

STATE OF CALIFORNIA

AGRICULTURAL LABOR RELATIONS BOARD

CINAGRO FARMS, INC.,	)	Case No.	2017-CE-008-SAL
	)		(48 ALRB No. 2)
Respondent,	)		
	)	ORDER RELEASING BOARD’S	
and	)	DECISION AND ORDER TO	
	)	REGIONAL DIRECTOR FOR	
MARISOL JIMENEZ,	)	COMPLIANCE	
	)		
Charging Party.	)		
	)	Administrative Order No. 2024-27	
	)		
	)	(August 21, 2024)	
	)		

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**ORDER**

On July 28, 2022, the Agricultural Labor Relations Board (ALRB or Board) issued its final decision and order in *Cinagro Farms, Inc.* (2022) 48 ALRB No. 2. In that decision, we found respondent Cinagro Farms, Inc. (Cinagro) committed unfair labor practices in violation of section 1153, subdivision (a) of the Agricultural Labor Relations Act (ALRA or Act) by misclassifying a crew of agricultural employees as independent contractors and then unlawfully terminating them in response to their protected concerted complaints about not receiving proper paystubs with their weekly paychecks.<sup>1</sup> We also found Cinagro’s misclassification of the employees was “willful” in violation of Labor Code section 226.8, subdivision (a), and therefore ordered certain

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<sup>1</sup> The ALRA is codified at Labor Code section 1140 et seq.

remedies, including the assessment of civil penalties as required by Labor Code section 226.8, subdivision (b), in addition to our usual reinstatement, backpay, and noticing unfair labor practice remedies.

Cinagro timely filed a petition for writ of review of the Board's decision pursuant to Labor Code section 1160.8, and the appellate court summarily denied the petition in an order issued July 30, 2024. That order was final upon issuance (Cal. Rules of Court, rules 8.728, 8.730(c)(1)), and no petition for review was filed in the California Supreme Court (Cal. Rules of Court, rule 8.500(e)(1)). Thus, the Board's decision and order in 48 ALRB No. 2 became final as of July 30, 2024, for purposes of Labor Code section 1149.3, subdivision (b).

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Accordingly, the Board now releases this matter to the regional director of Region 1 to procure compliance with the Board's order. (See Board regs. 20290-20293.)<sup>2</sup> In doing so the Board specifically refers the regional director to pages 50-52 of our underlying decision in 48 ALRB No. 2 regarding the processing and determination of the civil penalties we assessed under Labor Code section 226.8, subdivision (b), including the factors we identified as relevant thereto. We also include with this order a copy of the notice prescribed by Labor Code section 226.8, subdivisions (e) and (f).

IT IS SO ORDERED.

DATED: August 21, 2024

Victoria Hassid, Chair

Isadore Hall, III, Member

Barry D. Broad, Member

Ralph Lightstone, Member

Cinthia N. Flores, Member

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<sup>2</sup> The Board's regulations are codified at California Code of Regulations, title 8, section 20100 et seq.



**NOTICE OF DETERMINATION CINAGRO FARMS, INC.  
WILLFULLY MISCLASSIFIED EMPLOYEES IN VIOLATION OF THE LAW**

The California Agricultural Labor Relations Board, an administrative agency within the Labor and Workforce Development Agency, found that Cinagro Farms, Inc. committed a serious violation of the law by willfully misclassifying employees as independent contractors. A California Court of Appeal denied Cinagro Farms, Inc.'s petition to review this finding.

Cinagro Farms, Inc. has changed its business practices to avoid committing further violations of the law prohibiting the misclassification of employees as independent contractors.

When employees are misclassified as independent contractors, their employer often avoids paying payroll taxes, minimum wage or overtime, or providing required meal periods and rest breaks. Employees also are deprived other rights and benefits, including workers' compensation coverage, family leave, unemployment insurance, the right to organize or join a union, and protection against employer retaliation. Any employee who believes they are being misclassified as an independent contractor may contact the Labor and Workforce Development Agency at:

California Labor & Workforce Development Agency  
800 Capitol Mall, Suite 5000 (MIC-55)  
Sacramento, CA 95814

Phone: (916) 653-9900  
Fax: (916) 653-6913  
Email: [legal@labor.ca.gov](mailto:legal@labor.ca.gov)

Additional information regarding resources for employees who believe they are being misclassified as independent contractors is available on the Labor and Workforce Development Agency's web site at < <https://www.labor.ca.gov/employmentstatus/workers/> >, including how to file a wage claim or report a violation with the Labor Commissioner.

CINAGRO FARMS, INC.

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
[Printed Name]  
[Title of Officer]

If you have any questions about your rights as a farmworker or about this notice, you may contact any office of the Agricultural Labor Relations Board. One office is located at 1901 Solar Drive, Suite 240, Oxnard, California 93036. The telephone number is (805) 973-5062. Additional information regarding how to contact the offices of the Agricultural Labor Relations Board is available online at < <https://www.alrb.ca.gov/contact-us/> >.

**This is an official notice posted pursuant to an order of the Agricultural Labor Relations Board  
pursuant to California Labor Code section 226.8.**

**STATE OF CALIFORNIA  
AGRICULTURAL LABOR RELATIONS BOARD**

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

Case Name: **CINAGRO FARMS, INC.**, Respondent  
and  
**MARISOL JIMENEZ**, Charging Party.

Case No.: 2017-CE-008-SAL

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 August 21, 2024, I served this **ORDER RELEASING BOARD'S DECISION AND ORDER TO REGIONAL DIRECTOR FOR COMPLIANCE [Administrative Order No. 2024-27]** on the parties in this action as follows:

- **By Email** to the parties pursuant to Board regulations 20164 and 20169 (Cal. Code Regs., tit. 8, §§ 20164, 20169) from my business email address [Michaela.Paugh@alrb.ca.gov](mailto:Michaela.Paugh@alrb.ca.gov) :

Robert P. Roy  
Michael P. Roy  
Ventura County Agricultural Association  
Counsel for Respondent Cinagro Farms, Inc.

[rob-vcaa@pacbell.net](mailto:rob-vcaa@pacbell.net)  
[mike-vcaa@pacbell.net](mailto:mike-vcaa@pacbell.net)

Jessica Arciniega  
ALRB Regional Director

[jessica.arciniega@alrb.ca.gov](mailto:jessica.arciniega@alrb.ca.gov)

- **By Certified Mail** by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, with return receipt requested, in the United States mail at Sacramento, California, addressed as follows:

Marisol Jimenez  
508 North Hill Street, Apt. 10  
Oxnard, CA 93033  
Certified Mail #:

Executed on August 21, 2024, at Sacramento, California. I certify under penalty of perjury that the foregoing is true and correct.



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Michaela Paugh, Staff Services Analyst