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Peter Maturino, UFCW Local 5

Manuel Guerrero

Monica Bautista

Jesus Estrada, Bi-national Front of Indigenous Organizations (FIOB)

Bryan Little, California Farm Bureau Federation

Claire Wineman, Grower-Shipper Association of Santa Barbara and San Luis Obispo counties

Rob Carroll, Esq.

Hazel Avalos, Central Coast Alliance United for a Sustainable Economy in Santa Barbara and Ventura Counties (CAUSE)

Salvador Huerta

Guillermo Garcia

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Nancy Ibanez

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Gonzalo Hernandez

Jesus Gomez

Angel Ponce

Raul Diaz

Santiago Martinez

Olga Santos

Francisco Pacheco

Paty Cantu

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P R O C E E D I N G S

1:09 p.m.

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2
3 CHAIRMAN GOULD: We set forth this hearing. And
4 I am the Chairman of the Agriculture Labor Relations Board,
5 having previously served as the Chairman of the National
6 Relations Board in Washington D.C. in the 1990s.

7 With me, to my right, are Board Members Genevieve
8 Shiroma and Cathryn Rivera-Hernandez and who have served on
9 the Board from 1999 and 2003, respectively. And I want to
10 thank in the establishment of these hearings in particular
11 -- I seem to be getting noise here, maybe it --

12 (Board confers about mic feedback)

13 So I want to thank, in particular, my Senior
14 Legal Advisor Eduardo Blanco who's here to my left and who
15 is going to call the speakers who want to appear before us.
16 And he and my Counsel Karen Snell -- who is not with us
17 today, because of illness in her family -- have worked very
18 hard to put together this series of hearings, which began
19 in Fresno and continued yesterday in Salinas.

20 I had adverted yesterday to the possibility of
21 further hearings in Oxnard, but we are not going to go
22 ahead at this stage with further hearings in Oxnard. There
23 will, of course -- and I'll describe the entire process to
24 you in a second.

25 And as usual, I'm grateful to Executive Secretary

1 Antonio Barbosa, who's sitting there. And he's really, as
2 I've said on many occasions the heart, soul and brains of
3 the agency for three-and-a-half decades. I call him the
4 Larry Bird, for those of you who have followed professional
5 basketball, of the agency like Bird was for so many years
6 to the great Boston Celtics. And he's coordinated these
7 hearings with his normal and extraordinary skilled and
8 dedication.

9 These hearings, as I said, began in Salinas --
10 began in Fresno, continued in Salinas, Santa Maria here
11 today. And they're designed to obtain a full public import
12 at this stage into the process, a process which already
13 began with the Ad Hoc --

14 (Microphone feedback stops)

15 It seems like you did the right there, thank you.

16 COURT REPORTER: Okay.

17 CHAIRMAN GOULD: -- with the Ad Hoc Labor-
18 Management Committee in Sacramento on August 3 of this
19 year. And I want to thank the members of the committee,
20 that Ad Hoc Committee for getting the word out and for
21 appearing before the Board and presenting public comment on
22 this important subject.

23 These hearings are designed to focus upon the
24 issue of worker education -- worker education about our law
25 in particular and access to promote this exclusively.

1 Of course, there are many issues pending before
2 the Board and the courts involving our Act, but these
3 September hearings are not concerned with those issues.
4 And so commentary about these other cases would not be
5 germane and are really out of order. But we welcome, of
6 course comments about any issue before the Board, not the
7 cases pending before the Board -- but not the particulars
8 of issues pending before the Board, because that would be
9 inappropriate. But we welcome your comment about the
10 Board's performance as a general proposition in public
11 meetings, which we hold periodically in Sacramento.

12 To ensure that farmworkers are able to
13 participate in this process we made arrangements for
14 Spanish, Mixtec, Triqui and Hmong interpreters who have
15 been on hand to provide language assistance and either in
16 the presentation of public comment to the Board or
17 listening to the conduct of this hearing itself. And these
18 interpreters will be in the back and will offer translation
19 simultaneously as needed.

20 So as I said on August 3 when I met with the
21 Committee, and said earlier to the Legislature this year,
22 this exercise flows directly from the invitation extended
23 by the Court of Appeal for the 4th District in *San Diego*
24 *Nursery* to the Agricultural Labor Relations Board to engage
25 in rulemaking regarding this issue of worker education and

1 access to private property.

2 In *San Diego* the focus was upon the program
3 devised by the Board in the 1970s relating to the election
4 machinery itself. But much has changed between 1979 and
5 2015 where we are now. The focus of the Board at that time
6 was upon election machinery. That's not our focus here
7 today.

8 And I should say that we don't have a specific
9 proposed rule before you. That, we will be meeting at some
10 point soon to consider how we move forward, but we are
11 looking at this question of worker education and access as
12 a general matter to get your input before we move ahead
13 with this.

14 On the business of election machinery, of course,
15 there are some de-certification petitions pending before
16 the Board. There are no representation petitions before
17 our AG. Nothing has been filed since I became Chairman of
18 the agency a year-and-a-half ago. I'm always waiting to
19 see if every time I say that if there will be a
20 representation petition, which will contradict my point,
21 but not as of at least 1:15 on September 15, 2015.

22 Now, so most of the unfair labor practice cases
23 that are pending before our agency involve protests by
24 unorganized workers dealing with employment conditions,
25 that have for the most part, nothing whatsoever to do with

1 union representation. This itself is a big change from
2 1979.

3 And finally I just want to say that in my work,
4 prior to taking this job as a practitioner of Labor Law, an
5 academic, an arbitrator, and a government servant I can't
6 help but note that even with regard to the National Labor
7 Relations Act itself -- and all employees in the private
8 sector where there may not be some of the problems that we
9 have at least to the same degree, in reaching people that
10 we have under our statute -- I can't help but note that
11 even there, lawyers as well as lay people, are unaware of
12 basic principles in our statute.

13 And one of them is that this statute, as well as
14 the National Labor Relations Act, the bedrock of this
15 statute, is the right of workers to engage in concerted
16 activities for a number of objectives involving employment:
17 the right to protest what workers deem to be low wages,
18 inferior or unsatisfactory employment conditions.

19 And the same rights, of course, exist under the
20 National Labor Relations Act as well. Our language is a
21 bit more expansive than the National Labor Relations Act.
22 But I can't help but note that after 80 years of that
23 statute, the National Labor Relations Act, and the
24 distribution of manuals and literature by government and
25 private parties, as well as remedial notices for

1 violations, that basic reality -- lack of knowledge about
2 what's in our statute on the part of the workforce as well
3 as sometimes lawyers themselves -- that reality has not
4 been altered.

5 And so I and my colleagues welcome input and
6 advice from all interested parties, laypeople, lawyers,
7 farmworkers, growers, unions and any others. And we
8 appreciate your willingness to participate in the process.

9 And witnesses and speakers will be called by
10 Mr. Blanco. We request that you keep your comments brief,
11 so that we can hear from everybody who would like to speak.
12 And if you have additional comments you're welcome to
13 submit them to Antonio Barbosa, our Executive Secretary, in
14 writing at any time prior to October 15 -- any time before
15 October 15.

16 After the Board completes this process, and this
17 completes this aspect of the process, we will hold a public
18 meeting when a proposed rule may be voted upon. You'll
19 have another chance to participate at that time and
20 subsequently in the process that emerges down the road as
21 well.

22 So let's begin and Mr. Blanco, if you would call
23 the first speaker.

24 MR. BLANCO: Thank you, Chairman. The first
25 speaker is Pete Maturino

1 MR. MATURINO: Am I speaking there or here?

2 CHAIRMAN GOULD: I think wherever you would like
3 to speak, wherever you feel more comfortable.

4 MR. MATURINO: I would imagine wherever the mic
5 is?

6 CHAIRMAN GOULD: Yeah, the mic is up there I
7 guess. I don't know if there's a mic down here?

8 (Board and staff confer on microphones)

9 MR. MATURINO: Well, I'm fine. I mean, I think
10 you can hear me from here?

11 CHAIRMAN GOULD: The only problem is that, you
12 know --

13 MR. MATURINO: It's recorded or not?

14 CHAIRMAN GOULD: No, the only problem is that in
15 my church and also in the Roman Catholic Church we changed
16 this practice of the priest standing with his back to the
17 congregation. And that's a problem, but you can go ahead
18 and speak with your back to the congregation.

19 MR. MATURINO: Well, either way if I'm there or
20 I'm here my back's going to be that way.

21 UNIDENTIFIED MALE: (Indiscernible)

22 MR. MATURINO: Well, good afternoon. My name is
23 Pete Maturino. And I am the Ag Division Director for UFCW
24 Local 5. I started representing farmworkers since 1972. I
25 was the first to do a union presentation to farmworkers on

1 behalf of the Teamsters Union.

2 And the early '70s brought about turbulent years
3 between the UFW and the Teamsters Union. The idea of a law
4 that would allow farmworkers to decide through secret
5 ballot if they wanted a union or not, was a way to create
6 peace between the unions and at the same time give
7 farmworkers access to protected rights with or without the
8 union.

9 The ALRB Law began in August of 1975. I know,
10 because I was there. The initial purpose was to protect
11 farmworkers in exercising their rights, in selecting a
12 union or not, or dealing with wages and hours and working
13 conditions, to prohibit employers from interfering with
14 these rights, to protect workers to be free from restraint
15 or coercion. The agency has gone from conducting hundreds
16 of elections in the '70s to dealing up to now, the current
17 day, with unfair labor practice charges against employers
18 or unions.

19 But the only way employees can make use of not
20 only the ALRB, but other state agencies such as the Labor
21 Commissioner or Cal OSHA and others is through information
22 on those agencies with direct contact with the employees.

23 Today somewhere in California, a worker's rights
24 are being violated whether it be for lack of bathrooms,
25 rest periods, heat stress or other rights afforded to the

1 workers. And he or she does not know who are they supposed
2 to call to receive assistance in those violations.

3 It has been said that ALRB does not need to go to
4 property, because workers have access to social media where
5 the ALRB can inform workers about rights. The problem is
6 that if the worker is successful in going on to the
7 Internet, he or she won't have the ability to ask a
8 question. And there is nothing like a face-to-face to
9 reassure the worker that he or she is free from retaliation
10 from his or her employer.

11 But before this happens there's a very high
12 percentage of workers that don't have the ability or
13 knowledge to understand how to get the access to the
14 Internet. There are workers that don't read or right
15 Spanish or their own language of Triqui or other languages.
16 We have over 700,000 farmworkers here in California. And
17 no matter what county you go to, a high percentage of the
18 workers, live in garages and rented rooms of somebody
19 else's house that don't have access to the Internet. And
20 if they wanted to have access to the Internet, a lot of
21 times it's too expensive. They can't afford it.

22 Workers that can afford a phone, they use that
23 phone to talk to each other, not because they want to go on
24 social media or on the Internet as we know it. Employers
25 say that they worry if the ALRB is to take access to inform

1 workers, the other agencies in the State of California
2 would also want to take access. I say why not? This way
3 all workers are informed about rights under all the
4 agencies.

5 A few weeks ago I attended on behalf of Local 5 a
6 function at the Mexican Consulate in San Jose. The Mexican
7 Consulate through their Consul General of Mexican
8 Government, each year throughout the United States in the
9 last week of August, holds what is called "Semana Laboral,"
10 which is Labor Week, which is composed of unions, state
11 agencies such as EEOC, EDD, the Labor Commissioner to come
12 and talk to the Mexicans that are there to fix some kind of
13 paperwork for the Mexican Government. And what they do is
14 they also listen or make sure, the Mexican Government, that
15 these Mexicans that are there have access to agencies who
16 will inform them of their rights.

17 Even the Mexican Government feels that it is
18 important for workers to be informed. So they invite these
19 agencies along with Labor through that whole week to give
20 out information to workers. But this is very minimal,
21 because only those employees from all the different
22 industries that are going to be fixing some kind of
23 paperwork through the Mexican Government, have access to
24 that week and have access to that information.

25 As an organizer, over 90 percent of the time in

1 campaigns we find that an owner of a company will address a
2 workforce and tell them that he or she, as the employer,
3 was not aware that a supervisor was violating the workers'
4 rights. So for the company to tell the ALRB that the
5 workers all know their rights is not correct or else you
6 would have more complaints if the workers knew all their
7 rights.

8 And that is why I am here today to support the
9 idea that an agency such as the ALRB should be allowed to
10 bring information on the jobsite of farmworkers, so that he
11 or she can be better informed as to what their rights and
12 how they can protect themselves at their jobs without fear
13 of retaliation. More so these days, because the makeup of
14 the workforce has changed, because thousands of workers are
15 now coming from Oaxaca, which is basically non-Spanish
16 speaking.

17 And if an employer is doing nothing wrong then
18 they have nothing to fear from the ALRB or have access to
19 company property and to educate the workers. It is my
20 opinion that in order for the ALRB to be successful in
21 providing information to workers this has to be done during
22 the lunch period. Because employers in ag are going to use
23 that as an excuse as to, "I am not going to pay for my
24 employees to listening to a state agency."

25 But it's such an important subject that the

1 workers themselves during that 30-minute lunch period would
2 have no problem listening to and receiving information from
3 the ALRB. And this way the employer cannot use the excuse
4 that, "I'm paying for this time." This is the workers'
5 time.

6 A lot of people think that the best time is like
7 half an hour or an hour, because part of the regs at the
8 ALRB regarding organizing is an hour before and an hour
9 after work. The problem with that is even we don't use
10 that as an organizer, because if you think that people get
11 to work about half an hour before they start you're wrong.
12 And then at end of day people want to leave and go home.
13 And they're not going to wait around. They have kids to
14 pick up, they have dinner to make, they have other things
15 to do when they get off the worksite. So the best time,
16 and the only time that's available is during that lunch
17 period.

18 And unfortunately, it's only half an hour, but if
19 the ALRB gets between 15 to 30 minutes of talking time and
20 the ability to hand out information I think it's well
21 served. So those are the times that I think would be the
22 best time for the ALRB to give out the information to the
23 workers. Thank you.

24 CHAIRMAN GOULD: Thank you.

25 Do you have any -- Ms. Shiroma, do you have any

1 questions?

2 BOARD MEMBER SHIROMA: No, thanks.

3 BOARD MEMBER RIVERA-HERNANDEZ: Having been at
4 the previous hearings I know you probably know that the
5 other issue that has been raised is how we would select
6 which employers to go to? We clearly don't have the
7 resources to go to all of them immediately within a short
8 period of time. Do you have any thoughts on how we would
9 do that?

10 MR. MATURINO: We had some amongst ourselves and
11 in talking to other unions we talked about that. And some
12 of what the employers say is correct. The first employer
13 that you -- if this was enacted and the first employer that
14 you choose to go on his property is going to ask " Why
15 me?" or any employer, I guess, if you go on to their
16 property, because they're afraid that somehow somebody's
17 going to misinterpret that to mean that just because the
18 ALRB is on my property that I somehow violated the workers'
19 rights.

20 But that's far from the truth. I mean, it's
21 unfortunate, but we in Labor think that if there are
22 employers -- and I'm assuming there's quite a few as well
23 as unions that have violated the law and had ULPs filed
24 against them -- we think that that's where it should start.
25 Because the ALRB has already -- those employers were found

1 somehow guilty of violating the workers' rights, then that
2 means that that employer had to go through posting and a
3 reading. And so it's not like that is something new to
4 that employer. And at the same time it allows the ALRB to
5 kind of check up on how the progress has been since the ULP
6 had been filed with that employer.

7 As far as going -- what employers are after that,
8 I really don't know how you would select an employer other
9 than by counties or regions where the ALRB has access to
10 them.

11 BOARD MEMBER RIVERA-HERNANDEZ: Thank you.

12 CHAIRMAN GOULD: But random selection or --

13 MR. MATURINO: It could be -- you know, it's
14 almost like a -- I deal with a lot of contracts and a lot
15 of employers that have drug and alcohol policies. And they
16 have random selection. You know, there's not really any
17 kind of magical thing. It's just a random selection that
18 somebody has selected and that's all it is. And that's all
19 it is.

20 It's almost impossible for you as an agency -- I
21 mean I don't know how you would financially be able to do
22 it, to visit all worksites of all the ag employers in the
23 State of California.

24 CHAIRMAN GOULD: Yeah.

25 BOARD MEMBER SHIROMA: I do have a question.

1 CHAIRMAN GOULD: Yeah, go ahead.

2 BOARD MEMBER SHIROMA: Thank you, Pete, for being
3 here this afternoon. We've heard in the last two hearings
4 from the indigenous community -- and thank you for your
5 helping to make sure that we do hear from the Triqui
6 community. I know we're going to be hearing from the
7 Mixteco community.

8 I'll speak up, here we go, okay. So we've been
9 hearing quite a bit that help is needed within the
10 indigenous communities to get the word out about their
11 rights whether it's under the Agricultural Labor Relations
12 Act or others, I just wanted to hear maybe a little bit
13 more perspective from you about ought the ALRB focus
14 intensely within those areas where there are a lot of
15 indigenous community workers, farmworkers?

16 MR. MATURINO: I think it's one of those deals
17 where you have to say it's a no-brainer kind of thing,
18 because it's -- that workforce in itself from Oaxaca, has
19 made a big change in the way the industry functions.

20 I mean, I represent the workforce that has a
21 minimal, like 5, 10 percent of the work crews are from
22 Oaxaca. And I see firsthand where a supervisor from
23 Jalisco with the light skin and blue eyes tends to
24 discriminate against those individuals. And there's names
25 that are given to these individuals that somehow puts them

1 below or beneath them.

2 And so it's very important that these
3 individuals, who are kind -- even though they've been here
4 eight or ten years, they're newcomers to this industry.
5 They're newcomers to this industry and they should be given
6 some way of concentrating an effort on this community. And
7 it's all over through San Diego County, through San Diego
8 area, the strawberry industry and to the San Joaquin Valley
9 and to Monterey County. There's a large section of the
10 Oaxacan community that need that information.

11 And I see that firsthand, because I see it when
12 the social services people go out from the counties trying
13 to help the families work through some things. So
14 definitely, you should concentrate on these individuals.

15 And you saw yourselves throughout these hearings
16 that hopefully that a higher portion of people from Oaxaca
17 are coming in to testify in these hearings versus the
18 regular what I used to see back in '70s. We call them the
19 "lechugueros" and those kind of people that the tall border
20 towns: Mexicali, Arizona; Yuma, Arizona people, they were
21 very transient back and forth. And you don't see that as
22 much anymore as you used to.

23 BOARD MEMBER SHIROMA: Okay. Thank you.

24 CHAIRMAN GOULD: Anybody want to ask any more
25 questions?

1 There's one thing that the employers have focused
2 upon particularly and that is that more employees, or at
3 least until recently, have been paid on piece rate rather
4 than hourly. And they maintain that any attempt to have
5 access to private property would interfere with the
6 employees' ability to do as much as possible to meet that
7 piece rate opportunity. Do you have anything to say about
8 that?

9 MR. MATURINO: It's no different than me as an
10 organizer, going out and filing for access on any
11 employer's property that allows me to be there that 30-
12 minute lunch period. People on a piece rate, whether it's
13 the table grape industry, whether it's the strawberry
14 industry piece rate or the vegetable piece rates -- we
15 don't see as much anymore as you used to -- but it's their
16 time.

17 Just because the employer pays piece rate doesn't
18 mean that these employees are not going to be taking a
19 half-an-hour lunch, which is their time. That is not paid
20 piece rates. I have some collective bargaining agreements
21 that do pay for that half hour. And so but even though
22 they paid for that half an hour employees are still
23 entitled to that 30-minute lunch period even though it's
24 paid. And they are on a piece rate basis.

25 And so for an employer to say -- and that's why I

1 was saying that the recommendation from us anyways, from
2 this Labor organization, is that it should be during the
3 lunch period because it's the employee's time regardless if
4 they're being paid hourly or regardless if they're being
5 paid piece rate. And that's the whole idea of trying to
6 calm down the employer saying that its productive time is
7 being interrupted or affected.

8 CHAIRMAN GOULD: And regardless of whether
9 employer is paying for that or not?

10 MR. MATURINO: Regardless.

11 CHAIRMAN GOULD: Yeah, Okay.

12 MR. BLANCO: You have organized in the past,
13 indigenous farmworkers?

14 MR. MATURINO: Correct.

15 MR. BLANCO: And the techniques you used to
16 organize those groups, do they differ from the techniques
17 you use to organize other farmworkers?

18 MR. MATURINO: We had the same problems you're
19 having right now with your interpreters that you have right
20 now. And not only the people from Oaxaca, we've organized
21 people in -- the Hmongs and Hindus and all these other
22 countries from the NLRB stuff to the ALRB stuff. And we
23 have the same problems of communication.

24 As a matter of fact, I was trying to organize a
25 place out in Livingston under NLRB and we didn't have an

1 interpreter for Sikh. And so we were luckily staying at a
2 hotel where the owner of the hotel ended up being our
3 interpreter and he wrote -- he interpreted most of our
4 flyers in Sikh from the Spanish, English and Sikh.

5 And but we have the same problems in trying to
6 communicate with these individuals, or we find sometimes a
7 leader in that community within themselves, who will assist
8 us in help passing the information along.

9 MR. BLANCO: So I think there were speakers in
10 the Fresno and in Salinas who did recommend as an approach,
11 for us, if we were to focus on outreach to indigenous
12 workers that we go through the leadership or through, I
13 believe it was called, the community network.

14 MR. MATURINO: And it helps a lot more, because
15 they're like the elders of that group. And it used to be
16 the Filipino community, used to be the Arab, the South
17 Yemen, North Yemen kind of individuals. You've got to know
18 the culture. You can't put together the North Yemen and
19 South Yemen together, because they have a problem. And
20 same thing here, if you find that leader within that
21 community group it helps a lot.

22 MR. BLANCO: Okay.

23 CHAIRMAN GOULD: Okay. Thank you very much,
24 Pete.

25 MR. MATURINO: Thank you.

1 CHAIRMAN GOULD: I appreciate your time.

2 MR. BLANCO: Next, Manuel Guerrero and Monica
3 Bautista.

4 (Board confers)

5 (Spanish Interpreter Sergio Ferreira translates.)

6 MR. GUERRERO: (Through Interpreter.) Good
7 afternoon. My name is Manuel Guerrero. It's true what
8 Mr. Maturino is saying. Many times we labor workers need
9 to either get together with one or many persons to cover
10 our work expenses. And with the salaries that we are
11 given, farm work, we don't have enough money to get access
12 to the Internet. From that money, we have to send money to
13 our families in Mexico, cover our expenses over here: food,
14 rent.

