

AGRICULTURAL LABOR RELATIONS ACT
Employer Questions & Answers
Compliance

What is Compliance?

Compliance is the process of determining the amount of economic loss in a case, and enforcing final Orders and Decisions of the Board, as well as settlement agreements approved by the Board.

How Does the Compliance Process Usually Begin?

Compliance usually begins with a letter notifying you of the Board agent assigned to your case. If there is a monetary award, there will be a request for your records and data necessary to calculate the amount of monies owing.

If there is no monetary award, the Regional Office will monitor your compliance with the non-monetary provisions of the Order which may include a posting, mailing, or reading of the Board's notice to employees advising them of the outcome of the case.

What Happens to the Information Collected by the Regional Office?

The data collected by the Regional Director from employees and employers is reviewed and may lead to the issuance of a preliminary specification. At this time there is an opportunity for the employer to negotiate a settlement. If the parties cannot reach settlement, the Regional director shall issue a formal specification.

What are Preliminary and Formal Specifications?

A preliminary specification is an informal document which indicates how much each worker is owed.

A formal specification informs the respondent of the total amount of monies claimed to be owing, the formula utilized and its rationale, and, in appropriate cases, the hearing date.

Can I Challenge the Contents of the Specification?

Yes. If you disagree with any aspect of the formal specification, including the backpay period, the gross or net backpay, the amount of interim earnings or expenses, you may file a response.

The issues raised in the response are heard by an Administrative Law Judge (ALJ) in a compliance hearing. Evidence and testimony are taken and the ALJ issues a decision.

The decision can be appealed to the Board and the Board's decision can be appealed to a California Court of Appeal.

Can I Just Comply With the Order and Avoid the Process and Further Expense?

Yes. The charged party may comply immediately with the Board Order and avoid the delay and cost of a full compliance proceeding. If you are considering voluntarily complying with the non-monetary terms and paying the monetary amount in full, start in touch with the Region to be sure your compliance is adequate and ask any questions which arise because of unusual circumstances.

What if I Owe Backpay But I know the Employees Worked Elsewhere During the Backpay Period?

Raise the issue to the General Counsel. Provide declarations or written documentation to support the claim.

In most instances the money received from other employers during the backpay period will reduce the employer's liability.

What Should I Do to Prepare for Compliance?

Keep accurate payroll records of employees involved in the charge. Weigh the pros and cons of settlement during each stage of the process.

What Happens if I Break a Formal Settlement Agreement or Fail to Comply With a Final Compliance Order?

If an employer does not comply with a settlement agreement or final compliance order of the Board, the Board may seek enforcement of the order in superior court. In addition, the Board may order, after a supplemental hearing, that another party, (e.g. a successor) be held responsible for compliance with the order.

What Can Happen As a Result of the Court Judgement?

The judgement is the same as a civil judgement and can be used by the Board in the same way to collect money owed under the order, e.g., recording the judgement, contempt, receivership, garnishment and execution against property.

Are There Other Times I Can Be Taken to Court?

Yes. The Board may have to go to court for a protective order if an investigation reveals the employer is taking actions to render itself unable to comply in the future with the Board's order.

THE MISSION OF THE ALRB

THE AGRICULTURAL LABOR RELATIONS ACT (ALRA OR ACT) WAS ENACTED FOR THE PURPOSE OF PROVIDING A PROCESS FOR THE PEACEFUL AND ORDERLY RESOLUTION OF AGRICULTURAL LABOR DISPUTES. THE ALRB BELIEVES THAT THE RESOLUTION OF DISPUTES AT THE EARLIEST STAGES BEST SERVES BOTH LABOR AND GROWERS.

OFFICES

AGRICULTURAL LABOR RELATIONS BOARD

REMEMBER, THE ALRB IS ONLY A PHONE CALL AWAY

1-800-449-3699

Please call for answers to your specific questions, or for additional brochures.

EL CENTRO

319 South Waterman Avenue
El Centro, CA 92243-2215
Phone (760) 353-2130
Fax (760) 353-2443

SALINAS

1880 North Main Street, Suite 200
Salinas, CA 93906-2039
Phone (831) 443-3161
Fax (831) 443-3225

VISALIA

711 North Court Street, Suite H
Visalia, CA 93291-3638
Phone (559) 627-0995
Fax (559) 627-0985

ALRB HEADQUARTERS

The main offices of the
Board and the General Counsel
are located at:
915 CAPITOL MALL, 3d Floor
SACRAMENTO, CA 95814
Phone (916) 653-2690
Fax (916) 653-2743

ALRB 271 November 95