



which include both monetary and non-monetary remedies. No petition for review of the Board's decision was filed, and the matter was released for compliance on March 27, 2023.

On September 9, 2023, the Regional Director filed with the Board a request to seek court enforcement of the Board's order pursuant to Labor Code 1160.8.<sup>1</sup> The Regional Director states that Zabala has failed to comply with any of the terms of the Board's order. The request outlines the regional staff's efforts to obtain voluntary compliance with the Board's order between April 28, 2023, and the present. Documentary evidence supporting the allegations of noncompliance is attached to the Regional Director's request.<sup>2</sup>

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<sup>1</sup> Section 1160.8 states, in pertinent part, that "if time for review of the board order has passed, and the [Respondent] has not voluntarily complied with the board's order, the board may apply to the superior court in any county in which the unfair labor practice occurred or wherein [Respondent] resides or transacts business for enforcement of its order."

<sup>2</sup> The Regional Director's request did not indicate whether a backpay specification for the charging party's lost wages is in progress. We encourage the Regional Director, if it is able, to proceed with the calculation of the specification with the information available to it, despite Zabala's failure to respond to inquiries. We note the National Labor Relations Board's Case Handling Manual, Part 3, Section 10648.4, states:

In cases where the respondent has not cooperated by providing records needed to determine or calculate backpay, allegations should be based on other sources of information or fair approximations. Any doubts should be resolved against the respondent. The respondent's noncooperation should be pled and the General Counsel should ask the Board for an order precluding the respondent from introducing previously demanded records in order to contest gross backpay. ... The respondent's failure to cooperate also provides a basis for concluding that the Region has satisfied its burden of establishing that the gross backpay calculations are reasonable and not arbitrary.

PLEASE TAKE NOTICE that based on the foregoing information, the Board hereby ORDERS that respondent Zabala Farms of Salinas, LLC show cause, if any exists, why the Board should not grant the Regional Director's request to seek enforcement of our order in 49 ALRB No. 1 pursuant to Labor Code section 1160.8. The response, if any, must be received by close of business on Thursday, November 9, 2023.

DATED: November 3, 2023

Victoria Hassid, Chair

Isadore Hall, III, Member

Barry D. Broad, Member

Ralph Lightstone, Member

Cinthia N. Flores, Member