15 CHAIRMAN GOULD: Meals?

16 THE INTERPRETER: Yeah, meals.

17 BOARD MEMBER RIVERA-HERNANDEZ: Food, rent.

18 CHAIRMAN GOULD: Yeah, go on.

19 MR. GUERRERO: And sometimes we need to see the
20 doctor, you know, for a consultation. It's very fortunate
21 that you could visit us on the field as labor workers,
22 because when we take the breaks in the morning if the field
23 has a mile area, the time stops when the tractor or machine
24 stops. And then you have to work all the way to the other
25 side to take a break. Sometimes by the time you get to the

1 end you don't have enough time to eat. That's what happens
2 if you take lunch.

3 And if you have to go to the bathroom either the
4 foreman or his helper doesn't provide any help either.
5 They tell you that's what the lunchroom and the break is
6 for -- or the lunch. Many times during the summer or hot
7 season they don't stop the machinery to drink water.
8 That's all

9 CHAIRMAN GOULD: Miss?

10 MS. BAUTISTA: Okay. Good afternoon. My name's
11 Monica. Like he was saying I agree with everything he was
12 saying. I work in the fields and I see many of the
13 workers, they don't have information. People, they don't
14 provide information to them. So sometimes the supervisor,
15 they get to do whatever they want with the people that work
16 in the field, because some of them, they don't know how to
17 read, some of them they don't know how to write. They
18 don't even know how to speak Spanish, because they speak
19 their own language.

20 And that's one of the reasons that I think it's
21 really important that you go guys could go and give that
22 information during their break or doing their lunch time.
23 Why I say during the lunch time, because it's our lunch
24 which is our time free. Which is they're not paying us,
25 which is a good time for you guys to go and give that

1 information to the people that do need it, which is our
2 workers. They do need a lot of information, because like
3 if they don't get that information they would never know
4 what's really important for them.

5 Like he was saying we have bills to pay. We have
6 rent, we have to send money. Like people that have their
7 family in Mexico, they have to send the money to Mexico, so
8 their son or daughter they have over there, they could
9 survive. And that's why I said they need to have
10 information. It's really important for them to get that
11 information, so they could know what is really important
12 for them. Many people might think that is not important,
13 but it is. It is so they could get access to a lot of
14 information, because there's a lot of information that many
15 of the supervisors don't give to the worker. And there's a
16 lot of information that supervisor or people who have the
17 company get to hide from their workers and they get to do
18 whatever they want with them.

19 Like, for example, two weeks ago when it was
20 really hot, many of the workers that were working in the
21 middle of the hot and they were not getting access to any
22 of their like 15 minutes, 10 minutes of break to get water.
23 And they were working like a slave, they said that. That's
24 the appropriate way to say it, like a slave in the middle
25 of the hot without water. What are we going to do in the

1 middle of the hot? It's really hot, we need to get some
2 water. And if we say, " Oh, I need to get -- I want to go
3 get some water," they get mad at us and that's not how
4 it's supposed to be.

5 They need to give us at least five, ten minutes
6 to get some water or go to the restroom. We're people,
7 we're humans, and we do need that access to get some free
8 time in the middle of the hot or if we need to use the
9 restroom.

10 So I think that during our lunchtime it is a good
11 time for you guys to go and give the information to the
12 people, because we need it. Our people need it. Some
13 people, they don't get access to the Internet. Why?
14 Because they don't have a lot of money, because they get
15 people that pay them less. People sometimes -- our wage
16 minimum is at \$10 right now and some companies, they're not
17 paying that, their minimum like it's supposed to be.
18 They're paying like \$9.25 and people are not going to
19 survive with that. Some people, they work like eight hours
20 every day, some people work nine, ten hours. So in a week
21 it's like 450 or 420. They have to pay rent in the month,
22 they have to provide food. Like that's not enough like for
23 them.

24 So that's one of the reasons I say that you guy
25 give information to the people during their lunchtime.

1 Why? Because they're not going to be able to get mad at
2 workers, because that's their time and our time and they're
3 not paying it. So 30 minutes lunch is really important for
4 you guys and for us to go and give that information to a
5 lot of our workers.

6 And thank you, that's it.

7 CHAIRMAN GOULD: Thank you.

8 BOARD MEMBER SHIROMA: Thank you.

9 CHAIRMAN GOULD: You had a question?

10 BOARD MEMBER SHIROMA: Thank you. Thank you
11 both.

12 Is there a different impact if our ALRB employees
13 show up at farm to give information in comparison to going
14 to a community meeting and giving the same information?

15 MS. BAUTISTA: I think it is. It will have a
16 lot, because a lot of people don't come to these type of
17 meetings. There are many reasons why, but I'm going to say
18 one of the most important reasons. They might be afraid
19 that, because some of them don't have documents and some of
20 them don't know how to speak English. They might be afraid
21 of people not giving them the chance or the privilege to
22 talk, because they don't speak English. That's one of the
23 -- they're afraid that they might have (indiscernible).

24 So I think it will have a lot of impact if you
25 guys were in the fields and talked to them, because they're

1 going to be -- everybody's going to be right there. And
2 nobody's going to be able to go somewhere else. They're
3 going to feel like in the family, because they think
4 they're family. And we are family when we work in the
5 field, because we talk to everybody. We talk as a family,
6 because everybody, we came from the same place.

7 So if someone doesn't understand what information
8 they're given they could talk to the other persons, but in
9 their own language. And that's how the information is
10 going to stay right there in the field. And that
11 information is going to stay right there.

12 And then if that person knows -- if they know all
13 that information and they get to get information, then
14 they're going to pass it to the other people and that's how
15 it's going to stay. So if they stay right there it's going
16 to keep going and going and everybody's going to get to
17 have that same information.

18 So I think it doesn't impact a lot, because a lot
19 of people are going to be afraid to come here for many
20 reasons. And that was one of my reasons that I think
21 they're afraid to come to these type of meetings, because
22 they don't speak English. And sometimes they don't even
23 know how to write, they don't know how to talk Spanish or
24 English. They only know how to speak their own language.
25 And that's why I say it does -- it would impact a lot.

1 BOARD MEMBER SHIROMA: Thank you.

2 CHAIRMAN GOULD: All right, well thank you very
3 much, both of you.

4 MS. BAUTISTA: All right.

5 CHAIRMAN GOULD: I really appreciate it.

6 MR. BLANCO: Jesus Estrada.

7 MR. ESTRADA: (Through Interpreter.) Good
8 afternoon, everybody. Welcome. My name is Jesus Estrada.
9 I'm an Azteca, I worked for 14 years in the strawberry
10 fields. I'm here to explain to you the current situation
11 of work.

12 The topic I would like to cover today is --

13 MR. BARBOSA: Retaliation?

14 MR. ESTRADA: -- retaliation, particularly with
15 the foremen or supervisors. When a worker claims his
16 rights when the conditions of the work are not ideal, the
17 foreman right away just look at it as a way to fire you.
18 They had so many complaints that bathrooms are too far
19 away, they tried to find a way to get rid of them. And
20 many times what happens with the employers is that we don't
21 have access to their ranches, because they have chains on
22 the front.

23 The other problem that we have is having access
24 to information in our own languages. Yeah, there are many
25 workers, Mixteco workers, that don't know how to write or

1 read let alone read information that is provided to them in
2 English and in Spanish.

3 Yeah, there's a lot of discrimination towards
4 workers from Oaxaca, either because of their height or
5 because of their dialect that they speak. And they refer
6 to them as " Oaxaquitas" .

7 I think that's where you guys could enact some
8 laws against retaliation and you could visit the places of
9 work, so you can talk to the owners and explain what's
10 happening against this retaliation.

11 Yeah, workers need a lot of information,
12 particularly in their own language or dialect or it has to
13 be verbal, because like I said before many of them don't
14 know how to read or write. Particularly, the owners should
15 train or encourage their foremen or supervisors how to
16 treat their workers, because the main problem I see is with
17 the foreman and supervisors. And that's what I wanted to
18 convey to you, you know, how can we improve this area to
19 communicate better with the workers in their own language
20 in the field?

21 Yeah, many employers say that the workers are
22 able to get information either through their phones or
23 through the Internet. But, you know, like you said before
24 this is impossible for them. And that's what I wanted to
25 say.

1 CHAIRMAN GOULD: Okay. Thank you. Thank you.

2 MR. BLANCO: Any questions?

3 BOARD MEMBER SHIROMA: I have one question. So
4 we have been hearing that the ALRB is not trusted. What is
5 your view if our staff were to go to a field, a farm, to
6 speak to Mixteco workers with a translator?

7 MR. ESTRADA: Yeah, I have the recommendations
8 for you. One is like you said, if you come to our place
9 where we work that you bring somebody who speaks --
10 particularly a dialect of the workers. And also bring
11 somebody who is not a worker who works in the field. That
12 way we have more freedom to interpret.

13 And the second one is that you come unannounced,
14 because many times when you let them know you're coming by
15 the time you get there everything has changed. They have
16 arranged everything, the bathrooms or whatever. They've
17 changed everything, so they will have excellent conditions.
18 Unless you come, you know, unannounced.

19 BOARD MEMBER SHIROMA: Gracias.

20 MR. BLANCO: So, Mr. Estrada, you're not longer a
21 farmworker?

22 MR. ESTRADA: Yeah, I'm not a worker anymore, but
23 I work -- I'm a leader of the Mixteco workers and I have a
24 card here. That's what I know from experience what the
25 workers are going through and this is the only organization

1 of this type in Santa Maria. Hundreds of workers, Mixteco
2 workers from Oaxaca come to me, not just because of labor
3 problems, but also because they confront other problems.
4 But I have a lot of information because I work with these
5 people.

6 MR. BLANCO: And where do you meet with these
7 workers: in your office, in the fields, at home, where?

8 MR. ESTRADA: In my office, yeah but five or six
9 years ago I used to go to the fields. That's why I'm
10 saying that they wouldn't allow us to do anything, because
11 we're not part of the government.

12 MR. BLANCO: And over these years that you've
13 been with the FIOB, how many Mixteco farmworkers would you
14 say you've met with and have helped?

15 MR. ESTRADA: Just in Santa Maria it's a number
16 of approximately between 15 and 20,000 people from Oaxaca.
17 We also have identified other towns in Santa Maria. About
18 15 towns, we started meeting in 2008. I did personally
19 identify 15 total, but there's about 15 towns with a 1,000
20 or more people.

21 MR. BLANCO: Did you work on the Indigenous
22 Farmworker Project with Dr. Rick Mines?

23 MR. ESTRADA: (Without Interpreter.) Si.

24 MR. BLANCO: Do you have any questions?

25 CHAIRMAN GOULD: Yeah, I do.

1 Yeah, some people say if ALRB distributed written
2 materials to workers, the Mixtec workers or other
3 additional indigenous workers, this would convey the same
4 information as would the ALRB coming on to private property
5 and speaking. What do you think about that?

6 MR. ESTRADA: (Through Interpreter.) Yeah, if
7 the ALRB comes to a place of work it would be easier for
8 you and for them to get that information.

9 CHAIRMAN GOULD: But what about written
10 materials? Would they be able to get information from
11 written materials?

12 MR. ESTRADA: Yes, as I said before it wouldn't
13 be a bad information, written information, but they would
14 have to have somebody explain to them what are their rights
15 with more detail.

16 CHAIRMAN GOULD: Yeah, could written information
17 be provided in the language of the Mixtec people or other
18 indigenous people?

19 MR. ESTRADA: Yeah, that would work.

20 CHAIRMAN GOULD: And would they be able to read
21 that, the farmworkers?

22 MR. ESTRADA: Yeah, because somebody would read
23 it and then somebody would translate it in Mixteco.

24 BOARD MEMBER SHIROMA: Oh, somebody would read
25 it.

1 MR. ESTRADA: Because you cannot write Mixteco,
2 this is like a verbal dialect, so no written.

3 CHAIRMAN GOULD: Yes, language right?

4 THE INTERPRETER: Uh-huh, so it would have to be
5 written and, you know, translated to them.

6 CHAIRMAN GOULD: Okay. Now, you said that it
7 would be impossible for the workers to get information
8 through the Internet and I wondered if you would elaborate
9 on what you meant by that?

10 MR. ESTRADA: Yeah, I've heard many times that
11 the employers say that you don't need to come to our place
12 of work, because the workers have access to the Internet
13 either through the Internet or through their phone.

14 CHAIRMAN GOULD: Well, but why did -- he earlier
15 said that, as I understood it, that it would be impossible
16 for Mixtec workers to get this information or perhaps other
17 works as well, through the Internet. Why does he say that?

18 MR. ESTRADA: Yeah, but the employer says that
19 the workers can get information -- I mean Internet
20 information regarding their rights, through their phones.
21 I mean, through the Internet via their phones.

22 MR. BLANCO: You'll have to rephrase your
23 question.

24 CHAIRMAN GOULD: Yeah, I guess.

25 I know that the employers say this, but he has

1 said that it is impossible for workers to get this
2 information through the Internet. Why does he say that it
3 is impossible?

4 MR. ESTRADA: Yeah, the answer is that a lot of
5 workers can't even read or write let alone try to access
6 information through their phones on the Internet.

7 CHAIRMAN GOULD: Okay. Do you have anything
8 else?

9 MR. BLANCO: Yeah, I think it's also been said by
10 the representative of the grower communities that have
11 testified that the worker can afford the Internet. Do you
12 think so? That they can afford to pay for it?

13 MR. ESTRADA: Yes, I agree. They can't afford
14 access to the Internet

15 CHAIRMAN GOULD: Can or cannot?

16 MR. ESTRADA: No, they can't.

17 CHAIRMAN GOULD: They can't?

18 THE INTERPRETER: No, they can't.

19 MR. BLANCO: Now, do you think many of the folks
20 that have visited you, do you think that they are aware of
21 the Agricultural Labor Relations Act?

22 MR. ESTRADA: Yeah, as far as I can tell there
23 are many workers that are not aware of this Board,
24 Agricultural Board, you know, and laws that exist to
25 protect them.

1 MR. BLANCO: Anymore?

2 CHAIRMAN GOULD: Okay. Nothing more here, any
3 more from either of you?

4 BOARD MEMBER SHIROMA: No.

5 BOARD MEMBER RIVERA-HERNANDEZ: No.

6 CHAIRMAN GOULD: Okay. Thank you very much.
7 Thank you for your statement.

8 MR. BLANCO: Senior Estrada?

9 (Gets business card from Mr. Estrada.)

10 CHAIRMAN GOULD: Okay. Who is next?

11 MR. BLANCO: Okay. Next is Mr. Bryan Little.

12 MR. LITTLE: Good afternoon. I hope that you all
13 can hear me, because when I was sitting in the back of the
14 room I was having a little difficulty hearing what was
15 going on up here at the table. So I'll do my best to speak
16 up and try and annunciate clearly.

17 I'd like to thank all of you, Mr. Chairman and
18 the Members of the Board, for the opportunity to be here.
19 I'm Bryan Little with the California Farm Bureau
20 Federation. You may know that the Farm Bureau is the
21 largest membership organization for farmers and ranchers in
22 California. And we have a fairly keen interest in the
23 discussion that you all are engaging in here this
24 afternoon.

25 I'd like to start off by pointing out that it's

1 our view that you have some significant -- if you want to
2 go down the road of trying to promulgate a role that would
3 allow you to take access to farms for the purpose of
4 educating workers you have several practical problems that
5 will prevent you from being able to do that.

6 One is that in our view any proposed regulation
7 needs to be necessary to carry out the provisions of the
8 Agricultural Labor Relations Act. There is no enumeration
9 of a purpose to educate workers in Section 1152 of the Ag
10 Labor Relations Act, at least not that I can find. With
11 apologies to you, Mr. Gould, I know you're a very
12 distinguished attorney, and I have to show people that
13 unencumbered by a law degree. But I can read and I haven't
14 been able to find that in Section 1152.

15 In the absence of that, I don't know how you'd
16 make a case for necessity. You have another problem when
17 it comes to making a case for necessity and that is that
18 there is a plethora -- it's a great word isn't it? -- a
19 plethora of alternative means for agricultural workers to
20 be able to get the information, that the educational access
21 activity you're proposing to undertake, would deliver those
22 workers.

23 There are people here in this room who undertake
24 that role all over the State of California: farmworker
25 service groups, local charitable organizations, local

1 churches, all sorts of organizations undertake to organize
2 things like fairs, festivals, health fairs where they
3 provide medical diagnostic testing, entertainment
4 opportunities.

5 Even things as simple and mundane as face
6 painting for their kids that would serve as excellent
7 opportunities for you to partner with those local
8 organizations to be able to deliver this information to
9 workers. In a way that's going to be culturally sensitive,
10 because the organizations that exist in those communities
11 for that purpose are going to have an excellent
12 understanding of the people that they're trying to reach.
13 That's why they're there. That's the purpose for which
14 they exist and as such that's going to be an opportunity
15 for you to be able to deliver this.

16 There's been a lot of discussion here about
17 whether or not workers have phones or not. Some people say
18 they do, some people say they don't. All I can tell you is
19 that I've seen a lot of workers carry phones around and I
20 can assure you that they do that for more than simply
21 communicating with whoever is babysitting their children
22 that they need to go pick up at the end of the shift.

23 I can tell you from having watched what they do
24 and how they use these phones, they use them for all sorts
25 of purposes. Sometimes they use it for trying to find

1 whether or not the grower three miles down the road is
2 paying an extra nickel a basket for whatever it is that
3 they may be picking on that particular day. And it's not
4 an uncommon thing to see some of them talking on the phone
5 to someone and then deciding to leave where they're working
6 now and going to work at that location down the road.

7 So these, as we all know, as ubiquitous as cell
8 phones are these days they are used for a variety of
9 purposes for exchanging information. And being able to
10 exchange this kind of information is only part of it.

11 CHAIRMAN GOULD: Except that smart phones are
12 fundamentally different in a number of respects. And, you
13 know, smart phones are not as widely used, to understate
14 some of information we have received, as other kind of
15 phones. And that many of the -- one of the reasons for
16 this aside from expense -- could be the problem of
17 literacy, particularly literacy in a language that they're
18 not literate in.

19 MR. LITTLE: I believe I -- did I accidentally --
20 did I use that word smart phone? If I did I didn't intend
21 to do that.

22 CHAIRMAN GOULD: No. I said it is said -- when
23 you talked about phones I said, but it's said that smart
24 phones are fundamentally different in that regard.

25 MR. LITTLE: I don't know to what extent -- I

1 don't know what types of phones are commonly available to
2 agricultural workers or what it is that they commonly use.
3 I'm afraid I don't have that expertise that I can share
4 with you. But I can tell you that, based on what I've
5 seen, the phones that they do have available to them seem
6 to be excellent modes for information transmission among
7 workers to be able to learn about labor market conditions
8 and other things that may be going on that they want to
9 know.

10 Now, individual information-gathering
11 technologies are not the only means of communication that
12 farmworkers have available to them. Of course, we know
13 they have mass communication, mass available to them in
14 radio, television, newspapers, pamphlets, billboards,
15 posters -- all sorts of means of communicating with workers
16 that, as far as I can tell, the Agricultural Labor
17 Relations Board has not really fully made use of. And, of
18 course, we all know that the throughout the summer of this
19 year that the United Farmworkers made extensive use of
20 their rights under the access rule to visit farms, to talk
21 to workers and presumably educate them about the
22 requirements of the of the Heat Illness Regulation, which
23 by the way is something the Farm Bureau has done an awful
24 lot of with our own members over the last couple of years.

25 So it's clear, I think, that UFW and the SCIU and

1 other organizations like them have a clear ability that
2 they know how to use in order to be able to reach and
3 educate workers.

4 One thing that you're going to need to try to
5 balance, I think, is the appropriateness of trying to give
6 yourself yet another right to allow a trespass on to
7 farmer's private property. " Trespass" is a word you
8 don't hear very much anymore, it's not commonly used. But
9 the fact remains that farmers have a right to be secure in
10 their own property under criminal law and court law from
11 unnecessary trespass on their private party.

12 You succeeded in giving labor unions -- in giving
13 yourself the right to give labor unions the right to
14 trespass on farmers' property. And the conditions that the
15 Board cited when they were successful in defending that
16 rule, I would suggest to you don't exist widely today.
17 That there is much better communication and much better,
18 other opportunities, for information available to workers
19 today than there might have been at that time.

20 Another thing that's going to be problematic for
21 you, I believe, is going to be just a simple, practical
22 matter of how you go about managing access to a farm. For
23 example, if it is your belief that the principle purpose
24 that you're undertaking this potential rulemaking for would
25 be to facilitate communication with people who do not speak

1 Spanish, speak some other language other than Spanish,
2 you're going to need interpreters in order to be able to
3 facilitate that communication once you have taken access.
4 But which interpreter are you going to bring and how are
5 you going to know which interpreter you're going to bring
6 until after you've already taken access to the farm? I
7 don't how you resolve that practical problem.

8 Another thing that's also going to be, I think,
9 potentially problematic for you is the fact that I think
10 that one of the most valuable things that the Board has now
11 to some degree, that you risk leaving if you go down this
12 road, is the perception of impartiality between the sides
13 that engage in the disputes that the Agricultural Labor
14 Relations Board is charged with resolving.

15 I think that it's fair to say that agricultural
16 employers and farmers already have their doubts about the
17 impartiality of the Agricultural Labor Relations Board and
18 its staff. And things that have happened over the last few
19 years have encouraged farmers to have even greater
20 skepticism about the impartiality of the Ag Labor Relations
21 Board and its staff.

22 But in absence of ability upon your part to be
23 able to have the goodwill to be able to show that you can
24 judge these kinds of disputes in an impartial manner will
25 only be further undermined by going down the road you're

1 going down, because of the hostility and mistrust that
2 already exists to a certain degree. The --

3 CHAIRMAN GOULD: Now, if we should focus upon
4 purely the question of unorganized facilities providing
5 information to employees, equally or perhaps principally
6 about their right to engage in protest, and their right to
7 request changes in employment conditions without fear of
8 retaliation -- rather than involve ourselves in
9 controversies between labor unions and employers, which
10 have involved the Board in recent years -- wouldn't that
11 measure of distrust in some measure be overcome.

12 MR. LITTLE: I don't think so, because I don't
13 think that it is --

14 CHAIRMAN GOULD: I had a feeling you would say
15 that.

16 MR. LITTLE: -- that the identity of the
17 Agricultural Labor Relations Board is -- I'm sure you
18 probably did know I'd say that. I don't think that the
19 identity and the purpose and the history of the
20 Agricultural Labor Relations Board is unknown to many
21 people in the agricultural community whether they're
22 employers or whether they're employees. And the idea that
23 you could sort of in a subterranean way just kind of go in
24 and talk about certain issues, and people wouldn't know any
25 of this stuff, is probably not a very practical expectation

1 on your part.

