

# **Agricultural Labor Relations Board**

## **Report to the Legislature and to the Governor**



**ALRB**  
AGRICULTURAL LABOR  
RELATIONS BOARD

### **Fiscal Year 2022-23**

### **Members of the Board**

**Victoria Hassid, Chair**  
**Barry Broad, Member**  
**Cinthia Flores, Member**  
**Isadore Hall III, Member**  
**Ralph Lightstone, Member**

**Santiago Avila-Gomez, Executive Secretary**  
**Julia L. Montgomery, General Counsel**

**Date Submitted July 9, 2025**

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# I. Introduction



More than 45 years ago, the California State Legislature enacted the Agricultural Labor Relations Act (ALRA or Act), a law granting certain rights to California farmworkers in order to "... ensure peace in the agricultural fields by guaranteeing justice for all agricultural workers and stability in labor relations."

The Act's purpose is simple: Guarantee farmworkers full freedom of choice and prevent and redress Unfair Labor Practices (ULPs). A groundbreaking law, the essential Act continues to serve California with its unique vision of agricultural labor peace.

In fiscal year 2022-23 the Legislature enacted the largest changes to the Act since its creation. In 2022 Governor Newsom signed the historic AB 2183 (Stone, Ch. 673, Stat. of 2022) which was later modified by AB 113 (Comm. on Budget, Ch. 7, Stat. of 2023). The modified legislation added three significant new provisions to the act. Specifically it:

- 1) Established that farmworkers could designate a union for purposes of serving as their collective bargaining representative by signing a majority support petition (colloquially known as card check).
- 2) Added a new civil penalty scheme for employers that commit unfair labor practices; and
- 3) Created a new settlement bond requirement for employers appealing board decisions to the California Courts of Appeal.



*“California’s farmworkers are the lifeblood of our state, and they have the fundamental right to unionize and advocate for themselves in the workplace,” said Governor Newsom.*

The Board also accomplished several other key milestones. In July 2022 the Board issued 48 ALRB No. 2 Cinagro Farms, Inc. where the Board exerted authority under another state statute to make a finding of willful misclassification and assess civil penalties. (Discussed further on page 7).

The ALRB also issued its first [Strategic Plan](#) in over ten years after a years long effort incorporating extensive feedback from staff and external stakeholders.

This report is submitted by the ALRB pursuant to Labor Code section 1143. The report covers ALRB activities for fiscal year 2022-23, starting

on July 1, 2022, and ending on June 30, 2023.<sup>1</sup> The following is a summary of activities covered in this report:



- The Board continued to serve as a forum to discuss important issues impacting California's farmworker population including hosting panels on farmworker housing, farmworker mental health, and immigration.
- The Board issued four decisions and ten administrative orders.
- As a result of legal challenges, the Board saw one new state court legal filing, and a continuation of one case in state courts.
- At the beginning of the 2022-23 fiscal year, the General Counsel's (GC) office had 67 pending ULP charges.<sup>2</sup>
- Throughout fiscal year 2022-23, the GC's office received an additional 72 ULP charges filed, for a total of 139 ULP charges that were active at some point during this fiscal year.
- The GC issued 9 ULP complaints encompassing 13 charges and settled 31 charges.

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<sup>1</sup> All information in this report is as of June 30, 2023.

<sup>2</sup> Pending ULP charges are defined here as charges that have not been either issued as complaints, dismissed, settled, or withdrawn.

- Monetary remedies to farmworkers in the amount of \$234,070 were collected from 18 cases.
- In non-monetary remedies, regional office staff completed:
  - A notice reading for 22 cases involving 4,609 farmworkers.
  - A notice mailing for 26 cases involving 15,685 farmworkers.
  - A notice posting for 21 cases.
  - Supervisor training for 5 cases involving 24 supervisors.
  - There were zero elections in fiscal year 2022-23
- The ALRB conducted extensive outreach activities to both workers and employers. This includes:
  - Partnering with over 90 organizations to provide trainings, in person events, distribute pamphlets and collaborate on public awareness campaigns.
  - Holding 53 trainings.
  - Conducting 121 in-person events.

This report reflects the hard work, commitment, and accomplishments of the staff and members of the ALRB in administering and implementing the Act. I am inspired and thankful for my colleagues' and staff's ongoing dedication to serving California farmworkers during this challenging time. The ALRB remains firm in its commitment to enforce the Act.



Victoria Hassid

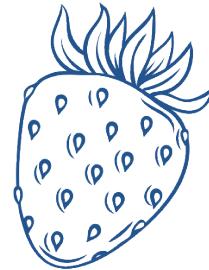
Chair, Agricultural Labor Relations Board

## II. Election Activity

Farmworkers have the right to choose whether a labor organization represents them and can express that choice by requesting a representative election where they vote to either select or terminate a union to serve as their representative. Farmworkers can also choose to represent themselves without a union by engaging in collective action.

If farmworkers request a representation election, the ALRB is the state department charged with administering, reviewing, and conducting all aspects of the elective process, including the receipt and review of notices of intent to organize (commonly abbreviated as NO).

A labor organization may file a notice of intent to organize, accompanied by confidential signature cards signed by at least ten percent of the farmworkers, which allows it to obtain a list of presently employed farmworkers and their home addresses. During the 2022-23 fiscal year no notices of intent to organize were filed.



When farmworkers request an election, they can seek to determine (1) whether a majority of employees in a bargaining unit support the certification of a labor organization as the exclusive representative of the employees in that bargaining unit; or (2) whether a majority of employees in a bargaining unit support the decertification of a labor organization that is currently certified as the exclusive representative of the employees in that bargaining unit. Decertification includes replacement either with no union, or with a different labor organization as the certified representative.

Farmworkers or a labor organization acting on their behalf can formally request a certification election by filing a petition for certification of representative (commonly referred to as an RC petition) with the ALRB. Farmworkers but not labor organizations can file a petition for decertification of representative (commonly referred to as an RD petition). An RC petition must be filed with proof of support from a majority of the currently employed workers in the bargaining

unit, while an RD petition must be filed with proof of support from a specified percentage of workers in the bargaining unit.

During fiscal year 2022-23, no RC petition was filed with the ALRB and no RD petitions were filed.

### **III. Decisions and Orders Issued by the Board**

The Board hears a variety of different types of cases. The most common type of case is an Unfair Labor Practice (ULP) case.

ULP cases typically involve alleged violations of a farmworker's rights under the Act by an employer or a union, such as retaliation for engaging in the type of concerted activity protected under the Act, or allegations of bad faith bargaining between a union and employer.

A critical Board function is hearing all challenges and objections related to a representation election.

The Board may also hear appeals of rulings issued by mediators in Mandatory Mediation and Conciliation (MMC) proceedings, and petitions seeking to clarify the scope of union representation.

#### **A. Board Decisions**

The Board issued four decisions in fiscal year 2022-23. Table 1 lists the decisions, followed by brief summaries. The full text of the decisions are accessible on the Board Case Decisions page of the ALRB website, under the Volumes/Years [48-2022](#) and [49-2023](#).

**Table 1: List of Board decisions Issued**

<b>Number</b>	<b>Issuance Date</b>	<b>Board Decision Number</b>	<b>Case Name</b>
1.	7/28/2022	48 ALRB No. 2	Cinagro Farms, Inc.
2.	9/8/2022	48 ALRB No. 3	Lily's Green Garden, Inc.
3.	2/21/2023	49 ALRB No. 1	Zabala Farms of Salinas, LLC

Number	Issuance Date	Board Decision Number	Case Name
4.	6/22/2023	49 ALRB No. 2	Gerawan Farming, Inc.

## **Descriptions of Board Decisions Issued:**

### **1. *Cinagro Farms, Inc. (2022) 48 ALRB No. 2, July 28, 2022***

#### **Administrative Law Judge Decision**

The administrative hearing in this matter was held by videoconference due to the COVID-19 pandemic. The Administrative Law Judge (ALJ) determined that Board regulation 20269 provides parties a right to be physically present during a hearing, but that this requirement was suspended by Governor's Executive Order N-63-20. The ALJ concluded the workers were unlawfully fired after lodging complaints about the lack of proper paystubs with their paychecks which were prepared on the basis that Cinagro was classifying them as independent contractors. The ALJ also concluded foreman Victor Mendoza, as a statutory supervisor, was not entitled to a remedy along with the workers in the crew and dismissed a separate allegation that Cinagro violated the ALRA by terminating Mendoza.

