Somis, California

STATE OF CALIFORNIA

AGRICULTURAL LABOR RELATIONS BOARD

RASTEGAR FARMS MANAGEMENT, Respondent, and **MIGUEL MILIAN ORTEGA**, Charging Party.	Case No. **2024-CE-107** **(52 ALRB No. 2)** **ORDER APPROVING FORMAL BILATERAL SETTLEMENT AGREEMENT** **Admin Order No. 2026-09** (July 2. 2026)

On December 26, 2025, the General Counsel issued an unfair labor practice complaint alleging that Rastegar Farms Management ("the Respondent") violated section 1153, subdivision (a) of the Agricultural Labor Relations Act ("ALRA" or "the Act")[1] by laying off three employees in retaliation for raising protected concerted complaints about working conditions. On February 27, 2026, Administrative Law Judge ("ALJ" or "judge") Steven Wyllie issued an Order Granting General Counsel's Motion to Deem Allegations of Complaint Admitted, and Granting in Part General Counsel's Motion for Default Judgment. On May 13, 2026, the Board issued a decision affirming the judge's Order and adopting the

[1] The ALRA is codified at Labor Code section 1140 et seq.

recommended remedial order set forth therein. (*Rastegar Farms Management* (2026) 52 ALRB No. 2.)

On May 20, 2026, the matter was released for compliance. On June 12, 2026, the Regional Director submitted a proposed formal bilateral settlement agreement ("the Agreement") along with a statement in support of the Agreement. In support of the Agreement, the Regional Director states the Agreement will provide the three discriminatees with roughly 95% of the calculated backpay amount, requires the Respondent to pay $6,000 in civil penalties in accordance with Labor Code section 1160.10, provides for reinstatement of two discriminatees as set forth in the judge's remedial order, and includes the Board's standard notice and enforcement remedies.

Analysis

Board regulation section 20298, subdivision (d)(2), states that "a formal settlement agreement may be used to adjust a charge, complaint, specification, notice of hearing without specification, or previous Board order." Board regulation section 20298, subdivision (f)(1)(A), requires formal settlement agreements entered into after issuance of an administrative law judge's decision "be submitted directly to the Board together with a full statement submitted on behalf of the General Counsel in support of the agreement."

While the Board encourages voluntary settlements of labor disputes, the Board only will approve such settlements that are consistent with, and further, the policies of the ALRA. "[T]he 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." (*Hess Collection Winery* (2009) 35 ALRB No. 3, p. 9, citing *Independent Stave Co., Inc.*

(1987) 287 NLRB 740, 741; *NLRB v. Hiney Printing Co*. (6th Cir. 1984) 733 F.2d 1170, 1171 [noting the NLRB "is charged with serving the public interest to enforce labor relations rights which are public, not private rights"].)

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., supra*, 287 NLRB at 741.) 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." (*Id*. at 741-742, citing *Robinson Freight Lines* (1957) 117 NLRB 1483, 1485.)

The Board has considered the record and the Regional Director's statement in support of the Agreement and finds that approval of the Agreement is warranted under the legal standards described above. The Board notes in particular that the Agreement requires the Respondent to pay roughly 95% of the amount of the backpay owed to the discriminatees.[2] Further, the Agreement provides for reinstatement of two of the discriminatees consistent with

---

[2] While we approve of the Agreement in the instant case, we note that the Board expresses a policy preference for settlements which provide for 100% of the remedial backpay owed to affected employees, even if this is negotiated at the expense of statutory civil penalties.

the judge's remedial order. Finally, the Charging Party has approved and signed the Agreement.

ORDER

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

DATED: July 2, 2026

Victoria Hassid, Chair

Barry D. Broad, Member

Ralph Lightstone, Member