

STATE OF CALIFORNIA

AGRICULTURAL LABOR RELATIONS BOARD

PREMIERE RASPBERRIES, LLC,	)	Case No. 2018-MMC-002
	)	
Employer,	)	ORDER DIRECTING EMPLOYER
	)	PREMIERE RASPBERRIES, LLC TO
and,	)	RESPOND TO REQUEST FOR
	)	BOARD ENFORCEMENT OF
UNITED FARM WORKERS OF	)	MANDATORY MEDIATION AND
AMERICA,	)	CONCILIATION CONTRACT OR
	)	OTHER RELIEF; ORDER
Certified Bargaining	)	DIRECTING SUPPLEMENTAL
Representative.	)	RESPONSE FROM UNITED FARM
	)	WORKERS OF AMERICA
	)	
	)	Admin. Order No. 2020-02
	)	
	)	(January 28, 2020)
	)	

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On January 23, 2020, the United Farm Workers of America (UFW) filed with the Agricultural Labor Relations Board (ALRB or Board) a request the Board commence an action in superior court to enforce a mandatory mediation and conciliation (MMC) contract between it and employer Premiere Raspberries, LLC (Premiere) or “for other relief.” Specifically, the UFW asks the Board to:

(1) “immediately enforce” the MMC contract or “seek court enforcement” of the contract pursuant to Labor Code section 1164.3, subdivision (f)(1);

(2) order the contract “to take effect for three years from the date of implementation,” and further “order Premiere to acknowledge in writing the date on which it will begin implementing” the contract; and

(3) “order the parties to resume mediation with the appointed mediator ... for the limited purpose of establishing updated economic terms” of the contract (see Lab. Code, § 1164.10, subd. (b)).

## BACKGROUND

The UFW was certified as the bargaining representative of Premiere's agricultural employees effective December 6, 2017. (*Premiere Raspberries, LLC* (2018) 44 ALRB No. 9, p. 2.) The Board ordered the UFW and Premiere to MMC in *Premiere Raspberries, LLC* (2018) 44 ALRB No. 3, and on August 27, 2018, issued an order directing that the collective bargaining agreement recommended by the mediator "shall take immediate effect as a final order of the Board." (*Premiere Raspberries, LLC* (2018) 44 ALRB No. 8, p. 6.) On September 5, 2018, the UFW filed an unfair labor practice charge (no. 2018-CE-050-SAL) against Premiere based on its refusal to implement the MMC contract.<sup>1</sup>

Premiere timely sought review of the Board's order in 44 ALRB No. 8 in the Sixth District Court of Appeal, and also requested from the appellate court an order staying the Board's order. On December 17, 2019, the appellate court issued an order summarily denying Premiere's petition for writ of review and request for a stay. Premiere then filed a petition for review in the California Supreme Court, which the Court denied on January 2, 2020. According to the UFW, its counsel contacted Premiere's counsel on January 22 to confirm Premiere would be implementing the MMC contract and requested Premiere meet with the UFW. Premiere's counsel left a voicemail message for the UFW's counsel on January 23 proposing meeting dates. The UFW then filed this request.

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<sup>1</sup> This charge remains pending with the General Counsel.

**ORDER**

Premiere is hereby ORDERED to file a response to the UFW's request, which must be received by the Board no later than close of business Friday, January 31, 2020. Premiere's response shall address the following:

(1) Each of the forms of relief requested by the UFW and set forth above; and

(2) The date on which Premiere implemented the contract ordered into effect by the Board in 44 ALRB No. 8, or the date on which it will implement the contract, accompanied by a declaration from an individual with personal knowledge of the facts set forth pertaining Premiere's implementation of the contract and its terms.

In addition, the UFW is directed to file with the Board a supplemental statement setting forth its position on the status of Premiere's implementation of the contract. The UFW's statement shall include a declaration from an individual with personal knowledge of the facts set forth, and also must be received by the Board no later than close of business Friday, January 31, 2020.

DATED: January 28, 2020

Isadore Hall, III, Member

Barry D. Broad, Member

Ralph E. Lightstone, Member