



**STATE OF CALIFORNIA  
AGRICULTURAL LABOR RELATIONS BOARD  
PUBLIC MEETING MINUTES  
Wednesday, December 11, 2024, at 10:00 A.M**

**ALRB Hearing and Conference Room  
1325 J Street, Suite 1900, Sacramento, CA 95814**

Board Members: Chair: Victoria Hassid, Ralph Lightstone, Barry Broad, Cinthia Flores, and Isadore Hall

Executive Secretary: Santiago Avila-Gomez

Board Counsels: Scott Inciardi, Laura Heyck

Technical Support: Satyadarshini Mathan

**Open Session**

1. Call to Order

- Chair Hassid called the meeting to order at 10:02 A.M.
- Board Members Present: Chair Hassid, Board Member Broad, Board Member Flores, Board Member Hall, and Board Member Lightstone.

2. Approval of Minutes from Public Board Meeting, November 20

- Board Member Broad moved to approve the minutes from the Public Board Meeting from November 20.
- Board Member Flores seconded the motion.
- Motion approved unanimously.

3. Board Chair's Report

- No report provided.

4. Executive Officer's Report on Elections, Unfair Labor Practice Complaints, and Hearings

- Please Refer Appendix A.

## 5. Litigation Report – Presented by Scott Inciardi

- Board Counsel Scott Inciardi provided an update on the following:
- F088632 / F088639 ALRB v. Superior Court
  - On November 25, 2024, Wonderful filed responses to the ALRB and UFW's petitions for writ of mandate.
  - The ALRB's reply to Wonderful's response is due 30 days after the response, which would be December 26, 2024.
- F088515/ F088520 (consolidated) Wonderful Nurseries, LLC v. ALRB
  - On December 16, 2024, the Fifth District Court of Appeal issued an order granting in part and denying in part Wonderful's motion for calendar preference. The court Wonderful's request for expedited briefing but ordered that the matter would be heard on the first available oral argument calendar once fully briefed.
  - The ALRB's opening brief is due on January 21, 2025.

## 6. General Counsel's Report – Presented by Julia Montgomery

### • **Settlements:**

- A settlement was reached in a case involving a nursery worker at Norman's Nursery in Riverside County. On September 19, 2022, a nursery worker filed a charge against Norman's Nursery in Riverside County, claiming retaliation after being terminated for raising concerns about working conditions. The ALRB filed a complaint on July 29, 2024. On November 20, 2024, the parties reached a settlement. Norman's Nursery will pay nearly \$30,000 in back wages and payment in lieu of reinstatement. The settlement also includes standard remedial actions, such as posting notices and conducting supervisor training.

### • **Outreach Highlights:**

- On December 6, 2024, Staff participated in the 45th Annual EDD Farmworker Breakfast in Calexico, Imperial County, distributing materials and provided in-person training for CBDIO staff in Salinas, Monterey County.
- On December 10, 2024, ALRB Staff tabled and distributed materials at the Wage Clinic hosted by the Labor Commissioner's Office, MICOP, and CAUSE at St. Peter's Episcopal Church, Santa Maria.
- Staff also tabled at several other events across the state.

## 7. Division of Administrative Services Report – Presented by Rasha Salama

- Chair Hassid introduced Rasha Salama, with experience in state agencies like Public Health and Cannabis Control who is known for her professionalism, collaborative approach, and effective problem-solving.
- Rasha expressed excitement for her new role and the challenges ahead.

## 8. Legislative Report

- No report presented.

