



**STATE OF CALIFORNIA AGRICULTURAL LABOR RELATIONS BOARD  
PUBLIC MEETING MINUTES  
WEDNESDAY, May 17, 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: Ashley Nuñez

**Open Session**

1. Call to Order

- Board Chair Victoria Hassid called the meeting to order at 10:04 a.m.
- Board Members Broad, Flores, Hall, and Lightstone present.

2. Approval of Minutes from Public Board Meeting, May 3<sup>rd</sup>, 2023

- Board Member Broad moved to approve the minutes from the Public Board Meeting, May 3<sup>rd</sup>, 2023.
- Board Member Hall seconded the motion.
- Motion approved by 5 to 0.

3. Board Chair's Report – presented by Victoria Hassid

- Reported on meeting attended by Board Chair, General Counsel Julia Montgomery, Deputy General Counsel Franchesca Herrera, and Executive Officer Santiago Avila-Gomez with National Labor Relations Board General Counsel, Jennifer Abruzzo, who further extended compliments to the ALRB for its work.
- Reported on news report on substandard housing for farm workers at

a site in Monterey County, including actions taken by Board Chair.

- Communications and Outreach Manager Daniela Ramirez and Board Member Flores provided updates on their meetings, attended by other staff, with Filipino and indigenous farm workers in the Central Valley, in addition to proposals for future collaborations.
- Reported on AB 113 clean-up legislation for AB 2183, including ALRB's role in implementation.

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 cases in Santa Barbara County.
- Reported on outreach and participation in the Central Valley, resulting in new charges. Reported on Interim Regional Director Yesenia De Luna's and Lucia Vazquez's participation in outreach meeting discussed by Daniela Ramirez.
- Reported on additional outreach and participation with Community-Based Organizations in Oxnard, Tulare, Napa, Monterey, Riverside, Fresno, Lake, Madera, and Ventura Counties, along with participation on radio programs.

7. Division of Administrative Services Report

- None.

8. Legislative Report

- See Appendix B.
- Board Chair responded to item on Senate Constitutional Amendment No. 7.

9. Regulations

- Chief Board Counsel reported on modifications to proposed rulemaking for ALRB procedural revisions (Notice File No. Z2022-1121-01).

- Chief Board Counsel and Board Member Broad reported on modifications to proposed rulemaking for cannabis and Labor Peace Agreements (Notice File No. Z2023-0313-01, see Appendix C).
  - Chair Hassid moved to approve the proposed modifications to proposed rulemaking for cannabis and Labor Peace Agreements.
  - Board Member Broad seconded the motion.
  - Motion approved by 5 to 0.
  - Board Member Broad reported on planning for regulations to implement AB 113.
10. Public Comment (The Board additionally solicits public comment after discussion of each agenda item of the open meeting.)
- None.

## **Closed Session**

11. Announcements
- The next Public Board Meeting is on May 31<sup>st</sup>, 2023.
  - Bagley-Keene Act extensions allowing for virtual-only meetings will end on June 30<sup>th</sup>.
12. Adjourn Meeting
- Meeting adjourned at 12:45 pm.

APPENDIX A:  
EXECUTIVE SECRETARY'S REPORT

Office of the Executive  
Secretary  
1325 J Street, Suite 1900-B



**ALRB**  
AGRICULTURAL LABOR  
RELATIONS BOARD



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

**DATE:** May 17, 2023  
**TO:** Agricultural Labor Relations Board  
**FROM:** Santiago Avila-Gomez, Executive Secretary

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**Board Administrative Order and Pending Matters**

----- **Admin. Order Issued** -----

1. *Lily's Green Garden, Inc.* (2023) ALRB Admin. Order 2023-03 (May 4, 2023; Order to Refile Request for Leave to Seek Court Order; 48 ALRB No. 3 [Case Nos. 2020-CE-025-SAL & 2020-CE-037-SAL])

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

1. *Gerawan Farms, Inc.*, 2012-CE-041-VIS et al. (44 ALRB No. 1; ALJ Decision, January 20, 2023; Briefing completed March 24, 2023)
2. *Lily's Green Garden, Inc.* 2020-CE-025-SAL & 2020-CE-037-SAL (48 ALRB No. 3; April 14, 2023; Regional Director's Request for Leave to Seek Court Order)
3. *Professional Technical Union, Local 33* (2023) ALRB Admin. Order 2023-02-P (March 30, 2023; Order Directed to Complaining Party, Licensee, Challenged Labor Organization, and General Counsel; Case No. 2023-LPA-001)

APPENDIX B:  
LEGISLATIVE REPORT

Office of the Executive Secretary  
1325 J Street, Suite 1900-B  
Sacramento, CA 95814



**ALRB**  
AGRICULTURAL LABOR  
RELATIONS BOARD



**ALRB PUBLIC MEETING  
LEGISLATIVE REPORT**

DATE: May 17, 2023

TO: Agricultural Labor Relations Board

FROM: Todd M. Ratshin, Chief Board Counsel

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This report provides updates on legislative activity affecting the Agricultural Labor Relations Act (ALRA) or the Agricultural Labor Relations Board since the Board's May 3, 2023 meeting.

