



**STATE OF CALIFORNIA
AGRICULTURAL LABOR RELATIONS BOARD
PUBLIC MEETING MINUTES
Wednesday, March 19, 2024, at 10:00 A.M**

**ALRB Hearing and Conference Room
1325 J Street, Suite 1900, Sacramento, CA 95814**

Board Members: Chair: Victoria Hassid, Barry Broad, Ralph Lightstone, and Cinthia Flores

Executive Secretary: Santiago Avila-Gomez

Board Counsels: Chief Board Counsel: Laura Heyck and Scott Inciardi

Open Session

1. Call to Order

- Chair Hassid called the meeting to order at 10:02 A.M.
- Board Members Present: Chair Hassid, Board Member Broad, Board Member Flores and Board Member Lightstone.

2. Approval of Minutes from Public Board Meeting, March 5, 2025.

- Board Member Broad moved to approve the minutes from the Public Board Meeting from March 5, 2025.
- Board Member Flores seconded the motion.
- Motion approved unanimously.

3. Board Chair's Report

- Chair Hassid provided updates on her confirmation hearing. She submitted responses to Senate Rules Committee questions and expected her hearing to take place in next several months
- Will represent the agency at the California Tribal Summit on Monday.
- The summit is aimed at improving relations and public service to tribal communities.
- This will be her first time attending the summit in person.

4. Executive Officer's Report on Elections, Unfair Labor Practice Complaints, and Hearings – Presented by Santiago Avila-Gomez
5. Executive-Secretary flagged the Board had a matter to consider adding to agenda pursuant to Gov. Code § 11125.3, subd.(a)(2)
 - The Board received a request to add an item to the Closed Session Agenda after the original agenda was issued. The item involves subpoena enforcement requested by the general counsel related to Kind Farms Corp, et al, 2023-CE-001-SAL.
 - A motion was made to approve deliberation on this request in closed session. An amended notice was posted last week.
 - Chair Hassid moved to approve, and Member Lightstone seconded the motion. The motion to add the item to the closed session agenda was unanimously approved.
 - Santiago provided an update on pending cases before the board.
 - Tauzer Apiaries, Inc. Matter: A complaint was issued by the general counsel on March 6.
 - The Wine Group, Inc: A motion to take this hearing off the calendar was filed on March 7.
 - D'Arrigo Bros. Co. of California and Fanciful Company, Inc. 2023-CE-043-SAL.: A motion to take this case off the calendar was filed on March 13.
 - Pending Matters:
 - Subpoena Request for Kind Farms: As previously discussed, a subpoena enforcement request for Kind Farms Corp. et al. 2023-CE-001-SAL is pending.
 - Zabala Farms: This case involves an ALJ decision issued on default. Exceptions, if any, are pending.
 - Wonderful Nurseries: A request for a special appeal was filed shortly after the 5 PM deadline yesterday and will be circulated to the Board. The effective date of the request is today.
6. Litigation Report – Presented by Laura Heyck
 - Chief Board Counsel Laura Heyck provided an update on the following:
 - F088515/ F088520 (consolidated) Wonderful Nurseries, LLC v. ALRB
 - Opening briefs on appeal were filed by the Board and UFW on February 7, 2025. Wonderful's answering brief was due by March 10, 2025. The court website shows they haven't filed yet, so they appear to be under the 15-day grace period allowed by court rules. The 15-day period ends

March 25. The ALRB and UFW reply briefs are due 20 days after the answering brief is filed.

- Wonderful Nurseries LLC v. Agricultural Labor Relations Board et al, Case No. 1:24-CV-01601-KES-CDB
 - On March 14 our team at DOJ reported that the court has taken the individual employees' motion to intervene off the hearing calendar and will decide it on the papers.
 - Wonderful has withdrawn their PI motion in light of the UFW's withdrawal of its request for MMC.
 - As previously reported, the Board's response to the complaint is due April 1, 2025
- Chavez, et al. v. Agricultural Labor Relations Board et al., Case No. BCV-25-100649
 - The Board was served with the complaint on March 6.
 - The Board's answer is due April 7.

