

**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, JANUARY 25, 2023**  
**10:00 A.M.**

**1500 Capitol Avenue**  
**Sacramento, CA 95814**

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

General Counsel: Julia Montgomery

Interpreter: Elcy Lemus

*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 10:01 a.m.
  - Board Members Broad, Flores, Hall, and Lightstone present.
  
2. Approval of Minutes from Public Board Meeting, January 11, 2023
  - Board Member Broad moved to approve the minutes from the Public Board Meeting, January 11, 2023.
  - Board Member Lightstone seconded the motion.
  - Motion approved by 5 to 0.

3. Board Chair's Report – presented by Victoria Hassid
  - Reported on Board Chair and General Counsel's upcoming attendance at release of Farmworker Health Study through UC Merced Labor Center.
  - Memorialized the victims of recent mass shootings, including in Monterey Park and Half-Moon Bay, which affected the farmworker community.
4. Executive Officer's Report on Elections, Unfair Labor Practice Complaints, and Hearings
  - See Appendix A.
5. Litigation Report
  - None.
6. General Counsel's Report
  - Reported on a case in Santa Barbara County.
  - Reported on outreach and participation with Community-Based Organizations and state agencies in Santa Barbara, Tulare, Monterey, Merced, and Sonoma Counties.
7. Division of Administrative Services Report
  - None.
8. Legislative Report
  - None.
9. Regulations
  - Board Member Broad recused himself on action taken regarding UFCW Western States Council and California Teamsters Public Affairs Council Public Comment.
  - Board Member Lightstone presented his report on behalf of the Regulations Subcommittee regarding Rulemaking File No. Z2022-1121-01 (Appendix B).
  - Board Chair Hassid moved to assign the UFCW and Teamsters proposal regarding electronic signatures in a labor organization's

proof of support to a subsequent subcommittee for further consideration.

- Board Member Hall seconded the motion.
- Motion approved by 4 to 0.
- Board Member Broad returned and moved the Board adopt the proposed rulemaking action in file no. Z2022-1121-01.
- Board Chair Hassid seconded the motion.
- Motion approved by 5 to 0.
- Board Chair extended thanks to Regulations Subcommittee, Chief Board Counsel, Administrative Services Division Chief, and Executive Secretary.

10. Presentation on new ALRB communication and outreach tools and materials

Presentation by Outreach Coordinator Daniela Ramirez

- Introduced ALRB outreach team: Lucia Vazquez, Elvia Velazquez, Omar Gastellum.
- Reported on logo and design process, including staff input.

Presentation by David Galvan and Jeffrey McKinney (Sensis)

- Explained taglines:
  - “Supporting Agricultural Worker Rights” / “Apoyando al trabajador agricola y sus derechos”
  - “Fairness in the Field” / “Equidad en el campo”
- Explained the new logo.

### **No Closed Session**

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

- None.

12. Announcements

- The next Public Board Meeting will be held on February 8<sup>th</sup> in Sacramento.

13. Adjourn Meeting

- Meeting adjourned at 10:39 am.

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

**DATE:** January 25, 2023  
**TO:** Agricultural Labor Relations Board  
**FROM:** Santiago Avila-Gomez, Executive Secretary

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**ALJ Decisions Issued and Pending Before the Board**

1. *Gerawan Farming, Inc., 2012-CE-041-VIS et al. (44 ALRB No. 1)*
  - a. Makewhole specification issued on December 13, 2021, the virtual hearing was held August 15 through August 18, 2022, and the decision issued and was transferred to the Board on January 20, 2023. Exceptions are due February 13, 2023, and replies are due February 27, 2023. The matter involves the Board's January 22, 2018 decision.
  
2. *Zabala Farms of Salinas, LLC, 2021-CE-018-SAL*
  - a. Complaint issued on June 21, 2022, and the default decision issued and was transferred to the Board on January 18, 2023. Exceptions are due February 10, 2023, and replies are due February 23, 2023. The matter involves cannabis in Monterey County.

