

**AGRICULTURAL LABOR RELATIONS BOARD**  
OFFICE OF THE EXECUTIVE SECRETARY  
1325 J Street, Suite 1900  
SACRAMENTO, CA 95814-2944  
(916) 894-6840  
FAX (916) 653-8750  
Internet: [www.alrb.ca.gov](http://www.alrb.ca.gov)



**STATE OF CALIFORNIA  
AGRICULTURAL LABOR RELATIONS BOARD  
PUBLIC MEETING MINUTES  
TUESDAY, JUNE 8, 2021  
10:00 A.M.**

There was no physical meeting location. Attendance was by remote meeting only (meeting number **854 5076 7266**), 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  
Deputy General Counsel Franchesca Herrera  
Executive Secretary Santiago Avila-Gomez  
Administrative Services Chief Brian Dougherty  
Regional Director Chris Schneider  
Administrative Law Judge Mark Soble  
Special Legal Advisor Ed Blanco  
Chief Board Counsel Todd Ratshin  
Board Counsels Laura Heyck, Scott Inciardi, and Itir Yakir  
ALRB Outreach Coordinator Daniela Ramirez  
Community Education Specialist Erika Flores  
Field Examiners Patricia Ochoa and Karen Santana  
Executive Assistant to the Board Chair Ed Hass  
Board AGPA Devaka Gunawardina  
General Counsel AGPA Audrey Hsia  
Staff Services Analyst Aqsa Ahmad  
Attorney Christina Nielsen  
Senior Legal Typist Rosario Miranda  
General Counsel staff: Flavio Bautista and Jeylee Quiroz

Interpreter: Mariel Steinman

*Members of the public may review a transcript of this meeting, including full public testimony and comment, at <https://www.alrb.ca.gov/meetings/notices-minutes/> as soon as it becomes available.*

*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, 10:02 a.m.
  - Rollcall of Board Members; all Board Members were present.
2. Approval of Minutes  
Public Board Meeting Minutes, April 13, 2021:
  - Motion to approve by Board Member Broad.
  - Seconded by Board Member Flores.
  - April 13, 2021 Public Meeting minutes approved by the Board 5-0.
3. Chair's Report (Victoria Hassid)
  - As the pandemic has started to ease and vaccinations are being distributed, the Board has been able to meet in person with ALRB regional office staff, external stakeholders, and farmworkers
  - Board Chair Hassid and Board Member Broad are going to Salinas next week, and are also planning a future visit to the Indio office.
  - Board Members have recently visited the Visalia and Oxnard offices.
  - On May 10-11 Board Member Broad, Board Chair Hassid, the Labor Commissioner, Cal-OSHA, and several Community-Based Organizations (CBOs) participated in a public outreach caravan in Oxnard. This outreach event promoted the governor's renewal of up to 80 hours of Supplemental Paid Sick Leave 2021 to farmworkers whose employers have 25 or more employees. Farmworkers can use this sick leave to care for themselves or a family member, or to quarantine, or to get vaccinated.
  - During the Oxnard visit, the Board Chair, Board Member Broad, and several other ALRB staff met with Executive Director Maricella Morales and staff at Central Coast Alliance United for a Sustainable Economy (CAUSE).
  - The Oxnard visit also included a meeting with program manager Talia Barrera and staff of the Ventura County Farmworker Resources Program in Oxnard. This program provides a variety of labor-related and social services to farmworkers, and can serve as a model for other counties.
  - Chair Hassid and Board Member Broad also toured Marz berry farm, owned and operated by brothers Audelio and Renato Martinez. They discussed how ALRB can better serve employers, as well as serving employees and their unions. The Board and Marz Berries also discussed employer challenges due to Covid-19.
  - Board Chair Hassid will attend a notice reading to 225 workers at Rancho Laguna Farms in Santa Maria, CA this Friday.