2 CHAIRMAN GOULD: No. But I'm not suggesting that
3 we go in a subterranean way and not talk about certain
4 things. If we want to talk about all -- if we did
5 something like this -- all that's involved in the statute.
6 But simply the question of focusing, particularly in the
7 unorganized area on the right to protest, as well as
8 talking about the rest of the statute rather than being in
9 ensnarled in labor management controversies, which some of
10 the major litigation have been involved with. Wouldn't
11 that present a different problem in terms of a -- a lack of
12 a problem in terms of trust?

13 MR. LITTLE: I don't think it would. And getting
14 back to enforce, as you said before, you know of course you
15 would have expected that answer from me. But the problem
16 you have with trying to divorce yourself from history is
17 that history exists. And people already have an
18 understanding of what the history of the Agricultural Labor
19 Relations Board has been, and at times how controversial
20 that history has been. I don't know that you could
21 possibly -- so it's a little bit like wondering whether or
22 not a physicist can observe a physical phenomenon without
23 altering it.

24 I don't know that you could possibly take access
25 on to a farm without creating the perception that somebody

1 did something they weren't supposed to do. That there's
2 some sort of a kind of a criminal or nefarious activity
3 going on here. And you're going to have the workers
4 wondering what's going on. You're going to have the grower
5 wondering what's going on and why he was picked out of all
6 the other growers out there that could have possibly been
7 picked. And I don't think we can do --

8 CHAIRMAN GOULD: Well, Mr. Maturino who had just
9 testified has said that perhaps we should look at employers
10 where there have been past violations.

11 MR. LITTLE: You could do that if that's the
12 direction you want to try to go. I think you might be
13 limiting the -- if you were going to do that it would be
14 limiting the number of workers you're going to try to
15 reach, which I think would probably not serve the purpose
16 that you're trying to serve.

17 BOARD MEMBER RIVERA-HERNANDEZ: But aren't other
18 state agency enforcement agencies that currently can go
19 onto employers' property for that -- not even just
20 education, but just to go check up on them?

21 MR. LITTLE: Most agencies as far as I know, the
22 Department of Industrial Relations, have the right to have
23 access to places where workers work. But that right to
24 access is limited by property's owner right to be secure in
25 his property. It's for his trespass rights and I suppose

1 that probably also grows out of his Fourth Amendment
2 rights.

3 But again, Mr. Chairman I'm not an attorney and I
4 can't really speak to that point. What we typically
5 suggest employers -- the way to handle a situation like
6 that is if an enforcement agency like Cal/OSHA comes you
7 have to make a decision about whether you're going to allow
8 them onto the property immediately or are you going to ask
9 them to go get a warrant. But you still have the right to
10 ask them to go get a warrant. And so that is where that
11 division occurs is those agencies have the right to go onto
12 your property, but they don't have an absolute right to go
13 onto the property. And you have the right to tell them, "
14 No, you need to go get a warrant."

15 Now, you have to balance whether or not that's a
16 good idea or not, because they're going to come back
17 suspicious if they do that. So that's why we suggest to
18 employers that it's a good idea to always have your ducks
19 in a row and make sure that you're in a position to be able
20 to allow those agencies to come and do whatever it is they
21 believe they need to do.

22 BOARD MEMBER RIVERA-HERNANDEZ: I just want it to
23 be clear that we're not breaking any -- we're not being
24 precedential, we're not breaking any new ground. Arguments
25 that well then they'll assume that something horrible is

1 happening here I mean, that occurs already in other
2 industries and by other agencies.

3 MR. LITTLE: I think that most workers have
4 probably seen a lot more of Cal/OSHA in the last five, ten
5 years than they perhaps have of the Agricultural Labor
6 Relations Board. And again, that's all part and parcel of
7 the history that goes along with your agency. Is that if
8 they see that agency as opposed to someone from Cal/OSHA
9 who they know -- they know what they're about, they know
10 what they're there to do. They're there to make sure that
11 the requisite number of toilets are there and that there is
12 water and shade and everything else required in all the
13 various regulations and so on and so forth -- so they're
14 somewhat familiar with what it is that Cal/OSHA does.

15 You guys are going to be something of a wild card
16 if you're out there (indiscernible)

17 BOARD MEMBER RIVERA-HERNANDEZ: I would argue
18 that there was probably a point when they didn't though,
19 that they were educated as to what Cal/OSHA does and why
20 they were there.

21 MR. LITTLE: I have a feeling -- you know, I
22 don't know. I have not been here long enough to know a
23 time when Cal/OSHA wasn't active and well known in
24 California. So that's -- it's possible that that time may
25 have existed, but it was a long time before my time.

1 BOARD MEMBER RIVERA-HERNANDEZ: Okay.

2 MR. LITTLE: Anything else?

3 CHAIRMAN GOULD: No, go ahead and end.

4 MR. LITTLE: Okay. Thank you. I appreciate
5 that.

6 I would simply close as I think I've taken enough
7 or your time already, to say that I think that it's
8 unlikely that you would be able to make the case for
9 necessity under the Administrative Procedures Act, because
10 I think it's clear that you have a number of alternatives
11 available to you. Alternative to taking access to farms
12 that would amount to yet another trespass on a farmer's
13 right to be secure and free of trespass in his own
14 property.

15 Given a lack of clear legal authorization in the
16 Ag Labor Relations Act, and given the alternatives that are
17 available to you to be able to accomplish what you say you
18 want to accomplish -- and I take you at your word that's
19 precisely what you want to accomplish -- there are better
20 ways to accomplish what you want to accomplish than to go
21 down the road that you may be contemplating. That's all I
22 have, thank you.

23 CHAIRMAN GOULD: Any questions?

24 BOARD MEMBER RIVERA-HERNANDEZ: No.

25 CHAIRMAN GOULD: All right. Thank you very much.

1 MR. LITTLE: Thank you.

2 BOARD MEMBER RIVERA-HERNANDEZ: Thank you.

3 MR. BLANCO: Hilario Rodriguez

4 (Colloquy off mic.)

5 CHAIRMAN GOULD: We're wondering whether he --
6 apparently there's some difficulty in being heard in the
7 back. I wonder whether the two of you could speak from
8 that podium?

9 MR. RODRIGUEZ: (Through Interpreter.) Good
10 afternoon. My name is Hilario Rodriguez. I want to give
11 my testimony regarding the labor.

12 Yeah, there is a lot of pain in the fields,
13 because many times the workers cannot work with the
14 terrible conditions and they have a lot of stress.

15 Okay. So what I want to stress again is that
16 there is a lot of pain and suffering. And I would be glad
17 if you could provide us with information about our rights,
18 I would appreciate it.

19 Yeah, I want to make sure to state that we're not
20 against the employers. We just want to be provided with
21 the information about our rights and to work under fair
22 conditions, because like I said before we make -- doesn't
23 have enough income to provide for our families. And that's
24 all I wanted to say.

25 Yeah, I think that we need to know what are the

1 laws and our rights. We want to understand the conditions
2 that we're allowed to work with and the legal ramifications
3 of our work. Yeah, we just really want to under fair
4 conditions. And so many of us don't have enough money and
5 we have families to support, so we just want to work with
6 optimum conditions.

7 Yeah, I wouldn't be against if you see our place
8 of work, so you can see the conditions, because many people
9 here maybe don't believe what we're saying. But you could
10 see for yourselves the conditions under which we work.
11 Thank you.

12 CHAIRMAN GOULD: All right, thank you. Any
13 questions that anybody has?

14 All right, thank you very much. Thank you.

15 MR. RODRIGUEZ: Okay. Thank you.

16 MR. BLANCO: So I don't see Rob Carroll, so we'll
17 go with Claire Wineman.

18 CHAIRMAN GOULD: Whichever you prefer, wherever.

19 MS. WINEMAN: Well, there's a microphone now
20 right there.

21 CHAIRMAN GOULD: Whichever you want.

22 MS. WINEMAN: Hi. Good afternoon, my name is
23 Claire Wineman. I'm the President of the Grower-Shipper
24 Association of Santa Barbara and San Luis Obispo Counties.
25 We represent over 160 farmers, shippers, farm labor

1 contractors and supporting agra businesses. We are
2 absolutely committed to the long-term partnership between
3 farmers and the farmworkers that make growing and
4 harvesting fresh produce possible.

5 As an association, we focus on making sure that
6 farmers, farm labor contractors and supervisors are trained
7 and aware of the various farmworkers protections regarding
8 wage an hour, heat illness prevention, field sanitation and
9 harassment prevention.

10 We do not agree with the need for or merit of
11 promulgating a rule that requires ALRB staff to visit
12 fields for educational purposes under the Ag Labor
13 Relations Act. We oppose developing this rule for the
14 following reasons. As previously mentioned, this proposal
15 lacks authority and the necessary findings. This is not a
16 new law and many workers are aware of their rights and
17 protections as well as various avenues to express
18 grievances.

19 The contemplated approach is inconsistent with
20 those of other regulatory agencies such as Cal/OSHA and the
21 Labor Commissioner's Office. Both have been successful in
22 effectively engaging with agricultural partners to
23 accomplish educational goals. And there was a great
24 question earlier about that in the precedent with the other
25 agencies. I'd like to clarify that the difference is that

1 many of the on-farm visits are for enforcement purposes.
2 So spot checks on different farms versus regular access to
3 worksites for educational purposes. And that is the
4 primary distinction.

5 CHAIRMAN GOULD: Of course, Mr. Maturino was
6 suggesting perhaps with a rule like this we should focus
7 upon employers that had been found to have violated the
8 statute in the past. And thus it would become kind of a
9 spot check.

10 MS. WINEMAN: Let me -- would you like my
11 thoughts on that or --

12 CHAIRMAN GOULD: Yes, that's why I'm raising it
13 with you.

14 MS. WINEMAN: Okay. Let me think about that for
15 just a minute. Let me make a couple more points and then
16 I'll kind of think about that and maybe we can revisit
17 that.

18 CHAIRMAN GOULD: Yeah, surely. Surely.

19 MS. WINEMAN: I think in general, individual site
20 access is an inefficient and inconsistent means of
21 educating large numbers of workers.

22 As other people have mentioned, there are better
23 alternative means of communicating to the desired audience.
24 Television, for example, I watch Almvision (phonetic) all
25 the time. It's a great station, there's a lot of public

1 service announcements in Spanish. The radio, there's
2 always a radio playing in the fields. It's a great way to
3 disseminate information.

4 On a side note, I worked for a number of years
5 with the local Resource Conservation District on outreach
6 to Spanish-speaking farmers and learned a lot about how to
7 effectively engage with people, disseminate that
8 information. And again getting back to the cell phones,
9 the best way to get someone to a meeting was to text them.
10 Text the list of invitees and that's how we could best get
11 turnout for the workshops that we were having.

12 Again print media, posters and fliers are all
13 means. We also suggest coordinating with associations such
14 as ourselves, Ag Safe and others, which would have a much
15 greater impact.

16 Two local events that I wanted to mention as well
17 is the Day of the Farmworker -- that's an annual event
18 bringing various nutrition and health service available.
19 And then, here in Santa Maria we also have an annual
20 Guelaguetza Festival. It's a day that celebrates the
21 indigenous communities, the Oaxaca. And the last estimates
22 called for attendance well over 3,500 people. So that's an
23 annual event that they have, and again is targeted towards
24 the various communities, indigenous communities from Oaxaca
25 whether that's Mixteco, Triqui and it's a great community

1 opportunity.

2 And again, having outreach at that type of an
3 event would have a much greater outreach and people would
4 feel much more comfortable in that type of setting.

5 There's also questions regarding, as previously
6 mentioned, the compensation for the employees' time. And
7 as mentioned, whether this burden will be shifted to the
8 employer, or whether that burden would be on the employees
9 during their free time. And again, the hallmark of the
10 meal period is that unless they're otherwise waiving it and
11 being compensated for that -- but they need to be
12 completely relieved of all duties during that meal period.

13 And again, that's the distinction is would you be
14 obligating someone to be attending this meeting during
15 their lunch hour? And would that, in some way, mean that
16 they're not being completely relieved of all of their
17 duties during that meal period.

18 There could be confusion about who's conducting
19 the training and why. I know even when we were doing
20 outreach on the irrigation and nutrient management
21 practices we'd definitely get looks about who was that
22 truck and what are they out for? So it's definitely
23 something that can cause disruption in the work schedule,
24 both for the employees and the employers.

25 In closing, we thank you for your consideration

1 of these comments and ask that you not pursue additional
2 regulatory requirements. And instead pursue a
3 collaborative approach to this process.

4 CHAIRMAN GOULD: Are there any questions from my
5 colleagues?

6 BOARD MEMBER SHIROMA: No, but I had seen you
7 replaced a board -- and I don't know if that's the right
8 word -- for Richard -- is it Richard Quandt?

9 MS. WINEMAN: Yes.

10 BOARD MEMBER SHIROMA: Yes, yes, yes. And I was
11 frankly pleased to see a woman step forward into leadership
12 and so congratulations on that.

13 MS. WINEMAN: Thank you very much, and we
14 appreciate that.

15 I think -- and I honestly don't know what the
16 right answer in terms of if you were to do individual
17 onsite. Again, I think that comes back to issues of how
18 equitable is it? And on the flip side I'm kind of trying
19 to run through what are other options. And if you look at
20 sampling, there's a question of random sampling, but if you
21 keep kind of going back to the same places over and over
22 there's potentially issues.

23 So again, in general, I would advocate for
24 exhausting every possible means through a voluntary and
25 collaborative approach. In the end I find that that is

1 tremendously successful and will create a tremendous amount
2 of good will instead of hostility and fear and resistance
3 to the mutual goals. Thank you.

4 MR. BLANCO: Do you think that your membership
5 would be open to, when you speak of collaboration and
6 voluntariness, would they be open to our offering to train
7 your supervisor and foreman regarding the obligations of an
8 employer under the Agricultural Labor Relations Act?

9 MS. WINEMAN: So in terms of training actually
10 that is something that we do.

11 So first of all, there's the farm labor
12 contractor, it's a nine-hour annual requirement. And there
13 are components under the NLRB and the ALRA, so that's a
14 required component. That's laid out in the curriculum that
15 the Labor Commissioner submits. And again, that's an
16 annual nine-hour requirement.

17 We as an association also provide regular
18 training on harassment prevention and that's expanded to
19 include bullying. I know that that's something that we
20 have voluntary already provided training on, in terms of
21 making sure that supervisors do understand both the process
22 and making sure that they aren't inadvertently taking any
23 actions that are against protected activity or protected
24 concerted activity. We're very aware and to provide
25 regular if not every year, every other year, outreach on

1 that making sure that --

2 And again, that is at both the farm labor
3 contractor and the grower level, but also at the field
4 supervisor and crew supervisor levels. And those are very
5 well attended. We've had consistent attendance in that
6 respect.

7 MR. BLANCO: So are you saying that it would be
8 possible that we would be able to collaborate with your
9 association in that fashion to provide that kind of
10 training assistance?

11 MS. WINEMAN: I would have to ask the bosses. So
12 I work at the pleasure of my Board of Directors, so I could
13 certainly seek direction on that.

14 Again, I do know that we have explored that with
15 other avenues that are required. But in general we do
16 prefer a voluntary approach and again that is something
17 that we've already provided training on, on a voluntary
18 basis, for the benefit of both the farmworkers, the
19 farmers, and the supervisors.

20 MR. BLANCO: Now, with the Heat Illness
21 Prevention Program, I believe training of supervisors and
22 foremen is required under that?

23 MS. WINEMAN: I'm thinking. Yes, but I would
24 have to double-check on what those current training
25 requirements are.

1 CHAIRMAN GOULD: No, you're not the first person
2 to mention radio and television and indeed, written
3 materials, newspapers, as an alternative to this kind of
4 communication. And we haven't asked this question
5 consistently, but there's a big difference between a
6 conversation that you and I and my colleagues are having
7 right now -- and the ability of us to kind of go back and
8 forth and exchange ideas with one another -- than there is
9 by turning on a television set or listening to a radio;
10 wouldn't you assume that to be the case?

11 MS. WINEMAN: Yeah. I think the level of
12 interaction that you would have is really dependent on how
13 comfortable you are with someone. So for example, a lot of
14 my members are very shy. They would rather kind of have me
15 come and speak at this type of event than feel that there's
16 any potential making implications or that sort of thing.

17 CHAIRMAN GOULD: Of course.

18 MS. WINEMAN: So I think to have that true
19 dialogue again, I think having a table at Guelaguetza would
20 probably be the best opportunity. People would be
21 comfortable or at the community meetings where there's a
22 level of endorsement from the community leaders who they
23 trust and respect and say, " Okay, this person is here.
24 This is a safe space for me to be asking those questions."

25 I do notice on the Spanish language television

1 that there's a lot more community service ads than there
2 are on like the -- I'm trying to think what their networks
3 are. Like on Minisione (phonetic) there's a lot more kind
4 of different public service announcements than I see on the
5 ABC, the CBS and the Fox networks. That's a different
6 approach.

7 And so I think that there is a lot more of that
8 and I think that would be an avenue to initiate awareness.
9 But I think in terms of having the most productive
10 interactive conversation, that comes through an avenue
11 trust in a safe space that will come through trusted
12 relationships with the agricultural community and with the
13 farmworker community in the language that they're
14 comfortable and the locations that they're comfortable
15 with.

16 And again, I think trying to cram it in and kind
17 of -- I could just see everybody saying, " Well, I don't
18 know who this person is and are they out to get me. And
19 how do I know I can speak freely with this person and ask
20 concerns?" I see that happening more and even I see this
21 in our own trainings where maybe we'll have a big workshop.
22 And maybe people will ask a couple of questions, but it's
23 afterwards, it's the follow up in the one-on-one
24 conversations that they want to have after that you really
25 get into the meat of that conversation.

1 CHAIRMAN GOULD: True. And that could happen,
2 couldn't it, in connection with worksite access. So you
3 may want to explore this later on.

4 MS. WINEMAN: Yeah, but then that's kind of
5 circling back into the piece rate. If I have a choice of
6 making quite a lot more money on a different --

7 CHAIRMAN GOULD: On my lunchtime?

8 MS. WINEMAN: After, after -- so depending on the
9 duration of the training.

10 CHAIRMAN GOULD: Yeah.

11 MS. WINEMAN: So I would much rather see that in
12 a more comfortable community setting than in such a strict
13 imposed requirement.

14 CHAIRMAN GOULD: Okay.

15 BOARD MEMBER RIVERA-HERNANDEZ: So if we didn't
16 force it, if it was not imposed, then your organization
17 would not have a problem with it?

18 MS WINEMAN: I think we'd certainly be much more
19 comfortable with that, but again I would want to seek final
20 direction from my board. And see what their kind of
21 comfort level is and recommendation.

22 And also in consideration, because that's the
23 other thing too, we're looking at something that would be
24 statewide. So potentially something that works of us
25 locally, we'd want to make sure that we're conferring with

1 our other statewide partners in making sure that there
2 aren't unintended kind of consequences. For example, maybe
3 they don't have like La Guelaguetza in other areas or they
4 don't have The Day of the Farmworker. You know, kind of
5 making sure that what we're looking at on a statewide basis
6 really works and isn't overly influenced by kind of our
7 local needs and conditions.

8 BOARD MEMBER RIVERA-HERNANDEZ: And I'll just add
9 -- and the first speech I ever gave was within a couple
10 months of coming on to the Board many years ago -- was for
11 grower-shippers. So that was my first interaction with
12 growers and it was a good one.

13 MS. WINEMAN: Thank you.

14 BOARD MEMBER RIVERA-HERNANDEZ: But I would just
15 say that we do those things, we do those things now. We've
16 been doing those events for years. And so I think the
17 discussion and the reason we are having these hearings is
18 because we're not talking about, " Well, let's do one
19 thing and then let go of everything else." Even if we go
20 forward with some type of regulation we will continue to do
21 all of those outreach events that we were doing before.

22 The issue is that we are doing those things and
23 we still have farmworkers showing up at these hearings and
24 saying that they need more information. Many who said they
25 receive a lot of training in Spanish, a language they don't

1 speak. And so we are trying to figure out how do you get
2 this information to these workers who are coming to us and
3 saying that they need it. And they have not already
4 received it in all of the ways that we have already
5 attempted.

6 I will also say you're correct about the
7 distinction, but it's clear from other grower organizations
8 they do not want our enforcement staff at the farm, which
9 is one of the reasons why we're looking at it. Because the
10 goal is education and not enforcement for this purpose,
11 that we would have our education folks as opposed to
12 enforcement.

13 MS. WINEMAN: Yeah, and I think it's definitely
14 concerning to hear comments, some of the comments that have
15 been made today. But then on the flipside some those are
16 very clear violations of laws that are already in effect
17 and that are being enforced by, for example, Cal/OSHA, by
18 the Labor Commissioner, in terms of what those meal and
19 rest periods are and the wage an hour. You know, those
20 wage an hour laws are very clearly laid out in terms of
21 this is -- and again it's being relieved of all duties
22 during that period. And so it's inconsistent with what I
23 hear from my membership and what I have seen of how things
24 are handled.

25 For example, when I was working with the Resource

1 Conservation District we were picking strawberries for a
2 summer as part of a research plot. And it was like, " The
3 time is now 9:00 o'clock and we are stopping. We are
4 stopping. We are stopping right now, we are taking our
5 meal period and that's -- or our break." And that was
6 that. So it's definitely hard to hear, but at same time
7 it's inconsistent from what I hear from my members as well.
8 And I don't immediately know what the solution is to that.

9 But again, for the record we are absolutely
10 committed to people complying with the laws. And with
11 making sure that people are being safe and that we are glad
12 to see that these protections are in place. And that's why
13 we do provide such aggressive outreach to the membership,
14 that they are aware of that and how to comply -- that
15 there's a law and that they can comply with it.

16 And that's part of the goal too is making sure
17 that when we're considering developing new policies, that
18 it is something that you can comply with and kind of works
19 on the ground.

20 BOARD MEMBER RIVERA-HERNANDEZ: Thank you.

21 CHAIRMAN GOULD: Okay. Thank you very much.

22 Thank you.

23 MS. WINEMAN: Thank you.

24 MR. BLANCO: Rob Carroll?

25 (Board confers)

1 MR. CARROLL: (Speaking Spanish to the audience.)

2 To be here, and I want to thank -- first of all,
3 you won't have to translate. But it's just an honor to
4 have an opportunity to address you guys and I really
5 appreciate the fact that you're out here with the folks.

6 And at the risk of being overly ecstatic I think
7 that what your period has brought, Mr. Chairman, to this
8 agency is very exciting even though there's not a whole of
9 representation in election petitions. I keep hearing this
10 stat from you. There is a lot of work to do and the fact
11 that you guys are getting out of Sacramento, and getting
12 out here to see what's going on and actually hear from
13 everybody, who have various different points of view.

14 But I think we're all really focused on the same
15 thing, which is to make sure this statute which is 40 years
16 old now, is understood and its historical origins are
17 understood. And that they make sense in 2015 for all the
18 communities and constituencies that are subject to it.