#### **Board Decision**

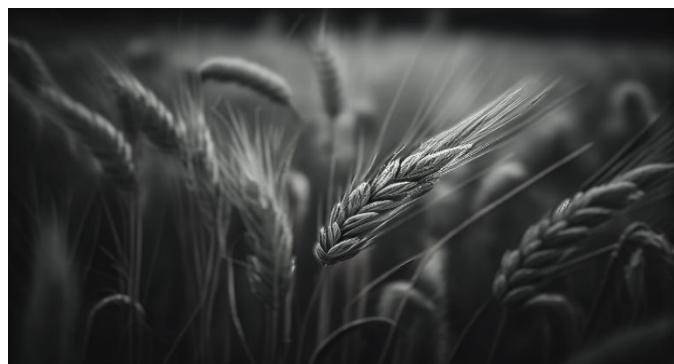
The Board clarified that Board regulation 20269 does not grant parties a right to be physically present at a hearing. While an ALJ's authority under Board regulation 20262 to conduct and regulate the course of a hearing includes the authority to conduct a hearing by videoconference, the Board emphasized that videoconferencing should be used as an exception to the general rule that hearings should be conducted in person only where good cause exists. The Board affirmed the ALJ's unfair labor practice finding as to the crew. In addition, the Board concluded that Cinagro's misclassification of the crew, by itself, supports finding a separate violation of Labor Code section 1153, subdivision (a). The Board also affirmed the dismissal of

the separate allegation concerning foreman Mendoza; however, the Board stated that it will prospectively recognize an additional exception to the general rule that supervisors are not entitled to protection under the ALRA, and concluded the protection of the Act would be extended to cover a supervisor who serves as a conduit for reporting employees' complaints about misclassification to their employer, and then is discharged for doing so. The Board concluded that it has authority to assess civil penalties under Labor Code section 226.8, and that the record demonstrates "willful misclassification" of the crew by Cinagro within the meaning of section 226.8, subdivision (a). Finally, the Board concluded that Labor Code section 226.8 obligates Cinagro to offer reinstatement to the entirety of the improperly terminated crew, including foreman Mendoza.

### **Chair Hassid's Concurrence**

Chair Hassid concurred with the Board's decision, but wrote separately to express her disagreement with the analysis by the National Labor Relations Board (NLRB) in *Parker-Robb Chevrolet, Inc.*(1982) 262 NLRB 402, a case which severely restricted extending protections of the National Labor Relations Act (NLRA) to supervisors, and which is applicable precedent the Board is mandated to follow under Labor Code section 1148. Chair Hassid opined that the actions of foreman Mendoza vindicated the workers' exercise of their rights under the Act, and in her view, were the Board not constrained by section 1148, extending the protections of the ALRA in this case to Foreman Mendoza would be consistent with the policies of the Act.

Chair Hassid proposed that the Legislature may wish to examine the benefits and shortcomings of section 1148 in present day and evaluate whether it has served its purpose and if it is in need of reform.



## Case Spotlight: Landmark Misclassification Ruling at Cinagro Farms

In July 2022, a landmark decision by the Agricultural Labor Relations Board (ALRB) sent a strong message through California's agricultural sector. The Board ruled that Cinagro Farms unlawfully terminated and misclassified six farm workers after they raised concerns about not receiving legally required pay stubs.

The ALRB found the workers were misclassified as independent contractors, denying them core labor protections such as minimum wage, access to health benefits, and workplace safety coverage.

*"Misclassifying employees as independent contractors, at the very least, implicitly conveys to the employees they have no labor rights, and therefore contains an inherent chilling effect on those employees' free exercise of protected rights."*— [ALRB Decision](#)

The Board ordered Cinagro Farms to reinstate the workers, provide back pay, and cease retaliatory practices. This ruling also marked the first time civil penalties were assessed for willful misclassification under California labor law.

The decision underscores the ALRB's commitment to safeguarding agricultural workers' rights and sends a clear message to employers: **worker misclassification will not be tolerated.**

Source: Kasler, D. (2022, July 26). "Farmworkers claim retaliation after speaking out about pay." *The Sacramento Bee*.

<https://www.sacbee.com/news/california/article264069566.html>



California farmworkers harvest radish in Moorpark, CA, on Friday June 3, 2022.  
Picture Courtesy: Melissa Montalvo [mmontalvo@fresnobee.com](mailto:mmontalvo@fresnobee.com)

References: Kasler, D. (2022, July 26). Farmworkers claim retaliation after speaking out about pay. *The Sacramento Bee*.

<https://www.sacbee.com/news/california/article264069566.html>

## **2. *Lily's Green Garden, Inc. (2022) 48 ALRB No. 3, September 8, 2022***

### **Background**

The General Counsel filed and served a consolidated complaint alleging that Lily's Green Garden (Respondent) retaliated against the charging party and other workers after they complained about poor treatment by one of Respondent's supervisors. The complaint also alleged that Respondent retaliated against the charging party for filing a charge with the ALRB. The complaint requested standard cease and desist and noticing remedies, and also requested that the charging party be made whole for any economic losses incurred due to Respondent's unlawful conduct.

The Respondent failed to file a timely answer to the complaint, and the General Counsel filed a motion for default judgment. The ALJ issued an order granting the motion for default judgment and ordered the allegations in the complaint deemed admitted. The ALJ's order included the remedies requested in the complaint except for a backpay remedy.

### **Board Decision**

After the matter was transferred to the Board, the General Counsel filed a motion seeking clarification as to whether the ALJ inadvertently omitted the backpay remedy. The Board stated that the correct procedure to request review of an ALJ decision is by the filing of exceptions pursuant to Board regulation 20282, thus the General Counsel's clarification motion was not procedurally proper. However, because the Board has the authority to address remedial issues even in the absence of exceptions, the Board considered the matter *sua sponte*.

The complaint included allegations suggesting that the charging party incurred economic harm as a result of Respondent's unfair labor practices. The Board concluded that any *status quo ante* remedy must include backpay in order to fully remediate the effects of the

Respondent's unlawful acts. Therefore, the Board ordered that the charging party be made whole for all wages and economic losses she incurred.

### **3. *Zabala Farms of Salinas, LLC (2023) 49 ALRB No. 1, February 21, 2023***

#### **Background**

On July 12, 2021, respondent Zabala Farms of Salinas, LLC (Zabala) terminated the employment of charging party Berenice Vargas Martinez (Martinez) after she and other workers protested a reduction in their piece-rate wages. Martinez filed an unfair labor practice charge, and the General Counsel issued a complaint alleging Zabala violated the ALRA by terminating her in retaliation for engaging in concerted activity protected under the Act. Zabala did not answer the complaint, and the General Counsel moved for entry of default, which the ALJ granted. No party filed exceptions.

#### **Board Decision**

The Board reviewed the ALJ default decision *sua sponte* to correct an error in the notice-mailing remedy ordered by the ALJ. Consistent with ALRB precedent, the Board modified the notice-mailing remedy to require Zabala to mail copies of the Notice to Agricultural Employees to all agricultural employees it employed during a period of one-year commencing with the date of the violation it committed.

### **4. *Gerawan Farming, Inc. (2023) 49 ALRB No. 2, June 22, 2023***

#### **Background**

In *Gerawan Farming, Inc. (2018) 44 ALRB No. 1*, the Board found that Gerawan Farming, Inc. (Gerawan) violated the ALRA by engaging in bad faith "surface bargaining" during the period from January 2013 to August 2013. The Board ordered a bargaining makewhole remedy be paid to Gerawan's agricultural employees who worked during the period January 18, 2013, to June 30, 2013. The matter was released to

the Board's Visalia Regional Office for compliance with the Board's order on October 30, 2020.

On December 13, 2021, the Regional Office issued a makewhole specification setting forth a makewhole amount of \$4,867,702.54, plus interest, payable to 4,636 employees. The formula used to calculate this amount was based on average wages and benefits found in 23 collective bargaining agreements between charging party United Farm Workers of America and various employers that were in effect during the makewhole period. Gerawan's January 24, 2022 answer to the makewhole specification opposed the Region's method of calculating the bargaining makewhole remedy, and argued that the terms of the parties' 2013 mandatory mediation and conciliation contract supplied most reasonable measure of makewhole owed the workers.

### **ALJ Decision**

The ALJ issued a recommended decision on January 20, 2023. The ALJ found the Regional Director met her burden of establishing that the makewhole formula used to calculate the remedy was reasonable, and that Gerawan failed to meet its burden of showing that the Regional Director's formula was unreasonable, arbitrary, or inconsistent with Board precedent. The ALJ also concluded that Gerawan failed to establish that there was a more appropriate method of calculating bargaining makewhole. The ALJ rejected Gerawan's arguments urging use of the MMC contract. The ALJ concluded that the MMC contract, which had an effective date of July 1, 2013, was not a comparable contract for the purposes of calculating the makewhole remedy because it was not in effect during the makewhole period. The ALJ also found the Board's bad faith bargaining findings against Gerawan in the Board's underlying decision (44 ALRB No. 1) tainted the MMC contract and rendered it unreliable as a basis for measuring makewhole.

## **Board Decision**

The Board reversed the ALJ and concluded that the MMC contract provides the most appropriate and reasonable measure of makewhole in this case. The Board found that the MMC contract covers a timeframe sufficiently related to the makewhole period. The Board further concluded that Gerawan's prior bad faith bargaining tactics did not foreclose the use of the MMC contract as the makewhole measure. The Board reasoned that the MMC process, as set forth in statute and implementing regulations, includes numerous safeguards and protections to foreclose the undue effects of an employer's bad faith negotiating tactics, equalize the parties' bargaining strength, and ensure a level playing field to enable the efficient conclusion of a collective bargaining agreement. Therefore, the Board found the MMC contract distinguishable from a contract voluntarily entered into by parties after bad faith bargaining for purposes of calculating a makewhole award. Moreover, Board precedent is clear that contract averaging is appropriate for purposes of calculating makewhole only after it is found there are no comparable contracts. The Board remanded the matter to the Region for issuance of a revised bargaining makewhole specification calculated in accordance with its Decision.

