

AGRICULTURAL LABOR RELATIONS BOARD

OFFICE OF THE EXECUTIVE SECRETARY

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**STATE OF CALIFORNIA
AGRICULTURAL LABOR RELATIONS BOARD
PUBLIC MEETING NOTICE
TUESDAY, APRIL 13, 2021
10:00 A.M.**

Please take notice that the Agricultural Labor Relations Board (ALRB or Board) will hold a public meeting on Tuesday, April 13, 2021, at 10:00 a.m. Pursuant to Governor Newsom's Executive Order N-29-20 and Executive Order N-33-20, there will not be a physical meeting location. Board members will participate via videoconference.

The Board also may meet on any day during the month to consider closed session items or to complete closed session deliberations begun at a previously noticed meeting. In addition, the Board may meet on any business day during the month where an emergency situation exists as defined by Government Code section 11125.5 or where other specific provisions of law require the Board to take immediate action.

To attend the Board's April 13, 2021 public meeting, please follow the instructions below

Attend the Meeting via Videoconference:

1. In your web browser, go to www.zoom.us
2. Select **JOIN A MEETING**.
3. Enter the meeting number: **840 2147 4217**.
4. Enter Passcode: **358867**.
5. Type your name and then click **Join**.
6. The videoconference system will be activated at 9:55 a.m.

****English/Spanish translation will be available to participants who join the meeting via computer or smartphone by using the Zoom Client/Application****

Attend the Meeting via Teleconference:

1. Dial **(215) 446-3656** or **(888) 363-4734** (U.S. Toll Free).
2. When prompted, enter the access code: **672001** and follow directions.
3. Teleconference will be opened to the public at 9:55 a.m.
4. Translation is not available using teleconferencing.

PUBLIC COMMENT

The ALRB affords an opportunity to members of the public to address the Board during the public meeting on items of interest that are either on the meeting agenda or within the Board's jurisdiction but are not on the noticed agenda. The Board is not permitted to take action on items that are not on the noticed agenda, but may refer items to staff for future consideration. The Board reserves the right to limit the time for speakers.

Public Comment Queue:

In advance of the meeting: Stakeholders who wish to comment on agenda items may submit a request to be added to the public comment queue by emailing Edward Hass at Edward.Hass@alrb.ca.gov. Please be sure to include your name, affiliation, and comment topic within the email.

During the meeting: To be added to the public comment queue, you may email your name, affiliation, and comment topic to Santiago.Avila-Gomez@alrb.ca.gov, or announce your desire to comment via the Zoom **Chat** or **Raise Hand** functions. If joining by telephone, an announcement will be made requesting callers to express their desire to comment.

AGENDA:

Public Session

1. Call to Order
2. Approval of Minutes
3. Chair's Report
4. Executive Officer's Report on Elections, Unfair Labor Practice Complaints, and Hearings
5. Litigation Report
6. General Counsel's Report
7. Division of Administrative Services Report
8. Regulations
 - Updated report from Regulations Subcommittee

9. Legislation
10. Personnel
11. Public Comment

Ten-minute break

12. Informational Panel: *Overview of H2A Worker Visa Program and Contemporary Issues*

Panelists:

- Michael Eastwood, Director of Enforcement, Western Region, U.S. Department of Labor- Wage and Hour Division
- Ruben Lugo, Regional Agriculture/H-2A Coordinator, Western Region, U.S. Department of Labor – Wage and Hour Division
- Cornelio Gomez, Group Manager, Foreign Labor and Farmworker Services Group, California Employment Development Department
- Cynthia Rice, Director of Litigation, California Rural Legal Assistance, Inc.
- Jeanne Malitz, President, Malitzlaw, Inc.

13. Announcements
14. Adjourn Meeting

Closed Session

The Board may convene in closed session, pursuant to Government Code sections 11126(a)(1), (c)(3), and (e)(1) to discuss:

1. Cases pending before the Board
 - None
2. Pending Notice of Intent to Take Access (NA), Notice of Intent to Organize (NO), Unit Clarification (UC), or Representation Certification (RC)/Representation Decertification (RD) cases
 - None
3. Mandatory Mediation and Conciliation
 - None
4. Interim Appeals, Motions, Petitions, Settlements, etc., in pending unfair labor practice proceedings which may come before the Board
 - United Farm Workers of America, 2019-CL-005-SAL

5. Pending or Potential Litigation (all review and non-review cases pending in the state and federal courts or in administrative proceedings in which the Board is or may be a party)

United States Supreme Court

- Cedar Point Nursery, et al. v. Hassid, et al., Case No. 20-107

California Appellate Courts

Second Appellate District

- Smith Packing, Inc. v. ALRB, Case No. B308102

Fifth Appellate District

- United Farm Workers of America v. ALRB, Case No. F080469
- Wonderful Orchards, LLC v. ALRB, Case No. F081172

Sixth Appellate District

- California Artichoke and Vegetable Growers Corp. dba Ocean Mist Farms v. ALRB, Case No. H048797

6. Pending Compliance Cases

- Ace Tomato Company, 93-CE-37-VI, 20 ALRB No.7
- Ace Tomato Company, 2012-CE-024-VIS, et al.
- Arnaudo Brothers, LP, and Arnaudo Brothers, Inc., 2012-CE-030-VIS, 40 ALRB No. 3, 41 ALRB No. 6
- Arnaudo Brothers, LP, and Arnaudo Brothers, Inc., 2015-CE-006-VIS, et al., 44 ALRB No. 7
- Gerawan Farming, Inc., 2012-CE-041-VIS, 44 ALRB No. 1
- Gerawan Farming, Inc., 2013-CE-011-VIS, et al., 44 ALRB No. 11
- Gerawan Farming, Inc., 2015-CE-014-VIS, et al., 45 ALRB No. 7
- Premiere Raspberries, LLC, 2018-CE-004-SAL, 44 ALRB No. 9
- Rincon Pacific, LLC, 2014-CE-044-SAL, 46 ALRB No. 4
- San Joaquin Tomato Growers, 93-CE-38-VI, 39 ALRB No. 15, et al.
- Tri-Fanucchi Farms, 2013-CE-008-VIS & 2013-CE-014-VIS, 40 ALRB No. 4
- United Farm Workers (Lopez), 2015-CL-006-VIS, 44 ALRB No. 6

7. Personnel

The meeting agenda on pages 2 through 4 is also available on the ALRB's website:

<https://www.alrb.ca.gov/meetings/notices-minutes/>

To request copies of the agenda, or for further information about these meetings, please contact:

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The Board seeks to ensure that its meetings are accessible to members of the public who have a disability. If any accommodations are needed, please contact Santiago Avila-Gomez at **(916) 894-6840**. Requests should be made as soon as possible, but at least one week prior to the scheduled meeting.

California Relay (telephone) Services for the Deaf or Hearing-Impaired
From TDD phones: 1-800-735-2929
From voice phones: 1-800-735-2922

If you think you may need assistance, please contact Santiago Avila-Gomez, Executive Secretary.