

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, OCTOBER 12, 2022
10:00 A.M.

Board: Chair Victoria Hassid
Members Ralph Lightstone, Barry Broad, Cinthia Flores, and
Isadore Hall
Executive Secretary Santiago Avila-Gomez
Chief Board Counsel Todd Ratshin

General Counsel: Julia Montgomery

Administrative
Services Division: Brian Dougherty

Interpreter: Ashley Nuñez

Court Reporter: Marlee Nelson

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 10:02 a.m.
 - Board Members Broad, Flores, Hall, and Lightstone present.

2. Approval of Minutes from Public Board Meeting, September 28, 2022
 - Board Member Broad moved to approve the minutes from Public Board Meeting, September 28, 2022.
 - Board Member Flores seconded the motion.

- Motion approved by 5 to 0.
3. Board Chair's Report – presented by Victoria Hassid
 - Reported on state commemoration of Indigenous People's Day (October 12th).
 - Acknowledged regional indigenous communities.
 - Reported on Governor's signing of AB 2183. Acknowledged advocacy of workers and their supporters, and Board's role in implementing the legislation within the scope of the Agricultural Labor Relations Act (ALRA).
 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
 - Reported on outreach and participation with Community-Based Organizations in Santa Barbara, Riverside, and Ventura Counties.
 7. Division of Administrative Services Report
 - Reported on submission of Budget Change Proposals.
 8. Legislative Report
 - See Appendix C.
 9. Regulations
 - None.
 10. ***Informational Panel: Overview of Issues Regarding Farmworker Mental Health (panel estimated to start at approximately 10:45 am)***
 11. Public Comment (The Board additionally solicits public comment after discussion of each agenda item of the open meeting.)
 - None.

Closed Session

The Board recessed into closed session.

Open Session

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

12. Announcements

- The next Public Board Meeting will be held on October 26th in Sacramento.

13. Adjourn Meeting

- Meeting adjourned at 12:51 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 HEARINGS

DATE: October 12, 2022
TO: Agricultural Labor Relations Board
FROM: Santiago Avila-Gomez, Executive Secretary

Complaint Settlement

1. *Valley AG Holdings, LLC, 2018-CE-015-VIS* (informal bilateral settlement agreement filed September 30, 2022)

Administrative Order

1. *St. Supery, Inc. dba St. Supery Vineyards & Winery* (2022) ALRB Admin. Order 2022-06-P (September 28, 2022; Order Granting General Counsel's Request for Subpoena Enforcement; Case No. 2022-CE-015-SAL)

Pending Matter

1. *Sonoma Cho, LLC dba Flora Terra, 2022-CE-003-SAL et al.* (Proposed Formal Bilateral Settlement Agreement filed September 16, 2022)

APPENDIX B: LITIGATION REPORT

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ALRB PUBLIC MEETING LITIGATION REPORT

DATE: October 12, 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 September 28, 2022 meeting.

Petitions for Writ of Review of Unfair Labor Practice Decisions

California Appellate Courts

- ▶ ***Cinagro Farms, Inc. v. ALRB***, Second District Court of Appeal, [Case No. B322632](#)

Summary: Petition for writ of review of the Board's decision in 48 ALRB No. 2, in which the Board found respondent Cinagro Farms, Inc. unlawfully misclassified a crew of workers and terminated them in retaliation for their protected complaints regarding the form of their paychecks and paystubs. In addition, the Board assessed civil penalties against Cinagro pursuant to Labor Code section 226.8 for willfully misclassifying the workers.

Status: Cinagro filed a petition for writ of review on August 24, 2022. The Board filed the certified record on September 1. Cinagro filed its opening brief on October 4. The Board's respondent's brief is due November 8.

APPENDIX C: LEGISLATIVE REPORT

STATE OF CALIFORNIA

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ALRB PUBLIC MEETING LEGISLATIVE REPORT

DATE: October 12, 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 September 28, 2022 meeting.

Assembly Bill No. 2183 (Stone – D)

This bill was introduced on February 15, 2022, and amended on March 24. The bill was approved by the Assembly on May 25 by a 49-22 vote and ordered to the Senate. The bill was amended in the Senate on August 22. On August 29, the bill was approved by the Senate by a 26-10 vote, with the Assembly concurring in the Senate amendments by a 55-18 vote. The Governor signed the bill on September 28.

The bill makes a number of amendments to the ALRA. The bill requires employers to register with the ALRB on an annual basis if they will choose to abide by certain labor peace compact obligations with respect to union organizing efforts. If an employer agrees to a labor peace compact, a union may be elected as the employees' bargaining representative using a mail-voting election process. For an employer that does not agree to a labor peace compact, a union may be certified as the employees' bargaining representative based on the submission of authorization cards from a majority of the employees. In addition, the bill authorizes the board to assess civil penalties against employers who commit unfair labor practices, and requires an employer to post a bond as a condition to appealing any order involving an award of monetary relief.

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>

When signing the bill, the Governor also announced an agreement on clarifying language to be passed during the next legislative session. The proposed clarifying language is available at: <<https://www.gov.ca.gov/2022/09/28/alongside-farmworkers-at-the-state-capitol-governor-newsom-signs-law-expanding-farmworker-union-rights/>>