## **Dissenting Opinion**

Members Lightstone and Flores dissented from the majority opinion, arguing that it was well-established that the Board will not base the calculation of makewhole on a contract that followed an unremedied bargaining violation. The question was whether the fact that the post-violation contract in this case was created through the MMC process justified departing from that rule. Members Lightstone and Flores concluded that the general rule should apply. Although the MMC process contains procedural safeguards designed to ensure that the mediator bases the MMC report on the record and does not rely on arbitrary or improper considerations, MMC is not designed or intended to remedy the effects of past bargaining violations in specific cases and, in fact, the mediator is prohibited from attempting

to remedy unfair labor practices. Given this, the Board should not assume that contracts created through MMC are immune from the effects of prior bargaining violations. Thus, members Lightstone and Flores would have affirmed the ALJ's decision approving the use of the contract averaging method in this case.

## **B. Board Administrative Orders**

The Board, in addition to issuing decisions, also issues administrative orders, or interlocutory rulings, in response to motions filed by parties. These motions and orders regard procedural issues in connection with investigations, hearings, elections, or MMC proceedings.

Many of the motions filed by parties are appeals of rulings rendered by either an ALJ or the Executive Secretary.

In fiscal year 2022-23, the Board issued ten administrative orders.

The full text of each administrative order listed in Table 2, is available on the Board Administrative Orders page on the ALRB website, under the years 2022 and 2023.

**Table 2: List of Administrative Orders**

<b>Number</b>	<b>Admin. Order Number</b>	<b>Case Name</b>	<b>Case Number</b>	<b>Description</b>	<b>Issue Date</b>
1.	2022-03	Benjamin Reitz and Steven Reitz, individually, and dba Reitz Ranches	2018-CE-002-VIS	Order Approving Formal Bilateral Settlement Agreement	7/1/2022

<b>Number</b>	<b>Admin. Order Number</b>	<b>Case Name</b>	<b>Case Number</b>	<b>Description</b>	<b>Issue Date</b>
2.	2022-04	Tri-Fanucchi Farms	2013-CE-008-VIS 2013-CE-014-VIS	Order Denying Respondent's Application for Special Permission to Appeal Administrative Law Judge's Order Denying Application to Take Depositions	8/22/2022
3.	2022-05	St. Supery, Inc. dba St. Supery Vineyards & Winery	2022-CE-015-SAL	Order To Show Cause Why The General Counsel's Request for Subpoena Enforcement Should Not Be Granted	9/14/2022
4.	2022-06-P	St. Supery, Inc. dba St. Supery Vineyards & Winery	2022-CE-015-SAL	Order Granting General Counsel's Request for Subpoena Enforcement	9/28/2022
5.	2022-07	Sonoma Cho, LLC	2022-CE-003-SAL 2022-CE-027-SAL 2022-CE-030-SAL	Order Approving Formal Bilateral Settlement Agreement	10/19/2022
6.	2023-01	Tri-Fanucchi Farms	2013-CE-008-VIS 2013-CE-014-VIS (40 ALRB No. 4)	Order Denying Request for Special Permission to Appeal Administrative Law Judge's Order Denying Regional Director's Motion to Deem Allegations Admitted and Preclude Evidence	3/27/2023

Number	Admin. Order Number	Case Name	Case Number	Description	Issue Date
7.	2023-02-P	Professional Technical Union, Local 33	2023-LPA-001	Order Directing Complaining Party International Brotherhood of Teamsters to Re-File and Serve Complaint, etc.	3/30/2023
8.	2023-03	Tri-Fanucchi Farms	2013-CE-008-VIS 2013-CE-014-VIS (40 ALRB No. 4)	Order Denying Request for Special Permission to Appeal Administrative Law Judge Order Allowing Respondent Counsel to Testify as Expert	4/07/2023
9.	2023-04	Lily's Green Garden, Inc.	2020-CE-025-SAL 2020-CE-037-SAL (48 ALRB No. 3)	Order to Refile Request for Leave to Seek Court Order Requiring Compliance with Board Order and Setting Time for Response	5/04/2023
10.	2023-05	Lily's Green Garden, Inc.	2020-CE-025-SAL 2020-CE-037-SAL (48 ALRB No. 3)	Order Granting Request for Leave to Seek Court Order Requiring Compliance with Board Order	5/17/2023

## IV. Board and General Counsel Litigation

Board decisions generally are reviewable in the California courts of appeal. Reviews are triggered by the timely filing of a petition for review.

Litigation in California superior courts may include applications for injunctive relief, the enforcement of subpoenas issued in connection with an ALRB investigation or hearing, or petitions for writ of mandate asserting constitutional challenges to actions of the Board.

Cases in federal court typically involve constitutional challenges to the Act or its enforcement.

## **A. Board Litigation**

Table 3 identifies litigation matters involving the Board, including the judicial forum in which a matter was pending at the conclusion of the 2022-23 fiscal year.

Generally, the Board is a respondent or defendant in such litigation cases, which typically involve appeals of board decisions, actions under the California Public Records Act (PRA), or petitions for writ of mandate or complaints for declaratory relief and injunctive relief asserting constitutional challenges to actions taken by the Board.

For fiscal year 2022-23, one new litigation matter involving the Board was filed.

During at least some portion of fiscal year 2022-23, one litigation matter in state court involving the Board remained pending from prior years as listed in Table 4.

**Table 3: New Litigation Matters**

<b>No.</b>	<b>Filing Date</b>	<b>Case Name</b>	<b>Summary</b>
1.	08/24/2022	<i>Cinagro Farms, Inc. v. ALRB</i> • Second District Court of Appeal, Case No. B322632	Petition for writ of review of the Board's decision (48 ALRB No. 2) finding employer unlawfully terminated employees for engaging in protected activity and misclassified employees as independent contractors, and ordering civil penalties pursuant to Labor Code section 226.8, among other things.

**Table 4: Pending Board Litigation Matter  
(Filed Pre-Fiscal Year 2022-23)**

No.	Filing Date	Case Name	Summary
1.	10/14/20	<i>Smith Packing, Inc. v. ALRB</i> • Second District Court of Appeal, Case No. B308102	Petition for writ of review of the Board's decision (46 ALRB No. 3) finding employer unlawfully terminated employees for engaging in protected activity. The court issued an order on 9/6/22 denying the petition. This litigation now is final.

## **B. General Counsel Litigation**

Litigation matters handled by the GC's office typically involve injunctive relief requests or enforcement of administrative subpoenas.

During fiscal year 2022-23, the GC sought enforcement of a Board Order for one case, encompassing two charges, and enforcement of an administrative subpoena for one case, encompassing one charge.

**Table 5: New General Counsel Litigation**

Charge Number	Case Name	Summary
2022-CE-015-SAL	ST. Supery, Inc. dba ST. Supery Vineyards and Winery	General Counsel sought enforcement of a Board Order to enforce a subpoena
2022-CE-015-SAL	ST. Supery, Inc. dba ST. Supery Vineyards and Winery	General Counsel sought permission from the Board to enforce an investigative subpoena in Napa County Superior Court; Filed 09/28/2022

## **V. Unfair Labor Practice Charges**

ULP charges, alleging violations of the Act, may be filed by agricultural employees against agricultural employers or labor organizations, or by agricultural employers or labor organizations against one another.

ULP charges are investigated by the GC's office. The GC program decides whether to dismiss the charge (if no merit) or to file a ULP complaint. Many charges are settled, both before and after the GC's filing of a ULP complaint.

ULP complaints are scheduled for a case management conference, a pre-hearing conference, and an evidentiary hearing before an ALRB ALJ. After the hearing, the ALJ issues a written ruling, which includes a remedial order when violations of the Act are found. The ALJ ruling can be appealed to the Board for *de novo* review. The subsequent Board decision, if any, can be appealed to a District Court of Appeal, and to the California Supreme Court.

Once all appeals have been exhausted, and if the Board's decision is upheld or if the ALJ's ruling is not appealed, it is released for compliance with the order of the decision. The Board relies on the Regional Office staff to effectuate compliance, which can include monetary remedies, as well as readings, noticing, and mailings to farmworkers regarding their rights.

In some instances, a separate compliance hearing occurs, to establish the amount of the monetary award to compensate farmworkers for lost wages and other economic losses resulting from a violation of the Act.

ULP charges are typically handled entirely within the ALRB's administrative framework. However, the GC occasionally utilizes the courts to enforce subpoenas, and to seek injunctive relief when the GC determines that an immediate court order is needed to remedy a ULP.

## A. Unfair Labor Practice Charges

At the beginning of the 2022-23 fiscal year, the GC's office had a total of 67 pending ULP charges that were filed prior to July 1, 2022. A ULP charge is considered pending if it is still under investigation. Throughout fiscal year 2022-23, an additional 72 ULP charges were filed that, when combined with the previous 67 pending charges, totaled to 139 pending ULP charges. Of the 139 ULP charges, 5 charges were withdrawn, 24 charges were dismissed, 31 charges were settled, and 13 charges went to complaint by June 30, 2022. By the end of fiscal year 2022-23, the GC's office had a total of 78 pending ULP charges.