19 So thank you for the chance to speak. Just as a
20 point of background on August 9th of last month I began my
21 38th year, even though I don't look a day over 25, of
22 practicing before this agency. And I'm one of those guys
23 that actually -- back in those days I actually negotiated
24 with Cesar Chavez himself. We had -- he was one of the
25 best negotiators, collective bargaining negotiators that

1 ever was around, because he got things done.

2 And I've had the opportunity also to grow up with
3 all these statutes including Cal/OSHA and I'd be happy to
4 add my own take on a lot of the questions that the members
5 and Chairman have been asking about other agencies and what
6 they do. So maybe we can get into that a little bit.

7 I thought that -- I've heard a little bit about
8 the other sessions. I don't think we'll have the theatrics
9 that went on in Fresno. I think it's kind of like I think
10 it was one of the chief justices, maybe it was
11 Roger Traynor, who talked about it's all been said and said
12 again. So I really don't want to belabor the points that
13 have been being made, but I think I've got a little fresh
14 take on a few of them from the employer's point of view.

15 So first of all, I do want to say that I don't
16 think anybody's opposed to education about this statute.
17 It's important whether or not it rises to actual
18 rulemaking. You know, the Chairman has the benefit of
19 having headed the biggest agency in the country that does
20 this. And there's been very little use of rulemaking
21 although you have some familiarity with it and reasons for
22 it and that kind of thing. But I think here, Mr. Little,
23 who was very eloquent and further proof that you don't have
24 to be an attorney to make sense talked a bit about Section
25 1152 and also Section 1140.2.

1 I think one of the challenges that we are all
2 going to face if you want to go in this direction is that
3 there's nothing empowers you or directs you as an agency to
4 actually get out and educate farmworkers. I think it's
5 sort of a byproduct of what the statute's all about. But
6 there's certainly going to be a lot of debate about that
7 and hopefully not litigation if it goes forward. But you
8 just never know, because I think that what we've done is
9 try to do --

10 CHAIRMAN GOULD: I think we can bet there'll be
11 some litigation.

12 MR. CARROLL: Well, I agree with this woman here,
13 I didn't get her name, but I think there's a tendency these
14 days, because you guys are coming out here to try and be
15 much more collaborative. And maybe there are steps in
16 between even going to regulation that I could suggest as
17 well. But probably you're right, if it doesn't go a
18 certain way.

19 But I think it's important to remember that back
20 when -- Mr. Little mentioned the right of privacy and to
21 prevent trespass and all that -- the cases which actually
22 decided that there would be exceptions to that for the
23 filing of notices of intent to organize and notices of
24 intent to take access that are actually based on some proof
25 that there's interest among the employees of a particular

1 company in getting this information -- was to do exactly
2 that. To be very narrowly focused in having an interest
3 level already having been expressed in receiving or
4 allowing organizers to actually go out and do things that
5 find their genesis for the Authority to do it, in the
6 statute itself.

7 And I think here, that just not is there the
8 absence of the actual statutory language. But there's
9 also, as Mr. Little mentioned and I know other speakers
10 have mentioned it at the other locations, the necessity.
11 And that's kind of where her presentation was, where his
12 presentation is, the dialogue you guys have been having.
13 You know, to have whatever take you have about there being
14 public meetings or social media or Internet or videos or
15 brochures or whatever it is.

16 I think it's fair to say that there's a big
17 difference in where that interaction, if you will, in
18 whatever form was happening in the late '70s when those
19 cases were adjudicated providing that limited right where
20 was authority in the statute and a responsibility of the
21 Board to do it specifically enumerated. Versus today where
22 it's, I think the word was ubiquitous. I kind of agree
23 with that.

24 So keeping that in mind I'm not going to focus on
25 what level and who has smart phones and all that, because

1 that's well beyond my pay grade. But I too have actually
2 litigated a case before this Board for George Amaral, where
3 there was a smart phone in use. And actually became the
4 focus of what the interaction -- that led to the actual
5 unfair labor practice, which ultimately was adjudicated.
6 So it's clear that they're out there.

7 So to my way of thinking though, the level of
8 justification of necessity, I don't think this here would
9 be present. And frankly, there is lots and lots of
10 alternatives. We've talked about in her presentation just
11 now, interaction -- and one of the members is correct --
12 probably every means needs to be explored whether it's
13 using community meetings, collaboration and that kind of
14 thing. There are ways that are less intrusive than
15 actually coming on to the private property for the period
16 of 30 minutes where they're supposed to be completely
17 relieved of all duty.

18 And remembering too that with the piece rate
19 situation that they can even get together and sign waivers
20 saying, " We don't want to take those lunches, because we
21 just want to make the money and get the work done." Where
22 just given translations that may have to go on there may
23 not be much time to do any education at all. And I think
24 having some type of information impartation process, if you
25 will, around the state like what you guys are doing

1 interacting with employer organizations that want to be
2 involved with this and/or community groups, church groups,
3 etcetera that Mr. Little was talking about is a much better
4 way to get more information and more people.

5 I think it was Mr. Estrada who was very candid
6 about how he gets with the Mixteco workers and actually has
7 them into his office or goes to meetings where he's
8 educated lots and lots of them about what their rights are.
9 And it's much less intrusive, and of course, if you get in
10 a building like this where the climate is controlled, it's
11 not too hot, it's not too cold. You don't have to worry
12 about Internet access, you can have that interaction that
13 we're having right now. You don't have to worry about
14 English, because we can translate. You don't have to worry
15 about whether people write or read, because we can
16 communicate orally.

17 And I think that that's something that really the
18 Board ought to think seriously about, sort of an
19 intermediate step to see how effective that might be since
20 it's never been done before. I mean, it's never been done
21 before in my 38 years of experience where we've actually
22 had people get out and have meetings and see unfortunate
23 things such as what you saw -- the Chairman spoke very
24 eloquently about down south. And also the good stuff
25 that's going on too.

1 So that's my comment about the absence of
2 necessity and also about the methodology. How do you get
3 this done effectively? I think the -- I'm not going to
4 pick on the inexperience, we just had sort of a regime
5 change on General Counsel's side -- and among the various
6 regional offices we now have folks that don't have a whole
7 lot of experience in these areas that would essentially be
8 tasked with a very important role.

9 CHAIRMAN GOULD: Well, I think as
10 Member Rivera-Hernandez pointed out that if we then went
11 down this road we'd be looking at worker education people.
12 And which would be --

13 MR. CARROLL: Like an NGO or something?

14 CHAIRMAN GOULD: Well no, they would be people
15 who would be employed or responsible to us who would
16 perform a very different function. I think we are
17 concerned that there be some kind of wall between the
18 prosecuting function and indeed the judicial function also
19 of the Board.

20 MR. CARROLL: Yeah, I think that's well put. And
21 it's important. Too, that it gets to another point that is
22 that perception point, right? It's not just whether there
23 is possible impropriety, but even the appearance of it
24 overreaching and that kind of thing.

25 I mean, it's always kind of bothered me, because

1 I've been present for -- to make sure that there is
2 appropriate cooperation with our clients and for personnel
3 when there's notice readings and all kinds of compliance
4 activities that go on. But the Board folks come in, they
5 have cars that are labeled " La Ley Laboral" like
6 they're the first, last and intermediate word on labor law,
7 which I've always had a little concern with to begin with.
8 But beyond that they're in blue jackets that have La Ley
9 Laboral on them or ALRB, that look a lot like FBI or ICE or
10 you name it. It's a little daunting.

11 But beyond that there's the fact that -- and Mr.
12 Estrada alluded to it in his testimony -- you know, the
13 reason we need the Board involved is because of these
14 doggone supervisors are not behaving properly. And we
15 really just need the strength of the Board to come in and
16 reinforce these points. And it kind of gets you, Mr.
17 Chairman, in the position you were just talking about. So
18 I think that's the wisdom of maybe having an independent
19 group if you actually want to go to this step without
20 trying sort of voluntary compliance.

21 And let me throw in right there, that with
22 respect to OSHA, for example, not only are the regulations
23 that they're enforcing actually talk about what's supposed
24 to be going on with (indiscernible) and all that. There's
25 no part of the statute that you guys are enforcing that

1 says, " Well, this is what's supposed to happen during
2 lunch time. We're going to have education and we're going
3 to do this and that while people are eating their food or
4 just trying to take a break."

5 And yet there's a whole program that's short of
6 actually requiring somebody, as Mr. Little was alluding to,
7 to get a warrant. And that is to become what they call a
8 compliant employer. And actually want a volunteer to say,
9 " We want you guys to come in and look at what we're doing
10 with our policies or our handbooks or whatever we're doing
11 and to show you that we really want to be part of the
12 education process."

13 I mean, that's something that happens all the
14 time up and down the state with the Compliant Employer
15 Program, with the Immigration Service as well. So that's
16 something that could be thought about.

17 CHAIRMAN GOULD: The idea of having worksite
18 education promoting voluntariness on part of employers that
19 wanted to have that?

20 MR. CARROLL: Yeah, in other words let's say that
21 collaboration with the community groups etcetera that
22 Member Rivera was talking -- and that she was talking about
23 -- maybe after you give that a real organize and focus
24 shot, if still you feel like there's not enough language or
25 not enough information going on out there --

1 To me it's like I'm driving down here today and
2 there are signs that say 65 miles an hour. I don't need a
3 lot of education on that, there's a sign. But making sure
4 that information is available, that workers have the right
5 to or not to protest, etcetera or those things that would
6 be more like PCA, if you will, protected concerted
7 activities versus getting off, as you were pointing out Mr.
8 Chairman, into the Labor Management side of it.

9 That you could sort of see how that goes
10 voluntarily and then maybe contact employers about seeing
11 whether they would permit training, just on their own. Or
12 at least permit a dialogue to go on with their human
13 resources folks and whomever you're using to show what they
14 already do, what's already there for education about this.

15 Or better yet, " Here's a copy of the statute
16 and your rights, like a notice. Would you mind
17 distributing it or making it available in the lunch time
18 for people to look at?" would be less intrusive I think
19 than actually having those blue-jacketed folks running out
20 and trying to do something in a half-hour.

21 I mean, the gentleman -- I forget his name --
22 very aptly pointed out that he may have to go out to his
23 car to get his lunchbox. And by the time he gets back he's
24 got ten minutes to eat. The last thing he's going to be
25 doing is paying attention. I would suggest he would say

1 that, but to really understand what his rights to or not to
2 are with the statute, so just an observation about that.

3 And then the final point I wanted to raise has to
4 do, sort of -- it's kind of like an equal protection
5 argument. Mr. Chairman, if you look at it, let's say
6 there's 6 or 700,000 farmworkers in California versus
7 millions and millions and millions of the rest of the U.S.
8 including folks that work outside like construction workers
9 and you name it, that are subject to NLRB jurisdiction.
10 And there's never been any need -- they're all speaking all
11 kinds of different languages. They're not understanding
12 it. They are reading it, they hearing it, etcetera, but
13 there's never been any need to even consider this type of
14 regulation. You know, going to regulation level to get
15 information out to folks.

16 CHAIRMAN GOULD: You mean outside of California,
17 you mean? But there's no --

18 MR. CARROLL: Yeah. Yes, sir. That's what I'm
19 saying. In other words -- or within California if you're
20 not subject to ALRB jurisdiction.

21 CHAIRMAN GOULD: But there's no labor laws --

22 MR. CARROLL: Ninety-eight percent of --

23 CHAIRMAN GOULD: But there's no labor law like
24 this relating to farmworkers and employers outside of
25 California.

1 MR. CARROLL: Well, there's four other states
2 that have them, but they're not like here. And as you
3 know, they're excluded under the --

4 CHAIRMAN GOULD: Right.

5 MR. CARROLL: -- NLRA, but my point is if they're
6 excluded it doesn't really matter. There's lots of
7 seasonal industries that are subject to ALRB jurisdiction.
8 And there's no need to have separate board agents going on
9 property to talk about their rights are under Section 7,
10 for example, of the NLRA versus 1152 if you will.

11 So it's kind of this -- you know, not to belabor
12 the point, but for 38 years I've been being asked by
13 clients, " Well, why is it us all the time? Why is it
14 agriculture? Why are there specific statutes? Why are all
15 the problems supposed to be being solved by the California
16 agricultural employers?" And I think it's a fair question
17 when 99 percent of the employers nationally, and in
18 California, aren't subject to the statute, to begin with.
19 So where's the fairness there?

20 If there were a movement from the Obama Board to
21 actually do this as well as us then, you know, I think
22 there'd be a better argument for taking this leap.
23 Especially without having maybe fully explored alternatives
24 to it. So I mean, I'm not here standing before you to say
25 if it ain't broke, don't fix it. Okay? Or that it's a

1 false premise to say that there are problems reaching the
2 folks about what the intricacies are on the statute,
3 because that's true of any law I would say.

4 I mean, I can say maybe I can't read the same
5 kind of info for the miles per hour on the sign out there,
6 but I'm supposed to know about it. I'm on notice of it.
7 And I'm on notice of all the laws that are on the books
8 here in California and federally. So I think that just
9 keeping the equal protection part of it in mind is not to
10 say that you shouldn't be more proactive in this area.
11 Because I think our clients welcome it, but it's the kind
12 of pro-activity issue I was talking about that I think our
13 clients and associations that I work with are concerned
14 about.

15 And do you have a question, Mr. Blanco? I saw
16 you raising your hand?

17 MR. BLANCO: No, I was just scratching my head.

18 MR. CARROLL: Oh, okay. Good, are there any
19 other questions?

20 CHAIRMAN GOULD: Any questions?

21 BOARD MEMBER SHIROMA: No, thank you, Robert.

22 MR. CARROLL: Thank you very much.

23 CHAIRMAN GOULD: I just have a couple and that is
24 that you refer to blue jackets, our employees wearing blue
25 jackets?

1 MR. CARROLL: Yes, sir. They've got fancy blue
2 jackets. They're like windbreaker jackets and they're navy
3 blue and they look super efficient.

4 (Off mic colloquy regarding ALRB jackets.)

5 I'm sure that Mr. Raimondo probably has some
6 video of those -- with whom I'm not associated in any way.

7 CHAIRMAN GOULD: Okay. Thank you very much.

8 MR. CARROLL: No, but I mean it's just that
9 impression, right? I think it probably was coming from a
10 good place, you know, that we're here to enforce the law.
11 But it's the perceptions again, I think it really adds up
12 to 40 years of maybe misunderstanding.

13 Yes, Member Shiroma?

14 BOARD MEMBER SHIROMA: Thanks, Rob. By the way,
15 I noticed that Mr. Raimondo's clients were wearing blue, so
16 when you mentioned blue --

17 MR. CARROLL: Really? I was not present for
18 Fresno and I didn't see his video. Did he put -- have a
19 YouTube of it? I'm sure he did.

20 BOARD MEMBER SHIROMA: Yeah, but I also wanted to
21 introduce Claire Wineman who is the President and CO of the
22 Santa Maria-Santa Barbara Grower Shippers, Mr. Rob Carroll.
23 Okay. So you were out -- so you didn't --

24 MR. CARROLL: Yeah. Unfortunately I was out
25 having water with Mr. Little when she was introduced and I

1 hadn't met her yet, so thank you.

2 BOARD MEMBER SHIROMA: And we think everybody in
3 ag knows each other, but not necessarily.

4 MR. CARROLL: All right. Well, thank you guys
5 very much, I appreciate it.

6 CHAIRMAN GOULD: All right, thank you. Thank
7 you.

8 And I think that Mr. Barbosa has indicated that
9 Mr. Estrada wanted to be recalled and Mr. Barbosa is going
10 to ask him a few questions.

11 BOARD MEMBER RIVERA-HERNANDEZ: A couple more.

12 CHAIRMAN GOULD: Well, I don't know if it's a
13 couple. But it's a few.

14 MR. BARBOSA: Just one.

15 BOARD MEMBER RIVERA-HERNANDEZ: Just one, okay.

16 MR. ESTRADA: (Through Interpreter.) Again,
17 good afternoon. In Oaxaca there is 16 different languages.

18 CHAIRMAN GOULD: Sixteen?

19 MR. ESTRADA: (Without Interpreter.) Sixteen,
20 Uh-huh.

21 (Through Interpreter.) I'm going to focus on the
22 Mixteco, lower and high. Lower Mixteco is a variant --

23 MR. BARBOSA: What does it mean to have a "
24 variante" ? (phonetic)

25 MR. ESTRADA: What it means is where I come from

1 is called -- (Interpreter clarifies something.) -- and both
2 areas have the same Lower Mixteco, so there's a difference
3 on the dialect between the district. They have the same
4 name, Low Mixteco, but they have some differences on some
5 of the words.

6 Yeah, when you hire somebody you're just focusing
7 on the fact that they're from Mixteco, but there are some
8 differences between the different types of Mixtecos. Yeah,
9 for instance, when they call here -- the Santa Maria court
10 -- and they ask me for help to interpret for somebody and
11 they tell me this is from a guy that, he's High Mixteco.

12 CHAIRMAN GOULD: High Mixteco, is that " alto"
13 is that?

14 MR. ESTRADA: Yeah, alto.

15 CHAIRMAN GOULD: Okay.

16 MR. ESTRADA: So it's only top of Mixteco that
17 the kids needs.

18 CHAIRMAN GOULD: What? What is he saying? What,
19 I didn't get --

20 MR. BARBOSA: Could you -- can he repeat it
21 again?

22 THE INTERPRETER: Yeah.

23 MR. ESTRADA: They call me through a court
24 requesting an interpreter. I tell them -- the first thing
25 I ask them is where are they from, what town? So they tell

1 me the town, so I know that he belongs to a certain type of
2 Mixteco. So I have to identify them by town to know what
3 type of variations exist.

4 MR. BARBOSA: Let me ask you a series of
5 questions. My name is Antonio Barbosa, I'm the Executive
6 Secretary for the Agency.

7 I have many duties, but I only want to discuss
8 two of my duties. One of my duties is to arrange for
9 interpreters for ALRB hearings. And my second duty was to
10 arrange for interpreters for these public sessions, one
11 that took place in Fresno, one in Salinas and today in
12 Santa Maria. And the type of communication that I receive,
13 they just tell me, " We need a Mixteco interpreter."

14 Also during the hearings I was told once that we
15 need a --

16 BOARD MEMBER SHIROMA: Triqui.

17 MR. BARBOSA: Triquis. Yesterday in Salinas I
18 contracted a Triquis Interpreter. And a group of workers
19 presented themselves accompanied by Mr. Pete Maturino. And
20 we were very embarrassed, because the interpreter that we
21 had contracted could not speak that variant or dialect or
22 language --

23 BOARD MEMBER SHIROMA: The language.

24 MR. BARBOSA: -- of those workers. And I don't
25 want that to ever happen again while I am working for the

1 ALRB. So I need to know everything about Mixteco workers,
2 so if I send an interpreter to a hearing or if I ask them
3 to come to a public hearing like here or if they go to a
4 worksite, to go and talk to workers that all we know is
5 that they speak Mixteco, what do I need to know?

6 MR. ESTRADA: We work with different agencies and
7 we have workshops. Who you need to call is either me or
8 call our office in Fresno, there's an office in Greenfield
9 too. What's going to happen is that Triqui has also Low or
10 High, so maybe you hired the opposite dialect and that's
11 why they couldn't understand.

12 xxx

13 CHAIRMAN GOULD: No, but his question is how does
14 he -- what guidance should he follow?

15 MR. ESTRADA: For instance, for a hearing you
16 need to know who are the people that are going to attend,
17 where are they from, what town? So then you can ask a
18 person that works with them to identify if he's the Low or
19 the High, and then when you tell us which one of the two
20 then we can --

21 CHAIRMAN GOULD: Can we tell that exclusively by
22 the town name or will that assure us that we will not have
23 this problem in the future?

24 MR. ESTRADA: The name and district, name of the
25 town and district both.

1 MR. BARBOSA: In a particular town?

2 BOARD MEMBER SHIROMA: District or street?

3 THE INTERPRETER: No, district.

4 BOARD MEMBER SHIROMA: District, okay.

5 MR. BARBOSA: In a town, how many districts might
6 there be?

7 MR. ESTRADA: Many towns belong to one district.

8 BOARD MEMBER SHIROMA: Towns in a district?

9 MR. ESTRADA: In my district there are 30 towns
10 that belong to my district.

11 MR. CARROLL: It's like a county.

12 BOARD MEMBER SHIROMA: Yeah.

13 MR. ESTRADA: So if they just tell me the town, I
14 can tell the district and I can identify the type of
15 dialect that is needed. If you go to Oxnard there's a lot
16 of people that belong to the variant that I belong to.

17 CHAIRMAN GOULD: That belong to what? What did
18 you say?

19 THE INTERPRETER: Yeah. He says that in Oxnard
20 there's a lot of people from a particular district. And he
21 says that those people also match his district.

22 MR. BARBOSA: What if you were to go to a
23 company's unannounced, what kind of personnel would you
24 need in order to talk to workers if you did not know their
25 towns or districts?

1 MR. ESTRADA: I would ask just any worker whether
2 he understand me or not. If I greet him and he understands
3 me then that means that he has the same variant as mine.
4 Of course, if he doesn't understand me that means that he
5 has a different variant.

6 So that's the first thing that interpreter needs
7 to identify. Who is from Oaxaca, Mixteco from Guerrero and
8 from Puebla, so the different states in Mexico, they have
9 different types of Mixtecos.

10 MR. BARBOSA: So how many interpreters would we
11 need? A number, more or less?

12 MR. ESTRADA: About five

13 CHAIRMAN GOULD: Five different, but would many
14 of these employees from different places be working in the
15 same establishment?

16 MR. ESTRADA: No, they're spread around.

17 CHAIRMAN GOULD: Very rare?

18 MR. ESTRADA: Yeah, spread all over the place,
19 yeah.

20 BOARD MEMBER SHIROMA: They're spread around.

21 CHAIRMAN GOULD: So they would usually -- you go
22 to one farm and the Mixtecos are from one place? No?

23 MR. ESTRADA: Yeah, some of them work with our
24 company and they're from another district. That we work
25 with another company.

1 CHAIRMAN GOULD: Oh, so then --

2 MR. BARBOSA: In a single company would you have
3 one group of Mixtecos or more than one group of Mixtecos?

4 MR. ESTRADA: You could have many in one company,
5 so you're going to need more than one translator. But if
6 you want I could make a good representation with drawings
7 and maps.

8 MR. BARBOSA: I personally would be interested in
9 that presentation --

10 CHAIRMAN GOULD: Yes, me too!

11 MR. BARBOSA: -- with my staff.

12 CHAIRMAN GOULD: Yeah, me too. Thank you. Thank
13 you, very much.

14 MR. ESTRADA: Yes.

15 CHAIRMAN GOULD: Okay. Do we have any more, one
16 more?

17 BOARD MEMBER SHIROMA: One more, but a break
18 after this one.

19 (Colloquy between Board Members.)

