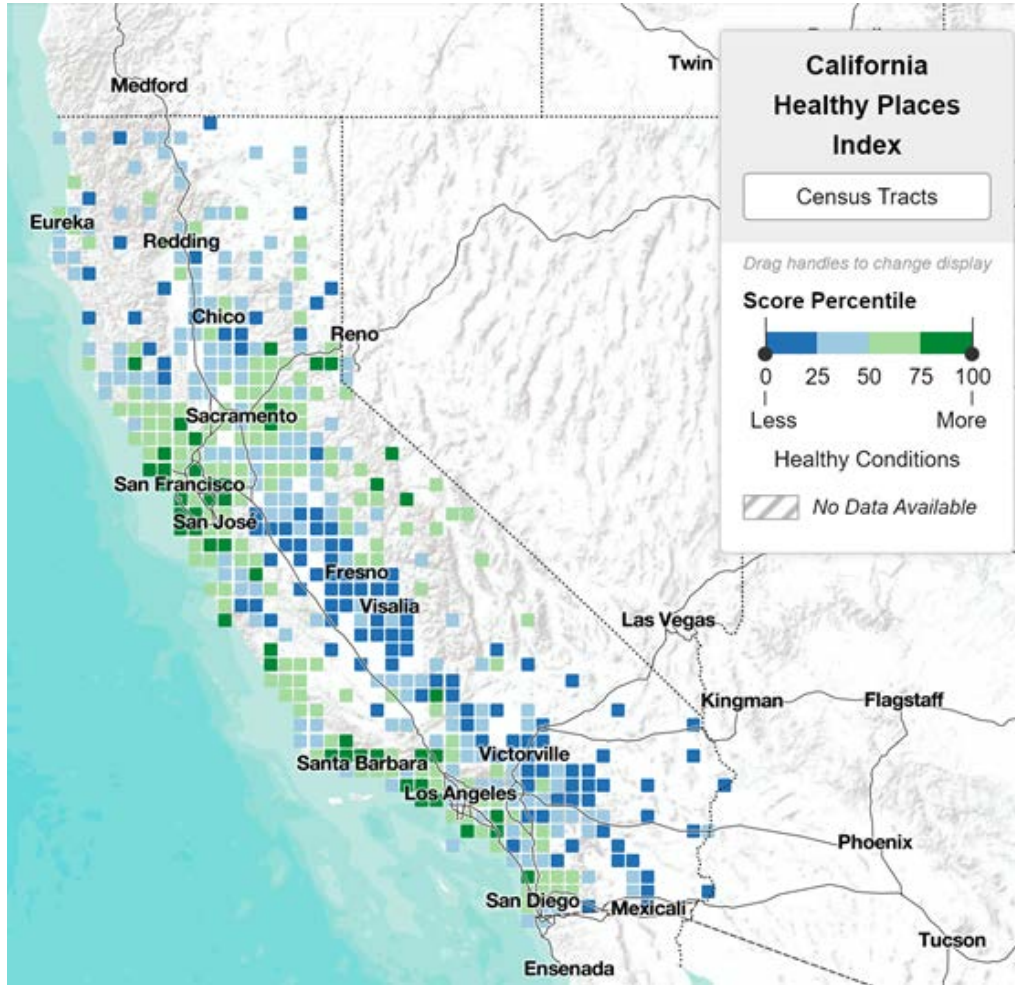
- Community informed
- In-language
- Address vaccine hesitancy
- Combat mis- and dis-information
- Engage trusted messengers
- Focus on ethnic media
- Fully integrated and coordinated with community outreach efforts

Leveraging Trusted Messengers

- \$30M for workplace and community health outreach projects, in partnership with 150 community-based organizations (CBOs).
- CBO network managed in partnership The Center at Sierra Health Foundation and the California Community Foundation.
- Prioritizing high-quality engagements related to COVID-19 vaccines, harm reduction, workers' rights, and providing referrals to safety-net services.

Additional efforts will be deployed in coordination with philanthropy, local health jurisdictions, state agencies and other partnerships.