Because the GC's office does not start with a "clean slate" at the beginning of every fiscal year, the totals listed in the table below will not add up to 139 .

**Table 6: Unfair Labor Practice Charges**

Charge Category	Salinas Regional Office	Visalia Regional Office	Total
Charges Filed	52	20	72
Withdrawn	3	2	5
Dismissed	17	7	24
Settled	27	4	31
Charges to Complaint*	13	0	13

\*Encompasses charges filed prior to fiscal year 2022-23.

## B. Unfair Labor Practice Investigation-Subpoena Enforcement

Sometimes during the investigation process, the GC might need to request a subpoena from the Board in order to effect production of critical investigative documents from the charged parties in ULP cases. In fiscal year 2022-23, the General Counsel sought subpoena enforcement from the Board in one case.

**Table 7: New Subpoena Enforcement Matter**

Charge Number	Case Name	Admin Order/Date
2013-CE-008-VIS	Tri-Fanucchi Farms	Request for Subpoena Enforcement filed 05/25/2023

## C. Unfair Labor Practice Complaints

After an investigation has concluded, the GC may opt to file a complaint with the Board if a violation of the Act has been found to have occurred. Often, multiple ULP charges will be consolidated into a single complaint, specifically when each ULP charge arises out of the same set of facts or occurrences. During fiscal year 2022-23, the GC issued nine new complaints, encompassing 13 individual ULP charges.

**Table 8: Unfair Labor Practice Complaints by Office**

Complaint Category	Salinas Regional Office	Visalia Regional Office	Total
New Complaints Issued	9	0	9
Complaints Withdrawn	3	0	3
Complaints Dismissed	0	0	0
Complaints Settled	6	2	8
Complaints to Compliance*	3	0	3

\*Encompasses complaints filed before fiscal year 2022-23.



**Table 9: List of Unfair Labor Practice Complaints**

<b>Number</b>	<b>Case Number</b>	<b>Respondent</b>	<b>Complaint Date</b>	<b>Status as of June 30, 2022<sup>3</sup></b>
1.	2021-CE-012-SAL	Central Coast Agriculture, Inc.	08/23/2022	Settled 11/07/2022
2.	2020-CE-052-SAL 2021-CE-013-SAL 2021-CE-015-SAL	B&H Flowers, Inc.	08/30/2022	Settled 10/13/2022
3.	2020-CE-042-SAL 2021-CE-007-SAL	Monterey Mushrooms	12/30/2022	Settled 05/01/2023
4.	2022-CE-009-SAL	Mauritson Farms, Inc.	03/22/2023	Settled 06/28/2023
5.	2022-CE-015-SAL	ST. Supery, Inc. dba ST. Supery Vineyards and Winery	06/30/2023	Pending
6.	2021-CE-017-SAL	3H Custom Farming, Inc.	06/28/2023	Pending
7.	2022-CE-050-SAL	Linda Christie dba Sunny Knoll Vineyards and Christie Vineyards	06/30/2023	Pending
8.	2022-CE-031-SAL	Acquistapace Harvesting, Inc.	06/30/2023	Pending
9.	2022-CE-049-SAL 2023-CE-003-SAL	Sonoma Cho LLC dba Flora Terra	06/30/2023	Pending

## **D. Injunctive Relief**

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<sup>3</sup> The purpose of this table is to list *complaints* issued during the fiscal year. The *status* column is for information only and is not meant to document the total number of hearings held. This column lists only the hearings held during fiscal year 2022-23 for complaints issued between July 1, 2022, and June 30, 2023. As of June 30, 2023, some complaints issued between July 1, 2022, and June 30, 2023, were scheduled for hearings to be held during fiscal year 2022-23. Hearings were also held during fiscal year 2022-23, for complaints issued in previous fiscal years. See Section E, *Unfair Labor Practice and Compliance Hearings*, on page 23 for a complete list of ULP complaint hearings held during fiscal year 2022-23.

In some cases, exigent circumstances require the use of an injunction. An injunction is a legal remedy that either restrains a party from committing certain acts or requires a party to act in a certain way. Generally, an injunction is only allowed where irreparable harm would result if not granted. During the fiscal year 2022-23, the GC did not seek injunctive relief in relation to any ULP charges.

## **E. Unfair Labor Practice Settlements**

During the fiscal year 2022-23, the GC achieved 22 settlement agreements, which resolved 31 ULP charges. Of these settlement agreements, 13 were achieved pre-complaint and nine were achieved post-complaint.

### **Pre-Complaint Settlements**

During the fiscal year 2022-23, the GC reached 13 pre-complaint settlements encompassing 17 charges, listed in the table below.

**Table 10: List of Pre-Complaint Settlements**

<b>Number</b>	<b>Case Number</b>	<b>Respondent</b>	<b>Settlement Type<sup>4</sup></b>	<b>Settlement Date</b>
1.	2022-CE-012-SAL 2022-CE-013-SAL 2022-CE-014-SAL	Seventh Tree Farm, Inc.	Informal Bilateral	07/12/2022
2.	2022-CE-016-SAL	Tissue Grown Corporation	Informal Unilateral	08/10/2022
3.	2022-CE-011-SAL	Saticoy Berry Farms, Inc.	Informal Bilateral	12/19/2022
4.	2022-CE-039-SAL	Red Blossom Farms, Inc.	Informal Bilateral	12/21/2022

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<sup>4</sup> Informal settlements are those that occur prior to hearing, as opposed to formal settlements that occur after hearing. A bilateral settlement is one in which both the charging party and the respondent are parties to a settlement with the ALRB. A unilateral settlement is one in which only the respondent is a party to the settlement with the ALRB and not the charging party.

Number	Case Number	Respondent	Settlement Type <sup>4</sup>	Settlement Date
5.	2020-CE-039-SAL	Houweling's Nurseries of Oxnard, Inc. & Houweling's Camarillo, Inc.	Informal Bilateral	01/04/2023
6.	2022-CE-002-SAL 2022-CE-023-SAL	El Dorado Farms, LLC	Informal Bilateral	01/04/2023
7.	2022-CE-001-SAL	West Coast Berry Farms, LLC	Informal Bilateral	01/23/2023
8.	2022-CE-043-SAL	Tissue Grown Corporation	Informal Unilateral	03/16/2023
9.	2022-CE-034-SAL	805 Harvesting, LLC & Santa Barbara's Finest, LLC	Informal Bilateral	03/20/2023
10.	2022-CE-038-SAL	Reiter Brothers, Inc.	Informal Bilateral	04/11/2023
11.	2022-CE-006-SAL	Strawberry Services, Inc.	Informal Bilateral	04/24/2023
12.	2022-CE-028-SAL	Chalky Ridge Vineyard Management; Kiani Preserve, LLC	Informal Bilateral	05/04/2023
13.	2022-CE-001-VIS 2022-CE-003-VIS	Fruity Ag, Inc. and Great American Harvesting, Inc.	Informal Bilateral	06/26/2023

## Post-Complaint Settlements

During the fiscal year 2022-23, the GC reached 9 post-complaint settlements encompassing 14 charges, listed in the table below.

**Table 11: List of Post-Complaint Settlements**

Number	Case Number	Respondent	Settlement Type	Settlement Date
1.	2021-CE-022-VIS	Treesap Farms, LLC, dba Everde Growers	Informal Bilateral	07/19/2022
2.	2020-CE-049-SAL	Laubacher Farms, Inc.; Chuy & Sons Labor, Inc.	Informal Bilateral	08/10/2022
3.	2020-CE-050-SAL	Norman's Nursery, Inc.	Informal Bilateral	09/08/2022
4.	2020-CE-052-SAL 2021-CE-013-SAL 2021-CE-015-SAL	B&H Flowers, Inc.	Informal Bilateral	10/13/2022

Number	Case Number	Respondent	Settlement Type	Settlement Date
5.	2022-CE-003-SAL 2022-CE-027-SAL 2022-CE-030-SAL	Sonoma Cho, LLC dba Flora Terra	Informal Bilateral	10/19/2022
6.	2021-CE-012-SAL	Central Coast Agriculture, Inc.	Informal Unilateral	11/07/2022
7.	2018-CE-015-VIS	Valley Ag Holdings, LLC	Informal Bilateral	12/02/2022
8.	2020-CE-042-SAL 2021-CE-007-SAL	Monterey Mushrooms	Informal Unilateral	05/01/2023
9.	2022-CE-009-SAL	Mauritson Farms, Inc.	Informal Bilateral	06/28/2023

## F. Unfair Labor Practice and Compliance Hearings

During fiscal year 2022-23, the Board held 2 hearings before an ALJ on a ULP or on a compliance matter.

**Table 12: Hearings Before Administrative Law Judge**

Number	Case Number	Case Name	Hearing Date
1.	2012-CE-041-VIS	Gerawan Farming, Inc.	08/15/2022
2.	2013-CE-008-VIS 2013-CE-014-VIS	Tri-Fanucchi Farms	03/06/2023 - 03/10/2023

## VI. Remedies and Disbursements

The Board is empowered to order a wide range of remedies to effectuate the purposes of the Act and to "make whole" the victims of ULPs. These remedies may include reinstatement of an unlawfully discharged employee, an award of lost wages and benefits, various non-monetary remedies--including orders to cease and desist from engaging in similar conduct that violates the Act--and the issuance of notices to employees as discussed below. Our staff may also provide trainings for supervisors to prevent any future Act violations.

