

AGRICULTURAL LABOR RELATIONS BOARD
OFFICE OF THE EXECUTIVE SECRETARY
1325 J STREET, SUITE 1900
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(916) 894-6840
FAX (916) 653-8750
Internet: www.alrb.ca.gov



STATE OF CALIFORNIA AGRICULTURAL LABOR RELATIONS BOARD
PUBLIC MEETING MINUTES
THURSDAY, DECEMBER 1, 2022
10:00 A.M.

1500 6th Street
Coachella, CA 92236

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

Administrative Services Division: Brian Dougherty

General Counsel: Regional Director Blaz Gutierrez

Interpreter: Bertha Medina

Court Reporter:

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 10:11 a.m.
 - Board Members Broad, Flores, and Lightstone present.
2. Approval of Minutes from Public Board Meeting, October 26, 2022
 - Board Member Flores moved to approve the minutes from the Public Board Meeting, October 26, 2022.

- Board Member Broad seconded the motion.
 - Motion approved by 4 to 0.
3. Board Chair's Report – presented by Victoria Hassid
 - Extended thanks to Regional Director and staff at Indio Office for reception on November 30, 2022.
 - Reported on hiring for two Administrative Law Judge positions.
 - Provided update on Strategic Plan.
 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 (presented by Regional Director Blaz Gutierrez)
 - Reported on a case in Santa Barbara and Fresno Counties.
 - Reported on outreach and participation with Community-Based Organizations in Santa Barbara, Monterey, Ventura, Coachella, Tulare, Santa Clara, Imperial, and Fresno Counties.
 - Reported on meetings with stakeholders and providers, including in Imperial and Ventura Counties. Reported on participation in labor rights caravan in response to Chair's inquiry.
 - Reported on participation in Indio Office Open House on November 30, 2022.
 - Reported on upcoming Annual Farmworkers Appreciation Breakfast on December 1, 2022.
 7. Division of Administrative Services Report
 - Reported on Resource Project Building Meeting with representatives from the Department of General Services (DGS), Employment Development Department (EDD), the Labor and Workforce Development Agency (LWDA), and other state agencies. The project is for renovation of the office building at 1416 9th Street, and relocation of Sacramento staff.
 - Reported on Budget Change Proposals (BCP), including

consolidated BCP developed in conjunction with LWDA.

8. Legislative Report

- Board Chair reported on preparation of draft guidance for AB 2183.
- No update on clean-up legislation.

9. Regulations

- Reported on publication of rulemaking package.

10. Informational Presentation by Jana Trew (Senior Program Officer, Desert Health District) and Alejandro Espinoza (Chief of Community Engagement, Desert Health District)

11. Informational Presentation by Luz Gallegos (Executive Director, TODEC Legal Center)

12. Public Comment *(The Board additionally solicits public comment after discussion of each agenda item of the open meeting.)*

- None.

13. Announcements

- The next Public Board Meeting will be held on December 14th in Sacramento.

14. Adjourn Meeting

- Meeting adjourned at 11:56 am.

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: December 1, 2022
TO: Agricultural Labor Relations Board
FROM: Santiago Avila-Gomez, Executive Secretary

Complaint Settlement & Specification

1. *Central Coast Agriculture, Inc.*, 2021-CE-012-SAL (settlement agreement entered into during week of November 6, 2022)
2. *Tri-Fanucchi Farms*, 2013-CE-008-VIS & 2013-CE-014-VIS (Second Amended Makewhole Methodology and Specification deemed filed October 28, 2022)

Pending Matter

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

APPENDIX B: LITIGATION REPORT

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ALRB PUBLIC MEETING LITIGATION REPORT

DATE: December 1, 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 October 26, 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 filed its respondent's brief on November 7. Cinagro's reply brief is due December 2.