Leveraging Trusted Messengers



- Statewide
- Interactive Engagement (priority)
 - Training
 - Phone Banking
 - Door-to-Door
 - Canvassing
 - Texts/Emails
- One Way Outreach
 - Social Media
 - Traditional Media

Priority Populations for Outreach Projects

Disproportionately Impacted Populations (CDSS)

This project is **statewide** and administered by The Center at Sierra Health Foundation in all counties except Los Angeles, Orange, and Ventura Counties. The California Community Foundation is the administrator for CDSS Los Angeles, Orange, and Ventura Counties.

- o Asian American
- o Black/African American
- o Indian/Native American and Tribal
- o Latinx (Latino/a)
- o Middle Eastern and North African
- o Native Hawaiian/Pacific Islanders
- o LGBTQ+
- o People with disabilities
- o Older adults
- o Limited English Proficient
- o People experiencing homelessness
- o People living in multi-generational households

Higher Risk Industries (LWDA)

The LWDA project covers regions where **higher-risk industries** are concentrated. This project is administered by The Center at Sierra Health Foundation.

- o Agriculture
- o Food Processing
- o Food service
- o Janitorial
- o Warehousing/Logistics
- o Manufacturing

Stakeholder Interviews: Key Findings

Messaging

- Highlight the safety and benefits of the vaccine
- Integrate the concept of everyone working together
- Focus on how the vaccine helps family and community
- Address the side effects
- Acknowledge the distrust in government

Messengers and Influencers

- Doctors and medical professionals
- Religious leaders
- *Promotoras*, health navigators, and trusted community members
- Community health workers and cultural centers
- Family members and caregivers
- Legal, health and social community activists

January 2021 Social Quest Stakeholder Interviews of 15 CVAC Members

Stakeholder Interviews: Barriers to Acceptance

- Concerns about the effects of the vaccine on **pregnancy**
- Lack of **long-term** efficacy and safety **data**
- **Concerns with process** for how fast the vaccine was developed
- Fear of **deportation**
- **Myths** about the vaccine
- General government **mistrust**
- **Not enough information** being disseminated about the vaccine
- Perception that **herd immunity** is better than the vaccine
- **Number of doses and gap time** between doses
- Fear of being used as “**guinea pigs**”
- Timing for vaccine **distribution** is not clear
- Reliance on **traditional medicine and home remedies**
- **Gaps in how communication flows** down to highest risk groups (e.g. farmworkers)

January 2021 Social Quest Stakeholder Interviews of 15 CVAC Members

How Can We Partner?

Share messages with your family, friends, and networks:

<https://toolkit.covid19.ca.gov/partners/>

Provide feedback to the Community Vaccine Advisory Committee:

COVID19VaccineOutreach@cdph.ca.gov

Get in touch with us:

externalaffairs@cdph.ca.gov

Thank You!

www.VaccinateALL58.com

**APPENDIX B:
EXECUTIVE SECRETARY'S REPORT**

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

DATE: February 4, 2021
TO: Agricultural Labor Relations Board
FROM: Santiago Avila-Gomez, Executive Secretary

Since the Board's last public meeting on December 8, 2020, the following has occurred.

ELECTION ACTIVITY

No notices of intent to take access (NA), notices of intent to organize (NO), or petitions for certification or decertification have been filed.

COMPLAINTS

1. *San Jac Management, LLC*, Case Nos. 2018-CE-010-VIS and 2018-CE-019-VIS (Cannabis; Riverside County, California)

POST-COMPLAINT SETTLEMENTS

1. *Satellite Farms*, Case No. 2019-CE-042-SAL. The parties entered into an informal bilateral settlement agreement (January 4, 2021)
2. *Terra Linda Dairy*, Case No. 2019-CE-018-VIS. The parties entered into an informal bilateral settlement agreement (December 21, 2020)

HEARINGS

There have been no in-person or virtual hearings held.

ALJ DECISIONS

No Administrative Law Judge decisions issued.

BOARD DECISIONS

1. Ocean Mist Farms (2020) 46 ALRB No. 5 (Spinach; Riverside County, California).

BOARD ADMINISTRATIVE ORDERS

1. *Gerawan Farming, Inc.* (2020) ALRB Admin. Order No. 2021-01 (44 ALRB No. 1; Order Granting Regional Director's Request for Leave to Reply to Respondent's Opposition to Motion to Amend Bargaining Makewhole Period).
2. *Gerawan Farming, Inc.* (2020) ALRB Admin. Order No. 2021-02 (44 ALRB No. 1; Order Denying Regional Director's Motion to Amend the Bargaining Makewhole Period).

