

STATE OF CALIFORNIA

AGRICULTURAL LABOR RELATIONS BOARD

|                        |   |                              |
|------------------------|---|------------------------------|
| PREMIERE RASPBERRIES,  | ) | Case No. 2018-CE-004-SAL     |
| LLC,                   | ) | (44 ALRB No. 9)              |
|                        | ) | (Admin. Order No. 2020-05-P) |
| Respondent,            | ) |                              |
|                        | ) | ORDER DIRECTING PARTIES      |
| and                    | ) | TO SUBMIT PURPORTED          |
|                        | ) | SETTLEMENT AGREEMENT         |
| UNITED FARM WORKERS OF | ) | TO THE REGIONAL              |
| AMERICA,               | ) | DIRECTOR FOR APPROVAL        |
|                        | ) |                              |
| Charging Party.        | ) | Admin. Order No. 2020-06     |
|                        | ) |                              |
|                        | ) | (March 24, 2020)             |
|                        | ) |                              |

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This case is pending compliance following the order of the Agricultural Labor Relations Board (ALRB or Board) in *Premiere Raspberries, LLC* (2018) 44 ALRB No. 9. On March 6, 2020, the Board issued an order extending the bargaining makewhole period ordered in 44 ALRB No. 9 until such time as respondent Premiere Raspberries, LLC (Premiere) implements the economic terms of a mandatory mediation and conciliation (MMC) contract previously ordered into effect in *Premiere Raspberries, LLC* (2018) 44 ALRB No. 8. (*Premiere Raspberries, LLC* (Mar. 6, 2020) ALRB Admin. Order No. 2020-05-P.)

On March 13, 2020, Premiere filed a motion for reconsideration of ALRB Administrative Order No. 2020-05-P on grounds of an intervening change in evidence and of the circumstances of the parties. (See *South Lakes Dairy Farm* (2013) 39 ALRB No. 2, p. 2.) Specifically, Premiere asserts it and charging party United Farm Workers

of America (UFW) entered into a “global” settlement agreement on March 5 covering “Premiere’s failure to bargain, and failure to implement the [MMC] contract.” Premiere further asserts the settlement covers the entire time period during which Premiere failed to implement the MMC contract, and the Board must “evaluate the implications of [the parties] reaching an agreement on their contractual disputes and the appropriateness of intervention by the Board.”

Board regulation<sup>1</sup> 20298 generally requires Board approval of settlement agreements providing or adjusting remedies in an unfair labor practice proceeding. It is unclear whether the Regional Director is aware of the purported settlement between Premiere and the UFW or its terms. (Board reg. 20298, subs. (b)(1), (f)(1)(A).) It also is unclear to what extent the settlement purports to adjust or modify the monetary relief ordered by the Board and due the employees to compensate them for wages lost as a result of Premiere’s unlawful conduct. (See *Premiere Raspberries, LLC, supra*, 44 ALRB No. 9; *Premiere Raspberries, LLC, supra*, ALRB Admin. Order No. 2020-05-P.)

### **ORDER**

In light of the foregoing, the Board hereby ORDERS Premiere and the UFW to submit to the Regional Director of the ALRB’s Salinas Office a copy of their purported settlement agreement by no later than 12:00 noon on Wednesday, March 25, 2020. Pursuant to Board regulation 20298, subdivision (f)(1)(A), if the Regional Director approves the settlement, she shall submit the agreement to the Board with a

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<sup>1</sup> The Board’s regulations are codified at California Code of Regulations, tit. 8, § 20298.

statement in support of it. (See *P & M Vanderpoel Dairy* (July 20, 2017) ALRB Admin. Order No. 2017-07, pp. 1-2.) Alternatively, if the Regional Director does not support the agreement, she shall file a statement to that effect with the Board. In either event, the Regional Director's statement to the Board must be received by the Board no later than close of business, Friday, March 27, 2020.

If the Regional Director does not approve the settlement agreement, the region shall continue processing this compliance proceeding consistent with the Board's orders in 44 ALRB No. 9 and ALRB Administrative Order No. 2020-05-P.

DATED: March 24, 2020

Isadore Hall, III, Member

Barry D. Broad, Member

Ralph Lightstone, Member