

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 DENYING CHARGING
and	)	PARTY'S MOTION FOR
	)	RECONSIDERATION
UNITED FARM WORKERS OF	)	
AMERICA,	)	
	)	Admin. Order No. 2020-12
Charging Party.	)	
	)	(May 12, 2020)
	)	

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On March 6, 2020, the Agricultural Labor Relations Board (ALRB or Board) issued *Premiere Raspberries, LLC* (Mar. 6, 2020) ALRB Admin. Order No. 2020-05-P. Charging party United Farm Workers of America (UFW) filed a motion for reconsideration on March 27. Although conceding the mandatory mediation and conciliation (MMC) contract between the UFW and respondent Premiere Raspberries, LLC (Premiere) may provide the appropriate measure for determining the amount of bargaining makewhole relief due the employees during the time the unimplemented MMC contract was in effect, the UFW nonetheless seeks reconsideration and urges the Board to provide that, in some cases, an unimplemented MMC contract may not provide the full measure of economic relief due.

We issued an order on April 3 allowing Premiere an opportunity to respond to the UFW's motion. (*Premiere Raspberries, LLC* (Apr. 3, 2020) ALRB Admin. Order

No. 2020-09.) 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, subds. (b)(1), (f)(1)(A) [Cal. Code Regs., tit. 8, § 20298, subds. (b)(1), (f)(1)(A)].)

**ORDER**

For the foregoing reasons, the UFW's motion for reconsideration of our Administrative Order No. 2020-05-P is DENIED.

DATED: May 12, 2020

Isadore Hall, III, Member

Barry D. Broad, Member

Ralph Lightstone, Member