



**STATE OF CALIFORNIA AGRICULTURAL LABOR RELATIONS BOARD  
PUBLIC MEETING MINUTES  
WEDNESDAY, June 14, 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: Deputy General Counsel Franchesca Herrera

Administrative  
Services Division: Brian Dougherty

Interpreter: Samuel Pinilla

**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 31<sup>st</sup>, 2023
  - Board Member Broad moved to approve the minutes from the Public Board Meeting, May 31<sup>st</sup>, 2023.
  - Board Member Hall seconded the motion.
  - Motion approved by 5 to 0.
3. Board Chair's Report – presented by Victoria Hassid
  - Extended gratitude to the Farm Bureau and Del Bosque Farms for visit by Board Chair Hassid, Board Member Lightstone, and General Counsel Julia Montgomery.

- Reported on upcoming visit to the Indio area.
  - Acknowledged June as Immigrant Heritage Month and LGBTQ Pride Month.
  - Congratulated Board Member Broad on being honored as a Legislative Advocate by the Center for Workers' Rights in Sacramento.
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 (presented by Deputy General Counsel Franchesca Herrera)
    - Reported on case in Santa Barbara County.
    - Reported on outreach and participation with Community-Based Organizations in Imperial, Riverside, Ventura, Kern, and Fresno Counties.
  7. Division of Administrative Services Report
    - Reported on proposed budget bills AB 101 and SB 101 and relevance to the ALRB's Budget Change Proposals.
  8. Legislative Report
    - See Appendix B.
  9. Regulations
    - Board Member Lightstone presented the Regulation Subcommittee Report for ALRB procedural revisions (Notice File No. Z2022-1121-01, see Appendix C).
    - Reported on other proposals and updates from the Regulation Subcommittee, including Public Workshop to be held on June 23<sup>rd</sup>, 2023.
    - Board Member Lightstone moved to approve the Regulation Subcommittee Report and recommendation that the Board adopt the proposed rulemaking.
    - Board Member Broad seconded the motion.

- Motion approved by 5 to 0.
10. Public Comment (*The Board additionally solicits public comment after discussion of each agenda item of the open meeting.*)
- Bryan Little (California Farm Bureau) extended thanks to Board Chair Hassid, Board Member Lightstone, and General Counsel Montgomery for visit to Del Bosque Farms.

## **Closed Session**

11. Announcements
- The Public Workshop of the Regulation Subcommittee is on June 23<sup>rd</sup>, 2023.
  - Board Member Hall's Senate Confirmation is on June 28<sup>th</sup>, 2023.
  - The next Public Board Meeting is on July 12<sup>th</sup>, 2023, with the possibility of an additional meeting beforehand.
12. Adjourn Meeting
- Meeting adjourned at 12:05 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:** June 14, 2023  
**TO:** Agricultural Labor Relations Board  
**FROM:** Santiago Avila-Gomez, Executive Secretary

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----- **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. *Professional Technical Union, Local 33 (Pro-Tech 33)*, 2023-LPA-001 (June 7, 2023; General Counsel's Report and Recommendation; ALRB Admin. Order 2023-02-P issued 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: June 14, 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 17, 2023 meeting.

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

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 Assembly Bill No. 113 (AB 113), which was signed by the Governor and enacted into law on May 15. The bill was re-referred to the Assembly Committee on Budget on May 8.

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)>.

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)>.

Additional 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 passed the Senate on May 15 by a 26-3 vote, and was ordered to the Assembly. It was read a first time in the Assembly on May 15, and referred to the Committee on Government Organization on May 26.

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. On June 5 it was set for hearing on June 14 before the Committee on Labor, Public Employment and Retirement. The proposed amendment was amended on June 6 in a nonsubstantive manner, and was re-referred to the Committee on Labor, Public Employment and Retirement.

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: June 14, 2023

TO: Agricultural Labor Relations Board

CC: Santiago Avila-Gomez, Executive Secretary

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

RE: Regulations Subcommittee Report Re: Rulemaking File No. Z2022-01121-01;  
15-Day Notice Public Comments

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On May 16, 2023, the Agricultural Labor Relations Board provided notice of modifications to these proposed regulations concerning updates to the Board's administrative procedures and of materials added to the Board's rulemaking file for this matter. The 15-day public comment period closed May 31.