7. General Counsel's Report – Presented by Julia Montgomery

- Settlements:
 - The Wine Group, Inc.; 2023-CE-009-SAL, 2023-CE-016-VIS, 2023-CE-024-VIS: Two vineyard workers in Fresno County filed Unfair Labor Practice (ULP) charges in 2023, alleging retaliation for complaints about mistreatment and lack of soap. The ALRB filed a complaint in December 2024. A settlement was reached on February 27, 2025, with The Wine Group agreeing to pay \$35,817, offer reinstatement, and provide training.
 - D'Arrigo Bros. Co. of California & Fanciful Co., Inc.; 2023-CE-043-SAL: A cauliflower harvester in Monterey County filed a ULP in November 2023, alleging retaliation after complaints about machine speed, lack of cooling breaks, and wage issues. The ALRB filed a complaint in December 2024. A settlement was reached on March 13, 2025, with the companies agreeing to pay \$17,000, offer reinstatement, and provide standard remedies.
- Outreach Activities:
 - March 6, 2025: Training for out-of-school youth by Migrant Education (Riverside County).
 - March 6, 2025: Materials distributed at the Know Your Rights Immigration

Forum (Monterey County).

- March 8, 2025: Materials distributed at "Burritos con Derechos" event (Fresno County).
- March 9, 2025: Worker training at CBDIO meeting (Tulare County).
- March 12, 2025: Television interview for KUNA Telemundo discussing workers' rights (Riverside County).
- March 14, 2024: Materials distributed to workers in Imperial County (collaboration with EDD and CRLA).
- March 15, 2025: Materials distributed at the Super Hero Resource Fair (Kern County).
- March 19, 2025: Tabled and presented at Immigration Know Your Rights workshop (Riverside County).

8. Division of Administrative Services Report

- No report provided.

9. Legislative Report

- AB552 by Assembly Member Ortega, Chair of the Assembly Labor and Employment Committee.
- The bill was amended last week to address sections in the ALRA regarding the Board's headquarters location.
- The Board has reached out to the author's office, as they believe this bill may serve as a vehicle for other potential changes.
- The Board is monitoring the situation and will keep everyone informed, though there are no specific proposals or ideas currently known.

10. Regulations Report

- No report provided.

11. Panel: Farmworker Wage Collection Issues - Panelists: Tia Koonse and Justin McBride, UCLA and Matthew Sirolly, DIR

- Please refer Appendix A.

12. Public Comment

- None

Closed Session

- The Board went into closed session at 11.39 AM and returned at 12.21 PM.

13. Announcements

- The next board meeting is scheduled for March 26, 2025 at 10:00 AM at 1325 J Street, Suite 1900, Sacramento, CA 95814.

14. Adjournment

- Meeting adjourned at 12.22 PM.

Create a Culture of Compliance: Creditors' Remedies Are Workers' Rights

March 19, 2025

Tia Koonse, UCLA Labor Center
Justin McBride, UCLA Labor Studies
Matthew Sirolly, Labor Commissioner's Office

Collections vs. Judgment Enforcement

What's the difference? Why does it matter?

Collections

- Workers are always creditors, whether they have a judgment or not.
- You are always trying to collect (and obtain compliance), long before you have a judgment.
- Most “collections” work— bill collection—is focused on *threats* of legal action and low-effort, maximum return across a large volume of debts.
- Threats to take people to court. After you get a judgment you have already gone to court. That threat is meaningless.

Judgment Enforcement

- (Money) judgment enforcement means using legal tools to seize assets and income.
- Threats are generally useless by this time—you've already executed the main threat by taking legal action.
- Where judgment enforcement is done to enforce the law, broader policy or individual's rights, you may need to put in more resources to collect than you ever expect to get back from the defendant.
- Judgment enforcement may not be about money at all.

