

STATE OF CALIFORNIA

AGRICULTURAL LABOR RELATIONS BOARD

UNITED FARM WORKERS OF)	Case No. 2024-RM-002
AMERICA,)	
)	
Petitioner Labor)	
Organization,)	
)	ORDER DENYING EMPLOYER’S
and,)	MOTION FOR IMMEDIATE STAY
)	OF CERTIFICATION
WONDERFUL NURSERIES,)	
LLC,)	
)	Administrative Order No. 2024-02
Employer.)	(March 6, 2024)
_____)	

On February 23, 2024, petitioner United Farm Workers of America (UFW) filed a majority support petition under section 1156.37 of the Agricultural Labor Relations Act (ALRA or Act)¹ seeking to be certified as the exclusive collective bargaining representative of the agricultural employees of employer Wonderful Nurseries, LLC (Wonderful). On March 4, the regional director filed a tally finding the number of eligible agricultural employees in the bargaining unit to be 640 and that the UFW submitted 327 valid authorization cards, thereby establishing majority support.² Wonderful promptly filed a motion with the Agricultural Labor Relations Board (ALRB

¹ The Act is codified at Labor Code section 1140 et seq.

² The regional director filed its tally electronically at about 10:00 p.m. on Friday, March 1. Pursuant to Board regulation 20169, subdivision (a)(2), the tally is deemed filed effective March 4. (The Board’s regulations are codified at California Code of Regulations, title 8, section 20100 et seq.)

or Board) requesting an immediate stay of certification.³ Wonderful contends the UFW engaged in unlawful and fraudulent conduct in obtaining employee signatures on authorization cards, and alleges it submitted a total of 148 employee declarations to the regional director substantiating these allegations and expressing the employees' request to revoke their authorization cards.⁴

Pursuant to Labor Code section 1156.37, subdivision (e)(3), the executive secretary issued a certification designating the UFW as the exclusive collective bargaining representative of Wonderful's agricultural employees. The certification further provides notice that objections to the certification are due March 11. (Lab. Code, § 1156.37, subd. (f)(1).)

PLEASE TAKE NOTICE that Wonderful's motion seeking an immediate stay of the certification is DENIED. (See *DMB Packing Corp. dba The DiMare Company* (Nov. 3, 2023) ALRB Admin. Order No. 2023-11, pp. 3-4.) Section 1156.37, subdivision (e)(3) states the Board must immediately certify a labor organization if majority support is found; it does not provide a mechanism for a party to request the Board stay the certification. However, as the region informed Wonderful during its investigation of the

³ Wonderful filed its motion electronically on Saturday, March 2, as well as a supplemental brief in support of the motion on Sunday, March 3. The motion and brief are deemed filed effective March 4. (Board reg. 20169, subd. (a)(2).)

⁴ While the region acknowledged receipt of employee declarations from Wonderful during its investigation of the petition, the regional director's tally makes no reference to the declarations, Wonderful's allegations, or how many authorization cards from employees whose declarations were submitted to the region were deemed valid, if any. The region did advise Wonderful its allegations would form the basis for cognizable objections if the union established majority support. (See Lab. Code, § 1156.37, subd. (f)(1)(D).)

petition, Wonderful's allegations as described in its motion are serious in nature and, if supported by proper evidence, would constitute a cognizable objection to the UFW's certification under section 1156.37, subdivision (f)(1)(4). Accordingly, we find the objections process to be the proper avenue by which Wonderful may raise its claims.

IT IS SO ORDERED.

DATED: March 6, 2024

Victoria Hassid, Chair

Isadore Hall, III, Member

Barry D. Broad, Member

Ralph Lightstone, Member

Cinthia N. Flores, Member

**STATE OF CALIFORNIA
AGRICULTURAL LABOR RELATIONS BOARD**

PROOF OF SERVICE
(Code Civ. Proc., §§ 1013a, 1013b, 2015.5)

Case Name: UNITED FARM WORKERS OF AMERICA, Petitioner Labor Organization,
and,
WONDERFUL NURSERIES, LLC, Employer

Case No.: 2024-RM-002

I am over the age of 18 years and not a party to this action. I am employed in the County of Sacramento. My business address is 1325 J Street, Suite 1900-B, Sacramento, California 95814.

On March 6, 2024, I served this **ORDER DENYING EMPLOYER’S MOTION FOR IMMEDIATE STAY OF CERTIFICATION (Administrative Order No. 2024-02)** on the parties in this action as follows:

- **By Email** to the parties pursuant to Board regulation 20164 & 20169 (Cal. Code Regs., tit. 8, §§ 20164 & 20169) from my business email address angelica.fortin@alrb.ca.gov:

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Executed on March 6, 2024, at Sacramento, California. I certify under penalty of perjury that the foregoing is true and correct.

Angelica Fortin

Angelica Fortin
Legal Secretary