

General Counsel**AGRICULTURAL LABOR RELATIONS BOARD**

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GENERAL COUNSEL MEMORANDUM

TO: Board Members

FROM: Julia Montgomery, General Counsel

CC: Santiago Avila-Gomez, Executive Secretary
Todd M. Ratshin, Chief Board Counsel

RE: Resolved Investigations Data

DATE: March 14, 2023

This memorandum shows data relating to the General Counsel program's progress in resolving investigations during the past two calendar years and the past three fiscal years. For purposes of this memorandum, a case has a "resolved investigation" after it moves out of the investigative phase into one of the following phases: issuance of a complaint, dismissal of a charge, acceptance of a request for withdrawal of a charge or a pre-complaint settlement. A case with a "resolved investigation" may either be completely resolved and moving towards closure, or it may still be pending because a complaint was filed, compliance with informal settlement terms is still occurring, it is in compliance proceedings or an appeal is pending. This data does not include resolutions that occurred post-complaint such as Board decisions and post-complaint settlements.¹

Table 1 compares the percentage of investigations resolved in the years 2021 and 2022, categorized by length of time. We demarcated four categories:

1. six months or less (" ≤ 6 months")
2. more than six months to one year (" > 6 mo – 1 yr")
3. more than one year to two years (" > 1 yr – 2 yrs")
4. more than two years (" > 2 years")

As seen in **Table 1**, 13% of the investigations resolved in 2021 were more than 2 years old at the age of resolution. Put another way, 87% of the investigations resolved in 2021 were less than two years old. In

¹ This avoids double counting as such matters would already be counted as "resolved investigations" at the time the complaint was filed.

2022, this percentage increased to 24% for resolved investigations over 2 years old. This data reflects the General Counsel program's prioritization of resolving investigations for older cases.

Table 1: Investigations Resolved in Calendar Years 2021 and 2022 by Age				
	# of Investigations		% of Investigations	
Length of Investigation	2021	2022	2021	2022
Resolved ≤6months	8	15	14%	18%
Resolved >6months – 1 year	14	22	25%	27%
Resolved >1year – 2 years	27	26	48%	31%
Resolved >2years	7	20	13%	24%
Total Resolved	56	83	39%	52%

Furthermore, the General Counsel program saw an increase in the percentage of total resolved investigations between 2021 and 2022 from 39% to 52% [56 resolved investigations out of 145 total pending investigations in the year 2021 (39%), and 83 resolved investigations out of 159 total pending investigations in the year 2022 (52%)].

Table 2 compares the number and percentage of resolved investigations to the total number of pending investigations by fiscal year, which is how case data is usually tracked.

Table 2: Investigations Resolved by Fiscal Year			
Fiscal Year	# of Investigations	# of Resolved Investigations	% of Investigations
FY 19-20	181	87	48
FY 20-21	162	54	33
FY 21-22	158	90	56

In sum, this data shows that the General Counsel program has improved over time by resolving more investigations overall, as well as a larger number and percentage of older investigations. These improvements are the likely result of procedural changes the General Counsel began implementing in the fall of 2021, including centralizing the tracking of case data, more streamlined processes for review of work product and clarified expectations for regional office staff. It is also worth noting that these improvements occurred despite significant staffing and leadership changes in the Visalia region resulting from the retirement of former Visalia Regional Director Chris Schneider in November 2021, the hiring and training/onboarding of Blaz Gutierrez beginning in May 2022, and his departure from the ALRB in February 2023. The General Counsel program also hired and onboarded 11 new staff in 2022 alone (over 25% of the total number of GC program staff). Once we hire a new Visalia Regional Director and finish the initial training and onboarding of our new staff, we anticipate an even greater improvement in these outcomes going forward.