Once a Board decision is final and the decision awards backpay (the lost earnings resulting from an unlawful discharge) and/or other remedies (appeals have been exhausted and the decisions have

been upheld), the Board releases the case back to the applicable region for compliance to effectuate the remedies of that decision. Amounts received from parties who have been ordered to make backpay payments are transmitted by the ALRB to the farmworkers in the amounts awarded to them. Efforts are made to locate all farmworkers who are entitled to backpay. If the ALRB is unable to locate a farmworker entitled to backpay for a period of two years following the collection of the amount owed, this amount is deposited into the Agricultural Employee Relief Fund (AERF). Monies in the AERF fund are used by the ALRB to pay farmworkers the unpaid balance of any monetary relief ordered by the Board in other matters that cannot be collected from the violator. Thus, on a year-to-year basis, there may not be a direct comparison between the amounts collected and amounts disbursed as monetary remedies.

## **A. Remedies**

In fiscal year 2022-23, the Board released three cases for compliance.

**Table 13: List of Cases Released for Compliance**

<b>Number</b>	<b>Case Number</b>	<b>Respondent Name</b>	<b>Date Released</b>
1.	2018-CE-048-SAL	Smith Packing, Inc.	09/06/2022
2.	2020-CE-025-SAL 2020-CE-037-SAL	Lily's Green Garden, Inc.	10/13/2022
3.	2021-CE-018-SAL	Zabala Farms	03/09/2023

## **Monetary Remedies**

In fiscal year 2022-23, the ALRB received payments in 18 cases encompassing 22 charges for a total of \$234,070. Of that total, \$153,379.15 was collected pursuant to settlement agreements that were achieved during fiscal year 2022-23 and prior fiscal years. Of the original total, \$80,690.85 was collected pursuant to a Board Order.

## Monies Collected During Fiscal Year 2022-23

**Table 14: Monies Collected**

Number	Case Number	Respondent Name	Amount Collected
1.	2022-CE-012-SAL 2022-CE-013-SAL 2022-CE-014-SAL	Seventh Tree Farms, Inc.	\$5,824.94
2.	2020-CE-049-SAL	Laubacher Farms, Inc.; Chuy & Sons Labor, Inc.	\$6,212.95
3.	2018-CE-048-SAL	Smith Packing, Inc.	\$12,720.00
4.	2018-CE-002-VIS	Reitz Ranches	\$17,175.14
5.	2020-CE-050-SAL	Norman's Nursery, Inc.	\$8,737.22
6.	2021-CE-012-SAL	Central Coast Agriculture, Inc.	\$55,097.64
7.	2018-CE-015-VIS	Valley Ag Holdings, LLC	\$3,323.74
8.	2022-CE-011-SAL	Saticoy Berry Farms, Inc.	\$4,029.49
9.	2022-CE-039-SAL	Red Blossom Farms, Inc.	\$5,994.08
10.	2017-CE-006-VIS	Ocean Mist Farms	\$188.88
11.	2020-CE-025-SAL 2020-CE-037-SAL	Lily's Green Garden, Inc.	\$160.83
12.	2022-CE-002-SAL 2022-CE-023-SAL	El Dorado Farms, LLC	\$5,100.00
13.	2022-CE-001-SAL	West Coast Berry Farms, LLC	\$3,538.67
14.	2022-CE-034-SAL	805 Harvesting, LLC & Santa Barbara's Finest, LLC	\$11,180.92
15.	2022-CE-038-SAL	Reiter Brothers, Inc.	\$2,371.73

Number	Case Number	Respondent Name	Amount Collected
16.	2022-CE-006-SAL	Strawberry Services, Inc.	\$949.10
17.	2022-CE-028-SAL	Chalky Ridge Vineyard Management, LLC; Kiani Preserve, LLC	\$495.67
18.	2016-CE-023-VIS	Wonderful Orchards, LLC & Family Ranch, Inc.	\$50,446.00
19.	2022-CE-003-SAL 2022-CE-027-SAL 2022-CE-030-SAL	Sonoma Cho, LLC dba Flora Terra	\$40,523.00*
<b>Total</b>			\$234,070.00

\*Payments for this case were lumped directly into workers' paychecks

Payments were ordered in 20 cases encompassing 26 charges as a result of an Informal Settlement Agreement or Board Order.<sup>5</sup>

## Payments Ordered

**Table 15: Payments Ordered**

Number	Case Number	Respondent Name	Amount Ordered
1.	2022-CE-012-SAL 2022-CE-013-SAL 2022-CE-014-SAL	Seventh Tree Farms, Inc.	\$6,687.00
2.	2020-CE-049-SAL	Laubacher Farms, Inc.; Chuy & Sons Labor, Inc.	\$7,232.29
3.	2018-CE-048-SAL	Smith Packing, Inc.	\$16,316.00

<sup>5</sup> The number of payments ordered during fiscal year 2022-23 is not necessarily the same as the number of payments collected by ALRB during the fiscal year. These figures differ for various reasons, including the lag in time between when an order is obtained to when payment is actually collected, the fact that some payments are paid directly to the charging party and not the ALRB.

<b>Number</b>	<b>Case Number</b>	<b>Respondent Name</b>	<b>Amount Ordered</b>
4.	2020-CE-050-SAL	Norman's Nursery, Inc.	\$9,711.00
5.	2022-CE-003-SAL 2022-CE-027-SAL 2022-CE-030-SAL	Sonoma Cho, LLC dba Flora Terra	\$40,523.00
6.	2020-CE-025-SAL 2020-CE-037-SAL	Lily's Green Garden, Inc.	\$175.00
7.	2021-CE-012-SAL	Central Coast Agriculture, Inc.	\$60,178.44
8.	2018-CE-015-VIS	Valley Ag Holdings, LLC	\$4,068.00
9.	2022-CE-011-SAL	Saticoy Berry Farms, Inc.	\$6,960.00
10.	2022-CE-039-SAL	Red Blossom Farms, Inc.	\$8,443.00
11.	2017-CE-006-VIS	Ocean Mist Farms	\$188.88
12.	2022-CE-002-SAL 2022-CE-023-SAL	El Dorado Farms, LLC	\$5,100.00
13.	2022-CE-001-SAL	West Coast Berry Farms, LLC	\$4,893.45
14.	2022-CE-034-SAL	805 Harvesting, LLC & Santa Barbara's Finest, LLC	\$11,180.92
15.	2022-CE-038-SAL	Reiter Brothers, Inc.	\$2,690.00
16.	2022-CE-006-SAL	Strawberry Services, Inc.	\$1,026.00
17.	2022-CE-028-SAL	Chalky Ridge Vineyard Management, LLC; Kiani Preserve, LLC	\$542.00
18.	2022-CE-009-SAL	Mauritson Farms, Inc.	\$328,077.00
19.	2016-CE-023-VIS	Wonderful Orchards, LLC & Family Ranch, Inc.	\$50,446.00
20.	2018-CE-002-VIS	Reitz Ranches	\$24,877.00

Number	Case Number	Respondent Name	Amount Ordered
<b>TOTAL</b>			<b>\$589,314.98</b>

In fiscal year 2022-23, the ALRB issued 718 checks from 6 cases to farmworkers as a result of findings of liability in ULP cases or as a result of settlement agreements.

## Checks Issued by ALRB to Farmworkers

**Table 16: Checks Issued**

Number	Respondent Name	Case Number	Number of Checks Issued	Total Net Amount Issued
1.	Arnaudo Bros Inc.	2012-CE-030-VIS	25	\$9,924.27
2.	Wonderful Orchards, LLC & Family Ranch, Inc.	2016-CE-023-VIS	2	\$388.00
3.	Premiere Raspberries, LLC	2018-CE-004-SAL	684	\$97,760.98
4.	Smith Packing, Inc.	2018-CE-048-SAL	1	\$1,290.04
5.	Lily's Green Garden Inc.	2020-CE-025-SAL 2020-CE-037-SAL	2	\$160.83
6.	Dole Berry North	2018-CE-021-SAL	3	\$3,000.00
<b>TOTAL</b>			<b>717</b>	<b>\$112,524.12</b>

## Non-Monetary Remedies

In cases where a violation is found, the Board generally orders noticing remedies in addition to monetary awards. A negotiated settlement

signed by the parties may also include noticing remedies in addition to monetary awards. A noticing remedy requires the employer to post, mail and/or read a prepared notice to all agricultural employees so they can become aware of the outcome of the case.

In fiscal year 2022-23, the ALRB conducted a notice reading to 4,609 agricultural employees in 22 cases encompassing 29 charges listed in the table below.

