

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



STATE OF CALIFORNIA AGRICULTURAL LABOR RELATIONS BOARD
PUBLIC MEETING MINUTES
WEDNESDAY, MAY 18, 2022
10:00 A.M.

**1325 J Street, Suite 1900-B,
Sacramento, CA 95814**

**300 South Spring St #2,
Los Angeles, CA 90013**

Board: Chair Victoria Hassid
Members Barry Broad, Cinthia Flores, and Ralph Lightstone
Executive Secretary Santiago Avila-Gomez

General Counsel: General Counsel Julia Montgomery

Administrative Services Division: Administrative Services Chief Brian Dougherty

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
 - Board Chair Victoria Hassid called the meeting to order at 10:00 a.m.
 - Board Members Broad, Flores, and Lightstone present.
 - Chair advised there would be no presentations on agenda items 5 and 8, written reports for each item were posted and deemed submitted.
2. Approval of Minutes from Public Board Meeting, April 6, 2022

- Board Member Lightstone moved to approve the minutes.
 - Board Member Broad seconded the motion.
 - Motion approved by 4 to 0.
3. Board Chair's Report – presented by Victoria Hassid
- Reported on presentation hosted by the Workforce Development Board and the Sacramento Chapter of the Asian Pacific American Labor Alliance, AFL-CIO (APALA) for Asian American and Pacific Islander Heritage Month. The presentation is available for viewing at: <https://youtu.be/TJZAHqN1Nes>
 - Reported on upcoming educational program with the California Farm Bureau.
 - Reported on extended timeline for input into strategic planning process.
 - Announced the retirement of Board analyst Ed Hass.
 - Reported on efforts to identify spaces for Public Meetings, along with Chair's interest in supporting reforms to modernize the Bagley Keene Act.
4. Executive Officer's Report on Elections, Unfair Labor Practice Complaints, and Hearings
- See Appendix A.
5. Litigation Report
- See Appendix B.
6. General Counsel's Report
- Announced the appointment of Blaz Gutierrez as Regional Director based in Indio.
 - Reported on additional vacancies to be filled in Sacramento and Tulare, Monterey, Sonoma, and Ventura Counties.
 - Reported on outreach and participation, including with community based organizations, in Tulare, Riverside, Santa Barbara, Riverside, Ventura, and Imperial Counties.
 - Reported on cases in Ventura, Monterey, Madera, Sonoma, and Santa Barbara Counties.
 - Discussed the General Counsel's decision-making process in cases.

- Reported on information sharing with the Labor Commissioner and Employment Development Department.
7. Division of Administrative Services Report
 - Reported on completed facility in Salinas.
 - Provided update on HQ relocation.
 - Reported on new telework policy.
 8. Legislative Report
 - See Appendix C.
 9. Regulations
 - None.
 10. Public Comment (The Board additionally solicits public comment after discussion of each agenda item of the open meeting.)
 - No public comments were received by the Board.

Closed Session

The Board recessed into closed session.

Open Session

The Board reconvened the open session. No reportable action taken during closed session.

11. Announcements
 - Next Public Board Meeting and Regional Director meeting is on June 1, 2022.
12. Adjourn Meeting
 - Meeting adjourned at 12:00 pm.

APPENDIX A: EXECUTIVE SECRETARY'S REPORT

STATE OF CALIFORNIA

GAVIN NEWSOM, Governor

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ALRB PUBLIC MEETING EXECUTIVE OFFICER'S REPORT ELECTIONS, UNFAIR LABOR PRACTICE COMPLAINTS, AND HEARINGS¹

DATE: May 18, 2022
TO: Agricultural Labor Relations Board
FROM: Santiago Avila-Gomez, Executive Secretary

Complaints

----- **Complaints and Amended Complaints** -----

1. *Sonoma Cho, LLC dba Flora Terra*, Case No. 2022-CE-003-SAL (Cannabis; Sonoma County, CA; amended May 13, 2022)
2. *Laubacher Farms, Inc.*, Case No. 2020-CE-049-SAL (Cilantro and Celery; Ventura County; April 22, 2022)

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

1. *Caymus Vineyards*, Case No. 2020-CE-001-SAL (parties entered into informal bilateral settlement agreement; May 13, 2022)
2. *Norma Stretch dba Dixieland Orchards*, Case No. 2021-CE-010-VIS (parties entered into informal bilateral settlement agreement; May 10, 2022)
3. *Seven Points Management, Inc. and Walnut, LLC*, Case No. 2020-CE-021-SAL (parties entered into informal bilateral settlement agreement; April 22, 2022)
4. *Premiere Raspberries, LLC*, Case No. 2019-CE-048-SAL (parties entered into informal bilateral settlement agreement; April 15, 2022)

Administrative Law Judge Decisions

¹ No election activity or hearings have occurred, and no Board decisions have issued since the date of the Board's last public meeting.