Creditors' Rights as a Strategy to Get Compliance

- Think like a creditors' rights attorney (or lender).
- Don't wait until judgment. Judgments are **not** particularly useful for collecting money or obtaining compliance.
- Discuss settlement early and often. Build your case around real-world leverage (think strategically about defendants, assets, and money flows in businesses).
- Use liens (and be aware of levies and their limitations).
- A lot of the best remedies apply pre-judgment—e.g., many types of liens, extended liability, UCC bulk sale claims, and bankruptcy claims.

Key Terms

- **Liens**—A hold on property. You don't always need a judgment. **And liens are *much* better than judgments—just ask a bank!**
- **Mechanic's liens**—prejudgment claim on property for construction workers.
- **Crop liens**—prejudgment claim on harvested crops (CAL. CIV. CODE §§ 3061.5 – 3061.6). CA, unlike most states, has a very limited and weak crop lien for farmworkers.
- **Claim**—Merely a *claim* you're owed money. In creditor's rights contexts, a judgment is *almost never* required to assert rights.
- **Levy**—Seizure of money or property to pay a judgment. This is the only truly post-judgment remedy.

Think Like a Creditor

- **Name all responsible parties:** Individuals, joint employers/up-chain, shareholders, officers, successors, sureties.
- **Locate any source of money you can, as soon as you can and know how you will get to it:** Real estate, income sources (and where it goes), bonds.
- **Think about securing assets:** Liens, receivership, attachment
- **Find leverage:** Revoke licenses, permits, debar.
- **Levy creatively:** accounts receivable, till taps, keepers, etc.
- **Always think about bankruptcy:** Get secured (get a lien).

Settlement

- **How do cases end?** Like wars, almost always with a negotiated settlement. That is true pre- and post-judgment.
- **How do you get a *good* settlement?** Leverage and realistic assessment of your opponent, not persuasion and not necessarily even by court victories.
- **What are some good terms to consider:**
 - Complete compliance
 - Proof of compliance and compliance monitoring
 - Financial remedies and notice to employees (be real here, if you want compliance and not destruction of a business)
 - Policy changes
 - Employer training (employee too)

Bankruptcy and Insolvency

Insolvency without Bankruptcy

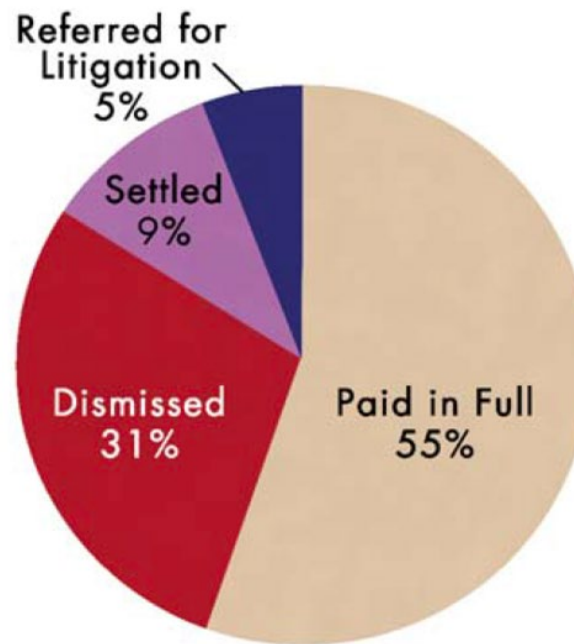
- **CCP 1204 & 1205:** A sale, transfer, or assignment of a triggers preferred wage claim rights/liens for up to 90 days of work. No judgment needed!
- **UCC Bulk Sales (Art. 6):** Right to assert claims for wages and some priority. No judgment needed!
- **ABCs and Receiverships:**
Again, no judgment needed!
See CCP 1024 and 1205 re priority.

Bankruptcy

- **Bankruptcy is a way to collect money.** Bankruptcy does not stop workers from collecting money or vindicating rights, it just changes the battlefield.
- **No judgment needed.** And a lien is much better!
- **Proofs of claim:** *Always* file a proof of claim in asset cases.
- **Consider litigation** for nondischargeability, challenging the reorganization plan, or to remedy ongoing violations.