**Table 17: List of Notice Readings**

Number	Case Number	Respondent Name	Date of Notice Reading	No. of Employees at Reading
1.	2020-CE-001-SAL	Caymus Vineyards	7/6/2022	44
2.	2021-CE-010-VIS	Robert Stretch Ranch; Norma Stretch dba Dixieland Orchards	7/21/2022	3
3.	2020-CE-021-SAL	Seven Points Management, dba Walnut LLC	7/22/2022	108
4.	2020-CE-049-SAL	Laubacher Farms, Inc.; Chuy & Sons Labor, Inc.	9/7/2022	65
5.	2012-CE-041-VIS	Gerawan Farming, Inc.	9/27/2022 9/28/2022	680
6.	2015-CL-006-VIS	United Farm Workers of America	9/28/2022	1164
7.	2021-CE-022-VIS	Treesap Farms, LLC, dba Everde Growers	9/30/2022	27
8.	2020-CE-050-SAL	Norman's Nursery, Inc.	10/27/2022	35
9.	2022-CE-003-SAL 2022-CE-027-SAL 2022-CE-030-SAL	Sonoma Cho, LLC dba Flora Terra	11/1/2022	18

<b>Number</b>	<b>Case Number</b>	<b>Respondent Name</b>	<b>Date of Notice Reading</b>	<b>No. of Employees at Reading</b>
10.	2016-CE-023-VIS	Wonderful Orchards, LLC & Family Ranch, Inc.	11/28/2022 11/29/2022	1102
11.	2021-CE-012-SAL	Central Coast Agriculture, Inc.	11/30/2022	45
12.	2022-CE-012-SAL 2022-CE-013-SAL 2022-CE-014-SAL	Seventh Tree Farms, Inc.	12/7/2022	5
13.	2020-CE-052-SAL 2021-CE-013-SAL 2021-CE-015-SAL	B&H Flowers, Inc.	12/9/2022	65
14.	2022-CE-011-SAL	Saticoy Berry Farms, Inc.	12/22/2022	52
15.	2020-CE-039-SAL	Houweling's Nurseries of Oxnard, Inc. & Houweling's Camarillo, Inc.	1/24/2023	75
16.	2022-CE-004-SAL	West Coast Berry Farms, LLC	4/4/2023	150
17.	2022-CE-016-SAL 2022-CE-043-SAL	Tissue Grown Corporation	4/4/2023	53
18.	2022-CE-006-SAL	Strawberry Services, Inc.	5/12/2023	30
19.	2018-CE-048-SAL	Smith Packing, Inc.	5/12/2023 6/29/2023	67
20.	2022-CE-038-SAL	Reiter Brothers, Inc.	5/31/2023	165
21.	2022-CE-039-SAL	Red Blossom Farms, Inc.	6/8/2023	489
22.	2022-CE-001-SAL	West Coast Berry Farms, LLC	6/13/2023	167

Number	Case Number	Respondent Name	Date of Notice Reading	No. of Employees at Reading
<b>TOTAL</b>				<b>4,609</b>

The ALRB issued a notice mailing to 15,685 agricultural employees in 26 cases encompassing 36 charges.

**Table 18: List of Notice Mailings**

Number	Case Number	Respondent Name	Date of Notice Mailing	Number of Employees Received Mailing
1.	2019-CE-014-VIS	Grimmway Enterprises, Inc.	7/12/2022	34
2.	2020-CE-021-SAL	Seven Points Management, dba Walnut LLC	7/14/2022	307
3.	2022-CE-012-SAL 2022-CE-013-SAL 2022-CE-014-SAL	Seventh Tree Farms, Inc.	9/9/2022	154
4.	2021-CE-014-SAL 2021-CE-016-SAL	Hilltop Produce, Inc.	9/9/2022	1,205
5.	2020-CE-049-SAL	Laubacher Farms, Inc.; Chuy & Sons Labor, Inc.	9/22/2022	115
6.	2021-CE-022-VIS	Treesap Farms, LLC, dba Everde Growers	9/26/2022	41
7.	2020-CE-050-SAL	Norman's Nursery, Inc.	10/5/2022	36
8.	2018-CE-002-VIS	Reitz Ranches	10/28/2022	27
9.	2017-CE-006-VIS	Ocean Mist Farms	11/2022-2/2023	2,747

<b>Number</b>	<b>Case Number</b>	<b>Respondent Name</b>	<b>Date of Notice Mailing</b>	<b>Number of Employees Received Mailing</b>
10.	2020-CE-052-SAL 2021-CE-013-SAL 2021-CE-015-SAL	B&H Flowers, Inc.	11/14/2022	147
11.	2022-CE-003-SAL 2022-CE-027-SAL 2022-CE-030-SAL	Sonoma Cho, LLC dba Flora Terra	11/30/2022	35
12.	2016-CE-023-VIS	Wonderful Orchards, LLC & Family Ranch, Inc.	12/2/2022	7,736
13.	2021-CE-012-SAL	Central Coast Agriculture, Inc.	12/19/2022	100
14.	2022-CE-011-SAL	Saticoy Berry Farms, Inc.	12/21/2022	163
15.	2018-CE-015-VIS	Valley Ag Holdings, LLC	12/28/2022	29
16.	2022-CE-039-SAL	Red Blossom Farms, Inc.	1/6/2023	560
17.	2018-CE-048-SAL	Smith Packing, Inc.	1/27/2023	712
18.	2022-CE-002-SAL 2022-CE-023-SAL	El Dorado Farms, LLC	2/2/2023	14
19.	2020-CE-039-SAL	Houweling's Nurseries of Oxnard, Inc. & Houweling's Camarillo, Inc.	3/1/2023	824
20.	2022-CE-001-SAL	West Coast Berry Farms, LLC	3/29/2023	260
21.	2022-CE-016-SAL 2022-CE-043-SAL	Tissue Grown Corporation	4/6/2023	72

Number	Case Number	Respondent Name	Date of Notice Mailing	Number of Employees Received Mailing
22.	2022-CE-034-SAL	805 Harvesting, LLC & Santa Barbara's Finest, LLC	4/26/2023	33
23.	2022-CE-038-SAL	Reiter Brothers, Inc.	5/9/2023	41
24.	2022-CE-006-SAL	Strawberry Services, Inc.	5/12/2023	70
25.	2022-CE-028-SAL	Chalky Ridge Vineyard Management; Kiani Preserve, LLC	6/12/2023	172
26.	2020-CE-025-SAL 2020-CE-037-SAL	Lily's Green Garden, Inc.	6/13/2023	51
<b>TOTAL</b>				<b>15,685</b>

The ALRB completed a notice posting in 21 cases encompassing 28 charges.

**Table 19: List of Notice Postings**

Number	Case Number	Respondent Name	Date of Notice Posting
1.	2020-CE-001-SAL	Caymus Vineyards	7/6/2022
2.	2021-CE-010-VIS	Robert Stretch Ranch; Norma Stretch dba Dixieland Orchards	7/21/2022
3.	2020-CE-021-SAL	Seven Points Management, dba Walnut LLC	7/22/2022

<b>Number</b>	<b>Case Number</b>	<b>Respondent Name</b>	<b>Date of Notice Posting</b>
4.	2020-CE-049-SAL	Laubacher Farms, Inc.; Chuy & Sons Labor, Inc.	9/5/2022
5.	2012-CE-041-VIS	Gerawan Farming, Inc.	9/27/2022 9/28/2022
6.	2021-CE-022-VIS	Treesap Farms, LLC, dba Everde Growers	9/30/2022
7.	2020-CE-050-SAL	Norman's Nursery, Inc.	10/27/2022
8.	2022-CE-003-SAL 2022-CE-027-SAL 2022-CE-030-SAL	Sonoma Cho, LLC dba Flora Terra	11/1/2022
9.	2016-CE-023-VIS	Wonderful Orchards, LLC & Family Ranch, Inc.	11/28/2022
10.	2021-CE-012-SAL	Central Coast Agriculture, Inc.	11/30/2022
11.	2022-CE-012-SAL 2022-CE-013-SAL 2022-CE-014-SAL	Seventh Tree Farms, Inc.	12/7/2022
12.	2020-CE-052-SAL 2021-CE-013-SAL 2021-CE-015-SAL	B&H Flowers, Inc.	12/9/2022
13.	2022-CE-011-SAL	Saticoy Berry Farms, Inc.	12/22/2022
14.	2020-CE-039-SAL	Houweling's Nurseries of Oxnard, Inc. & Houweling's Camarillo, Inc.	1/24/2023
15.	2022-CE-004-SAL	West Coast Berry Farms, LLC	4/4/2023
16.	2022-CE-016-SAL 2022-CE-043-SAL	Tissue Grown Corporation	4/4/2023
17.	2022-CE-006-SAL	Strawberry Services, Inc.	5/12/2023

<b>Number</b>	<b>Case Number</b>	<b>Respondent Name</b>	<b>Date of Notice Posting</b>
18.	2018-CE-048-SAL	Smith Packing, Inc.	5/12/2023
19.	2022-CE-038-SAL	Reiter Brothers, Inc.	5/31/2023
20.	2022-CE-039-SAL	Red Blossom Farms, Inc.	6/8/2023
21.	2022-CE-001-SAL	West Coast Berry Farms, LLC	6/13/2023

The GC trained 24 supervisors of farmworkers in 5 cases encompassing 10 charges. Table 20 lists these Supervisor Trainings.