## 9. Regulations Report – Presented by Barry Broad

Final Approval of Regulatory Package:

- Board Member Broad gave an overview of the subcommittee's final report dated December 2, 2024 regarding the proposed regulations to implement AB 113, and requested a vote for final approval of the regulatory package noting that no comments were received during the last comment period (November 1 to November 18, 2024).
  - Chair Hassid moved to approve the regulatory package to direct staff to finalize and submit the package to the Office of Administrative Law (OAL) for final approval.
  - Member Hall seconded the motion.
  - The motion was approved unanimously.
- Board Member Broad acknowledged the substantial effort required to develop the regulatory package. The process involved significant public input. Member Broad also expressed gratitude to the staff, the two Chief Board Counsels, and the public for their involvement, thanking everyone for their contributions.
- There were no comments from the public regarding the motion.
- Please refer Appendix B for Subcommittee Report Regarding Proposed Rulemaking (AB 113)

## 10. Information Panel: Rural Strategic Engagement Plan

- Please refer Appendix C

## 11. Public Comment

- None

### **Closed Session**

- The Board went into closed session at 11.25 AM and returned at 12.08 PM.

### 12. Announcements

- The next board meeting is scheduled for January 8, 2025 at 10:00 AM at 1325 J Street, Suite 1900, Sacramento, CA 95814.

### 13. Adjournment

- Meeting adjourned at 12.08 PM

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



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

**DATE:** December 11, 2024  
**TO:** Agricultural Labor Relations Board  
**FROM:** Santiago Avila-Gomez, Executive Secretary

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**Complaints Settled**

1. *Norman's Nursery, Inc.*, 2022-CE-010-VIS (Notice of Settlement and Request to Take Case Off Calendar [November 21, 2024])
2. *J&G Berry Farms, LLC and California Giant, Inc.*, 2022-CE-018-SAL et al. (Motion to Take Hearing Off Calendar [November 21, 2024])

**Administrative Orders**

1. *Olive Hill Greenhouses, Inc.* (2024) ALRB Admin. Order No. 2024-28 (Order Directing Parties to Mandatory Mediation and Conciliation; November 22, 2024; 2024-MMC-002)
2. *Wonderful Nurseries, LLC* (2024) ALRB Admin. Order No. 2024-29 (Order Denying Request for Review and Motion to Vacate; November 25, 2024; 2024-RM-002)
3. *Wonderful Nurseries, LLC* (2024) ALRB Admin. Order No. 2024-30 (Order Denying Request for Review and Motion to Vacate; November 25, 2024; 2024-MMC-001)

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



**ALRB**  
AGRICULTURAL LABOR  
RELATIONS BOARD



DATE: December 2, 2024

TO: Agricultural Labor Relations Board

CC: Santiago Avila-Gomez, Executive Secretary

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

RE: Subcommittee Report Regarding Proposed Rulemaking (AB 113):  
Compliance Updates, Unfair Labor Practice Appeal Bonds, and Majority  
Support Petitions (OAL Notice File No. Z2024-0226-02)

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The above-referenced regulatory action formally commenced on March 8, 2024, when notice of this proposed rulemaking was published in the California Regulatory Notice Register (Cal. Reg. Notice Register (Mar. 8, 2024) No. 10-Z, p. 249) and separately was issued and publicized by the Agricultural Labor Relations Board (ALRB or Board).<sup>1</sup> Although not requested by any member of the public, the Board on its own motion held a public meeting concerning the proposed rulemaking on April 17, 2024. The initial public comment period closed April 22. Following the consideration of public comments received during the initial comment period, on June 21 the ALRB issued formal notice of modifications to the text of the proposed regulatory action and of the addition of documents to the rulemaking file and provided a 31-day comment period. The written comment period closed July 22. At the September 18, 2024 public Board meeting, the subcommittee presented its report (dated September 11) to the Board which outlined proposed changes based on public comments received by July 22. The Board approved the proposed modifications. On October 2, the ALRB issued a second formal notice of modifications to the text of the proposed regulatory action and of the addition of documents to the rulemaking file and provided a 15-day comment period. The written comment period closed October 17. The Board approved the proposed modifications. On November 1, the ALRB issued a third formal notice of modifications to the text of the proposed regulatory action and provided a 15-day comment period. The written comment period closed November 18. No comments were received during the final comment period.