Replicable Examples of Success: Liens

Wisconsin Wage Claim Outcomes 2007-2012



Source: Wisconsin Department of Workforce Development Wage Claim Data 2007-2012, all offices.
Data set available upon request.

Replicable Examples of Success: Liens

Labor Commissioner's Office: Mechanic's Liens

- Mechanic's lien pilot project started in 2018, redirecting some wage claims to mechanic's liens.
- The outcome (for cases filed 2018-2023):
 - Mechanic's liens paid out more than twice as often and more than twice as quickly as wage claims.
 - Over 96% of mechanic's lien claims paid vs. 41% of wage claim construction cases.
 - Average of 288 days to payment for mechanic's liens vs. 633 days for construction wage claim cases.

Wage Liens Nationally

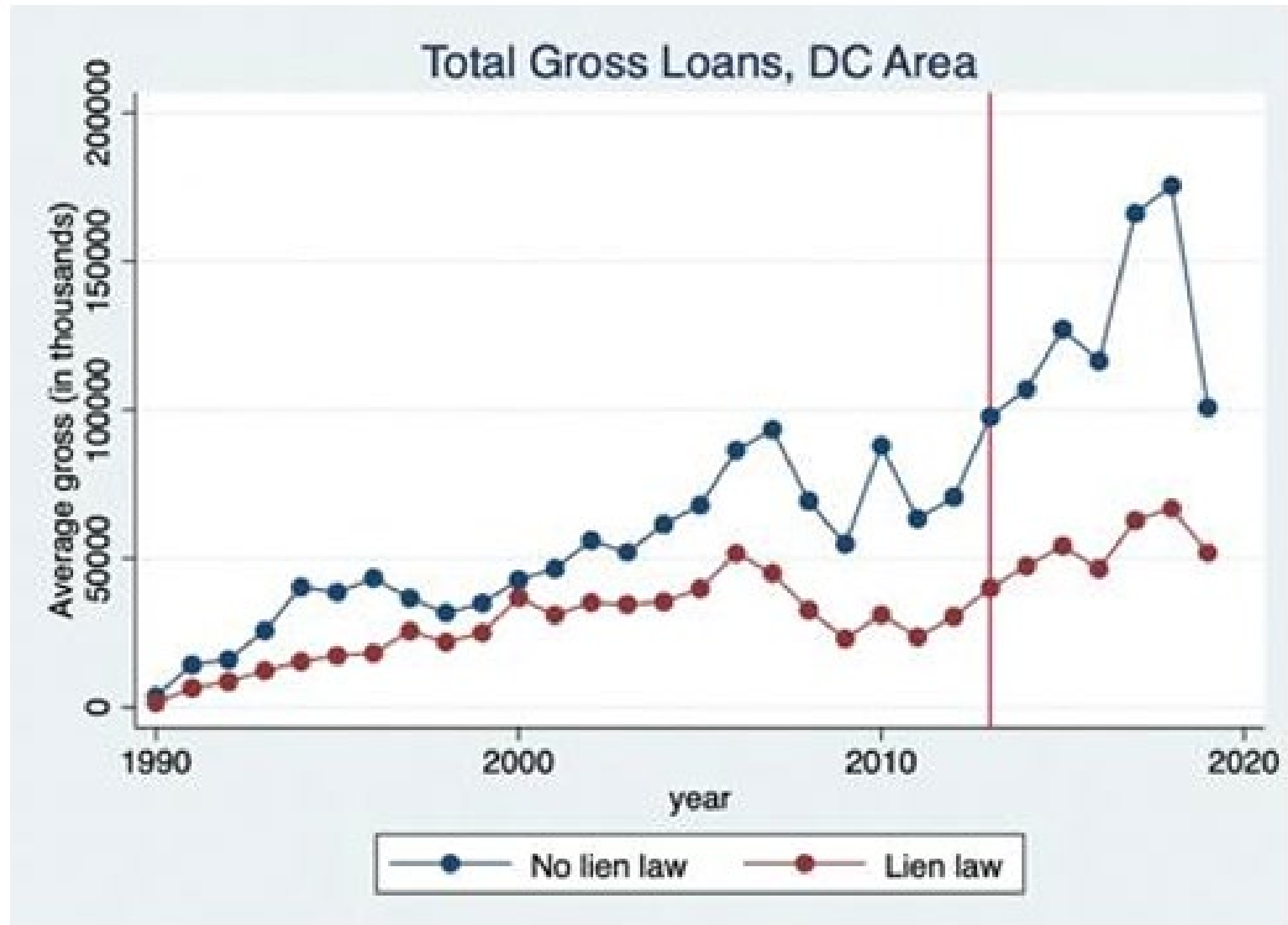
- Three states allow broad access to workers to file pre-judgment liens:
 - Wisconsin
 - Maryland
 - Washington
- Several others (including CA) have discussed the policy but not yet acted
- Lien opponents argue that liens violate due process rights and limit access to credit
- Lien laws have no effect on small business owners' ability to access credit