1. *Sonoma Cho, LLC dba Flora Terra*, Case No. 2022-RC-001-SAL (IHE decision issued May 9, 2022)

Board Pending Matters

----- **Pending Matters** -----

1. *Sonoma Cho, LLC dba Flora Terra*, Case No. 2022-RC-001-SAL (IHE decision issued May 9, 2022; Exceptions due May 30, 2022 and Reply Briefs due June 9, 2022)
2. *Cinagro Farms, Inc.*, Case No. 2017-CE-008-SAL (Vegetables; Ventura County, California; Briefing completed on December 13, 2021; On March 28, 2022, Admin. Order 2022-01 issued Requesting Supplemental Briefing Re: Misclassification of Employees, party and amici briefs due May 27, 2022 and parties responsive briefs due June 13, 2022)

APPENDIX B: LITIGATION REPORT

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ALRB PUBLIC MEETING LITIGATION REPORT

DATE: May 18, 2022

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 6, 2022 meeting.

Petitions for Writ of Review of Unfair Labor Practice Decisions

California Appellate Courts

► ***United Farm Workers of America v. ALRB*, Fifth District Court of Appeal, [Case No. F080469](#)**

Summary: Petition for writ of review of the Board's decisions in 45 ALRB Nos. 8 and 4, in which the Board found the United Farm Workers of America unlawfully threatened to picket Gerawan Farming, Inc. if it did not recognize and bargain with the union, which had been decertified as the employees' bargaining representative in the Board's decision in 44 ALRB No. 10.

Status: The appellate court issued its remittitur on April 20, 2022. This litigation now is final.

► ***Wonderful Orchards, LLC v. ALRB*, Fifth District Court of Appeal, [Case No. F081172](#)**

Summary: Petition for writ of review of the Board's decision in 46 ALRB No. 2, in which the Board found the employer unlawfully terminated a group of employees for engaging in protected concerted activity.

Status: The court issued an unpublished opinion on March 1, 2022, affirming the Board's decision. The employer did not file a petition for review in the California Supreme Court, and the appellate court issued its remittitur on May 2. This litigation now is final.

APPENDIX C: LEGISLATIVE REPORT

STATE OF CALIFORNIA

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ALRB PUBLIC MEETING LEGISLATIVE REPORT

DATE: May 18, 2022

TO: Agricultural Labor Relations Board

FROM: Todd M. Ratshin, Chief Board Counsel

This report provides updates on legislative activity affecting the Agricultural Labor Relations Act or the Agricultural Labor Relations Board since the Board's April 6, 2022 meeting.

Senate Bill No. 1409 (Grove – R)

This bill was introduced on February 18, 2022, and referred to the Committee on Labor, Public Employment, and Retirement on March 9. It was heard in committee on April 27, and failed on a 1-3 vote.

This bill would have repealed the Agricultural Labor Relations Act effective January 1, 2025 and directed the Board to submit a report to the Legislature by July 1, 2023, detailing a process for its abolishment. The bill further proposed to amend or replace the provisions of the Act to protect the associational rights of agricultural employees, ensure secret ballot elections are conducted for farmworkers to decide whether to have a union represent them, and to provide for the investigation, prosecution, and adjudication of unfair labor practices. Finally, the bill proposed to appropriate an amount of funds equal to the funds appropriated to the Board in 2022 for farmworker housing.

The full text of the bill, and further information regarding it, is available at:
<https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB1409>

Assembly Bill No. 2183 (Stone – D)

This bill was introduced on February 15, 2022. The bill was referred to the Committee on Labor and Employment on March 24 and amended that same day. It was re-referred to the Committee on Labor and Employment on March 28. The bill was heard in committee on April 21, and was re-referred to the Assembly Committee on Appropriations by a 5-2 vote. On May 11 the bill was referred to the suspense file and set for hearing on May 19.

As amended, the bill proposes a number of amendments to the Act, including (1) making an employer's employee list available to a labor organization upon a showing of 10% employee support; (2) authorizing the Board to assess civil penalties against employers who commit unfair labor practices; (3) requiring an employer post a bond as a condition to appealing any order involving an award of monetary relief; and (4) allowing a labor organization to be certified as the exclusive bargaining representative of a unit of employees upon the submission of representation cards signed by a majority of the employees without a secret ballot election.

The full text of the bill, and further information regarding it, is available at:

<https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB2183>