20 MR. BLANCO: All right, Hazel Avalos

21 MR. CARROLL: Mr. Chairman, while she's taking --
22 a point from the Amaral hearing we actually had a Spanish
23 translator in Mixteco and we learned that there are like
24 100 dialects of it, not just a couple. So I think that
25 presentation is a good idea that Antonio was thinking about

1 doing --

2 MR. BARBOSA: Is that information on the Amaral
3 record?

4 MR. CARROLL: I think it went on the record. It
5 came up in the hearing and we were all learning from it as
6 we went, how they say " yes" and " no," all that kind
7 of stuff.

8 MR. BARBOSA: Would you mind going to the mic and
9 saying that for the record?

10 MR. CARROLL: Sure.

11 MR. BARBOSA: I'd like that to be on the record.

12 MR. CARROLL: Well, I don't want to cut into her
13 time. Why don't you do that and I'll do it at the end.

14 MR. BARBOSA: Yes, okay.

15 CHAIRMAN GOULD: Okay. Great, thank you.

16 MS. AVOLOS: Hello. My name is Hazel Avalos.
17 I'm the Organizing Director for a local community
18 organization called CAUSE. That stands for Central Coast
19 Alliance United for a Sustainable Economy. We mainly work
20 in both Santa Barbara and Ventura Counties. We're a social
21 and economic justice organization. We mainly work through
22 grassroots organizing, leadership development and also
23 policy and research (indiscernible).

24 Much of our membership are farmworkers and
25 generally our mission is around building a stronger voice

1 for working families, so in this region a huge backbone of
2 our economy are agricultural workers, farmworkers.

3 This last summer, we have a committee of leaders,
4 they went out and collected over 300 surveys with
5 farmworkers in our county primarily in Santa Maria,
6 Guadalupe and the surrounding areas. And so I'd like to
7 just read over a few highlights. You have that report in
8 front of you, we just released it yesterday. I'm going to
9 say a few points and then I'd like to just run through a
10 few of those highlights from the report just to give you a
11 sense of what we learned about specifically Santa Barbara
12 County.

13 First of all, I'd like to say educating the farm
14 labor workforce is vital to protection from abuse and
15 dangerous conditions. State government agencies like
16 Cal/OSHA are strapped for resources and are not able to be
17 everywhere all the time and we know that. That's a
18 reality. And so farmworkers who understand their rights
19 under the Agricultural Labor Relations Act, can however
20 ensure that the laws on the books are realized in the
21 fields. And so that's why we feel it's so important for
22 farmworkers to be educated in the rights under this act.

23 Now, I'll go into a few of the highlights from
24 the report. Generally, we saw it break down into four
25 different categories. We saw a lot of trends of extreme

1 overwork, health and safety concerns, also issues of wage
2 theft and generally a culture of fear.

3 Based on our results, nearly 1 in 7 farmworkers
4 said they had had work responsibilities during their
5 breaks. And in large fields many workers don't have the
6 time to walk back to rest areas and make use of shade,
7 water and bathrooms and walk back to their place in the
8 field before the break is over. Fifteen percent of
9 farmworkers don't feel comfortable asking for time off for
10 cases like illness, pregnancy and family emergency.

11 Under health and safety 7 in 10 workers reported
12 that their working conditions were dangerous or harmful to
13 their health, 1 in 4 farmworkers has been injured at work,
14 74 percent received no benefits or compensation, 73 percent
15 continued working.

16 In the area of wage theft, 1 in 3 farmworkers in
17 our surveys were victims of at least one form of wage
18 theft, including being paid less for hours that they worked
19 or being paid for less boxes than they picked. And having
20 work responsibilities before or after work or during
21 breaks.

22 And finally around a culture of fear, although
23 many of the issues found in our survey already have current
24 state laws protecting workers there's a clear lack of
25 implementation on the ground. We believe a piece of this

1 is, again as I mentioned state agencies being strapped for
2 resources and their budgets being squeezed more and more.
3 But also this is due to a culture of fear in farm work
4 where this is a highly vulnerable population and is largely
5 afraid to file claims or report labor abuses. And often
6 don't realize that they have the right to speak up, even
7 outside of a union without retaliation.

8 And so I wanted to speak to that today and offer
9 you this information. And again, just emphasize that
10 farmworkers need access to this information. We've been
11 doing outreach for the hearing, and hope to see more people
12 at 4:30 once they get out of work. But I mean, no one's
13 heard of the Ag Labor Relations Act. I mean, this isn't
14 just generally known amongst the community.

15 And as a community organization we offer
16 farmworkers workshops on their rights. We've invited
17 Cal/OSHA out. And it's one thing to do a workshop at our
18 office or at a community center. But often when they go
19 back to work it feels like a different world and there is a
20 great fear of retaliation. And so having that education
21 take place at the workplace would really set a different
22 tone for workers. They'd be able to say, " You know, I'm
23 at my workplace. I got this information here and I know
24 how to exercise my rights without fearing retaliation."
25 Thank you.

1 CHAIRMAN GOULD: Thank you. Any questions?

2 BOARD MEMBER SHIROMA: Yes. I very much
3 appreciate the information.

4 MS. AVALOS: Sure, thank you.

5 MR. BLANCO: So your study did not break down
6 between indigenous farmworkers as opposed to non-indigenous
7 farmworkers?

8 MS. AVALOS: No, it didn't. No.

9 MR. BLANCO: Okay. So these numbers that you
10 have here in terms of farmworkers living in Santa Barbara
11 County are inclusive of all farmworkers in this, right?

12 MS. AVALOS: Yes.

13 MR. BLANCO: And how did you perform your study?

14 MS. AVALOS: We created a 20-question survey. I
15 didn't bring that today, but if you would like to see it I
16 can easily send that to Antonio. Would you like to see it
17 or?

18 MR. BLANCO: Sure.

19 CHAIRMAN GOULD: Sure.

20 MS. AVALOS: Okay, great. And as I mentioned we
21 have a committee, it's called the Immigration Committee,
22 and it's made up of leaders from the community, a majority
23 farmworkers. They went out and collected these surveys as
24 farmworkers themselves going to friends and family. Again,
25 there is fear of retaliation, so most of those were

1 collected either at shopping centers or door-to-door in
2 apartment complexes. But they went out to all the
3 farmworkers they could think of and collected these
4 surveys.

5 MR. BLANCO: And what was the -- is it sample
6 size I guess, is that the --

7 MS. AVOLOS: Three hundred.

8 MR. BLANCO: Three hundred, okay. And over what
9 period of time?

10 MS. AVOLOS: Over the course of about I think
11 two-and-a-half months, this summer.

12 CHAIRMAN GOULD: But how did you deal with this
13 language problem that we've heard spoken of, of course,
14 today and other hearings as well. But we really got some
15 sense of the complexity of it today.

16 MS. AVOLOS: Sure, good question.

17 So we weren't passing out these surveys for
18 people to fill out on their own. I mean, we run into a lot
19 of people, even if they speak Spanish and they're not
20 indigenous may have struggles reading or writing. And so
21 we have leaders going out and actually helping people write
22 it out. And we had several of our leaders who speak
23 Mixteco, both *Alto* and *Baja*, collecting surveys as well, so
24 translating the questions on the spot and filling out those
25 surveys.

1 CHAIRMAN GOULD: And are there other indigenous
2 language people you have encountered here.

3 MS. AVOLOS: In this survey I think mostly it was
4 Mixteco, I think that's mainly what we see in Santa Maria.

5 CHAIRMAN GOULD: Uh-huh, okay. Anything else?

6 BOARD MEMBER SHIROMA: No.

7 CHAIRMAN GOULD: Okay. All right, thank you
8 very, very, very much indeed.

9 MS. AVOLOS: Thank you.

10 CHAIRMAN GOULD: Thank you.

11 Okay. So --

12 MR. CARROLL: Chairman, just I wanted just to put
13 in the record what I was saying off the record about our
14 experience at the George Amaral, which is A-M-A-R-A-L
15 hearing in Salinas last January-February of 2014. I think
16 most of the -- at least some of the commentary that was
17 going on, because we had both a Spanish and a Mixteco
18 interpreter is on the record in that particular case that
19 the Executive Secretary asked me to speak to. But what we
20 did learn, whether it's in or outside of that record, is
21 that not only are there these districts or counties where
22 there's many different bubbles or little towns that have
23 differences, but I think that there's nearly a hundred
24 different dialects.

25 And what was interesting about the actual

1 process, the two-step process -- because everybody was very
2 concerned to make sure that the witnesses understood what
3 the questions were before they answered them -- is that an
4 unusual number of the Mixteco witnesses, once the Spanish
5 translation was going to the Mixteco interpreter to then
6 interpret in Mixteco to the witness, that they'd already go
7 ahead and start answering. So I think there's another
8 variable on top of it all, which is how much time they've
9 actually spent among Spanish speakers in California
10 agriculture on top of all this other sort of fracturing.

11 So it's a -- I guess what I wanted to leave the
12 impression that we got, and the information that we got, is
13 this is a very complex issue. That this Board was very
14 sensitive in terms of how they wanted to make sure that it
15 was handled properly, and yet sometimes it's just a little
16 too difficult. We actually had one question where while it
17 was being translated into Mixteco, the witness stood up and
18 said in English, " that," and pointing to one of the
19 exhibits, " that never happened" in English. It was
20 fascinating.

21 So it's a noble pursuit, but I don't think any of
22 us out here expects you guys to get it complete and right.
23 So I'm not sure what happened yesterday, but if it's
24 anything like what happened in Salinas it's not unusual.

25 BOARD MEMBER SHIROMA: Thank you. That's all.

1 CHAIRMAN GOULD: Okay. Thanks.

2 MR. CARROLL: You got it. Thank you.

3 MR. BLANCO: Thank you.

4 (Board confers about break)

5 CHAIRMAN GOULD: All right, yeah. So we'll
6 reconvene at 4:30 then, shall we?

7 (Off the record at 3:37 p.m.)

8 (On the record at 4:40 p.m.)

9 CHAIRMAN GOULD: All right. Let's go on the
10 record and we'll turn to the -- excuse me. Excuse me, we
11 want to move ahead here, please.

12 We want to move ahead here. Let's go on the
13 record and we'll begin with Francisco Lozano.

14 MR. BLANCO: Let me see if he's here. I'll go
15 out and look in the hallway.

16 CHAIRMAN GOULD: Is he out there? No?

17 MR. BLANCO: He's not here.

18 CHAIRMAN GOULD: Oh, we'll go to the next person.

19 MR. BLANCO: He may show later though.

20 CHAIRMAN GOULD: All right, do we have the --

21 UNIDENTIFIED MALE: Those guys are -- the other
22 gentlemen next on the list are outside in the hallway. Let
23 me --

24 CHAIRMAN GOULD: All right, let's go off the
25 record a second.

1 (Off the record at 4:41 p.m.)

2 (On the record at 4:42 p.m.)

3 CHAIRMAN GOULD: All right. Let's go back on the
4 record and you can call the names of the individuals, Mr.
5 Blanco.

6 MR. BLANCO: Thank you. Guillermo Garcia,
7 Jeremias Juarez, Salvador Huerta.

8 CHAIRMAN GOULD: Well, greetings. Greetings.

9 MR. HUERTA: (Through Interpreter.) Good
10 afternoon. My name is Salvador Huerta.

11 BOARD MEMBER SHIROMA: Can you ask him to use the
12 microphone, so we can hear you?

13 MR. HUERTA: I work in the fields, the strawberry
14 fields. I come from Oxnard. I am here because of
15 everything that has happened around us in the fields. I
16 want to give my testimonial about the things that I've
17 seen. I've been working out in the field for 16 years.
18 I'm a member of the Farm Workers Union, before then
19 (indiscernible) I worked for a company called Gargiulo.

20 CHAIRMAN GOULD: I'm sorry, I'm missing what
21 you're saying, you worked for a company called what?

22 UNIDENTIFIED MALE: Gargiulo.

23 MR. HUERTA: Gargiulo, a tomato company. Also,
24 too I saw many unfair treatments for the workers. They
25 didn't give us any breaks. I started working with the

1 other workers and telling them that we needed a break,
2 because it was our right. And the foreman many times
3 threatened to fire me. However he never did it, because I
4 always spoke for myself and the people respected me.

5 But one day finally I left the company due to the
6 pressure that I was under. When I came back to get my
7 check I saw the things getting worse, because my coworkers
8 were under more pressure and they were --

9 MR. BLANCO: So Mr. Huerta at that time were you
10 aware of the Agricultural Labor Relations Act?

11 MR. HUERTA: I've heard about it, but I didn't
12 know what it entitled. (sic) Yeah, I told the foreman, "
13 If you fire me I'll take you to the Labor Board." I think
14 that helped me.

15 MR. BLANCO: But even then what you said that you
16 weren't aware of what the Ley Laboral could do?

17 MR. HUERTA: I had some knowledge, but I was
18 basically aware that it would protect the rights of the
19 labor workers.

20 As a member of the union I think it's necessary
21 to get the workers informed, because unfortunately there
22 are many things unfair in the field. Yeah, now that I'm a
23 member of the union we started to get information regarding
24 the conditions under --

25 CHAIRMAN GOULD: Regarding conditions under what?

1 MR. HUERTA: That we started to get information
2 about the workers working under very hot conditions, you
3 know, over-exhaustion. And I had an access on the farms we
4 had a letter signed by the law and the rancheros didn't
5 allow us to go into the ranches to give information. Yeah,
6 the sad thing is that they give information, but just as a
7 convenience. Yeah, so by the time we go there to provide
8 information they have already manipulated the people. And
9 I don't think they should handle the workers like that.

10 I know there are laws that protect us, but they
11 are controlled by the rancheros. I don't think that's
12 fair. I just heard that you have to protect the *rancheros*,
13 but protect them against what? If you're trying to provide
14 information to the workers on their lunchtime that's on
15 their time, so I don't know how that would affect the
16 employers. When the rancheros say that they need
17 protection I ask myself, " Protection from what? To keep
18 exploiting the workers, treat them like slaves?"

19 Everybody says that you don't need to be an
20 attorney to understand the law. I understand it, but
21 unfortunately our people are not educated, so if you don't
22 know the laws you don't know your rights. And if you don't
23 know your rights that means you don't have any, so that to
24 me is very important. It's important that the workers are
25 educated and if it's on their lunchtime, why not? So I

1 agree with having the education there.

2 Somebody said that it's incorrect for other
3 organizations to go into the ranches to provide
4 information. So what do they call it when they violate the
5 rights of the workers? I'm talking about the -- violates
6 that. You're talking about the --

7 CHAIRMAN GOULD: You're going have to stop and
8 allow the interpreter to interpret what you're saying.

9 Okay, can you summarize?

10 Yeah, so first I'd like him to try to summarize
11 what you've just been saying recently. And then in the
12 future please stop and let him translate.

13 MR. HUERTA: Yeah, so when I state that the laws
14 are violated -- for instance, there's a heat exhaustion law
15 and a lot of workers are working under really hot
16 conditions. In the City of Camarillo, there's a lot of
17 berry crops and this last week was really hot. I know
18 people working there and the temperature reached 100
19 degrees. In spite of the law that gives them the right to
20 take breaks and they didn't give them any breaks. And the
21 first time there are people who request that, those rights,
22 they take retaliation measures against them. So this it's
23 necessary for the good of the workers to see what's
24 happening on the field.

25 I think it's hard to educate the field workers.

1 During the 16 years I've been working, I've seen a lot of
2 mistreatment, retaliation and abuses. I know that there
3 are laws that protect us, but many times the rancheros,
4 they just try to wash their hands.

5 For instance, this year I was elected a
6 representative of my group to have things working
7 peacefully. So the supervisors, what they started doing is
8 taking retaliations against me. One time they laid me off
9 for three days. However, we have a law that states that
10 that's against the law and they did an investigation.
11 However the company still gave me the layoff for three
12 days.

13 So I agree that with the idea for you to come to
14 the fields and see what are the conditions and to educate
15 the people, because a lot of people are afraid. The
16 companies, they give their version according to their
17 convenience. And on the other hand they also instill fear
18 over the workers. And the field workers many times are
19 afraid to speak, because they depend on their salary to
20 support their families. So I agree that you should go out
21 and educate them.

22 I heard somebody about the technology, but I
23 don't think that's the case. Yeah, we might have access to
24 technology, but we don't have the connection to actually
25 access the information.

1 That's what I wanted to share. Thank you.

2 CHAIRMAN GOULD: Thank you. Thank you.

3 (Applause)

4 BOARD MEMBER SHIROMA: A question? You said
5 somebody investigated the three days you were laid off and
6 who was that?

7 MR. HUERTA: Yeah, first the company started the
8 investigation, because they are the ones who laid me off.
9 And then I called the Workers Union. The company kind of
10 committed to investigate more deeply into this issue, but
11 they haven't given me an answer yet. That's why I said
12 earlier that they manipulate these issues.

13 (Off-the-record discussion regarding mic.)

14 CHAIRMAN GOULD: Do you have any questions for
15 him?

16 BOARD MEMBER SHIROMA: No, gracias.

17 MR. BLANCO: Yeah I did have some questions.

18 So Mr. Huerta, you were -- so in terms of the
19 hours of work, the average hours of work that your fellow
20 farmworkers worked when you were a farmworker and now when
21 you're an organizer, how many hours a day do they work and
22 how many days a week?

23 (Board confers)

24 MR. HUERTA: Okay. When I started working on the
25 berries I started working like three days a week around

1 2005 and the field workers were working up to 13 hours, 12,
2 13 hours. Another time I was aware they were stealing the
3 1 hour. So I was getting (indiscernible) so I left.

4 Right now a lot of coworkers are complaining that
5 they are working up to 10 hours. Particularly on the
6 strawberries, during the strawberry season they work with a
7 lot of boxes. Yeah, and if you're working -- you know,
8 they are 20 pounds and if you are working for 10 hours,
9 that's a lot of work; there's been a lot of injuries due to
10 that.

11 MR. BLANCO: So it was suggested that we could
12 have meetings with workers, perhaps after work. But I
13 assume that given the hours of work, and everything else
14 that workers have to do in the rest of their day, that
15 probably that's not a feasible idea?

16 MR. HUERTA: Yeah, I wouldn't recommend it,
17 because you're too tired at the end of the day. By that
18 time you just want to get home, take a shower, relax. And
19 you are leaving your kids all day by themselves. For
20 instance, when I was working on the berries I would go to
21 work for so many hours. And my kids, I would leave them
22 asleep and when I came back at night they were asleep
23 already, so that's really sad. I didn't get a chance to be
24 with them.

25 That's why we requested to have this done during

1 the break time.

2 MR. BLANCO: Now, it was also discussed this
3 morning with respect to the Internet, access to the
4 Internet in terms of the cost of it. Comparing to the fact
5 that the monies that workers receive as wages they have to
6 use for many other things. And thus that Internet access
7 was a cost that they couldn't afford to do that. Would you
8 agree?

9 MR. HUERTA: Yeah, well besides the expense, I
10 mean many times you don't know how to handle the Internet.
11 For instance, I don't know how to work on a computer. And
12 also the salary in the field is very low, so it makes it
13 really hard to have a computer. So it's two issues. One
14 is that you don't know how to use it. And secondly, even
15 if you did, you don't have the luxury of affording that.

16 CHAIRMAN GOULD: Hold on just a second until we
17 get this.

18 (Board confers)

19 MR. HUERTA: Yeah, they're right. For instance,
20 the rate is supposed to be \$9 an hour, but I think that
21 every person should be earning based on his capabilities.
22 So for instance, the state determines that the minimum
23 salary should be \$9.00. But in my case if I'm working with
24 the strawberries before it gets raining and we do too in
25 the fields -- we get training for the strawberry crops. So

1 if I've been trained to handle 20 boxes per hour how come
2 I'm not getting paid more? I think that's very unfair.

3 MR. BLANCO: So my last question is regarding the
4 training of foremen and supervisors. Do you think that
5 that would also be a good idea to educate them about the
6 law?

7 MR. HUERTA: Like I said earlier the companies
8 say that they train them. But what I've experienced every
9 day, even today, is the opposite. So sometimes the
10 supervisors come and they yell at you like if you were a
11 child. As a worker you try to stay cool and have patience.
12 You do the best you can and then they keep demanding more.
13 So every time you try to defend a right that you have they
14 always try to threaten you and use retaliation against you.

15 I'm aware that the companies have their own
16 policies, but however they manipulate it to their
17 convenience. For example, I'm aware that there's permits
18 or the workers are allowed -- there are policies that it's
19 specified or state that you can get a leave of absence and
20 then you request it, maybe a week before. But the
21 companies, they don't want to give it to you. So according
22 to them they're following their policies.

23 It's really sad for these things to happen. They
24 are violating our rights if there are laws that state
25 otherwise.

1 CHAIRMAN GOULD: It's also been suggested to us
2 that radio, television, newspapers would be a good
3 alternative to having government of the ALRB come on
4 property and speak to the workers about the rights in the
5 law. How would you compare the two: radio, television,
6 newspapers? Would that be as effective as communication on
7 company property?

8 MR. HUERTA: I don't think it's a good idea to be
9 on newspapers or television. For instance, there are
10 workers working 10 hours in the field. So if there's going
11 to be an event on TV we don't know what time that's going
12 to be, so we might not have a chance to see it. Even for
13 the newspapers it might be okay for the people who know how
14 to read, but it's hard for the worker due to the hours.

15 Yeah, for me it would be more effective to have
16 it done during the breaks, because that's when we feel more
17 at ease. We can trust you more, because the people are
18 right there at that time.

19 So the media, like TV and newspapers, they don't
20 trust them as much, so they would have doubts. For
21 instance, we many times talk to the other workers on the
22 ranches and even though we're right there sometimes they
23 didn't believe us. So if you see that on TV it would be
24 even worse.

25 CHAIRMAN GOULD: Okay, all right.

1 Anything else that anybody else wants to know?

2 All right, thank you very much. And we'll turn
3 to the next speaker.

4 And if you could tell us your name.

5 MR. GARCIA: (Through Interpreter.) My name is
6 Guillermo Garcia. I come from El Salvador. I've been
7 working for 14 years in the field.

8 Due to the fact that the money or the field
9 salary in the field is very low I opted to get two jobs, so
10 one salary during the day and the other one at night. One
11 with a union contract and the other one doesn't have a
12 union contract. I compare both.

13 Yeah, the union contract gave us vacation,
14 holidays and some other benefits that the law provided. On
15 the salary plan we didn't have anything. They just had us
16 under lower pressure.