For the reasons discussed in the Board's original notice of proposed rulemaking and the three notices of modifications to the proposed rulemaking, as well as the Board's initial statement of reasons and addendums thereto in support of this proposed rulemaking, the regulations subcommittee recommends the Board approve the proposed

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<sup>1</sup> Information regarding this proposed rulemaking is available on the ALRB's web site at < <https://www.alrb.ca.gov/rulemaking/ab-113-implementing-regulations/> >.

rulemaking and authorize the subcommittee to proceed with finalizing this matter for submission to the Office of Administrative Law.

# LWDA Rural Strategic Development Plan: Status Update

December 11, 2024



State of California  
Gavin Newsom  
Governor

# Rural Strategic Engagement Program (RSEP) Overview

- Approved in State 2024-2025 Budget
- Aimed to bridge gaps in service provision to the California farmworker community
- Joint effort between Department of Industrial Relations, the Agricultural Labor Relations Board, and the Labor Commissioner's Office
  - Harmonize enforcement efforts
  - Increase engagement with California farmworker community

# Overview of Current RSEP Work



# One-Stop Shop Clinic Objectives

- **Provide:**
  - **Services**
  - **Center a trauma-informed approach**
  - **Increase engagement**
  - **Collaboration within LWDA**

# One-Stop Shop Clinic Implementation

## Protocol

- Developed protocol and behavior norms to document how the team will plan and implement clinics
- To do: continue to flesh out protocol w/stakeholder input

## CWOP 5 RFA

- DIR has included the clinics as part of the RFP for the CWOP 5.0. Organizations will apply to host clinics
- Info Session for CBOs: 11/26
- RFP Due: 12/23
- To do: DIR to score applicants RFA

## Evaluation

- We began drafting a SOW with the UC Berkeley Possibility Lab to evaluate the impact of the clinics
- To do: finalize SOW and integrate evaluation team into project design

## CBO Meeting

- To do: Host meetings with CBO grantees to gather their suggestions and needs for clinics, and finalize protocol

## Promote the clinics

- To do: Develop and execute a promotional strategy to maximize community engagement

# Priority Counties for Clinics

## Rural Strategic Engagement

Stanislaus County

Shasta County

San Joaquin County

Kern County

Sacramento County

San Luis Obispo County

Yolo County

Monterey County

Sonoma County

Imperial County

Butte County

# Clinic Model – LCO Santa Maria Clinic at Inception



February 2023



April 2023

# LCO Santa Maria Clinic after One Year



November &  
December  
2023

# Cross-Training Overview

Multi-module interagency trainings for labor enforcement and outreach staff serving farmworkers.

- Educate investigative and outreach staff about the jurisdiction of various state enforcement agencies
- Review significant issues and violations affecting farmworkers
- Increase cultural competency and trauma informed investigatory skills.

# Cross-Training Desired Outcomes

- A more comprehensive interagency referral system;
- Increased capacity to engage farmworkers in a claim or complaint process
- Simplified process for farmworkers to file claim or complaint
- Improved continuity of service by institutionalizing knowledge
- Development of better engagement practices
- Enhanced collaboration with Community Based Organizations (CBO)

# Cross-Training Implementation

We have established the following general steps to execute interagency cross-training program:

Survey LWDA  
Workforce

Establish  
Training  
Curriculum

Develop  
Training  
Format and  
Logistics

Plan In-  
Person  
Training

# Cross-Training Implementation Progress

## Survey LWDA Workforce

Survey Finalized

Distributed by EDD SARS unit as of 11/21, survey closes 12/13, sent to over 300 staff across LWDA

## Establish Training Curriculum

Identified cultural competency training vendor

General cultural competency IA estimate TBD (January)

## Develop Training Format and Logistics

Cultural Competency: Agreed to hybrid approach, three-tier approach

Evaluating locations/regions that might work for hosting in-person trainings, TBD

## Plan In-Person Trainings

Pending IA, TBD

# Cross Training Survey Examples

What critical agricultural labor or employment issues do you wish other labor enforcement agencies knew more about?\*


Select all that apply.