**Table 20: List of Supervisor Trainings**

<b>Number</b>	<b>Case Number</b>	<b>Respondent Name</b>	<b>Date Training Held</b>	<b>Number of Supervisors Received Training</b>
1.	2022-CE-003-SAL 2022-CE-027-SAL 2022-CE-030-SAL	Sonoma Cho, LLC dba Flora Terra	11/10/2022	4
2.	2022-CE-012-SAL 2022-CE-013-SAL 2022-CE-014-SAL	Seventh Tree Farms, Inc.	2/10/2023	2
3.	2022-CE-016-SAL 2022-CE-043-SAL	Tissue Grown Corporation	4/4/2023	8
4.	2022-CE-039-SAL	Red Blossom Farms, Inc.	6/8/2023	8
5.	2022-CE-038-SAL	Reiter Brothers, Inc.	6/8/2023	2
<b>TOTAL</b>				<b>24</b>

## **B. Deposits and Disbursements**

Payments collected from settlements or Board-ordered monetary remedies are deposited into the ALRB trust fund before being distributed to the charging parties unless the checks are made out directly in the name(s) of the charging parties.

### **Monies Deposited and Disbursed from the Agency Trust from July 1, 2022, to June 30, 2023**

During fiscal year 2022-23, the ALRB deposited payments from five cases, encompassing six separate charges, as listed in Table 21.

**Table 21: Deposits**

<b>Number</b>	<b>Case Number</b>	<b>Respondent Name</b>	<b>Deposits</b>
1.	2020-CE-016-SAL	Coast King Packing LLC	\$ 5,740.34
2.	2020-CE-025-SAL 2020-CE-037-SAL	Lily's Green Garden Inc.	\$ 160.83
3.	2018-CE-048-SAL	Smith Packing Inc.	\$ 2,580.08
4.	2018-CE-002-VIS	Reitz Ranches	\$ 227.72
5.	2016-CE-023-VIS	Wonderful Orchards LLC	\$ 1,556.00
<b>Total</b>			<b>\$ 10,264.97</b>

During fiscal year 2022-23, the ALRB disbursed payments from six cases, encompassing seven separate charges, as listed in Table 22.

**Table 22: Disbursements**

<b>Number</b>	<b>Case Number</b>	<b>Respondent Name</b>	<b>Amount of Net Payment Issued</b>
1.	2012-CE-030-VIS	Arnaudo Bros Inc.	\$ 9,924.27
2.	2018-CE-021-SAL	Dole Berry North	\$ 3,000.00
3.	2016-CE-023-VIS	Wonderful Orchards LLC	\$ 388.00
4.	2018-CE-004-SAL	Premiere Raspberries	\$ 97,760.98
5.	2020-CE-025-SAL 2020-CE-037-SAL	Lily's Green Garden Inc.	\$ 160.83
6.	2018-CE-048-SAL	Smith Packing Inc.	\$ 1,290.04
<b>Total</b>			<b>\$ 112,524.12</b>

## **Agricultural Employee Relief Fund**

Effective January 1, 2002, pursuant to Labor Code section 1161, the AERF establishes a trust fund, administered by the Board, to pay agricultural employees entitled to monetary relief under the Act. California Code of Regulations, title 8, section 20299, governs the administration of the AERF.

In fiscal year 2022-23, no cases were referred to the Fund and there were no disbursements from the Fund. As of June 30, 2023, \$234,066.48 remains in the Fund for distribution.

## **VII. Mandatory Mediation and Conciliation**

The Act authorizes certified labor organizations or employers to petition the Board for an order directing the parties to an MMC

process for disputed issues. When certain statutory prerequisites are met, the Board will order the parties to participate in the MMC process. A mediator is then appointed to assist the parties in resolving their outstanding issues, and failing such resolution, to issue a determination as to how the issues should be resolved. The mediator's determination is reviewable by the Board, and the Board's decision is reviewable by the courts.

During fiscal year 2022-23, the ALRB did not receive any requests for referral to MMC and did not issue any MMC decisions.



## VIII. Outreach Activities

### FISCAL YEAR 2022-23 OUTREACH STATISTICS:

	121	In-Person Events
	17,819	Materials Distributed
	17,266	Workers Reached
	19	Materials Placement Events
	53	Trainings Conducted
	27	Radio/Social Media Appearances

The ALRB is actively engaged in ongoing outreach activities designed to educate farmworkers, labor organizations, and agricultural employers about their rights and obligations under the Act, as well as the ALRB's role in enforcing those rights. The ALRB continues to work

towards strengthening its outreach delivery methods, collaborations, strategies, and communication channels with the specific goal to be more accessible to diverse audiences of farmworkers. The following are highlights of ALRB's outreach accomplishments during the fiscal year 2022-23.

- **Events and Materials:** ALRB staff connected with farmworkers at 121 in-person events across the state. We shared information and resources at different types of events, including food distributions, community health and resource fairs, vaccination clinics, employment fairs, town halls, and farmworker caravans. Many of these events were hosted by community-based organizations (CBOs), local government agencies and Mexican Consulate regional offices. Additionally, we canvassed at several apartment complexes and community locations such as churches, markets and laundromats where farmworkers gather. During this fiscal year, ALRB staff visited such locations at least 19 times and distributed nearly 18,000 printed materials to approximately 17,000 farmworkers and community members.

**Partnerships:** The ALRB outreach team maintained working partnerships with CBOs in prevalent farming regions to reach farmworkers in their own communities. We also increased collaboration with other government partners, including Cal-OSHA, the Labor Commissioner, Labor and Workforce Development Agency, the Employment Development Department, the U.S. Department of Labor, and the California Civil Rights Department. These collaborations included joint outreach, cross-training, and the creation of joint presentations in both the nonprofit and public sectors and inter-agency to help us all better understand the needs of agricultural communities.

- **Trainings:** Throughout the fiscal year 2022-23, the ALRB conducted 53 trainings for audiences consisting of farmworkers, CBOs, government agencies, and employers.

- **Interviews/Appearances:** The ALRB appeared in 27 virtual interviews and presentations that were broadcasted on Facebook Live as well as different radio and podcast shows. Such platforms included Podcast de Negocios, Radio Lazer, KBBF, Radio Bilingue, and Radio Indígena. Many included joint interviews with our sister agencies that focused on topics such as workers' rights under the ALRA, worker protections during wildfires, heat illness prevention, sexual harassment, and discrimination. When available, these interviews were conducted and/or translated into Spanish and Mixteco. Our primary message focused on the rights protected by the ALRA, settlements, and achievements of our caseload, and ALRB's toll-free hotline available to farmworkers seeking to report and resolve work-related issues.

## IX. Employee and Salary Information

Information from Fiscal Year 2022-23

### A. ALRB Employees, Alphabetical by Last Name

Acevedo, Kenia	Lopez, Anibal
Arciniega, Jessica	Luna, Maricela
Avila-Gomez, Santiago	Marsh, Michael I.
Barrera, Merced C.	Martinez, Delia
Bautista, Flavio	Michael, Yeimi
Blanco, Eduardo R.	McCarrick III, John
Broad, Barry D.	Miller, Lori A.
Bueno, Sylvia	Miranda, Rosario
Camero, Laura G.	Montgomery, Julia L.
Castro, Javier	Ochoa, Patricia
Cervantes, Veronica	Padilla, Margarita A.
Correa, Gabriela	Pulido, Yesenia
DeLuna, Yesnia	Quezada, Martha
Diaz, Rafael	Ramirez, Daniela D.
Dougherty, Brian M.	Ratshin, Todd M.

Duran, Angelique	Sanchez, Xavier R.
Esparza, Grace G.	Sandoval, David
Flores, Cinthia N.	Santana Ruiz, Karen
Garcia, Rosalia	Seifried, Michelle D.
Gastelum, Omar	Shores, Janice K.
Granda, Melosa	Sobel, Thomas
Gunawardena, Devaka	Soble, Mark R.
Gutierrez III, Blaz	Thatcher, Meschelle
Guzman, Federico	Topete, Maydole
Hall III, Isadore	Valdovinos, Yajaira
Hassid, Victoria A.	Vargas, Sonia
Hernandez, Tannia	Vazquez, Lucia
Herrera, Franchesca	Velzaquez, Elvia
Heyck, Laura F.	Vega, Gabriela
Honarvar Rule, Hermine	Venegas, Berenice
Hsia, Audrey W.	Ventura Morales, Santiago
Inciardi, Scott P.	Weber, Dalton B.
Lightstone, Ralph E.	Whitted, Sharon
Lopez Espindola, Jorge	Yasin, Ghada

## B. ALRB Positions

**Table 23: Position Titles and Salaries**

Classification	Salary <sup>6</sup>
Board Chair	\$ 14,657
Member	\$ 14,205
Administrative Law Judge	\$ 13,833
Administrative Law Judge	\$ 10,468
Administrative Law Judge (Supervising)	\$ 15,237

<sup>6</sup> Salaries shown are monthly, unless otherwise indicated.