- Chair Hassid noted that all of the vacancies in the Office of Executive Secretary have been filled, and they are now fully staffed. Chair Hassid welcomed new Board AGPA Devaka Gunawardena to the Board.
  - The Chair announced that the Board is starting to embark on a new Strategic Planning process (the last ALRB strategic plan was in 2008). The first planning meeting was held over the past several weeks, with the executive team only. Within the next month, all ALRB staff and external stakeholders (unions, employers, Community-Based Organizations (CBOs), and farmworkers) will also be included in this Strategic Planning process.
4. Executive Officer's Report on Elections, Unfair Labor Practice Complaints, and Hearings (Santiago Avila-Gomez)
    - See Appendix A.
  5. Litigation Report (Todd Ratshin)
    - See Appendix B.
  6. General Counsel's Report (Julia Montgomery)
    - Franchesca Herrera was promoted to Deputy General Counsel. This promotion leaves a Regional Director (RD) vacancy, to replace Franchesca's RD position.
    - The General Counsel's (GC) office is currently interviewing candidates for Franchesca's prior position. The new Regional Director can be based in either Salinas or Oxnard office.
    - Additionally, there are three attorney openings: one each in Salinas, Oxnard, and Visalia.
    - The GC has three dedicated full-time outreach staff members. All GC regional office staff also participate in outreach.
    - The GC has participated in 12 in-person outreach events since the last Public Board Meeting. These events were in Central Valley, Ventura County, and Monterey County. Outreach efforts have included community resource fairs, food distributions, employment fairs, and vaccination clinics.
    - Statewide, the outreach team distributed 2600 Covid-19 guides to farmworkers, and 3000 ALRB pamphlets about farmworker rights to CBOs.
    - The GC participated in a live Spanish-language interview on Radio Indigena in Oxnard.
    - Two live Facebook events were held in Spanish, and were also translated into Mixteco.
    - In the past two months, seven training events were held with non-profit farmworker groups, and with county programs that serve farmworkers. The focus of these training sessions is on how to coordinate the services of these organizations with ALRB's services, and on how all of these organizations can collaborate with ALRB (and with each other) in outreach efforts.
    - The GC participates in a state-wide worker outreach program that is focused on Covid-19. This program is state-funded, and involves 200 organizations.

- Since the last Public Board Meeting, the following Unfair Labor Practice (ULP) settlements were reached. All of these settlements included standard remedies of notice postings, readings, and mailings.
    - Ojai Farms and Gourmet Specialties, Inc., in Salinas, was charged with retaliation for a worker's complaint against a foreman. The employer agreed not to interfere with worker rights, and not to retaliate against workers for exercising their rights.
    - Santa Rosa Berry Farms, in the Oxnard area. The settlement in this wrongful termination case was an \$8,876 makewhole payment.
    - Pacific Reserve Nursery, LLC, a cannabis grower. This employer was charged with retaliation for a worker's complaint about working conditions. The settlement was a \$49,000 makewhole payment.
    - San Jac Management, LLC, in Riverside County. This employer was charged with firing employees for attempting to organize workers for collective bargaining. The settlement was a \$66,932 payment for lost wages.
    - Gallo Vineyards, in Stanislaus County. This employer was charged with retaliation against a worker for complaining about inappropriate conduct by a co-worker. The worker who was fired for complaining, was reinstated, and was given \$2,000 in backpay.
7. Division of Administrative Services Report (Brian Dougherty)
    - See the financial update in Appendix C.
    - Year-end close will be on June 30; the financial statement will be issued in mid-July.
    - ALRB will close the books for FY 2020-21, below the year's total budget appropriation (in the black).
    - 18 ALRB employees participated in the Cal-HR leave buy-back program, for a total of \$70,000. The buy-back clears some leave balances off of the books, reducing ALRB's exposure for lump-sum pay-outs.
    - The Department of the Military conducted an on-site assessment of IT security at ALRB; they found no major external hacking risks. ALRB awaits their final report, which is expected by early July.
  8. Regulations (Todd Ratshin)
    - Nothing to report.
    - No update from the Regulations Subcommittee.
  9. Legislation (Todd Ratshin)
    - See Appendix E.
  10. Personnel (Victoria Hassid)
    - Nothing to report.
  11. Public Comment
    - None.