- Labor Organizing Rights
- Sexual Harassment
- Wage Issues (Minimum Wage/Piece Rate/Wage Theft)
- Wildfire Smoke
- Heat Illness
- Unemployment Insurance
- Other:

Rank the top **three** challenges you experience when providing services to farmworkers.

Drag items from the left-hand list into the right-hand list to order them.

- Government mistrust ➔
- Locating place of work ➔
- Access to government offices ➔
- Lack of outreach materials ➔
- Language access ➔



Rate your familiarity with the following topics:\*

	Not at all familiar	Hardly familiar	Moderately familiar	Mostly familiar	Very familiar
Wage Issues (Minimum Wage/Piece Rate/Wage Theft)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Paid Sick Leave	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Rest Breaks	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Heat Illness	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Wildfire Smoke	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Valley Fever	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Workers' Compensation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Unemployment Insurance	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

# Next Steps: Cross-Training Working Group

- Secure and reach agreement with cultural competency trainer
- Identify and approach trauma informed investigations trainer
- Gather and evaluate LWDA workforce survey responses
  - Survey responses will inform SOW on Cross Training Program
  - Identifying agency SMEs to work with vendor on curriculum development

# Referral and Data-Sharing Goals and Objectives

No wrong door policy

- Establish a comprehensive interagency referral system
- Streamline Referral Process between Agencies.
- Facilitate the usage of data-sharing interagency MOU

Share data to inform strategic enforcement/outreach

- Share data on outreach and enforcement through regular report
- Identify regions or employers where more outreach or enforcement needed
- Create opportunities for collaborative enforcement and outreach

# Next Steps – Finalize Intake Form

- Narrow down the list of questions included on Intake Form
  - We have already done this, but can probably condense it even more
- Solicit and provide feedback
- Coordinate with Cross-Training Group to implement

# Next Steps: Reporting Structure

- Develop a protocol for making and tracking referrals
- Intra and interagency protocols, including:
  - Confirmation of receipt
  - Communication to worker that referral has occurred
  - Tracking outcomes and follow-ups

# Next Steps – Data Sharing Report

- Finalize format and frequency of report
- Put together draft of 2024 data for review
- Early February: Target date for publishing final report

# Examples of Data to share in the report

SECTION	DATA CHART/TABLE
Demographics	Average Farmworker Population by Region (LMID)
	<i>Potential Add:</i> How many businesses exist in that region?
	<a href="https://www.ers.usda.gov/topics/farm-economy/farm-labor/#demographic">https://www.ers.usda.gov/topics/farm-economy/farm-labor/#demographic</a>
<b>OUTREACH</b>	
ALRB	Outreach events held by region compared to population
	Outreach events by Region and Year
	Workers reached compared to population
	Workers reached by region and year
DOSH	# of employers reached in Consultation Events for Ag and Other Industries
	# of workers reached in Outreach events for Ag, Cannabis, Landscaping, and Other Industries
	# of heat related vs non-heat related publications distributed to all Ag, Cannabis, Landscaping and Other Industries
DWC	# of farmworker outreach events by region
	\$ of farmworkers reached at outreach events by region
	# of publications distributed at outreach events by region
Comparison	Sum of Outreach Workers reached ALRB vs. DOSH
	<i>Potential Add:</i> Comparison of where outreach is occurring between all departments

<b>COMPLAINTS/CLAIMS</b>	
ALRB	Complaints by region compared to population
	Complaints by region and year
DOSH	Total complaints received in Ag, Forestry, Fishing, and Hunting by County
	Total complaints compared to population
	<i>Potential Add:</i> Amount cited
LCO Data	BOFE complaints by region compared to population
	# of wage claims by region compared to population
	Wages assessed by region
	<i>Potential Add:</i> Amount collected by region
	Wages assessed in relation to number of wage claims by region
	Penalties Assessed by LCO for Ag Industry by Ag
DWC	Farmworker workers' compensation (WC) claims by region compared to population
	Farmworker WC by Year/Region
EDD	Employment Service Complaints by Region
	Apparent violations by <u>Region</u>