

STATE OF CALIFORNIA

AGRICULTURAL LABOR RELATIONS BOARD

PREMIERE RASPBERRIES,	)	Case No.	2018-MMC-002
LLC,	)		(44 ALRB No. 8)
	)		(Admin. Order No. 2020-04)
Employer,	)		
	)	ORDER DENYING UNITED FARM	
and	)	WORKERS OF AMERICA'S MOTION	
	)	FOR RECONSIDERATION	
UNITED FARM WORKERS OF	)		
AMERICA,	)		
	)	Admin. Order No. 2020-11	
Certified Bargaining	)		
Representative.	)	(May 12, 2020)	
_____	)		

On March 6, 2020, the Agricultural Labor Relations Board (ALRB or Board) issued *Premiere Raspberries, LLC* (Mar. 6, 2020) ALRB Admin. Order No. 2020-04. The United Farm Workers of America (UFW) filed a motion for reconsideration on March 27, seeking reconsideration of the Board's order on two grounds. First, the UFW contends its request the Board commence a superior court action to enforce the mandatory mediation and conciliation (MMC) contract is not time-barred under Labor Code section 1164.3, subdivision (f). (See *Premiere Raspberries, LLC, supra*, ALRB Admin. Order No. 2020-04, pp. 7-9.) Second, the UFW asserts its request for referral to supplemental MMC proceedings is not time-barred under Labor Code section 1164.10, subdivision (b). (See *id.* at p. 11.)

We issued an order on April 3 allowing *Premiere Raspberries, LLC* (*Premiere*) an opportunity to respond to the UFW's motion. (*Premiere Raspberries,*

LLC (Apr. 3, 2020) ALRB Admin. Order No. 2020-08.) Premiere did not file any response.<sup>1</sup> We now DENY the UFW's motion.

A party moving for reconsideration must “show *extraordinary circumstances*, i.e., an intervening change in the law or evidence previously unavailable or newly discovered.” (*South Lakes Dairy Farm* (2013) 39 ALRB No. 2, p. 2, emphasis in original; see also *Mario Saikhon, Inc.* (1991) 17 ALRB No. 6, p. 5 [denying motion for reconsideration that “merely raised arguments previously addressed by the Board”].) Evidence is considered “newly discovered” when it was in existence previously but the party was “excusably ignorant” of it. (*Gerawan Farming, Inc.* (June 9, 2017) ALRB Admin. Order No. 2017-06, pp. 3-4.) A motion for reconsideration is not an opportunity for parties to have the Board consider new or additional arguments not raised in their prior filings. (*Gerawan Farming, Inc.* (Oct. 11, 2018) ALRB Admin. Order No. 2018-13, p. 2, citing *South Lakes Dairy Farm, supra*, 39 ALRB No. 2, p. 9.)

The UFW has not shown any intervening change in law since the Board issued the underlying order on March 6, nor has the UFW offered any newly discovered or previously unavailable facts warranting reconsideration of our prior order.

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<sup>1</sup> We note the parties reached a tentative settlement agreement encompassing this matter, which the region submitted to the Board on April 10 with a “statement of non-opposition.” (See Board reg. 20298, subs. (b)(1), (f)(1)(A) [Cal. Code Regs., tit. 8, § 20298, subs. (b)(1), (f)(1)(A)].)

**ORDER**

For the foregoing reasons, the UFW's motion for reconsideration of our Administrative Order No. 2020-04 is DENIED.

DATED: May 12, 2020

Isadore Hall, III, Member

Barry D. Broad, Member

Ralph Lightstone, Member