CASES PENDING BOARD DECISION OR ACTION

1. *Gerawan Farming, Inc.* (2020) ALRB Admin. Order No. 2021-02 (44 ALRB No. 1; Order Denying Regional Director's Motion to Amend the Bargaining Makewhole Period; Motion for Reconsideration due Tuesday, February 9, 2021).

**APPENDIX C:
LITIGATION REPORT**

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ALRB PUBLIC MEETING LITIGATION REPORT

DATE: February 9, 2021
TO: Agricultural Labor Relations Board
FROM: Todd M. Ratshin, Chief Board Counsel

This report discusses updates and developments that have occurred in litigation matters involving the Board since its December 8, 2020 meeting.

Petitions for Writ of Review of Unfair Labor Practice Decisions

California Appellate Courts

► ***Smith Packing, Inc. v. ALRB*, Second District Court of Appeal, [Case No. B308102](#)**

Summary: Petition for writ of review of the Board's decision in 46 ALRB No. 3, in which the Board found the employer unlawfully terminated a group of employees for engaging in concerted protected activity.

Status: Smith Packing filed its opening brief on January 14, 2021. The Board's respondent's brief is due February 18.

► ***California Artichoke and Vegetable Corp. dba Ocean Mist Farms v. ALRB*, Sixth District Court of Appeal, [Case No. H048797](#)**

Summary: Petition for writ of review of the Board's decision in 46 ALRB No. 5, in which the Board found the employer unlawfully suspended a group of employees for engaging in protected concerted activity.

Status: Ocean Mist Farms filed its petition for writ of review on January 28, 2021. On January 29, the court issued a letter directing the Board to file the certified record within 10 days. On February 3, the Board submitted an application for a 30-day extension of time to file the certified record, which the court granted in an order issued February 9. The certified record now is due March 10. Petitioner's opening brief will be due 35 days after the certified record is filed.

Other Board Litigation

United States Supreme Court

► ***Cedar Point Nursery and Fowler Packing Co., Inc. v. Hassid, et al.*, U.S. Supreme Court, [Case No. 20-107](#)**

Summary: The growers seek review of the Ninth Circuit’s opinion rejecting their argument the Board’s access regulation (Cal. Code Regs., tit. 8, § 20900) violates the Fifth Amendment’s Takings Clause. (*Cedar Point Nursery v. Shiroma* (9th Cir. 2019) 923 F.3d 524; see also *Cedar Point Nursery v. Shiroma* (9th Cir. 2020) 956 F.3d 1152 [order denying petition for rehearing en banc].)

Status: On December 28, 2020, the growers filed a motion to extend the deadline to file their opening brief by three days, which the Court granted. The growers filed their opening brief on the merits on December 31. Amicus briefs in support of petitioners were filed by: Pelican Institute for Public Policy (Dec. 30); The Cato Institute (Dec. 31); Americans for Prosperity Foundation (Jan. 5, 2021); California Farm Bureau Federation (Jan. 6); Western Growers Association, et al. (Jan. 6); New England Legal Foundation (Jan. 6); Mountain States Legal Foundation (Jan. 6); Institute for Justice (Jan. 7); Chamber of Commerce of the United States of America (Jan. 7); United States (Jan. 7); The Buckeye Institute (Jan. 7); State of Oklahoma, et al. (Jan. 7); American Farm Bureau Federation (Jan. 7); Center for Constitutional Jurisprudence (Jan. 7); and Liberty Justice Center (Jan. 7). On January 7, the National Association of Counties, et al. filed an amici curiae brief in support of neither party. On January 21 the Board filed a motion to extend its opposition brief due date to February 5, which the Court granted. The Board filed its opposition brief on February 5. Amicus briefs in support of the Board are due February 12. Petitioners’ reply brief is due March 8. The case is scheduled for oral argument on March 22.