12. Announcements

- No known date for when the United States Supreme Court will issue a decision in the Cedar Point Case. Anticipate decision by July 1.
- Next Public Board Meeting is on August 10.
- Regional Directors meeting today at 2:00 P.M.

13. Adjourn Meeting

- Meeting adjourned at 10:39 a.m.

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

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

**DATE:** June 8, 2021  
**TO:** Agricultural Labor Relations Board  
**FROM:** Santiago Avila-Gomez, Executive Secretary

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Since the Board's last public meeting on April 13, 2021, the following has occurred.

**ELECTION ACTIVITY**

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

1. *Tikun Olam Adelanto, LLC*, Case No. 2021-NA-002-VIS (Teamsters Local 1932; Cannabis) filed June 3, 2021.
2. *Tikun Olam California, LLC*, Case No. 2021-NO-001-VIS (Teamsters Local 1932; Cannabis) filed April 15, 2021.<sup>1</sup>
3. *Tikun Olam Adelanto, LLC*, Case No. 2021-NO-002-VIS (Teamsters Local 1932; Cannabis) filed June 3, 2021.

**COMPLAINTS**

Four complaints were filed, two complaints were settled, and three complaints were withdrawn.

----- **Complaints** -----

1. *Braden Farms*, Case No. 2020-CE-018-VIS (Almonds; Madera County, CA)
2. *Benjamin Reitz & Stephen Reitz, dba, Reitz Ranches*, Case No. 2018-CE-002-VIS (Grapes)

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<sup>1</sup> On April 12, 2021, Teamsters Local 1932 filed an NA (*Tikun Olam California*, Case No. 2021-NA-001-VIS).

3. *Sun Pacific Farming Cooperative, Inc.*, Case No. 2020-CE-010-VIS (Various Crops; Tulare and Fresno Counties, CA).
4. *Bettinsoli*, Case Nos. 2019-CE-012-VIS and 2020-CE-005-VIS (Raisin Grapes; Fresno County, CA)

----- **Settled** -----

1. *Pacific Reserve Nursery, LLC*, Case No. 2019-CE-009-SAL (parties entered into an Informal Bilateral Settlement Agreement [April 20, 2021])
2. *San Jac Management, LLC*, Case Nos. 2018-CE-010-VIS and 2018-CE-019-VIS (parties entered into an Informal Bilateral Settlement Agreement [April 20, 2021])

----- **Withdrawn** -----

1. *Chapala Berry Farms, Inc.*, Case No. 2018-CE-049-SAL (April 26, 2021)
2. *VBF Brands, Inc. and Ocean Grown Horticulture, Inc.*, Case No. 2018-CE-066-SAL (April 30, 2021)
3. *Etchandy Farms, LLC*, Case No. 2019-CE-012-SAL (May 28, 2021)

### **HEARINGS**

No hearings were held.

### **ALJ DECISIONS**

No Administrative Law Judge decisions issued.

### **BOARD DECISIONS, ADMINISTRATIVE ORDERS, PENDING BOARD ACTION**

No Board decisions or administrative orders issued; and no cases are pending before the Board.



## **APPENDIX B: LITIGATION REPORT**

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## **ALRB PUBLIC MEETING LITIGATION REPORT**

DATE: June 8, 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 April 13, 2021 meeting.

### **Petitions for Writ of Review of Unfair Labor Practice Decisions**

#### California Appellate Courts

- *California Artichoke and Vegetable Growers 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:** The Board filed its respondent's brief on May 17. Petitioner's reply brief is due June 11, after which the matter will be fully briefed and pending issuance of an order dismissing the petition or issuing a writ of review.

### **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:** The Court heard oral arguments on March 22, and the case now is pending issuance of an opinion.