Arguments Against Liens

- Lien opponents argue that liens would:
 - violate due process rights;
 - increase litigation;
 - limit access to credit.
- The first two arguments are specious on their face
- In 2022, I published a study debunking the third argument: lien laws have no measurable effect on small business owners' ability to access credit

The number of gross loans approved under SBA 7(a) program did not change in the Metro Washington DC areas following MD's lien law

Red line is MD, Blue line is VA



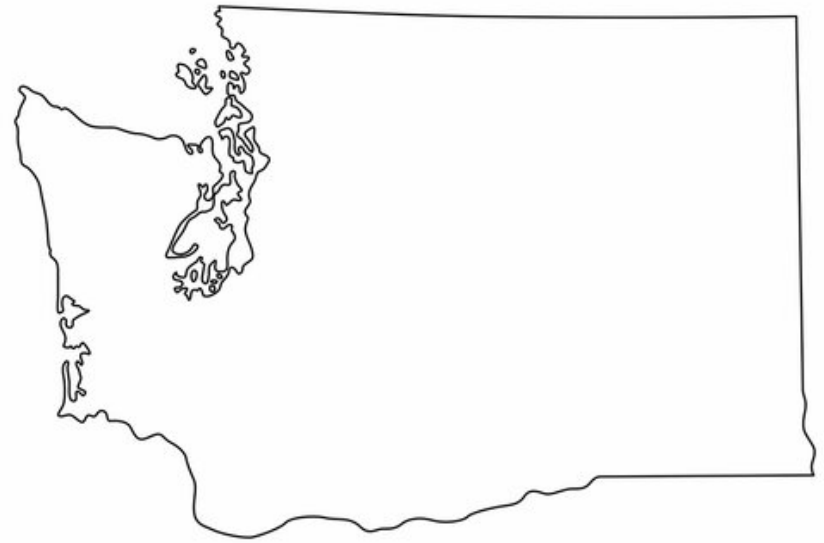
California Wage Lien Law?

- 2024: CA State Auditor argues that expanding mechanics' lien rights to all CA workers would likely improve collections by the DLSE
- The UCLA Strategic Research Lab is currently collecting further data on:
 - The effectiveness of mechanics' liens in CA,
 - The effectiveness of the broader lien program in WA