The Board received one public comment during the comment period. This comment from the California Farm Bureau, dated May 24, 2023, proposes to modify regulation 20300, subdivision (b) by specifying that it is the declaration included in a petition for certification that may be signed by hand or electronically. The Board's proposed language currently reads:

(b) Form of the Petition. A petition for certification shall be in writing and signed by hand or electronically. Printed forms for such petitions will be supplied by the regional offices of the Board upon request. Such petition shall contain a declaration, signed under penalty of perjury, that the petition's contents are true and correct to the best of the declarant's knowledge and belief.

The California Farm Bureau proposes to modify the language as follows:

(b) Form of the Petition. A petition for certification shall be in writing ~~and signed by hand or electronically~~. Printed forms for such petitions will be supplied by the regional offices of the Board upon request. Such petition shall contain a declaration, signed by hand or electronically and under penalty of perjury, that the petition's contents are true and correct to the best of the declarant's knowledge and belief.

The subcommittee appreciates the comment received from the California Farm Bureau, but recommends denying the proposed modification.

The modification proposed by the California Farm Bureau is beyond the scope of the Board's 15-day notice. On May 16, the Board provided notice of modifications to the text of this proposed regulatory action. The notice specifically instructed that interested persons may submit comments "relevant to the proposed modifications to the regulatory text or the documents added to the rulemaking file." In other words, the notice did not "re-open" the entire regulatory action for comment. (See Gov. Code, § 11346.8, subd. (c).) The language at issue here relates to amendments proposed in the Board's original notice of rulemaking that were not affected by the modifications which were the subject of the 15-day notice.

In addition, the subcommittee believes the current proposed language in regulation 20300, subdivision (b) is sufficiently clear in stating a petition for certification may be signed by the filer by hand or electronically. The California Farm Bureau's primary concern appears to be ensuring that electronic signatures by employees in a showing of interest accompanying a petition for certification are not allowed. The California Farm Bureau points to language in regulation 20300, subdivision (i)<sup>1</sup> that evidence of majority support may consist of authorization cards or petitions signed by the employees. We do not believe the language of subdivision (i) is susceptible to an interpretation that employees may electronically sign cards or petitions for the purpose of demonstrating majority support. In fact, the first sentence of subdivision (i)(1) clearly states that the formats of demonstrating majority support, i.e., employees signatures on authorization cards or petitions, must be "submitted with the petition," referring here to the petition for certification form itself as described in subdivision (b). Under the current proposed language, it is only this petition -- the actual petition for certification -- that may be signed electronically.

Moreover, electronic signatures by employees are not currently permitted in a showing of interest accompanying a petition for certification. This point was acknowledged in responding to the comment previously received within the original 45-day comment period from the UFCW Western States Council and California Teamsters Public Affairs Council. In that comment, the UFCW and Teamsters requested the Board adopt rules allowing employees, at least those in the cannabis industry, to provide electronic signatures for use in a showing of interest accompanying a petition for certification. The Board declined to adopt such rules at the time, and instead delegated to the regulations subcommittee authority to study the issue and develop proposed language. Thus, while current rules and practice do not allow for the use of electronic signatures by employees in a showing of interest, the Board is awaiting the subcommittee's report and recommendations regarding the adoption of such rules.

Accordingly, similar to the subcommittee's prior recommendation the Board defer action on amendments to the Board's regulations concerning whether to allow electronic signatures by employees in a union's showing of interest — which the Board adopted, the subcommittee proposes the Board deny the current request to modify the regulatory language to reiterate existing rules prohibiting the use of employee electronic signatures. The subcommittee further recommends the Board vote to adopt the proposed rulemaking.

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<sup>1</sup> This language appears in current subdivision (j) of regulation 20300, which is proposed to be re-lettered as subdivision (i) as a result of other proposed amendments to this regulation.