

AGRICULTURAL LABOR RELATIONS BOARD

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**STATE OF CALIFORNIA
AGRICULTURAL LABOR RELATIONS BOARD
REGIONAL DIRECTORS MEETING MINUTES
TUESDAY, FEBRUARY 9, 2020
2:00 P.M.**

There was no physical meeting location. Attendance was by remote meeting only (meeting number 830 5911 2599), via the attendee's choice of either Zoom videoconference or teleconference.

Time: 2:00 p.m.

Present: Board Chair Victoria Hassid
Board Members Barry Broad, Cinthia Flores, and
Ralph Lightstone
Executive Secretary Santiago Avila-Gomez
Chief Board Counsel Todd Ratshin
Board Counsels Laura Heyck and Scott Inciardi
General Counsel Julia Montgomery
Visalia Regional Director Chris Schneider
Salinas Regional Director Franchesca Herrera
Outreach Specialists Lori Miller and Angelique Duran
Special Legal Advisor Ed Blanco
Executive Assistant to the Board Chair Ed Hass

Interpreter: Mariel Steinman

Regional Directors Report on Activities of Salinas and Visalia Regions

Salinas Region Report

Presented by Franchesca Herrera, Salinas Regional Director (RD)

- **Distributed \$619,680.61 in January 2021 in Board-ordered compliance case.** Many workers are not currently employed, due to combination of the Salinas region being in off-season and some employers going out of business. ALRB staff provided masks at the check distribution event, and also used plexiglass and practiced social distancing. Field examiners, attorneys, and the new outreach coordinator all helped to staff this effort.

Board Member Broad suggested that staff should be reimbursed for cost of masks used during distribution of checks to farmworkers.

- **Informal settlement at a strawberry grower in Oxnard.** A community-based organization (CBO) filed the ULP charge on behalf of farmworkers in this case. The charge alleged that workers were threatened with arrest and deportation after they engaged in a walkout; the workers were scared to file a charge themselves. This was a highly publicized case. The settlement consisted of \$29,000 of backpay, plus reinstatement.
- **Terra Linda Dairy Settlement:** from the date when a settlement was reached, to checks being delivered to the workers, was only three days.
- **Evaluating employer claims of insolvency or financial hardship.** NLRB uses a highly detailed financial questionnaire form to help determine validity of employer claims of financial insolvency. ALRB is using this form to guide its evaluation of these claims. The Regional Directors request considering securing a standing contract with a forensic accountant, to evaluate financial information and to train compliance officers in collecting and analyzing this data. Such a contract would enable the Regions to evaluate such claims more quickly, and help the agency build capacity in this regard.

Board Members Broad and Lightstone, and Board Chair Hassid, contributed to this discussion, during this Regional Directors Meeting.

Chair Hassid noted that several years ago, the California Labor Commissioner advocated hiring more auditors for these types of financial documents.

- **Vaccination Outreach:** RD Herrera noted that staff are conducting outreach to vulnerable population, many of whom have literacy issues – via social media, TV, radio, 800 number, and coordination with CBOs in creating and distributing informative materials. New outreach staff have been meeting with CBO staff. CBOs and growers are helping to guide what information is needed from ALRB.

Board Member Broad: Can we work with employers to facilitate workers access to vaccines?

RD Herrera: Vaccination information needs to be distributed in indigenous languages, as well as in English and Spanish. Relationships with growers are often the result of pending ULP charges; thus, these growers might not be open to working with ALRB on this issue. The ALRB can work with grower organizations (Grower/Shipper Association, California Strawberry Growers, and others) and these groups can relay information to individual employers. Need to set-up worksite and mobile vaccination clinics. CBOs are taking ALRB pamphlets containing the 800 number information and Covid resources, into the fields.

Growers are making efforts in Santa Cruz and Monterey counties to vaccinate workers now. They worry about the influx of Imperial Valley workers into Monterey County for planting season. Without sufficient vaccines, Covid outbreaks could result, once workers return from Imperial County, where Covid infection rates are high.

Working on overcoming bureaucracy and conflicting information, to get vaccines into arms. TV and social media tells people to be

vaccinated, but many healthcare providers say they have no doses to administer, and are not making appointments yet. Working on getting accurate and up-to-date information to farmworkers.

Visalia Region Report

Presented by Chris Schneider, Visalia Regional Director (RD)

- **Vaccinations**: Fresno County has 70,000 to 80,000 farmworkers. 90% in agriculture, 10% in shops and schools but are members of the same households as farmworkers. Need upwards of 180,000 vaccinations (two doses per person) just for farmworkers and their families; nowhere near that much supply is available. County's work with community-based organizations has improved from past experiences.
- **Gerawan** (biggest current compliance case) appears to have provided all payroll records. Visalia staff are moving forward to create a makewhole specification based on this data. This case will go to either settlement or hearing.
- **Outreach Staff** helped with several food distributions.
- **ALRB radio broadcast** this coming Sunday – on 100.5 FM in the Central Valley.
- **Supervisor Training**: Some employers, who had past ULP cases, now want ALRB to train new supervisors hired since the prior year training, both to avoid future ULP cases and to remain in current compliance.
- **Notice to Employees** can be hard for agricultural workers to understand – too much legal language. ALRB is working to make the language more accessible, and will work with our outreach staff for input to develop more understandable language for the target audience.

Adjournment

Meeting adjourned at 2:46 p.m.