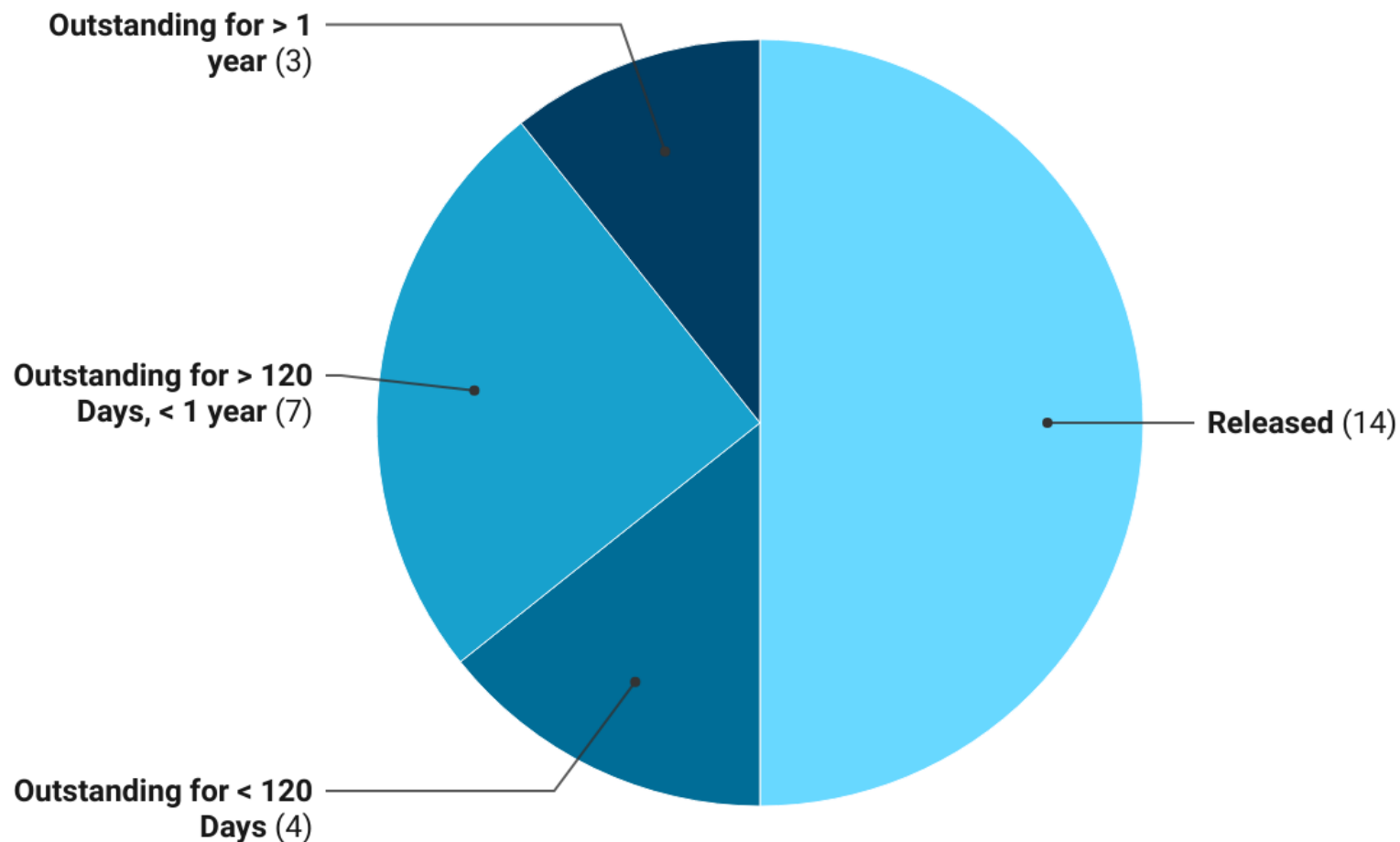
Washington Wage Lien Law

- 2022: WA allows most workers lien titled or real property in wage dispute
- Lien can be against employing firm or property where work was performed
- So far law has been used by private attorneys, including non-profit worker advocates
- Seems to be resulting in quick resolutions