<b>Classification</b>	<b>Salary<sup>6</sup></b>
Associate General Counsel, Regional Director	\$ 12,658
Associate General Counsel, Regional Director	\$ 12,146
Associate Governmental Program Analyst (Admin.)	\$ 5,518
Associate Governmental Program Analyst (Board)	\$ 5,793
Associate Governmental Program Analyst (General Counsel)	\$ 6,907
Associate Governmental Program Analyst (General Counsel)	\$ 5,794
Associate Governmental Program Analyst (General Counsel)	\$ 5,718
Attorney	\$ 10,981
Attorney	\$ 10,640
Attorney	\$ 9,779
Attorney	\$ 9,514
Attorney	\$ 9,489
Attorney	\$ 9,070
Attorney	\$ 8,648
Attorney	\$ 8,481
Attorney	\$ 8,095
Attorney	\$ 7,711
Attorney III	\$ 12,146
Attorney III/Senior Board Counsel	\$ 13,118
Attorney IV	\$ 14,503
Career Executive Assignment	\$ 13,226
Executive Secretary	\$ 13,323
Field Examiner I	\$ 5,944
Field Examiner I	\$ 5,778
Field Examiner I	\$ 5,511

Classification	Salary <sup>6</sup>
Field Examiner I	\$ 3,734
Field Examiner II	\$ 7,107
Field Examiner II	\$ 6,587
Field Examiner II	\$ 6,283
Field Examiner III	\$ 7,787
General Counsel	\$ 17,120
Information Technology Specialist II	\$ 10,421
Legal Secretary	\$ 5,010
Legal Secretary	\$ 4,010
Senior Legal Typist	\$ 4,740
Staff Services Analyst (General Counsel)	\$ 5,944
Staff Services Analyst (General Counsel)	\$ 4,788
Staff Services Manager (Admin.)	\$ 8,153
Staff Services Manager (General Counsel)	\$ 7,436

## C. Description of Duties

### CHAIR & BOARD MEMBERS

Delegate powers to the Office of the Executive Secretary and the field offices to administer, interpret, and enforce the Agricultural Labor Relations Act. The Office of the Board holds evidentiary hearings and adjudicates disputes in Unfair Labor Practice cases, as well as disputes arising out of representation elections. The Office of the Board also administers the mandatory mediation law and is vested with the authority to promulgate regulations to implement the Act. The Office of the Board may initiate and oversee litigation before the Court of Appeal, and grants authority to the General Counsel to take action in Superior Court. The Board, where appropriate, conducts education and outreach activities.

## **GENERAL COUNSEL**

The General Counsel is the chief prosecutor. The GC's Office enforces the Act in ULP proceedings before the Board, and the GC supervises and coordinates personnel in regional offices who are responsible for: conducting elections, investigating ULP charges, prosecuting ULP cases, settling or dismissing cases, and seeking compliance with final Board orders. The GC also supervises and oversees litigation before administrative law judges, the Board, and the Superior Courts. The GC's office also conducts education and outreach activities on behalf of the Board.

## **ASSOCIATE GENERAL COUNSEL, Regional Director**

The Regional Director is responsible for the overall administration and operation of the regional field offices. This position directly supervises staff working in the regional offices. It also ensures compliance with the policies and procedures of the GC's Office, and with applicable provisions of the Act.

## **ASSOCIATE GOVERNMENTAL PROGRAM ANALYST (Board Chair)**

Executive assistant to the Chair of the ALRB Board. Responsible for drafting Board related reports, correspondence, and keeping the Chair apprised of upcoming deadlines. Coordinates with the General Counsel, Executive Secretary, and Chief Administrative Officer to research, analyze, and report on various projects related to moves, budgets, hiring, legislation and regulations, requisitions and contracts, outreach events, and meetings with control agencies and other Board stakeholders.

## **ASSOCIATE GOVERNMENTAL PROGRAM ANALYST (Board)**

Executive assistant to the Executive Secretary, providing technical and analytical staff services. This position works independently, and applies discretion and initiative in performing assigned duties, including compliance of Brown Act and Bagley-Keene Open Meeting Laws, reporting requirements of the Agricultural Labor Relations Act,

departmental website maintenance, and development and maintenance of various departmental publications.

## **ASSOCIATE GOVERNMENTAL PROGRAM ANALYST STAFF SERVICES ANALYST (General Counsel)**

Responsible for analytical staff work for the GC program or Regional Offices. Researches, reviews, and analyzes surveys, policy reports, analytical studies, legislation, and data, including demographic, economic, and population statistics. Creates spreadsheets and tracks workload data, composes reports and responses from stakeholders. Provides research and analytical support for projects, and handles confidential, sensitive assignments and inquiries.

## **ASSOCIATE GOVERNMENTAL PROGRAM ANALYST (Admin.)**

Responsible for providing ALRB's annual budget updates and expenditure reports. Provides budget updates to Department of Finance and California Labor and Workforce Development Agency (LWDA) as needed.

## **ASSOCIATE GOVERNMENTAL PROGRAM ANALYST (Admin.)**

Provides business services functions for the ALRB. Independently performs a variety of technical and analytical business service tasks, which include procurement, fleet, facilities, telecommunications, records retention, and property control.

## **ATTORNEY GRADUATE LEGAL ANALYST**

Responsible for investigating and prosecuting ULP charges under the Agricultural Labor Relations Act.

## **CHIEF BOARD COUNSEL ATTORNEY IV**

Lead attorney in development of new regulations, revises existing regulations and rule-making initiatives. Provides expert advice to the Board on legal questions in ULP cases, representation cases, and

jurisdictional disputes, as well as policy and legislative issues. The Attorney IV oversees all state and federal court litigation, conducts the most complex litigation, appears, and presents oral argument on behalf of the Office of the Board.

### **ATTORNEY IV (Board) Retired Annuitant**

Lead attorney on advising the Board on the cannabis statute. Prepares and coordinates the strategic planning of the Board's outreach, including preparation of outreach materials, development of partnerships with members of the public, non-profit organizations, members of the State Bar of California, and other governmental entities.

### **ATTORNEY III/IV (General Counsel)**

Provides broad program policy direction to the GC. Provides support, guidance, and training to field operations, ULP matters, and court litigation activities, including strategic and legal advice on the conduct of investigations. Also assists in the training and mentoring of regional staff.

### **CAREER EXECUTIVE ASSIGNMENT**

As a member of the executive management team, and under the direction of the Agricultural Labor Relations Board and General Counsel, the Chief for the Division of Administrative Services is responsible for the development and implementation of departmental administrative policy and procedures. Also advises the Board, GC, and Executive Secretary on ways to maximize existing funding and operations to meet the ALRB's mission. Provides leadership and oversight to the statewide support services, including planning, organizing, and directing the functions of Fiscal Services, Business Services, Contracts, Human Resources, Information Technology, and Policy Development and Management.

### **EXECUTIVE SECRETARY (Board)**

Executive Secretary of the Board is an attorney level position, providing professional consultation on major legal and policy matters

in ULP cases, representation cases, and jurisdictional disputes. The Executive Secretary plans and directs the management of the Board's caseload incident to its statutory functions, which includes administrative and functional responsibility for all case processing activities before the Board. Also responsible for the decision-making authority of Regional Directors in representation cases delegated by the Board.

### **FIELD EXAMINER I/II/III (General Counsel)**

Handles cases involving ULP investigations, representation matters, and compliance-related activities. Independently investigates ULP cases, interviews parties and witnesses, and takes declarations. Also prepares investigative reports, case status reports, and other case-related correspondence. Assists in representation elections and participates in pre-election conferences and post-election challenge ballot investigations. Assists in preparing back pay calculations and make whole specifications on compliance cases. Meets with the public, answers inquiries, makes appropriate referrals, conducts interviews, accepts charges, and docketts ULP's and petitions.

### **HEARING OFFICER I/II**

The Hearing Officer presides over quasi-judicial hearings concerning representation issues, ULP charges, representation matters, and other matters under the jurisdiction of the Act. The Hearing Officer also conducts legal research in preparation of hearing cases and issuing case decisions.

### **INFORMATION TECHNOLOGY SPECIALIST I**

Provides a variety of information technology support to all of ALRB.

### **LEGAL ANALYST**

Assists attorneys in case preparation.

### **LEGAL SECRETARY**

### **SENIOR LEGAL TYPIST (Board)**

Assists the Board Members and Board Counsel in a variety of administrative, legal, and office functions. Types, formats, files, and serves legal pleadings in multiple jurisdictions, including State, Federal, and appellate courts. Performs complex clerical work, and coordinates and schedules court-related services.

### **LEGAL SECRETARY SENIOR LEGAL TYPIST (General Counsel)**

Assists the GC program Regional Directors, attorneys, or Field Examiners in a variety of administrative, legal, and office functions. Types, formats, files, and serves legal documents in a variety of jurisdictions. Performs complex clerical work, and coordinates and schedules court-related services.

### **SENIOR BOARD COUNSEL ATTORNEY III**

The senior board counsel is responsible for the most difficult and complicated legal issues arising in labor relations matters. The senior board counsel exercises broad discretion and independent legal judgment in conducting legal research and analysis.

### **STAFF SERVICES MANAGER I (Admin.)**

Manages the accounting, business services, human resources, and budget functions under the direction of the Career Executive Assignment as the Chief, Division of Administration.