

STATE OF CALIFORNIA

AGRICULTURAL LABOR RELATIONS BOARD

OLIVE HILL GREENHOUSES,)	Case No. 2024-MMC-002
INC.,)	
)	
Employer,)	
)	
and)	
)	
UNITED FARM WORKERS)	ORDER REMANDING
OF AMERICA,)	MEDIATOR’S REPORT;
)	ORDER DISMISSING
)	PETITIONS FOR REVIEW
)	WITHOUT PREJUDICE
Petitioner.)	
)	Admin. Order No.: 2026-06
)	(June 1, 2026)

On November 22, 2024, the Agricultural Labor Relations Board (“ALRB” or “Board”) issued an order directing Olive Hill Greenhouses, Inc. (“Olive Hill”) and the United Farm Workers of America (“UFW”) to Mandatory Mediation and Conciliation (“MMC”) pursuant to Labor Code section 1164 et seq. (*Olive Hill Greenhouses* (Nov. 22, 2024) Admin. Order 2024-08.) The parties selected as their mediator Matthew Goldberg (the “Mediator”).

On-the-record proceedings were held on October 8 and 9, 2025. On March 25, 2026, the Mediator filed a report (“Report”) with the Board pursuant to Labor Code section 1164, subdivision (d). Olive Hill and the UFW both filed petitions for review of the Report pursuant to Labor Code section 1164.3, subdivision (a).

The Board concluded the Report filed by the Mediator did not satisfy the requirements of a mediator's report set forth in Labor Code section 1164, subdivision (d) because the Report failed to include a statement of the entire economic value of the collective bargaining agreement. On April 24, 2026, the Board issued an order instructing the Mediator to issue a supplemental report that includes such a statement. The Board dismissed the parties' petitions for review without prejudice as premature and did not consider the merits of the petitions. (*Olive Hill Greenhouses* (Apr. 24, 2026) Admin. Order 2026-04.)

On May 14, 2026, the Mediator issued Mediator's Supplemental Report with an attachment purporting to be "the parties' stipulation on the entire economic value of the Collective Bargaining Agreement."¹ However, the attachment is not a stipulation, rather it is a joint document setting forth in detail the parties' respective positions on the entire economic value of the collective bargaining agreement. That amount remains in dispute.

It is also apparent that a dispute remains with respect to the wage rate for the job classification "Greenhouse Lead – Non-Sprayer." Appendix A of the Mediator's Report sets 2026 wages for fifteen job classifications. "Greenhouse Lead – Non-Sprayer" is not among them. However, this classification does appear in the parties' February 3, 2026 post-hearing stipulation which lists one employee with this job title. It is not clear why this position is not included in Appendix A of the Mediator's Report. Labor Code section 1164, subdivision (d)

¹ The Mediator's Supplemental Report also corrected a typographical error in the original Report regarding the term of the collective bargaining agreement. The corrected dates indicate the collective bargaining agreement will be in effect from March 15, 2026 through March 14, 2029.

requires that a mediator’s report “resolve all of the issues between the parties.” Where a report fails to do so — whether by leaving issues expressly unresolved or by incorporating unresolved competing positions without a ruling — the Board has remanded the matter for further proceedings. (*Arnaudo Brothers, LP and Arnaudo Brothers, Inc.* (2014) 40 ALRB No. 9, p 3-4.)

On May 21, 2026, the parties filed petitions for review of the Mediator’s initial Report and Mediator’s Supplemental Report. Because the Board finds the Supplemental Report fails to satisfy the requirements of Labor Code section 1164, subdivision (d), the Board remands this matter once again to the Mediator for further proceedings consistent with this Order. The parties’ petitions, are again dismissed without prejudice to seeking review of the Mediator’s Report and Mediator’s Supplemental Report issued and filed in compliance with Labor Code section 1164, subdivision (d).²

² Labor Code section 1164, subdivision (d) requires:

“Within 21 days, the mediator shall file a report with the board **that resolves all of the issues between the parties** and establishes the final terms of a collective bargaining agreement, including all issues subject to mediation and all issues resolved by the parties prior to the certification of the exhaustion of the mediation process. **The report shall also include a statement of the entire economic value of the collective bargaining agreement as determined by stipulation of the parties or by the mediator.** With respect to any issues in dispute between the parties, the report shall include the basis for the mediator’s determination. The mediator’s determination shall be supported by the record.” (Emphasis added.)

The purpose of the valuation required by Labor Code section 1164, subdivision (d) is to set the amount of the appellate bond required by Labor Code section 1164.5, subdivision (d) to ensure that employees or the labor organization receive the economic benefits of

We instruct the mediator to issue a Second Supplemental Report that includes a statement of the entire economic value of the collective bargaining agreement.³ The Mediator is also instructed to resolve the disputed wage rate for the classification “Greenhouse Lead – Non-Sprayer.”

ORDER

The Supplemental Report filed by the Mediator in this matter does not satisfy the requirements of a mediator’s report set forth in Labor Code section 1164, subdivision (d). Therefore, the petitions for review filed by Olive Hill and the UFW are premature and are, for that reason, DISMISSED WITHOUT PREJUDICE. The Board remands this matter to the Mediator for further proceedings consistent with this Order. The Mediator shall, within 21 days of the date of this order, file with the Board and serve on the parties a Second Supplemental Report pursuant to Labor Code 1164, subdivision (d). This time limit shall be extended only upon written leave of the Board’s Executive Secretary, who is to grant such extensions only for good cause shown and only to the extent reasonably necessary.

the contract if the employer does not prevail in its petition for review of the Board’s order on the mediator’s report.

³ The Mediator’s determination of the entire economic value of the contract must comply with the requirement that the report state the basis of the determination and be supported by the record. (Lab. Code, § 1164, subd (d).) The Mediator may, of course, require the parties to supply the information necessary to make the determination including the calculations underlying the parties’ proposals.

DATED: June 1, 2026

Victoria Hassid, Chair

Barry Broad, Member

Ralph Lightstone, Member

Isadore Hall, III, Member