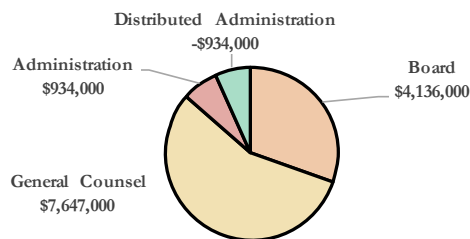
**APPENDIX D:
DIVISION OF ADMINISTRATIVE SERVICES REPORT**

Agricultural Labor Relations Board (ALRB)
Budget to Expenditure Report Fiscal Year 2020/2021
July 2020-December 2020

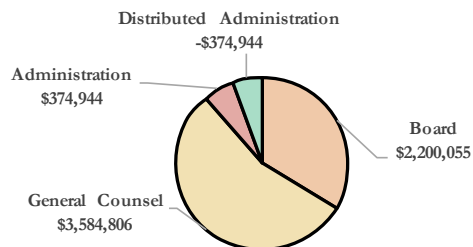
Budget					
Bottomline Budget	Board	General Counsel	Administration	Distributed Administration	ALRB Total
	\$4,136,000	\$7,647,000	\$934,000	-\$934,000	\$11,783,000

Expenditures					
Category	Board	General Counsel	Administration	Distributed Administration	ALRB Total
Salaries and Wages	\$1,079,432	\$1,704,348	\$285,837	\$0	\$3,069,617
Benefits	\$371,100	\$711,906	\$86,543	\$0	\$1,169,549
Operating Expenses and Equipment	\$749,523	\$1,168,552	\$2,564	-\$374,944	\$1,545,695
Communications	\$14,622	\$50,091	\$1,598		\$66,311
Consulting and Services	\$206,200	\$265,728			\$471,928
Data Center	\$56,374	\$85,311			\$141,685
Departmental Services	\$156,054	\$224,967			\$381,021
Distributed Cost	\$0	\$0		-\$374,944	-\$374,944
Facilities	\$269,477	\$418,241			\$687,718
General Expense	\$2,709	\$21,603	\$12		\$24,324
Information Technology	\$25,149	\$68,758			\$93,907
Other Items of Expense	\$74	\$4,822			\$4,896
Postage	\$1,414	\$4,680			\$6,094
Printing	\$7,369	\$10,270			\$17,639
Training and Tuition	\$6,952	\$9,476			\$16,428
Travel	\$3,129	\$1,644	\$263		\$5,036
Utilities	\$0	\$2,962			\$2,962
Totals	\$2,200,055	\$3,584,806	\$374,944	-\$374,944	\$5,784,861

Budget by Program Chart



Expenditures by Program Chart

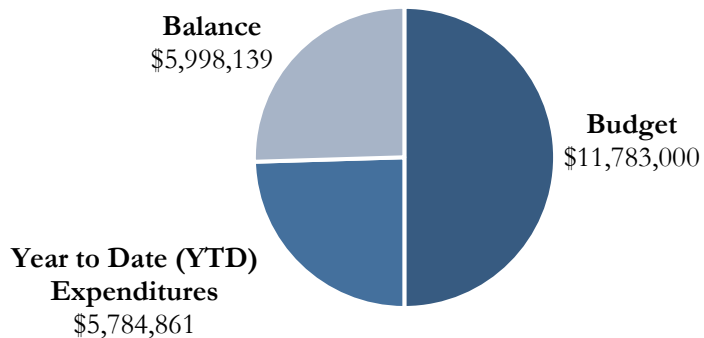


Agricultural Labor Relations Board (ALRB)
Fiscal Year 2020-2021 Expenditure Report
July 2020 - December 2020

ALRB Budget and Expenditures

Description		Budget	Year to Date (YTD) Expenditures	Balance
Personnel Services (PS)	Salary and Wages	\$5,543,000	\$3,069,617	\$2,473,383
	Benefits	\$2,284,000	\$1,169,549	\$1,114,451
	Total Personal Services	\$7,827,000	\$4,239,166	\$3,587,834
Operating Expenses and Equipment (OE&E)		\$3,956,000	\$1,545,695	\$2,410,305
Totals		\$11,783,000	\$5,784,861	\$5,998,139

Total Budgets to Expenditures



Expenditure Totals and Percentages