17 When we went there to apply for a job they made
18 us sign a paper where we accepted to waive our right to a
19 second lunch after 10 hours -- to give up our second lunch.
20 So we don't have another break, because we already gave up
21 our right for the break. They would make us punch our
22 cards before. After we did our exercise we were supposed
23 to be on the work line working. They had cameras and they
24 gave us very limited time to go to the bathroom, 15 minutes
25 at the most to go to the bathroom, no more than 2 or 3

1 times per day.

2 And whenever a machine would stop working they
3 would take us out, but they wouldn't pay for that time.
4 And then at the union worker job even if a machine broke
5 down they would pay us for that time, because it wasn't our
6 fault. So I left that company, because I couldn't stand it
7 anymore. So I kept the one with the union. However they
8 had to close their operation, so I went back to the
9 strawberries, to the berries.

10 Before they hired me they warned me, " The union
11 is going to come. They are going to tell you all the
12 things and don't trust them, because they are a bunch of
13 thieves. They're going to steal your check and they are a
14 bunch of liars." Since it fit my need, I decided to work
15 there. It was very hot and a lot of pressure. And the
16 water access was very far away.

17 So I found another company that had a union
18 contract and I went over there. I've been working there
19 for two hours (sic) and I feel good and I know that I'm
20 protected. Now, after working at this company I am aware
21 of the rights that we have as workers.

22 Yeah, they offered me to get information about
23 having union contracts. Another company, a berry company,
24 with an experienced (indiscernible) Gargiulo Farms -- yeah,
25 we took a letter that authorizes us to provide supervision

1 during lunchtime. So as the law provides we were doing it
2 during the lunchtime and the company went against us.

3 Two supervisors didn't allow me to go and talk to
4 the other supervisor, because they pushed me and they
5 wouldn't allow me to go through. I didn't want to force
6 the issue, because I knew I was going to lose. So my call
7 to you is for you is for you to come over and see the
8 experience that we're going under.

9 They talk about Internet to provide information,
10 newspapers, community meetings, but I don't think that
11 works. Why? Many people work 7 days a week, 10 to 12
12 hours a day. Sometimes they don't even have permission to
13 visit a relative, let alone one of these hearings for a
14 community meeting. So my call is that I invite you to come
15 over and see for yourselves the experience that we are
16 having. And then you'll realize that we're telling you the
17 truth.

18 It's not the same thing at a computer, that
19 receiving the information. It's better to come over and
20 see how our coworkers, field workers, suffer. Just like I
21 suffered. I thank you beforehand, all of you.

22 CHAIRMAN GOULD: Okay. Thank you, thank you.

23 Do you have any questions?

24 (Applause and Board confers about speakers)

25 CHAIRMAN GOULD: And we have Mr. Juarez.

1 MR. JUAREZ: (Through Interpreter.) My name is
2 Jeremias Juarez. I come from Oxnard. I'm a member of the
3 Workers Union. I thank you for inviting us to this
4 meeting. We're asking if you could come over to the
5 ranches to see for yourselves what's happening in each
6 company.

7 As my coworkers have already stated we were
8 visiting some companies to provide information about the
9 heat exhaustion and the sick days. We went to many
10 companies and you could see that a lot of them are afraid.
11 They have intimidated them. A lot of these companies don't
12 want the workers to get information and find out what their
13 rights are. In my experience a lot of people are afraid.

14 Yeah, I talked to a worker; I guess he works on
15 the irrigation. And I thought he was a foreman and he
16 tried to stop me with his hands, wouldn't allow me to go
17 in. I told him that I have a permit from the Labor Law to
18 go in and provide information. Yeah, we had a permit from
19 the Labor Law, had a paper, but still even with that
20 information he wouldn't let me in. They just ignored us
21 and told us that we didn't have the right to go in and that
22 they were going to call the police.

23 I said, "You can do whatever you want, but I have
24 permission to go in. You can call the police if you want.
25 I have permission from the Labor Law." Even then they

1 wouldn't let us in. I tried to go on the side, but they
2 would cut me off. You know, making a fist like he was
3 going to hit me.

4 CHAIRMAN GOULD: He was what?

5 MR. JUAREZ: Like he was going to hit me, making
6 a fist.

7 MR. BLANCO: Making a fist like he was going to
8 hit him.

9 MR. JUAREZ: So I told him, "You might be trying
10 to protect your boss, but if you hit me I will call the
11 police." They wouldn't let us in to provide information to
12 our other coworkers and let them know of their rights.
13 That's why I think you need to go and see for yourself,
14 because this -- all the media like newspapers and the
15 Internet or TV, I don't think that's going to work.

16 So I might have the time to watch TV or to see it
17 on TV, but some other ones don't have the time. Yeah, it's
18 like my other coworker said, a lot of the workers work 10,
19 12 hours a day. So they wouldn't probably have the time.
20 You know, by the time they get home or they have to pick up
21 their kids from the babysitter and they just don't have the
22 time to see it on TV. And once they get home they're just
23 trying to get the food ready and give the kids a bath.

24 So the time goes very quickly and then they don't
25 have time to watch TV or to read the newspaper, so that's

1 why I don't think that would work. And they wouldn't be
2 able to find out what their rights are.

3 Another rancher, I also gave him a permit that I
4 had in my hand. I handed it to him and I told him we would
5 come back in an hour to give other coworkers information
6 about their rights in the field. The supervisor asked me,
7 " Who are you and what are you doing here?" He told me
8 that he didn't know me even though I had been there an hour
9 before to give him the permit.

10 He told me, "You don't have a permit to come in."
11 And I told him yes I did. "I gave you this morning the
12 permit." He told me that wasn't true, I didn't give him
13 anything.

14 I told him, "Remember? I gave it to you this
15 morning." He says, "No, I don't have anything."

16 So I told him, "I gave it to you," so I showed
17 the paper again and he started reading it. So he said that
18 he remembered that I gave him the paper, but then he tore
19 it up. He destroyed the paper anyway. He wanted to kick
20 us out.

21 So they just don't want us to give information
22 for our coworkers. They just don't want our other
23 coworkers to know about the information. So you'll go out
24 yourselves and you'll find out how the ranchers work. You
25 know, how they behave and how they react.

1 There's a lot of discrimination, mistreatments,
2 they don't have enough water. They don't have -- either
3 the bathrooms are not clean or they're too far away.
4 Sometimes they don't give us a 10-minute break when it's
5 really hot. They don't have any shades to cover yourself
6 from the sun. Particularly in the berry fields it gets
7 really hot, but there's no way we can make the bosses
8 understand what we need. Yeah, it's really hard to work in
9 the fields, particularly in the strawberry. For those
10 people who have worked in the strawberry fields they will
11 know that it's many times you work 10 to 12 hours and you
12 have to be on your knees or bending and it's just too hard.

13 With a salary of \$9.00 an hour that's not enough
14 when you want to see a doctor or you need money for
15 something else. Many companies don't really have full
16 insurance. They might have insurance just for medication,
17 but not if you have an injury or things like that. And
18 they just won't cover you.

19 You know, I would like to do something for the
20 farmworkers, because it's a lot of sacrifice and hard work.
21 And thank you for listening to me. And if you can do
22 something for us, I would appreciate it.

23 CHAIRMAN GOULD: Okay. Thank you.

24 Any questions for you?

25 BOARD MEMBER SHIROMA: No. Thank you.

1 (Applause)

2 CHAIRMAN GOULD: So let's see who we got there.

3 MR. BLANCO: Let's see, Heleodora Gijon, no?

4 (Board confers)

5 MR. BLANCO: Francisco Lozano?

6 CHAIRMAN GOULD: Oh, he's here.

7 MR. BLANCO: Okay, good.

8 MR. LOZANO: Buenas tardes.

9 CHAIRMAN GOULD: Buenas tardes.

10 MR. LOZANO: (Through Interpreter.) Good

11 afternoon, my name is Francisco Lozano. I used to be a
12 field worker. Now I do gardening or landscaping. I worked
13 on the field over 15 years.

14 (Board confers on audio issues)

15 CHAIRMAN GOULD: All right, so let's try that.

16 Yes?

17 MR. LOZANO: Because I worked on the field for
18 more than 15 years I know the situation and the suffering
19 that goes on the field. Yet to be honest at that time I
20 wasn't even aware of how many hours I had to work to reach
21 the overtime -- a tough job.

22 (Pause to deal with audio issues again)

23 MR. LOZANO: Due to the lack of information -- I
24 can read and write a little bit. I'll be able to read it
25 and have a brief understanding, but not very well, because

1 that's not my -- my main language is Mixteco. So many
2 people can't even read or write o let alone learn about
3 their labor rights.

4 CHAIRMAN GOULD: The language you're referring to
5 there is what?

6 (Chair refers to one-page document Mr. Lozano is
7 holding up.)

8 MR. LOZANO: Yeah, this is Spanish.

9 BOARD MEMBER SHIROMA: Espanol.

10 MR. LOZANO: That's an example.

11 Now that I work as a gardener I see that it's the
12 same problem. I just learned that working on this field
13 once you reach 30 hours you can have a 1 hour allowance for
14 an illness. So I got sick and the doctor told me that I
15 need to have 3 days off before going back to work. So the
16 company, I knew that I had an hour saved or extra, because
17 of the hours that I had worked, and the company didn't give
18 me anything or tell me anything.

19 That's why I know and I think that it's really
20 important to have verbal information. A coworker told me,
21 " I think they should pay you, because of the hours that
22 you have put in."

23 I'm also involved with an organization that works
24 with the Mixteco community. And I see other people that
25 they told me that they have worked for so many hours and

1 they have the same problem. I used to promote information
2 regarding the heat and the pesticides. I used to go from
3 house to house providing information in Mixteco. And they
4 would tell me, " It doesn't do me any good, because I
5 don't know how to read."

6 So we tried to explain to them in Mixteco and all
7 I could do is just ask them to sign it to verify that I had
8 provided them with that information. They said, "Well, the
9 law can just take it and post it in my place of work. So
10 they can see that I have to fulfill those commitments."
11 And too many, they are afraid to take this information to
12 their place of work, because they are afraid of retaliation
13 against them.

14 So based on my experience, I think it is better
15 to have verbal information and for somebody to come to our
16 place of work during lunch or break time. And then they
17 give us the information according to the language that we
18 speak, so that people can get their information and nobody
19 violates their rights.

20 So a lot of times a supervisor would tell me, "We
21 like a bunch of people from Oaxaca, because we know they
22 are very quiet." It's not because they are very hard
23 workers, but the main reason they want them is because they
24 know they're not going to complain, they're not going to
25 speak their mind.

1 Yeah, when they talk about the technology and
2 myself, when I try to go online or use the computer I have
3 a very hard time trying to access pages or information. I
4 know that they keep coming up with new devices and they
5 keep getting fancier and fancier, but people that don't
6 know the language or they don't understand or they don't
7 know how to read, that won't help them.

8 Many times the companies they give you a policy
9 and they ask you to sign and we sign it, but we don't know
10 what we're signing, really. That's why I think it's very
11 important to have verbal information on the workplace,
12 because at least with that information we know our rights.

13 For instance, if you don't know your rights and
14 you get sick and then you say, " Well, I want to go home,"
15 when the proper thing to do is to talk to the supervisor
16 and make sure he takes you to a clinic. (sic) And that
17 happens when you don't know your rights and it's for the
18 benefit of the companies if we don't know our rights.

19 That's why I want to convey that to you to see it
20 as a need. It's necessary to do it. Thank you.

21 CHAIRMAN GOULD: Thank you, very much.

22 Questions anyone?

23 BOARD MEMBER RIVERA-HERNANDEZ: I have one
24 question.

25 Thank you for your time tonight. Thank you.

1 If the ALRB came onto the employer's property
2 during the lunchtime would you and your coworkers, if it
3 was voluntary, want to take the time from your lunch in
4 order to hear the information?

5 MR. LOZANO: (Without Interpreter.) Si.

6 BOARD MEMBER RIVERA-HERNANDEZ: Would there be
7 any fear of retaliation for attending and talking with our
8 agency?

9 MR. LOZANO: (Through Interpreter.) Yeah,
10 honestly yes I would. (sic: question not answered.)

11 BOARD MEMBER RIVERA-HERNANDEZ: Gracias.

12 MR. BLANCO: So Mr. Lozano, in the time you've
13 worked with the FOIB how many Mixteco farmworkers have you
14 met with?

15 MR. LOZANO: (Through Interpreter.) Yeah, when I
16 used to provide this information I had to reach about 30
17 people per months. That was when I was with the
18 farmworkers, I had to hand them out a report.

19 MR. BLANCO: So but with the Frente Indigena you
20 also meet with farmworkers?

21 MR. LOZANO: Yeah, with this other one we see
22 more people coming due to the language.

23 MR. BLANCO: Uh-huh. And when you were doing the
24 promotion work you said you would go house to house. And
25 would you go inside to talk with them?

1 MR. LOZANO: Yeah, because of the language. You
2 know, there wasn't a language barrier, they would let me in
3 and they would feel more confident.

4 MR. BLANCO: Now, do you think that -- from your
5 experience do you think that many of the Mixteco
6 farmworkers know about the Ley Laboral?

7 MR. LOZANO: No, I don't think so. Yeah, even
8 myself, I tried to get involved with the community and
9 learn some about these laws, but I don't know enough. You
10 know, let alone them.

11 MR. BLANCO: So you yourself don't feel you know
12 a lot about the Ley Laboral?

13 MR. LOZANO: Just a little bit.

14 MR. BLANCO: Okay. I don't think I have any
15 other.

16 CHAIRMAN GOULD: Well, there's been earlier
17 discussion about annual celebrations of farmworkers, annual
18 gatherings, community gatherings. And it has been said
19 that these kinds of situations present good alternatives to
20 communicate on company property, communicate about the law
21 on company property. Do you think that this is correct?

22 MR. LOZANO: I don't think that those annual
23 meetings would help them much. They would have to do them
24 more frequently. Particularly when the season starts, they
25 have the crops, have the particular season depending on the

1 crop, and at least during those times they would have to be
2 provided with that information.

3 CHAIRMAN GOULD: Well, how would these gatherings
4 compare to providing the information on company property?

5 MR. LOZANO: For instance, when I used to go from
6 house to house it was a good idea, because I would talk
7 personally to each family and they would feel more
8 confident. But I think it's a better idea instead of the
9 community meetings, to go into the property of the owners.
10 And then to have a meeting there, because many times they
11 have 500 workers, so we could divide them in groups and
12 then, you know, talk to a different group each time.

13 CHAIRMAN GOULD: So that would be better, yes?

14 MR. LOZANO: Yes.

15 CHAIRMAN GOULD: Okay.

16 Anything else?

17 BOARD MEMBER RIVERA-HERNANDEZ: No.

18 BOARD MEMBER SHIROMA: No.

19 MR. BLANCO: I have one more. So the Board is
20 also considering trying to educate the supervisors and
21 foremen as well about the obligations under the law that
22 they have. Do you think that's a good idea?

23 MR. LOZANO: Yeah, they just have to do it. It's
24 a great idea, but just make sure that they do it.

25 MR. BLANCO: And so there's been also testimony

1 about or speakers that have spoken about the different
2 kinds of Mixteco. And could you tell us more about the
3 Mixteco you speak and what town you come from and how that
4 differs from other kinds of Mixteco?

5 MR. LOZANO: Yeah, I speak Mixteco Bajo or Low
6 Mixteco. I think there's more than one for Mixteco Bajo or
7 Low Mixteco. Yeah, I know that maybe somebody can identify
8 the percentage of the other types of Mixtecos, but I know
9 that there's a lot of people with the Low Mixteco.

10 CHAIRMAN GOULD: Okay, great. Thank you very
11 much, thank you.

12 MR. LOZANO: (Without Interpreter.) Gracias.

13 (Applause)

14 MR. BLANCO: So let's go on, Alejandro Gonzalez?
15 No, okay then let's move on.

16 Victorino Gonzalez, Rodolfo Isordia, Rojelio
17 Isordia, Gloria Cordro, Angel Ponce, Nancy Ibanez,
18 Margarita Gonzalez.

19 UNIDENTIFIED MALE: They are still working. I
20 saw them, they are still working. They're coming, they're
21 coming after.

22 MR. BLANCO: They're still working?

23 (Board confirms attendees with audience member)

24 MR. BLANCO: Okay. Victorino Gonzalez.

25 MR. GONZALEZ: (Through Interpreter.) Good

1 afternoon. I'd like to thank you for giving me the
2 opportunity to be here and share my experience, everything
3 that happens in the field. And I am glad that you are
4 here. I'm going to talk about my particular experience.

5 The first thing I want to state is a lot of
6 discrimination, particularly for the people that do not
7 speak Spanish. Yeah, as to the owners of companies that
8 have workers that do not speak Spanish -- the reason?
9 Because they don't want the people to know their rights, so
10 they can do what is to their convenience. So the workers
11 cannot complain or say anything, because they don't know
12 how to speak Spanish.

13 I used to be one of those people. When I came to
14 the States I didn't speak any Spanish. I had to make a
15 great effort to learn Spanish, because at the age of 20 I
16 didn't know how to speak Spanish. I had to do it because I
17 noticed there was a lot of discrimination for the people
18 that didn't speak any Spanish. I couldn't defend myself,
19 because I didn't speak any Spanish. So I realized that --
20 or I was aware that unless I spoke Spanish I could not
21 defend or speak for my rights.

22 Many of us don't even know how to read or write,
23 so of course we couldn't do it through newspapers, TV or --
24 so I had to make an effort and study and so I can defend
25 myself. And I'm pleased now to be a different person,

1 because I was humiliated before. So thank God I can now
2 defend myself, but the employers don't like to have
3 somebody on their ranch that knows how to speak Spanish and
4 can defend himself or herself.

5 So that's where they start taking advantage of
6 you, they make you work 10 hours or more. And you could be
7 working 11, 12 hours or whatever amount of hours and they
8 won't pay you overtime. So if you request your fair pay or
9 salary all they say is, " Well if you don't like it, you
10 can just leave." So they don't want to pay the full hours
11 that we've worked.

12 So when we speak out and we tell them, " Why do
13 you not want to pay overtime?" they said, " Because it's
14 not our obligation to do so." So the supervisors take
15 advantage, because they know that we don't know our rights.
16 So I'm very glad that you guys are willing to do something
17 for us. It's not in their best interests to have workers
18 working for them that know their rights.

19 So they're telling us now that they're going to
20 give us a bonus, which is part of the boxes that we pack.
21 So when at the end of the crop they tell us that's when
22 we're going to get paid and that's where they take more
23 advantage of us. So two weeks before the end of the crop
24 that's the best time for them, because a lot of time they
25 could say, " Well if you don't like it you can just

1 leave." They know that they can just keep that money. So
2 I don't agree with the fact that they won't take advantage
3 of us.

4 And, you know, we're working under very hot
5 conditions and they won't let us go home. And if we decide
6 to go home anyway then we know the next day there won't be
7 a job waiting for us. So in spite of the fact that it's
8 very hot and people have to be working, you know, bending
9 down or whatever with temperatures of maybe 90 or 100
10 degrees -- and I have a picture to show you that I'm not
11 lying -- how they have this person sitting under the sun.
12 This person was injured and there's not even a shade where
13 she can rest. That's what's happening on the field.

14 So I hope that you really come to the field or to
15 our place of work, but you have come unannounced, so they
16 cannot change anything. If they know beforehand that
17 somebody's coming then they can change things around and
18 make it look better. And that's what happens with the
19 grapes, any kind of crops. And even though it gets really
20 hot they don't want to stop you. What matters to them is
21 just to get their crops.

22 So I would like you to really come and see, so
23 you can see how the supervisors -- how they are the ones
24 who take most of the advantage of us and they can do pretty
25 much whatever they want. In fact, they wanted to fire me,

1 because there was a particular situation and engagement
2 that I had, so I had to leave. And when I came back they
3 didn't want to let me come back.

4 So I asked them why, if I asked permission to
5 leave? I had a bonus with the company, because I worked
6 the whole season with them. So they didn't give me my
7 money and they wanted to kick me out and fire me. I didn't
8 know if I -- once I leave there was no way I could get my
9 money even though I had worked for it. So a lot of people
10 they just leave that money there, because of the fact that
11 they don't how to speak Spanish they just leave the money
12 there and they can't defend themselves.

13 So that's what happens because for instance, in
14 my case if I try to defend myself the supervisors they take
15 retaliation against me, because I'm defending myself. But
16 some of the people they don't know how to defend
17 themselves. Like my other coworker said earlier that they
18 prefer people from Oaxaca, because they know they can (sic)
19 speak Spanish and it's to their advantage.

20 CHAIRMAN GOULD: They can't?

21 MR. VICTORINO GONZALEZ: They can't.

22 CHAIRMAN GOULD: Yes.

23 MR. VICTORINO GONZALEZ: So the less Spanish you
24 know the best for the employer, because they know they
25 can't defend themselves. So I'm really glad. I'm happy

1 that you're doing what you're doing, because that way we
2 know who we can talk to and where we can get the
3 information that we need.

4 It's really sad. There's a lot of abuse and
5 discrimination on the field. There's places where they
6 only have -- the bathrooms are very dirty or they don't
7 have enough bathrooms. Many times they spray near areas
8 where there are people working and the supervisors, they
9 just don't do anything. Yeah, and then we're breathing
10 that poison from this, you know, the chemicals they are
11 spraying.

12 CHAIRMAN GOULD: So --

13 MR. GONZALEZ: Yeah. I would like to get more
14 information. And also that the foremen or foreman and the
15 supervisor get this training, so they learn how to treat
16 the workers with the respect instead of yelling at us like
17 we were a bunch of children. Just because they are
18 supervisors they don't have the right to humiliate anybody
19 they want. We all deserve respect and we have to treat
20 other ones with respect too. That's all.

21 CHAIRMAN GOULD: Now, it is said that there are
22 -- by many people who have talked to us -- that there are
23 other avenues through which the law can be communicated to
24 workers: radio, television, newspapers. So this is the
25 first time I've been in Santa Maria. Is there Mixtec radio

1 in Santa Maria? Is there Mixtec television in Santa Maria?

2 And are there Mixtec newspapers in Santa Maria?

3 MR. GONZALEZ: Very little and hardly on TV.

4 They may have some ads in Mixteco for the people, but
5 nothing that provides information about your rights. You
6 know, I would like, of course, to have that choice.