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DATE: January 23, 2023

TO: Agricultural Labor Relations Board

CC: Santiago Avila-Gomez, Executive Secretary

FROM: Ralph Lightstone, Board Member

RE: Regulations Subcommittee Report Re: Rulemaking Notice File No. Z2022-1121-01;  
Public Comments

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**INTRODUCTION**

After conducting extensive preliminary rulemaking activities regarding various proposals to modernize the Board's regulations and administrative procedures, the Board commenced a formal rulemaking procedure on December 2, 2022. No hearing on the proposed regulatory action was scheduled, and none was requested by any interested party or stakeholder. The public comment period closed on January 17, 2023. Only one public comment, jointly from the UFCW Western States Council (UFCW) and the California Teamsters Public Affairs Council (Teamsters), was received. The UFCW and Teamsters support the Board's proposed rulemaking and modernization efforts and do not object to or propose any modifications to the current regulatory proposals. Rather, the UFCW and Teamsters request the Board adopt additional rules allowing the use of electronic signatures on a labor organization's proof of support when filing a representation petition with the Board.

**RESPONSE AND RECOMMENDATION**

The UFCW and Teamsters have played an important role in the development of California's laws governing the cannabis industry in recent years, including specifically the impact of such laws on cannabis cultivation workers. The UFCW and Teamsters support the Board's adoption of rules generally requiring the electronic filing of documents with the Board, but request such rules be expanded to allow the use of electronic authorization cards and signatures in a labor organization's proof of support when engaged in the organization of workers. The UFCW and Teamsters state that issues impacting workers in the cannabis cultivation industry often are different from those facing other agricultural workers, that workers in the cannabis industry are "tech savvy" and frequently use app-based technology in their work, and that allowing workers in the cannabis industry to use such tools to support a union's organizing campaign provides a "commonsense health and safety measure during public health crises."

Both the National Labor Relations Board and California Public Employment Relations Board have adopted guidance or rules permitting the use of electronic signatures in a labor organization's proof of support, as the UFCW and Teamsters note in their comments. I believe the Board should consider developing a regulation to permit use of electronic signatures in a

labor organization's proof of support. The Board has several options if it agrees to consider such a regulation:

- (1) The Board could postpone finalizing the current regulatory package in order to develop new regulatory language to govern the use of electronic signatures in a labor organization's showing of interest to support a representation petition, after which it will be required to re-notice the proposed rulemaking and provide for a new 45-day comment period;
- (2) The Board could proceed to adopt the current proposed regulatory amendments, to which no objections or modifications have been proposed, and refer this proposal concerning the use of electronic signatures in a showing of interest to a designated subcommittee to consider the feasibility of the proposal and develop proposed regulatory language on the topic, as appropriate; or
- (3) The Board could hold this proposal with the intent to address it in rulemaking related to the implementation of the anticipated AB 2183 cleanup legislation.

My present recommendation is to follow the second option referring this matter to a Board subcommittee. This would allow the Board the opportunity and ability to more fully inquire into the circumstances of union organizing in our agricultural industry and any issues concerning the use of electronic tools to aid in such efforts. The current regulatory action has been pending before the Board for a long time, dating back to 2020, and this is the first time the issue of a labor organization's use of electronic signatures in a proof of support has been raised. While a failure to raise the issue during our Board's extensive pre-rulemaking activities certainly is no bar to the current public comment or the proposal it makes, the proposal to adopt rules allowing the use of electronic signatures or authorizations in a labor organization's proof of support is both substantial and not sufficiently related to the current regulatory action.

The issue of allowing the use of electronic signatures in a labor organization's proof of support is one that the Board should examine closely, including for the purpose of identifying any obstacles or impediments to allowing the use of electronic signatures in such contexts and its application to all agricultural workers and not just those employed in the cannabis industry. Therefore, I recommend the Board refer this proposal concerning the use of electronic signatures in a showing of interest to a designated subcommittee to consider the feasibility of the proposal and develop proposed regulatory language on the topic, as appropriate and that the Board approve the current regulatory package — to which no objections or modifications have been raised — and direct staff to proceed to finalizing without further delay.

As indicated above, further amendments to the Agricultural Labor Relations Act are anticipated this year after the Governor signed Assembly Bill No. 2183 last September. Such amendments would include, among other things, adoption of a form of card check procedure for agricultural employees to select a labor organization as their exclusive bargaining representative. Regulations will be necessary to implement the provisions of the clarifying bill expected this year. After having an opportunity to more fully consider allowing the use of electronic signatures in a labor organization's showing of interest, the Board will also have the option to consider such amendments alongside those necessary to implement the additional amendments to our Act.