

STATE OF CALIFORNIA

AGRICULTURAL LABOR RELATIONS BOARD

UNITED FARM WORKERS OF AMERICA,	)	Case No. 2024-RM-002
	)	
	)	
Petitioner Labor Organization,	)	
	)	
and,	)	ORDER DENYING EMPLOYER
	)	WONDERFUL NURSERIES, LLC'S
WONDERFUL NURSERIES, LLC,	)	MOTION FOR RECONSIDERATION
	)	
Employer.	)	Administrative Order No. 2024-07
	)	(March 27, 2024)
_____	)	

Following a determination of majority support for petitioner labor organization United Farm Workers of America (UFW) and the issuance of a certification by the executive secretary of the Agricultural Labor Relations Board (ALRB or Board), employer Wonderful Nurseries, LLC (Wonderful) timely filed objections to the certification pursuant to subdivision (f)(1) of Labor Code section 1156.37. In *Wonderful Nurseries, LLC* (Mar. 18, 2024) ALRB Administrative Order No. 2024-04, we set for hearing Wonderful's objection nos. 1, 2, 3, 7, 8, and 13, and dismissed the remaining objections.<sup>1</sup>

On March 25, 2024, Wonderful filed a motion pursuant to Board regulation

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<sup>1</sup> The procedural history of this matter is more fully set forth in Administrative Order No. 2024-04.

20393, subdivision (c),<sup>2</sup> that the Board reconsider “rulings on presumptions of validity of certification and authorization cards” stated within our prior Administrative Order No. 2024-04. Wonderful’s reconsideration motion is DENIED.

Board regulation 20393, subdivision (c) states, in relevant part, that “[a] party to a representation proceeding may, because of extraordinary circumstances, move for reconsideration or reopening of the record, after the Board issues a decision or order in the case.” Accordingly, our precedent requires “[a] party moving for reconsideration or reopening of the record must ‘show *extraordinary circumstances*, i.e., an intervening change in the law or evidence previously unavailable or newly discovered.’” (*Gerawan Farming, Inc.* (Oct. 11, 2018) ALRB Admin. Order No. 2018-13, quoting *South Lakes Dairy Farm* (2013) 39 ALRB No. 2, p. 2, emphasis in original; see *Wonderful Nurseries, LLC* (Mar. 22, 2024) ALRB Admin. Order No. 2024-05, p. 2.) Wonderful does neither.

Rather than seeking reconsideration of any objection dismissed by the Board, Wonderful challenges two statements of law in the Board’s prior order. First, Wonderful disagrees with the Board’s interpretation of section 1156.37 as reflecting the Legislature’s intent to establish a presumption in favor of a majority support certification. (*Wonderful Nurseries, LLC, supra*, ALRB Admin. Order No. 2024-04, pp. 7, 10.) Second, Wonderful disputes the Board’s finding that signatures on authorization cards are presumed valid unless their legitimacy is called into question by the presentation of

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<sup>2</sup> The Board’s regulations are codified at California Code of Regulations, title 8, section 20100 et seq.

objective evidence. (*Id.* at p. 17.)<sup>3</sup> Disagreement with the Board’s legal findings or reasoning is not a basis for reconsideration.

**ORDER**

For the foregoing reasons, employer Wonderful Nurseries, LLC’s motion for reconsideration of Administrative Order No. 2024-04 is DENIED.

IT IS SO ORDERED.

DATED: March 27, 2024

Victoria Hassid, Chair

Isadore Hall, III, Member

Barry Broad, Member

Ralph Lightstone, Member

Cinthia N. Flores, Member

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<sup>3</sup> This second point relates to Wonderful’s objection no. 7, asserting the regional director was required to compare signatures on authorization cards to signature exemplars Wonderful provided during the region’s investigation of the UFW’s majority support petition. We set that objection for hearing. Thus, Wonderful will have an opportunity to pursue its argument the regional director improperly failed to verify the legitimacy of card signatures against the exemplars Wonderful provided.