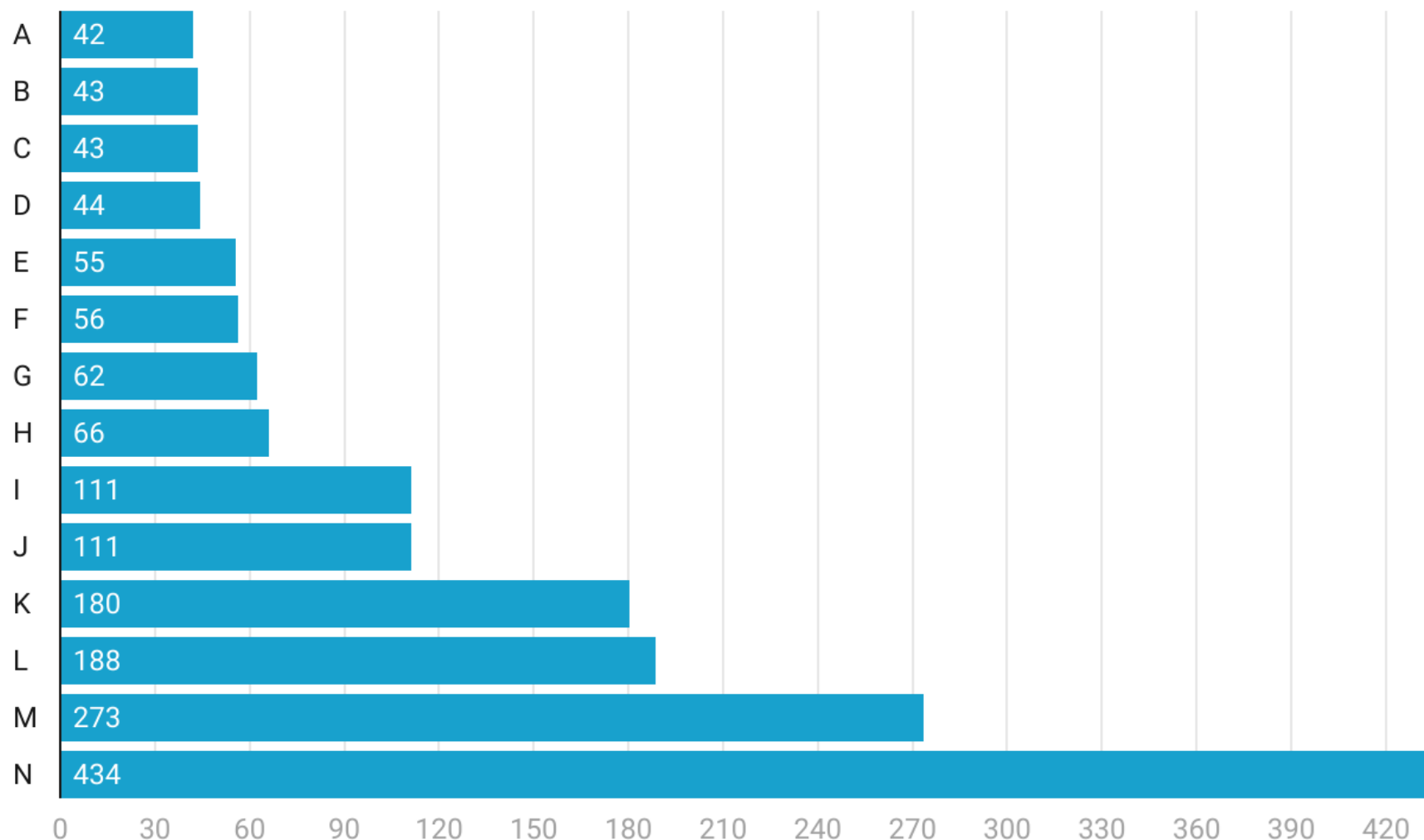
One half of WA liens have resulted in a release

Of the 28 liens filed in WA, half have been released, implying a successful wage dispute resolution. Of the other half, several are relatively new (less than 120 days in age). Only 3 are older than one year.



Most liens filed in WA settled in under four months

The following is the total number of days between when the lien is filed and when the lien is lifted for cases which settled.



In Kings Co. (Seattle), Lien Amounts Vary But Are Generally Small

The average lien amount was about \$24,000.