7 CHAIRMAN GOULD: All right, do you have a
8 question?

9 BOARD MEMBER SHIROMA: The photograph, where is
10 that located, like a town or a county?

11 MR. GONZALEZ: Here in Santa Maria, it's a
12 strawberry field.

13 BOARD MEMBER SHIROMA: Oh, it's here in Santa
14 Maria.

15 MR. GONZALEZ: Yes. That's all.

16 BOARD MEMBER SHIROMA: Got you.

17 MR. BLANCO: So she's next.

18 CHAIRMAN GOULD: Oh, well you don't have any
19 questions?

20 MR. BLANCO: No, I don't have any questions for
21 him.

22 CHAIRMAN GOULD: Okay. All right.

23 BOARD MEMBER SHIROMA: Thank you.

24 CHAIRMAN GOULD: Thank you.

25 Yes?

1 MS. IBANEZ: (Through Interpreter) About 15 days
2 ago in the company of 2 brothers we were working in Los
3 Alamos and the heat reached 96 degrees. And I wasn't sure
4 to what -- when the temperature reaches a certain level if
5 they were supposed to stop us. So I called Miguel from the
6 Califco (phonetic) organization to ask him if he knew if
7 there was a law about the limit of degrees that we had to
8 work under. He told me he was going to give me the OSHA's
9 number. I called three people who listened to me and they
10 did talk to the foreman.

11 He told me that I didn't have to mess around with
12 the company, how come I did it? And I told him I that I
13 didn't want to jeopardize the company. I just called to
14 get information and they were organizing. So I felt there
15 was a lot of pressure. And I just couldn't take it
16 anymore, so the next day I just didn't show up to work.

17 I've seen a lot of unfair treatments. And people
18 put up with it, because out of need, out of fear, because
19 they need to work. We have our dignity. We don't have to
20 be humiliated. We need to be respected. We need somebody
21 to help us to promote the laws.

22 The work in the fields is the hardest one and yet
23 we don't have enough protection. That's all.

24 CHAIRMAN GOULD: Okay.

25 Do you have any questions, either of you?

1 BOARD MEMBER RIVERA-HERNANDEZ: No.

2 CHAIRMAN GOULD: Oh, Genevieve?

3 BOARD MEMBER SHIROMA: Just I very much
4 appreciate that you took the time to speak with us this
5 evening and to share your story. Thank you very much.

6 MR. BLANCO: So Ms. Ibanez, are you familiar with
7 the La Ley Laboral?

8 MS. IBANEZ: No.

9 MR. BLANCO: Okay. And so you're not aware of
10 the protections that La Ley Laboral gives to farmworkers?

11 MS. IBANEZ: No, to be honest, very little.

12 MR. BLANCO: That's all. Thank you.

13 BOARD MEMBER SHIROMA: Okay.

14 CHAIRMAN GOULD: Okay. Thank you. Thank you
15 very much to both of you very, much.

16 (Applause)

17 MR. BLANCO: Well, we're still waiting for these
18 folks to come as far as I know.

19 BOARD MEMBER SHIROMA: They might still be at
20 work.

21 MR. BLANCO: So Alejandro Gonzalez, no?

22 (Board confers about speakers)

23 MR. BLANCO: Janet Cruz?

24 BOARD MEMBER SHIROMA: Oh, she's here. And
25 there's a farmworker panel, this last part.

1 (Board confers about speakers)

2 MS. CRUZ: I'll be doing mine in English, so will
3 I need someone to --

4 THE INTERPRETER: Where is your group?

5 MR. BLANCO: He's going to go back there.

6 CHAIRMAN GOULD: He'll go back and translate it
7 into Spanish.

8 MS. CRUZ: Okay.

9 (Conferring with the Interpreter)

10 MS. CRUZ: Can I start, now?

11 CHAIRMAN GOULD: Surely.

12 MS. CRUZ: Do I have a certain amount of time?

13 CHAIRMAN GOULD: Excuse me?

14 MS. CRUZ: Do I have a certain amount of time?

15 CHAIRMAN GOULD: No, no. You know, we've asked
16 everyone to say what they want to say and to be brief, as
17 possible.

18 MS. CRUZ: Okay.

19 CHAIRMAN GOULD: But you don't -- you're not
20 limited.

21 MS. CRUZ: All right, thank you. So, I'm going
22 to be speaking sitting down. So, okay.

23 So, hello and good evening, everyone. My name is
24 Janet Cruz and I'm currently a Santa Maria senior.

25 How would you feel waking up 3:00 to 4:00 in the

1 morning, to work in the fields? Every day is sometimes
2 different. It's hot at 90 degrees, especially with double-
3 layered clothes. Why double layered? Because they, the
4 farmworkers, just try to protect their selves from
5 chemicals which are spread on the field and can cause
6 illness.

7 Sometimes it's really cold and they can't feel
8 their fingers. Sometimes, it's really raining and -- wait.
9 Oh, yeah, sometimes it's really raining and they come home
10 with wet clothes.

11 They come home with pain everywhere, but they
12 still keep going, knowing that it will cause permanent
13 damage. But why? Because they have a family to feed.

14 I have come here to stand and speak up for the
15 farmworkers in my community and others who may apply with
16 what I have to say.

17 Recently, President Barack Obama had said he was
18 going to issue an executive order to force contractors to
19 give their employees a seven-leave of sick days paid.

20 I am aware that recently farmworkers have gotten
21 this benefit, which is that fieldworkers get three sick
22 days paid a year by State law, though most managers don't
23 inform their employees about this benefit.

24 Oh, sorry, something happened.

25 BOARD MEMBER SHIROMA: Did you say you're a

1 senior in --

2 MS. CRUZ: Yes, ma'am, in Santa Maria high
3 school.

4 BOARD MEMBER SHIROMA: Oh.

5 MS. CRUZ: Yes. Okay. I'll just start over. I
6 had said that I was aware of that recently farmworkers have
7 gotten this benefit, which was that fieldworkers get paid
8 three sick days -- three sick days paid a year by State
9 law. But, however, most managers don't inform their
10 employees about this benefit.

11 I know this because my own mom has no idea about
12 this.

13 However, why can't it be equal like the federal
14 employees? I understand that you're federal workers though
15 fieldworkers are workers. They have a family, too. They
16 spend hours in the fields, whether it's cold, sunny, humid
17 or if it's raining, just working beyond the explainable
18 just to get paid \$9.50 an hour, and go home approximately
19 at 6:30 in the evening.

20 I strongly believe that all workers have the
21 right to equality. They have the right to fair treatment.
22 We live in a country that advocates and supports equality,
23 yet we fail to recognize on how some of our people treat
24 others, especially to a specific work, the farmworkers.

25 Earlier in this meeting, I had heard a few of the

1 farmworkers invite you all to show up at their work. Why?
2 So, you can witness what happens behind the scenes of the
3 food you have on the table. I have a concern with regard
4 to this. My concern is some managers and supervisors are
5 obviously smart and sneaky.

6 What guarantees me, as the daughter of a
7 fieldworker, that you will actually get to witness what
8 previous farmworkers have testified?

9 That is all.

10 CHAIRMAN GOULD: Thank you.

11 MS. CRUZ: Will you be able to answer my question
12 now or --

13 CHAIRMAN GOULD: Well, I'll try to answer your
14 question the best I can.

15 MS. CRUZ: Okay.

16 CHAIRMAN GOULD: You know, what we are here to do
17 today is to conduct, to really engage in kind of fact-
18 finding to see whether there is interest in having a rule
19 which would allow the Agricultural Labor Relations to come
20 on to the worksite, to come on to company private property
21 to --

22 MS. CRUZ: Okay.

23 CHAIRMAN GOULD: -- so as to communicate to
24 employees their rights under the Agricultural Labor
25 Relations Act, and the procedures that we employ on how

1 they can file petitioners or charges with the Board, if
2 they perceive violations to exist. And to actually be
3 there and to explain that to workers.

4 So, I think your question is about a guarantee.
5 But that, assuming that this rule comes into existence, and
6 we'll be discussing this, and meeting with one another, and
7 going through other steps in the process. What it would do
8 is allow our officials to come to company property to
9 explain what their rights are under the law.

10 MS. CRUZ: Okay.

11 CHAIRMAN GOULD: And, of course, they would be
12 observing conditions. But we would not be there,
13 fundamentally, to reserve -- to observe conditions but,
14 rather, to communicate to employees as to what their rights
15 are.

16 MS. CRUZ: All right. I also have another
17 question.

18 CHAIRMAN GOULD: Yes?

19 MS. CRUZ: Before my name was called, there was a
20 lady -- or a man, I believe. He had asked a question about
21 if there was a newspaper published in Mixteco, or
22 television that was spoken in Mixteco. Could you repeat
23 your question, I couldn't hear in the back?

24 CHAIRMAN GOULD: I asked the -- several people
25 have suggested that it's not necessary for people from the

1 Agricultural Labor Relations Board to come on to company
2 property and to communicate with employees about their
3 rights.

4 Of course, we would have to do this through
5 interpreters and translators.

6 MS. CRUZ: Right.

7 CHAIRMAN GOULD: Because we don't know all of the
8 languages involved.

9 And so they said, this is not necessary, some
10 people said, because there are -- there is radio, and there
11 is television, and also the internet as well, and
12 newspapers.

13 So, it was I who asked one of the witnesses a
14 question as to whether there was radio Mixtec, and
15 television Mixtec, and newspapers Mixtec. And I don't know
16 whether you heard his response or not. But that was my
17 question to the witness.

18 MS. CRUZ: Okay, because I come from a family
19 that speaks Mixteco. And I know that coming from a family
20 that speaks Mixteco, you have friends that also speak
21 Mixteco. However, those are different types of Mixteco.
22 There's Mixteco Alto, Mixteco Bajo, there's Triqui.

23 CHAIRMAN GOULD: Yes.

24 MS. CRUZ: There's many dialects.

25 CHAIRMAN GOULD: Right.

1 MS. CRUZ: So, it would be very complicated to
2 like, you know, have like stations speaking.

3 CHAIRMAN GOULD: Right.

4 MS. CRUZ: Because not everybody speaks that.
5 That's specific Mixteco that one may be referring to.

6 CHAIRMAN GOULD: Right. Thank you.

7 Well, now, we've also been advised of what you
8 have told us, that there are these variations within the
9 language. And I'll put the question to you, as a young
10 woman who observes radio, and television, and newspapers in
11 this area.

12 MS. CRUZ: Uh-hum.

13 CHAIRMAN GOULD: Are any of the variations of the
14 language spoken on radio and television? You know, we hear
15 of Spanish radio, Spanish language radio. Is there the
16 equivalent of that in any of these media?

17 MS. CRUZ: Well, what I know of -- I think this
18 is off. What I know of is there actually is a Mixteco
19 radio station, and I believe it's located in Bakersfield.
20 I'm not really -- I mean, I'm not -- what was that -- let's
21 see, I'm not very sure, but it's somewhere located in
22 Bakersfield.

23 CHAIRMAN GOULD: Uh-huh.

24 MS. CRUZ: And they like -- they inform those
25 people that are listening, obviously, about like certain

1 things that are coming up or something.

2 But I don't hear about like labor, and like
3 rights, and stuff like that.

4 People, like Mixteco or farmworkers who call, who
5 speak the language, if they have a concern, they have a
6 question, they go and that's like who they go to for help,
7 because they feel connected. You know, they're speaking
8 their language. They feel connected, they feel comfortable
9 talking with them because, you know, it's their language.

10 And for someone who is -- who speaks Mixteco and
11 wants to come to, perhaps like this meeting, and they're
12 not very good in their Spanish, they're obviously not going
13 to feel comfortable. They're not going to be able to send
14 the message of what they want, you know.

15 Do you understand what I'm saying?

16 CHAIRMAN GOULD: Yes, yes. Now, but the radio
17 that you've identified and, I don't know, maybe there's
18 more than one station, what variation do they speak in?

19 MS. CRUZ: They have -- they have Mixteco Alto,
20 Mixteco Bajo. And there is this lady that speaks Triqui,
21 so there's three different dialects.

22 CHAIRMAN GOULD: I see. I see.

23 MS. CRUZ: Yes.

24 CHAIRMAN GOULD: Okay.

25 MS. CRUZ: Did the man have a question?

1 MR. ESPINOZA: Could I answer to that question?

2 MR. BLANCO: Could you stand up, please?

3 MR. ESPINOZA: There's two, a radio station, but
4 it's not --

5 CHAIRMAN GOULD: And your name is?

6 MR. BLANCO: Your name, please?

7 MR. ESPINOZA: Oh, my name is Ablan (phonetic)
8 Espinoza. I'm also a Mixteco. And there's two radio
9 stations. There's one in Oxnard, which is "Radio Indigena"
10 which just opened a few months ago.

11 And the other one is in Fresno, which is "Radio
12 Bilingue". And they do inform about laborer's rights and
13 everything.

14 But the thing is the signal does not get here, in
15 Santa Maria. So, you could get access through the
16 internet. Like through a radio antenna.

17 And about the language, there are like more than
18 three varieties of the languages. But some of the
19 varieties, they -- like, you could understand like over 20
20 other parts of the varieties. So, you could get to a
21 bigger amount in varieties of the language. Like the
22 Mixteco Bajo, there's like a big variety of it. But I
23 think here, in Santa Maria, there's a lot more people that
24 speak Mixteco Bajo than actual Mixteco Alto. So, that's
25 all.

1 CHAIRMAN GOULD: Thank you.

2 MS. CRUZ: So, like what I understand is that
3 they usually pick the popular dialect that are spoken like
4 most, because like those popular dialects, like for me, I
5 speak it, but I'm not fluent. I understand very well. And
6 when I have a friend that's speaking the similar dialect,
7 but it's different, like just as I speak Mixteco Alto and
8 she speaks Mixteco Bajo, I can understand because there's
9 some words that are similar. Just like, you know, in
10 English and Spanish, through the Latin connection, you
11 know, you understand some words. Oh, trabajo or -- like,
12 for example, I don't know, Espanol/Spanish, it's like sort
13 of similar. Well, I see it kind of similar.

14 But, yeah, did I answer your question or give you
15 the --

16 CHAIRMAN GOULD: I think so. Yes, yes, you did.

17 MS. CRUZ: Okay.

18 CHAIRMAN GOULD: I know it's a very big, and as
19 we say, open-ended question. And we're trying to get some
20 information about that.

21 BOARD MEMBER RIVERA-HERNANDEZ: I just had one
22 comment. Just I hope you will continue to advocate on
23 behalf of your community and your parents, as a whole.

24 MS. CRUZ: Thank you.

25 BOARD MEMBER RIVERA-HERNANDEZ: Both of my

1 parents were farmworkers, as well, and it took me years to
2 get to the point that you're at right now, so good job.

3 MS. CRUZ: Thank you very much. Also, I had one
4 last question.

5 CHAIRMAN GOULD: Yes.

6 MS. CRUZ: How long does it take a process for
7 you? Because you are here to listen to the community the
8 farmworkers. How long does it take, like the process to
9 like make a positive impact?

10 Like, for example, we said -- for example, oh,
11 for the fieldworkers, the benefit of getting three sick
12 days' leave paid. How long -- for example, that took a
13 long time. So, how long would it take you to like make
14 something, like get the feedback that we're giving you, and
15 taking it, and improving and giving us more like --

16 CHAIRMAN GOULD: Yes, I understand your question.

17 MS. CRUZ: Okay.

18 CHAIRMAN GOULD: Yeah, it's a -- but I'm afraid I
19 can't answer to your total satisfaction because I'm not
20 sure I know the complete answer.

21 After this meeting, we'll go back to our offices
22 and we'll be discussing this with one another. And,
23 ultimately, we will have a -- some of us will put together
24 a proposal, a proposed rule on this subject. This is -- I
25 don't know whether the copies of my opening statement are

1 available here or not.

2 But I refer to this idea of what the lawyers call
3 rulemaking. And if we can reach an agreement with one
4 another, at least if two of us support a particular idea,
5 we will probably have a public meeting and you will be --
6 oh, thank you. Thank you.

7 (Mr. Barbosa hands a document to the Chair)

8 CHAIRMAN GOULD: Yeah, I'm going to give you a
9 copy of my opening statement, which will maybe -- will give
10 you a little more understanding.

11 But you probably have some more questions as
12 well, and I welcome them.

13 MS. CRUZ: Okay.

14 CHAIRMAN GOULD: But we'll have a public meeting
15 and we will -- and the public will be invited to provide
16 input into this.

17 MS. CRUZ: Okay.

18 CHAIRMAN GOULD: And then, if the majority of the
19 Board supports a particular rule, then another process will
20 begin where, again, the public will have an opportunity to
21 provide input.

22 And I would imagine that that process will take
23 well into next year, and when there's full public
24 commentary again. And it may be, I think it will probably
25 be that some people if -- again, if we adopt the rule,

1 there will be some people who will not like that rule. And
2 they will object to that rule. And they may file court --
3 actions in court.

4 So, I would like to see this work as quickly as
5 possible, but I can't give you a complete guarantee as to
6 precisely what the day is that this process will be
7 concluded.

8 MS. CRUZ: You can't give like an estimate?

9 CHAIRMAN GOULD: Well, I tried to.

10 MS. CRUZ: Well, I mean, because you said not
11 precisely, so can you give me an estimate?

12 CHAIRMAN GOULD: Well, you're pressing me.
13 You're pressing me so hard. You are much better than my
14 students. And when I am not working on this job, I teach
15 students at Stanford Law School. And so, you have no --
16 they let me go. And you won't let me go here.

17 (Laughter)

18 CHAIRMAN GOULD: But I can't really give you a
19 precise date. We would hope that the -- we would hope that
20 this process will come into existence at some point next
21 year. Some point, perhaps, in the summer, the late spring.

22 But -- but, you see, when that happens, as I've
23 said litigation may be commenced against it, and all kinds
24 of arguments will be made against it.

25 And it's difficult at this point to say what

1 court the matter will go before. And it's difficult to
2 say, it may be a matter, it probably will be a matter that
3 will go to -- all the way to the California Supreme Court
4 in San Francisco.

5 And the ability of us to get this going in the
6 interim will depend upon whether we can convince a lower
7 court judge to allow the rule, again if we have the rule,
8 to come into existence.

9 MS. CRUZ: Okay. And you said --

10 BOARD MEMBER RIVERA-HERNANDEZ: Can I just -- can
11 I just add that the -- but the rule that we're talking
12 about is about the communication of rights that currently
13 exist. So, to the extent that these rights currently
14 exist, there are offices that can help those employees.
15 And it's people like you, which is what we're trying to do
16 is find people who can inform other of their rights.

17 MS. CRUZ: Right, yes.

18 BOARD MEMBER RIVERA-HERNANDEZ: Those rights
19 already exist. So, they are there and there are accessible
20 for your parents, for their coworkers. And to the extent
21 that you distribute our contact information to others, just
22 so that you know.

23 CHAIRMAN GOULD: That's a very good, a very good
24 point.

25 MS. CRUZ: Well, in my --

1 CHAIRMAN GOULD: It's putting the burden on you
2 to get the word out.

3 (Laughter)

4 MS. CRUZ: Yes, but in my state of --

5 BOARD MEMBER RIVERA-HERNANDEZ: Until the rule is
6 passed.

7 MS. CRUZ: But in my state of --

8 CHAIRMAN GOULD: Even after the rule is passed.

9 MS. CRUZ: But in my state of mind it really
10 isn't there if the people -- if the farmworkers don't know
11 about it.

12 BOARD MEMBER RIVERA-HERNANDEZ: Right.

13 CHAIRMAN GOULD: Yes.

14 MS. CRUZ: So, like to me -- like I don't want to
15 go against this, but to me it's not there. WE have to like
16 inform them, then it's there. You know?

17 CHAIRMAN GOULD: Yes.

18 BOARD MEMBER RIVERA-HERNANDEZ: Yes, right.

19 CHAIRMAN GOULD: Yes.

20 MS. CRUZ: Yeah. And I know previous farmworkers
21 have said that, too, like it's there, but it's not there
22 because we don't know about it.

23 CHAIRMAN GOULD: Yes.

24 MS. CRUZ: And we can't take advantage for our
25 beneficial.

1 And also, you said about to come to a compromise
2 between two.

3 CHAIRMAN GOULD: I didn't say, I didn't use the
4 word " compromise" .

5 MS. CRUZ: Or an agreement.

6 CHAIRMAN GOULD: Then, if it was an agreement
7 between two, at least two that --

8 MS. CRUZ: Yes. Well, who are those two?

9 CHAIRMAN GOULD: Well, we don't know what that
10 case will be. We'll have to discuss it and we'll see.
11 We'll have to have this public meeting and we'll see who
12 those two will be, and maybe there will be three.

13 MS. CRUZ: So, is this --

14 CHAIRMAN GOULD: So, there are three members of
15 the Board.

16 MS. CRUZ: Yes.

17 CHAIRMAN GOULD: And they're all here, together,
18 today.

19 BOARD MEMBER SHIROMA: May I speak?

20 CHAIRMAN GOULD: You may speak.

21 BOARD MEMBER SHIROMA: Thank you, Chairman.
22 thank you, Chairman. I know the Chairman is being
23 realistic of what it takes to adopt a regulation of this
24 kind.

25 I think that -- well, I am hopeful that the mere

1 fact that we have initiated this process, we are hearing
2 from you and others, we are looking at the legal arguments
3 all with a goal in mind to absolutely get the information
4 into farmworkers' hands, and for the employers and the
5 growers to know that those rights exist, and that those
6 rights must be protected. I'm hopeful that even by being
7 here, in Santa Maria, that it's making a difference.

8 And to just share, I'm also the daughter of a
9 farmworker. And in my case, my father was born in Hawaii.
10 He is Okinawan. And he probably describes that we are
11 indigenous Okinawans, with our own language. Which, I'm
12 sorry, I don't know that language, okay.

13 And he describes that his parents, when they
14 immigrated to the Hawaiian Islands they spoke Okinawan,
15 they didn't speak Japanese. They didn't speak English.
16 And so, there was the language barrier.

17 And so he, as one of the children, helped with
18 communication, but there definitely was confusion. Yes.

19 So, I appreciate that you have come here tonight
20 to share with us. And I don't know if you have any other
21 questions, but you've made a very big difference --

22 MS. CRUZ: Thank you.

23 BOARD MEMBER SHIROMA: -- in emphasizing the
24 importance of our efforts.

25 MS. CRUZ: Thank you. Yes, I have one more

1 question.

2 (Laughter)

3 MS. CRUZ: The last one.

4 CHAIRMAN GOULD: I had a feeling that would be
5 the case.

6 MR. BARBOSA: I think the law school.

7 MS. CRUZ: I have one more question. There's
8 been this issue for approximately, I'll say, maybe six
9 months or so. And perhaps in the beginning, in the
10 beginning when I start right now, you won't understand the
11 connection. But, hopefully, you can see the connection I
12 make.

13 Okay, so there's -- hopefully, you all are aware
14 of the ICE facility, right?

15 CHAIRMAN GOULD: The what?

16 BOARD MEMBER SHIROMA: Which facility?

17 MS. CRUZ: The ICE facility.

18 BOARD MEMBER RIVERA-HERNANDEZ: ICE.

19 CHAIRMAN GOULD: No, I'm not aware of what you're
20 speaking of.

21 MS. CRUZ: Oh, okay. Well, there's an ICE
22 facility here in Santa Maria. And to be realistic, a lot
23 of our farmworkers are immigrants, right, as being
24 realistic. And I feel and I believe that the farmworkers
25 should have the right to like not avoid, but not have

1 officials, or police, law enforcements coming into their
2 jobs and perhaps taking them away, because that's what I've
3 seen.