**Assembly Bill No. 113 – Agricultural Labor Relations (Committee on Budget) /**  
**Senate Bill No. 113 – Agricultural Labor Relations (Committee on Budget and Fiscal Review)**

Assembly Bill No. 113 (AB 113) was introduced on January 9, 2023, as an act relating to the Budget Act of 2023. It was amended in the Assembly on February 1. On April 28, the bill was amended in the Senate to set forth the clarifying language announced by Governor Newsom after signing Assembly Bill No. 2183 (Stone – D; 2021-2022 Reg Sess.) last September. The Senate approved the bill by a 29-9 vote on May 4, and the Assembly concurred in the Senate amendments that same day. The bill was enrolled and presented to the Governor on May 4, and the Governor signed it on May 15.

AB 113 enacts a number of amendments to the ALRA falling into two general categories. First, the bill removes the labor peace compact and mail-voting provisions of AB 2183 in favor of a "majority support petition" process to allow certain labor organizations to become certified to represent bargaining units of agricultural employees. This process largely is modeled on the existing "non-labor peace election" procedure established by AB 218 and currently codified at Labor Code section 1156.37. Second, the bill restructures the appellate bond provision enacted in AB 2183 by adopting separate bonding requirements applicable in unfair labor practice and mandatory mediation and conciliation proceedings. These amendments took effect immediately upon the Governor's signature.

Senate Bill No. 113 (SB 113) was introduced on January 18, 2023, as an act relating to the Budget Act of 2023. It was amended in the Assembly on May 1 to set forth the same AB 2183 clarifying language set forth in AB 113. The bill was re-referred to the Assembly Committee on Budget on May 4.

The full text of AB 113, and further information regarding it, is available at:  
<[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202320240AB113](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB113)>.

The full text of SB 113, and further information regarding it, is available at:  
<[https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=202320240SB113](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202320240SB113)>.

In addition, further information regarding AB 2183 and the clarifying language announced by Governor Newsom when signing that bill 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/>>.

#### **Senate Bill No. 544 – Bagley-Keene Open Meeting Act: Teleconferencing (D – Laird)**

Senate Bill No. 544 (SB 544) was introduced on February 15, 2023. It was amended in the Senate on March 20, and again on April 27. The bill was read a second time on May 9 and ordered to a third reading.

SB 544 would make permanent several provisions of the Bagley-Keene Open Meeting Act regarding meetings conducted by teleconferencing that are set to expire on July 1.

The full text of SB 544, and further information regarding it, is available at:

<[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202320240SB544](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB544)>.

#### **Senate Constitutional Amendment No. 7 – Employment: Workers' Rights (D – Umberg)**

Senate Constitutional Amendment No. 7 (SCA 7) was introduced on May 1, 2023. On May 10 it was referred to the Committees on Labor, Public Employment and Retirement; Elections and Constitutional Amendments; and Appropriations.

SCA 7 would amend the state constitution to provide that all Californians shall have the right to join a labor union and to choose a labor union to represent them in negotiations with their employers to protect their economic well-being and safety at work. The amendment further would provide that no statute or ordinance may be passed after January 1, 2023, that interferes with, diminishes, or negates the right of employees to organize and collectively bargain with their employers.

The full text of SCA 7, and further information regarding it, is available at:

<[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202320240SCA7](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SCA7)>.

**APPENDIX C:  
REGULATIONS SUBCOMMITTEE REPORT**

Office of the Executive Secretary  
1325 J Street, Suite 1900-B  
Sacramento, CA 95814



**ALRB**  
AGRICULTURAL LABOR  
RELATIONS BOARD



DATE: May 17, 2023

TO: Agricultural Labor Relations Board

CC: Santiago Avila-Gomez, Executive Secretary

FROM: Ralph Lightstone, Board Member  
Barry Broad, Board Member

RE: Proposed Rulemaking Notice File No. Z2023-0313-01  
Cannabis; Labor Peace Agreements (AB 195)

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On March 24, 2023, the Agricultural Labor Relations Board (ALRB or Board) published notice of this proposed regulatory action involving labor peace agreements in the cannabis industry, including implementation of AB 195 (Bus. & Prof. Code, § 26051.5, subd. (a)(5)(D)). The public comment period closed on May 8, and no public comments were received.