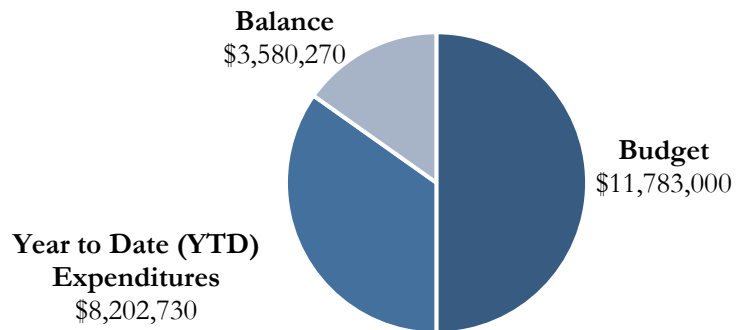
**APPENDIX C:**  
**DIVISION OF ADMINISTRATIVE SERVICES REPORT**

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

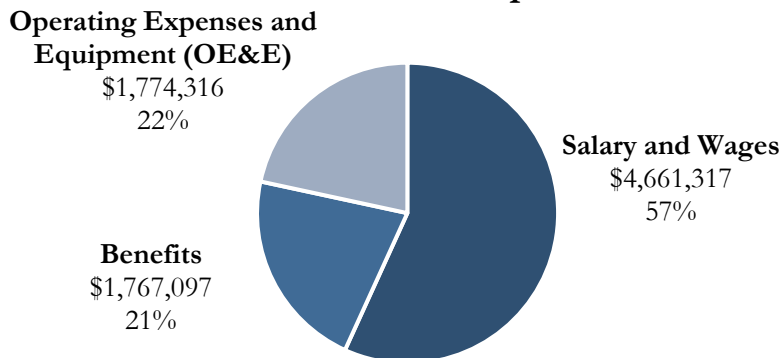
**ALRB Budget and Expenditures**

Description		Budget	Year to Date (YTD) Expenditures	Balance
<b>Personnel Services (PS)</b>	Salary and Wages	\$5,543,000	\$4,661,317	\$881,683
	Benefits	\$2,284,000	\$1,767,097	\$516,903
	Total Personal Services	\$7,827,000	\$6,428,414	\$1,398,586
<b>Operating Expenses and Equipment (OE&amp;E)</b>		\$3,956,000	\$1,774,316	\$2,181,684
<b>Totals</b>		<b>\$11,783,000</b>	<b>\$8,202,730</b>	<b>\$3,580,270</b>

**Total Budgets to Expenditures**



**Expenditure Totals and Percentages**



## **APPENDIX D: LEGISLATIVE REPORT**

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## **ALRB PUBLIC MEETING LEGISLATIVE REPORT**

DATE: June 8, 2021

TO: Agricultural Labor Relations Board

FROM: Todd M. Ratshin, Chief Board Counsel

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This report provides updates on legislative activity affecting the Agricultural Labor Relations Act or the Agricultural Labor Relations Board since the Board's April 13, 2021 meeting.

### **Assembly Bill No. 616 (Asm. Mark Stone - D)**

This bill was introduced on February 12, 2021, and is sponsored by the United Farm Workers of America. It was heard by the Assembly Committee on Labor and Employment on April 22. The bill passed and was re-referred to the Assembly Committee on Appropriations, where it was heard and passed on May 5. The bill was ordered to the Senate on May 10, and was referred to the Senate Committee on Labor, Public Employment and Retirement where it was heard on June 7. The bill passed on a 4-1 vote and was re-referred to the Senate Committee on Appropriations.

This bill would allow agricultural employees to select a labor organization as their exclusive bargaining representative through a "representation ballot card election" as an alternative to conducting a secret ballot election as provided under current law. These procedures would be codified in proposed new Labor Code section 1156.35. This bill also would add new Labor Code section 1162 requiring an employer to post an appeal bond as a condition of seeking judicial review of any order providing monetary relief to agricultural employees or a labor organization.

The full text of the bill and further information on it are available at:

[https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=202120220AB616](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB616).