

STATE OF CALIFORNIA

AGRICULTURAL LABOR RELATIONS BOARD

CINAGRO FARMS, INC.,)	Case No. 2017-CE-008-SAL
)	(48 ALRB No. 2)
Respondent,)	
)	
and)	ORDER APPROVING
)	FORMAL BILATERAL
MARISOL JIMENEZ,)	SETTLEMENT AGREEMENT
)	
Charging Party.)	Admin. Order No. 2025-11
)	
)	(August 25, 2025)

On August 14, 2025, the Regional Director for the Salinas Region of the Agricultural Labor Relations Board (ALRB or Board) filed with the Board a proposed formal bilateral settlement agreement (Agreement) reached between the parties in this matter and a statement in support of the Agreement requesting that the Board approve the Agreement.

Background

In *Cinagro Farms, Inc.* (2022) 48 ALRB No. 2, the Board concluded the charging party and other workers were unlawfully fired after lodging complaints about the lack of proper paystubs with their paychecks which were prepared on the basis that Cinagro Farms, Inc. (Cinagro) was classifying them as independent contractors. The Board concluded it had authority to assess civil penalties under Labor Code section 226.8, and that the record demonstrated “willful misclassification” of the crew by Cinagro within the meaning of section 226.8, subdivision (a). In addition to cease and

desist, reinstatement, back pay and noticing remedies, the Board ordered Cinagro pay a civil penalty to the Labor and Workforce Development Agency (LWDA).

Cinagro filed a petition for writ of review of the Board's decision pursuant to Labor Code section 1160.8, and the appellate court summarily denied the petition on July 30, 2024. After the matter was released for compliance, on February 14, 2025, the Regional Director filed a request for hearing and backpay specification seeking a total of \$234,532. On August 7, 2025, the Regional Director issued a revised backpay specification for \$232,074.

The Settlement Agreement

Pursuant to a formal bilateral settlement agreement executed on August 14, 2025, the Respondent agrees to pay a total of \$224,674 in backpay and \$35,000 in civil penalties. Respondent will pay the backpay and civil penalties according to the following payment plan: an initial payment of \$100,000 within 30 days of the approval of the agreement; four subsequent monthly payments of \$31,168.50 to satisfy back pay owed to the workers; and finally two additional monthly payments of \$17,500 to satisfy civil penalties.

The Board encourages voluntary settlement of labor disputes but will only approve proposed settlements that are consistent with and further the policies of the Agricultural Labor Relations Act (ALRA or Act). (*Hess Collection Winery* (2009) 35 ALRB No. 3, p. 9 [“the Board’s jurisdiction over settlement agreements requires it to enforce public interests, not private rights, and to reject settlement agreements that are repugnant to the Act”]; *Premiere Raspberries, LLC* (May 19, 2020) ALRB Admin. Order

No. 2020-13-P, pp. 2-3.) In deciding whether a settlement effectuates the purposes and policies of the Act, the Board considers “such factors as the risks involved in protracted litigation which may be lost in whole or in part, the early restoration of industrial harmony by making concessions, and the conservation of the Board’s resources.”

(Independent Stave Co., Inc. (1987) 287 NLRB 740, 741; Premiere Raspberries, LLC, supra, ALRB Admin. Order No. 2020-13-P, p. 3.)

The Board additionally considers “whether the parties to the dispute and the employees affected by the dispute have agreed to the settlement, whether the settlement was the product of a grievance-arbitration mechanism, and whether the agreement was entered into voluntarily by the parties, without fraud or coercion.” (*Ibid.*) One additional factor stressed by the Board is that a settlement agreement should be given effect “only where the unfair labor practices are ‘substantially remedied’ by the agreement.”

(Independent Stave Co., Inc., supra, 287 NLRB 740, 741-742, citing Robinson Freight Lines (1957) 117 NLRB 1483, 1485; Premiere Raspberries, LLC, supra, ALRB Admin. Order No. 2020-13-P, p. 3.)

The Board has considered the record in this case, the Agreement, and the Regional Director’s statement in support of the Agreement and concludes that, under the *Independent Stave* test, the Agreement effectuates the purposes of the ALRA.

ORDER

PLEASE TAKE NOTICE that the Board hereby approves the formal bilateral settlement agreement submitted by the Regional Director.

DATED: August 25, 2025

CINTHIA N. FLORES, Acting Chair

ISADORE HALL III, Member

BARRY D. BROAD, Member

RALPH LIGHTSTONE, Member