Upon reviewing the proposed regulatory text, the regulations subcommittee proposes a nonsubstantial change to proposed regulation 20953 regarding review of petitions to revoke a subpoena. Specifically, subdivision (c)(3) allows a party to file with the executive secretary a petition to revoke a subpoena issued by the general counsel during its investigation of a labor peace agreement complaint. The subcommittee proposes to modify subdivision (c)(4) of regulation 20953 to allow the executive secretary to delegate to an administrative law judge authority to rule on such petitions.

The subcommittee's proposal is reflected in the double-underlined language below:

§ 20953. Investigation.

(a) The general counsel shall investigate the allegations of the complaint to determine whether the accused organization is a bona fide labor organization. The general counsel may propound interrogatories or issue subpoenas pursuant to this section at any time that is five days after the general counsel serves notice of the filing of the complaint upon accused licensee and organization.

(b) Interrogatories. The general counsel may propound interrogatories to the accused licensee or organization to be answered under oath. Such interrogatories shall be relevant to the allegations the accused organization is not a bona fide labor organization and may not total more than 10 interrogatories to each the licensee and organization. Any party to whom interrogatories have been propounded shall serve their responses thereto within 10 days after service of the interrogatories. Where a party

fails to respond to interrogatories within the time allowed for doing so, the general counsel may presume such failure is attributable to the fact that the information sought, if produced, would be adverse to the interests of the responding party. A party who fails to respond to interrogatories properly served by the general counsel may not thereafter rely on any materials in support of its defense, or to rebut any presumption relied upon by the general counsel pursuant to this paragraph, that was responsive to an interrogatory and which was not produced.

(c) Subpoenas. The general counsel may issue and serve subpoenas requiring the attendance and testimony of witnesses or the production by persons at the licensee's or organization's place of business, or such other location as mutually agreed to by the licensee or organization and general counsel, of any documents or things in their possession or under their control.

(1) The subpoena shall show on its face the name, address, and telephone number of the general counsel or the general counsel's agent who has issued the subpoena. A copy of a declaration under penalty of perjury shall be served with a subpoena duces tecum showing good cause for the production of the matters and things described in the subpoena. The declaration shall show specific facts justifying discovery and that the materials are relevant to the subject matter of the investigation or reasonably calculated to lead to the discovery of admissible evidence.

(2) Service of subpoenas shall be made consistent with the provisions of Labor Code section 1151.4(a) or by certified mail. The service must be made so as to allow the witness a reasonable time for preparation and travel to the place of attendance. Witnesses shall be entitled to fees in accordance with Labor Code section 1151.4(a).

(3) Any person on whom an investigative subpoena is served who does not intend to comply shall, within five days after the date of service, petition in writing to revoke the subpoena. Such petition shall explain with particularity the grounds for objecting to each item covered by the petition. The petition to revoke shall be served upon the general counsel and the general counsel's agent who issued the subpoena. The petition to revoke shall be filed with the executive secretary. When a person under subpoena objects to any request for production of materials on the basis of a claim of privilege or that the information sought is protected work product, the petition shall state specifically the privilege asserted and shall include a privilege log providing sufficient information for the general counsel to evaluate the merits of such claims.

(4) The executive secretary, or an administrative law judge to whom the executive secretary has delegated authority under this subdivision, shall revoke the subpoena if the materials required to be produced do not relate to any matter under investigation, or the subpoena does not describe with sufficient particularity the materials whose production is required, or the testimony or records sought are privileged or confidential or deal with a matter not subject to review, or the subpoena is otherwise invalid. A simple statement of the grounds for the ruling on the petition shall accompany the ruling. Adverse rulings may be appealed to the Board within five days.

(5) Upon any other failure of any person to comply with a subpoena, the general counsel may presume such failure is attributable to the fact that the testimony or materials sought, if produced, would be adverse to the interests of the subpoenaed



party. A subpoenaed party who fails to comply with a subpoena may not thereafter rely on any materials in support of its defense, or to rebut any presumption relied upon by the general counsel pursuant to this paragraph, that was responsive to the subpoena and which was not produced.

Note: Authority cited: Section 26051.5, Business and Professions Code; Reference: Section 26001, Business and Professions Code.