

STATE OF CALIFORNIA

AGRICULTURAL LABOR RELATIONS BOARD

UNITED FARM WORKERS OF AMERICA,	)	Case No. 2024-RM-002
)	
	)	ORDER DISMISSING, <i>WITHOUT</i>
Petitioner Labor Organization,	)	<i>PREJUDICE</i> , EMPLOYER
	)	WONDERFUL NURSERIES, LLC'S
	)	REQUEST FOR REVIEW OF RECORD
and,	)	OF REGIONAL DIRECTOR'S
	)	DETERMINATION OF PROOF OF
WONDERFUL NURSERIES, LLC,	)	MAJORITY STATUS
)	
Employer.	)	Administrative Order No. 2024-15
	)	(May 10, 2024)
)	

On February 23, 2024,¹ petitioner labor organization United Farm Workers of America (UFW) filed a majority support petition pursuant to section 1156.37 of the Agricultural Labor Relations Act (ALRA or Act).² Following a determination of majority support 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 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.

¹ All dates are in 2024 unless otherwise indicated.

² The ALRA is codified at Labor Code section 1140 et seq. Subsequent statutory citations are to the Labor Code unless otherwise indicated.

The matter was assigned to an independent hearing examiner (IHE) and set for hearing on March 25. The IHE issued an order on March 27 staying the hearing on all objections for 30 days to allow the general counsel additional time to conduct its investigation of unfair labor practice charges involving Wonderful and the UFW. Wonderful appealed, and on April 12 the Board issued an order reversing the IHE's stay order and directing the objections hearing recommence without delay, among other things. (*Wonderful Nurseries, LLC* (Apr. 12, 2024) ALRB Admin. Order No. 2024-08; see *Wonderful Nurseries, LLC* (Apr. 18, 2024) ALRB Admin. Order No. 2024-10, p. 2.)

On April 18, Wonderful filed a request to review the “record of regional director’s determination of proof of majority status,” by which Wonderful expressly seeks production of the authorization cards reviewed by the regional director. Despite this matter being assigned to an IHE, Wonderful asserts its motion is directed to the Board itself because it involves an exercise of authority delegated by the Board to the regional director. On May 3, Wonderful submitted a letter to the executive secretary inquiring as to the status of the Board’s disposition of this motion.

Wonderful’s motion is not properly directed to the Board. The matter is assigned to an IHE, and the IHE is appointed by the executive secretary to conduct an investigative hearing on the objections set for hearing. (Board reg. 20370, subd. (a).)³ The IHE’s powers include the authority to rule on motions by the parties. (Board regs. 20262, subd. (g), 20370, subd. (b).) Neither Wonderful nor any other party is permitted to

³ The Board’s regulations are codified at California Code of Regulations, title 8, section 20100 et seq.

bypass the IHE in the first instance in this fashion. Following disposition by the IHE, any party may seek Board review of such ruling in accordance with Board regulation 20242, subdivision (b). (See Board reg. 20370, subd. (s).)

ORDER

For the foregoing reasons, the Agricultural Labor Relations Board
DISMISSES, *WITHOUT PREJUDICE*, employer Wonderful Nurseries, LLC's request to
review the record of the regional director's determination of proof of majority status for
the UFW.

IT IS SO ORDERED.

DATED: May 10, 2024

Victoria Hassid, Chair

Isadore Hall, III, Member

Barry Broad, Member

Ralph Lightstone, Member

Cinthia N. Flores, Member