4 I feel that --

5 CHAIRMAN GOULD: Oh, I see, you're referring to
6 the Immigration.

7 BOARD MEMBER SHIROMA: Immigration, yeah.

8 MS. CRUZ: Like not trespassing. Because that's
9 what they do, they come over. And so as a worker, I
10 believe like if I was a teacher, and let's just to say like
11 in the United States there are some places where they have
12 teachers who are immigrants, right.

13 And so, the school has like their rules and
14 policies, and where like an ICE official cannot come to
15 school. Why? Because there's students and because it's
16 just not right.

17 And so why can they come to a place where people
18 are working and take them away? Can there be something
19 like that can -- that will go against ICE officials and law
20 enforcement coming and interrupting their working time?

21 CHAIRMAN GOULD: You know, this is something I
22 really don't know the answer to. This would be a matter of
23 immigration law, which I'm not expert on.

24 I don't know, perhaps my colleagues are.

25 BOARD MEMBER SHIROMA: Well, there are new -- ICE

1 is a Federal agency, going by Federal law, which definitely
2 I agree needs to be -- needs to change. It needs to
3 change, okay.

4 But in the meantime, in the State of California,
5 there are new laws which says an employer cannot bring ICE
6 in, in order to retaliate against workers, okay.

7 MS. CRUZ: Okay, yeah.

8 BOARD MEMBER SHIROMA: So, it's a new law that is
9 not part of our law. Okay, but it is -- it is part of
10 another State agency's responsibility.

11 So with these new laws, hopefully, that will at
12 least help in the State of California.

13 But on the Federal, for the Federal government,
14 more needs to be done.

15 MS. CRUZ: Yes. Because I understand it's
16 Federal and so like the United States Federal comes first.
17 But then, again, the people come first. So, I'm seeing
18 that, like that argument. And so, we can't get to an
19 agreement and I just feel like it's already time to, you
20 know, end this situation. Like our people need to -- like
21 they are -- they're not comfortable. They have, perhaps,
22 low self-esteem. And they're like, oh, if I go there,
23 they're probably going to reject me, they're going to make
24 fun of me. They don't want to stand up for themselves.

25 And that's something that, you know, all human

1 beings should know and be aware about, like I can do this.

2 But where I was getting to this is that, I mean,
3 can you, or as you are here, can you do something to
4 improve this? I know it is Federal, but can you guys issue
5 something and that can go to Congress, or that they can
6 like look at say -- I understand it's Federal, but people
7 have rights. And they can't, ICE officials can't come to
8 the fields and pick them up, or do whatever they're going
9 to do against them because they are at work, they are at a
10 property. To me, that would be trespassing, like the ICE
11 Officials trespassing into.

12 CHAIRMAN GOULD: Well, we become involved only in
13 agriculture. And we do, our law does prohibit retaliation
14 by employers for the exercise of their rights under out
15 law.

16 So that if the employer, for instance, finds out
17 that this particular employee is protesting, and I don't
18 like his protest, or if he's joined the union --

19 MS. CRUZ: Right, I understand.

20 CHAIRMAN GOULD: -- and I don't like the fact
21 that he's joined the union.

22 MS. CRUZ: You're going to bring ICE in to
23 intimidate that person.

24 CHAIRMAN GOULD: Then that would be part of a
25 pattern of intimidation.

1 MS. CRUZ: Right.

2 CHAIRMAN GOULD: I have to say, and it would be
3 against -- the retaliation would be against the law.

4 But I have to say that as a practical matter, in
5 terms of deportation, you know, the Federal law is supreme.

6 MS. CRUZ: Right.

7 CHAIRMAN GOULD: And so, we would not have
8 jurisdiction over that subject matter. We do have a big
9 legal controversy has arisen about the ability, and it's
10 something that was discussed in the immigration law that
11 was being debated in the Senate, the ability of agencies,
12 such as ours, to aware back pay to workers who are
13 undocumented. And in the past we have.

14 Our counterpart, at the Federal level, has been
15 held not to have that authority. And I suspect that is an
16 issue which will be coming back before us one of these
17 days, again.

18 MS. CRUZ: Okay. So, to summarize your answer,
19 it is no, right?

20 BOARD MEMBER SHIROMA: Yes.

21 CHAIRMAN GOULD: That's right.

22 MS. CRUZ: All right, that was all. All right,
23 that is all, thank you.

24 BOARD MEMBER SHIROMA: Thank you.

25 CHAIRMAN GOULD: Oh, you're good. All right,

1 thank you.

2 (Applause)

3 (Panel conferring)

4 MR. BLANCO: Okay, so let's see who's here. All
5 right, so let's go with these folks here, because this is
6 also one of them. So, Jesus Gomez, Gonzalo Hernandez and
7 Santiago Martinez.

8 CHAIRMAN GOULD: Okay, welcome. Welcome,
9 gentlemen. And whoever would -- let's see, who do you
10 have? Who have you listed first?

11 MR. BLANCO: Well, I don't know who's -- I don't
12 know which one's which.

13 CHAIRMAN GOULD: Whoever would like to speak
14 first, whichever person, please do so. Tell us your name
15 and what it is you would like to say.

16 MR. HERNANDEZ: (Through Interpreter) Good
17 evening, my name is Gonzalo. I work in the field.

18 What I want to tell you, nobody has told me.
19 What we're looking for is for respect. And I'd like to
20 know who's who, so I know who to address?

21 CHAIRMAN GOULD: You're addressing all of us.

22 MR. HERNANDEZ: Okay. I heard or I was informed
23 there was an attorney representing the employers.

24 CHAIRMAN GOULD: Representing the employers?
25 Well, there have been various attorneys representing

1 employers, who have spoken here, and at the other meetings
2 that we've held. But none of us are attorneys for the
3 employer.

4 MR. HERNANDEZ: Okay. Yeah, because there were
5 so many questions that I wanted to make. Why, how come
6 they don't want the information to reach the field?

7 I've worked many places. I've known a lot of
8 companies. I've known good ranchers and ranchers that
9 aren't so good, some bad ones.

10 I've worked in places where they don't pay
11 overtime. In places where you could work 11 or 12 hours,
12 and they cut you off one hour so that they don't have to
13 pay overtime.

14 And when you ask them for an explanation, what
15 they say is because we're not doing what we're supposed to.
16 There are employers that mistreat the people. And there
17 was a particular company, where I worked for many years.
18 Yeah, the only way that I was able to put up to it is I
19 just didn't pay much attention to what they said. It
20 didn't mean anything to me.

21 Yeah, and for them it's very easy to just fire
22 you because they say, well, there's a lot of people who
23 want to work, so it's easy for them to get rid of you.

24 Yeah, I would like for you guys to come over to
25 our places of work so you could see the facts. And it's

1 just not the same of what you see on TV.

2 And also it's not the same to be watching or
3 reading the information in a newspaper or watching a TV
4 versus you coming and giving us the information in person,
5 in our place of work.

6 Yeah, when it comes to regards to complaints, in
7 this particular case I was working at a company, that I
8 liked the company and I liked working there. I got injured
9 at work and they gave me compensation, but did not allow me
10 to go back to work.

11 They -- as to the benefits, they're happy for
12 that, just they just work and they don't speak up. That's
13 why they like to have people that don't know how to speak
14 Spanish so they cannot -- well, they don't know their
15 rights, so they cannot defend themselves or speak for
16 themselves.

17 Yeah, we work very long hours. Our work is not
18 easy. It's not like watching TV. And it's our work, but
19 that's what we're used to doing.

20 Yeah, we -- the fact is that we need to work. We
21 need the salaries to support our families. And they know
22 that we have that need and that's why they take advantage
23 of us.

24 Yeah, there's definitely a lack of organization.
25 And if you try to complain or something for your rights,

1 the whole company, you know, goes against you.

2 So, the easiest thing to do is just to leave the
3 company to avoid retaliation. Yeah, that's just one of the
4 problems. So, there's no time to cover more. But that's
5 why I think it's a great idea to come to the place of work
6 and see how we're treated.

7 CHAIRMAN GOULD: Thank you.

8 BOARD MEMBER RIVERA-HERNANDEZ: Thank you.

9 CHAIRMAN GOULD: Any of you have questions of --

10 BOARD MEMBER SHIROMA: No.

11 CHAIRMAN GOULD: Okay, thank you. We'll turn
12 to --

13 MR. HERNANDEZ: Yeah, that's what -- having
14 information through the ad, TV or radio, they wouldn't work
15 because it's very hard for us. For instance, probably
16 information at 4:00 o'clock, it's very hard for us to be at
17 a certain time at home to watch it. Because we might be
18 able to leave early or work is to work, so it just wouldn't
19 work, not everybody would be able to see it.

20 Is it 4:00 in the morning or 4:00 in the
21 afternoon?

22 MR. HERNANDEZ: No, in the --

23 BOARD MEMBER SHIROMA: In the evening?

24 MR. HERNANDEZ: In the evening, yeah.

25 CHAIRMAN GOULD: So, the significance is what,

1 just that any program from then -- there's no particular
2 program at 4:00, but any program from 4:00 on?

3 THE INTERPRETER: No, it's just an example he
4 gave that not everybody --

5 MR. HERNANDEZ: (Through Interpreter) It's just
6 an example of time. Just a time giving that --

7 MR. GOMEZ: Because workers can come out early or
8 they can also come out pretty late. It depends on how the
9 work and demand is going on at the time.

10 So, if people were to give information at a
11 certain time, and then that specific day you were to come
12 out at 6:00 in the afternoon then, obviously, you would
13 have missed out on the information.

14 CHAIRMAN GOULD: Right.

15 MR. GOMEZ: So, that would have been a conflict
16 between that.

17 CHAIRMAN GOULD: Yes, yes. Okay.

18 MR. HERNANDEZ: (Through Interpreter) In my
19 particular work right now, I have to start tomorrow at 5:00
20 in the morning. And I don't have a particular time to
21 start. I could start at 3:00 in the morning. Maybe I need
22 to go at 4:00 or 5:00. And I don't know what time I'm
23 going to get out. And I could be there, you know, until
24 late. So, I never know the time, the hours I'm going to
25 work.

1 Yeah, that's why I think it's better to have the
2 verbal information. Because, for instance, I know that
3 speaking Spanish, but I know my Spanish is not that good,
4 and sometimes I have a hard time understanding if I'm
5 reading something.

6 But if we have the opportunity to have somebody
7 in person, then we could ask questions to get more
8 information, to clear up, you know, any doubts that we may
9 have.

10 So, that's what we do. We work hard because
11 that's the only thing we know how to do. And it's hard for
12 the workers. And sometimes we don't have too much of a
13 choice.

14 And that's why I would like to encourage you to
15 come over and check our places of work and see how we work.

16 CHAIRMAN GOULD: Okay.

17 MR. GOMEZ: Hello, my name is Jesus. I am 17
18 years old. And I am the son of an indigenous mother, as
19 well. And she does speak Mixteco. Unfortunately, I don't.
20 I had to learn the English language and the Spanish
21 language. And, unfortunately, during that process I lost
22 my native language.

23 And I just came here to retouch on a few things
24 that I thought were important and speak out for my
25 community. Unfortunately, many of my -- most of my

1 community is not here right now just because of the fear of
2 them coming out and ICE being here, as well. So, that's a
3 big contributor to take into account in this group right
4 here.

5 Only very few people here are brave enough to
6 come here and give you guys a little taste of their story.

7 I think that it is important for them to be
8 educated and know their rights. Although that,
9 realistically, most of them aren't from here but, yet, they
10 do have rights as humans, and they should know them.

11 And I also have worked in the fields. I know the
12 hard labor, the hard labor that goes into it. And I have
13 also worked in retail stores. I have worked in building
14 airplane parts. And I can honestly tell you that the
15 fieldwork is the most intense work there is, and especially
16 for the pay.

17 I've worked -- an example would be I've worked at
18 building airplane parts at Aerospace, over here in Santa
19 Maria, C&Z Zodiac, and I worked night shifts. And that was
20 so much easier. There was water access just going around
21 the corner, the rest rooms are clean all the time.
22 Compared to the fields where sometimes they would put the
23 water like too far to even go get it, sometimes, or even
24 the rest rooms. And I know that can cause many problems,
25 even for health.

1 And I think -- sorry, I had to write it down
2 here.

3 BOARD MEMBER SHIROMA: That's okay.

4 MR. GOMEZ: I think that it is important for our
5 farmworkers to be healthy in order for them to be more
6 productive people in doing their job right. Well, also,
7 they should not be taken advantage of.

8 Because I know that when I worked in the fields,
9 like just because I had the advantage of knowing the
10 language, knowing my rights, I did not go back to work and
11 he told me go back to work, because I was thirsty. So, I
12 went to get my water, you know. Like I'd rather like drink
13 water than go out there and like dehydrate myself.

14 And another thing that you already touched on,
15 and you guys said you have no real power over or control
16 over, was the ICE facility here.

17 But I would definitely love it if you guys would
18 tell me something, if you guys can at least help us out
19 with having protection against farmworkers.

20 For example, say that -- just protect workers,
21 that while at work they're not harassed or anything, or ICE
22 would go over there and pick them up, as many times I've
23 heard.

24 Another thing is just I think that people are
25 scared, just because of the misinformation there is. And

1 like he was touching on, many of them don't have a concrete
2 schedule. They have so messed up schedules, where they can
3 go in at 3:00 in the morning, come out at 6:00 in the
4 afternoon. And it all depends on how much work is needed
5 that particular day or that week.

6 And I know that some of these companies have
7 gotten away with a lot of things just because the people
8 are afraid to speak up, to go look for a lawyer because
9 they're going to get deported. That's the main fear here.

10 I mean, I would totally be afraid as well, you
11 know. I have my kids, I have -- and stuff like that, and I
12 don't want to lose them. I'm pretty sure, if you guys were
13 in their shoes, you guys would do the same thing.

14 But -- I'm sorry, I'm just getting a little
15 emotional on this. Because this is tough on me, too. My
16 mom is there for me, so I'm here for her as well. And I
17 was touching on some of these companies. My step-dad's
18 cousin was killed at a company and they didn't do anything
19 about it. And they got away with it.

20 Recently, this was about last Friday, I think,
21 another person that used to live with us, he said he was
22 being harassed at work by fellow workers, and the
23 supervisor. And I guess he was fed up with the harassments
24 one day and, unfortunately, he couldn't -- he didn't think
25 about it and he just -- he had an incident at work where he

1 stabbed someone. And that was because -- and my opinion is
2 because of the company not being there for their workers
3 and not informing them, or even just sending them to
4 another place. Because he quit that same job, but then the
5 supervisor kept harassing him and kept calling him to come
6 back. So, he finally did. Because he didn't have a job
7 nowhere else, so he went back.

8 And then I guess he was still being harassed and
9 he didn't know his rights. And then one day he just didn't
10 come home and they told us that he was in custody for
11 attempted murder.

12 And I think that if things like that keep
13 happening to our people, this is just going to be a
14 repeating cycle all over again for them. So, I think that
15 they need to know their rights. And I think that the
16 bosses should not take advantage, as well.

17 And I know many cases, as well, where when women
18 are pregnant and stuff, they don't let them go back to work
19 because they don't want to be liable for them, or anything
20 like that. Or, when people get hurt, they don't want them
21 to go back to their job because they don't want to be
22 liable if something, again, happens to them.

23 And again, those are just some things I just
24 wanted to tough on, again, and so you guys can also take
25 into account that labor work is one of the hardest works

1 there is. And, of course, it's also a dangerous one. You
2 can have heat strokes, accidents at work, and stuff like
3 that. And then there's also people that take advantage of
4 the workers.

5 And I don't know if you guys have any questions
6 for me, I would love to answer some of your questions.

7 BOARD MEMBER SHIROMA: Thank you. Thank you.
8 What do you think is the best way for us to get
9 information, say, to your mother about her rights as a
10 farmworker?

11 MR. GOMEZ: I think that one of the most
12 effective ways, as touching on him, is having a one-on-one
13 conversation with someone, and having even a translator.
14 Because most of our community does speak different
15 dialects. There's, like they mentioned, the high Mixteco
16 and low Mixteco. There's some distinctions between them,
17 but there's still a language barrier, as well.

18 And if we were to have translators one-on-one,
19 people would be less afraid and have more courage to ask
20 the questions they want to ask, and address some of the
21 issues that are happening at work, which may be illegal or
22 not right. And then it would be brought up to you guys, as
23 well, so you guys can be informed about it and have a --
24 just one-on-one, I'd say, and have a full on maybe week or
25 two to help people inform them. To come like at a -- even

1 here, you know, have a lot of people that -- that if they
2 want to come, but they also need to have the assurance that
3 they will not be deported because that's the biggest fear
4 here. And I totally understand them, you know. I was even
5 afraid until recently. I got the AB540 Act, which is the
6 DACA. And this is why I'm here. I chose to go to school
7 because it is a thousand times better than doing the hard
8 labor work they do. Which I admire. You know, like I
9 can't do that. I tried it, but it's not for me. And I'd
10 rather be here and support them. And even though they're
11 doing hard work that they have rights, and they should be
12 aware of it.

13 CHAIRMAN GOULD: Okay. Well, thank you. Thank
14 you very much.

15 MR. GOMEZ: All right, thank you guys for your
16 time. I really appreciate you guys coming down here. I
17 really wish that people would have known that there was no
18 ICE office down here because I know that was a big conflict
19 for people not coming over here.

20 CHAIRMAN GOULD: Yeah, let me just say one thing
21 about that. As I said before, in response to the previous
22 question, we are -- the law, as it is now, makes the
23 Federal law in the area of immigration supreme. And
24 Federal law, thus far, has -- that law has trumped labor
25 law.

1 But it is against the law for you to be
2 retaliated against for, for instance, participating in any
3 process of the Agricultural Labor Relations Board. And so,
4 it's --

5 MR. GOMEZ: It is illegal, but it still doesn't
6 stop people from doing it.

7 CHAIRMAN GOULD: It wouldn't stop the -- it
8 wouldn't stop a possible deportation, that's right. It
9 wouldn't stop a possible deportation.

10 MR. GOMEZ: Yes. And because it's happened and
11 they've seen it, and it's something nobody wants to
12 experience. Because like I said, people have families
13 here.

14 CHAIRMAN GOULD: Right.

15 MR. GOMEZ: You know, they come here to work.
16 And they don't want to go to work one day and not come back
17 and see their kids again.

18 CHAIRMAN GOULD: Yeah. Well, that's why, of
19 course, the change in this law is so necessary, in my view.

20 MR. GOMEZ: Yes, and I agree. That's why I'm
21 bringing it up as well.

22 CHAIRMAN GOULD: Yes.

23 MR. GOMEZ: All right, so any other questions?

24 BOARD MEMBER SHIROMA: No. Thank you.

25 CHAIRMAN GOULD: Thank you.

1 MR. GOMEZ: All right, thank you guys for your
2 time.

3 CHAIRMAN GOULD: Thanks very much. Thank you.

4 MR. GOMEZ: I really appreciate you guys coming
5 down to Santa Maria. I really wish our people knew that
6 there were no ICE officers that were going to be here.
7 They would all be here, I promise.

8 CHAIRMAN GOULD: Thank you.

9 BOARD MEMBER SHIROMA: Thank you.

10 (Applause)

11 MR. BLANCO: Okay, so --

12 BOARD MEMBER SHIROMA: How many people do we have
13 left?

14 (Board conferring)

15 CHAIRMAN GOULD: Yeah, we'll take a ten-minute
16 break. Thank you.

17 (Off the record at 7:11 p.m.)

18 (On the record at 7:23 p.m.)

19 MR. BLANCO: Angel Ponce, Raul Diaz, Santiago
20 Martinez.

21 CHAIRMAN GOULD: Okay, welcome, welcome. All
22 right, whoever wants to go first can go first.

23 MR. PONCE: (Through Interpreter) My name is
24 Angel. Good evening. My personal experience in working
25 out in the field has been difficult and complicated. Yeah,

1 there's many things to say. There's the sad reality of
2 working out in the field. I'll start with the long hours.
3 I don't even know if I'm going to finish. We are always
4 working based on the hours that they need us and the amount
5 of work that we need to cover. It doesn't matter whether
6 it was cold, or hot, or if I'm sick, I just have to finish
7 my assignment.

8 And I know that there are many irregularities and
9 I know that they don't respect my rights as a worker.
10 Yeah, my hours, whether it's lunch or breaks, they change
11 constantly. I never know when I'm going to take them.

12 As I said, the first items they cover is the
13 amount of work or whatever the product, the amount of work
14 that we have to do, and then taking breaks or lunch that's
15 secondary. You know, that comes after.

16 I always speak out and they always tell us that
17 they have their right to request the work first, and
18 that's -- that they're not doing anything wrong.

19 And like right now, the temperatures have been
20 really high and when we work under those conditions, we
21 need to take, you know, breaks. But they say that we don't
22 really need the break from the heat because we look all
23 right, and that it's not that hot, so we can just keep on
24 working.

25 Yeah, if they asked us, you know, how we're

1 feeling, you know, one by one, we will express our opinion
2 because it's really hard to work under those conditions.
3 Many times we're tired and we just need, you know, to rest.

4 Yeah, they say that they're acting according to
5 the law. And I know that we're supposed to have certain
6 hours, but they just don't follow them.

7 Yeah, and also there are irregularities regarding
8 the tools or the equipment. Many times we request
9 equipment or tools and they just deny it. And they, in
10 fact, either humiliate us or just put us down because we're
11 just requesting equipment or tools.

12 BOARD MEMBER SHIROMA: Fumigate?

13 CHAIRMAN GOULD: Tools.

14 THE INTERPRETER: Equipment or tools.

15 CHAIRMAN GOULD: Equipment or tools.

16 BOARD MEMBER SHIROMA: Okay.

17 THE INTERPRETER: Working tools.

18 MR. PONCE: (Through Interpreter) Yeah, were
19 request, many times, tools because we just need them at
20 that particular time. And they say that we have to wait
21 until it's time to really get them.

22 Another problem is that the amount of money that
23 I get paid on my paycheck versus the amount of hours that I
24 worked, it never matches. It's always not what I think I
25 should be getting on my paycheck.

1 Yeah, what I understand is how come they say --
2 they always claim that -- when we complain about it, the
3 hours worked, they say that the machine is not working
4 properly. How come it's always wrong or the clock is in
5 their favor, not in our favor? You know, if it wasn't
6 working properly, sometimes we should be getting paid more,
7 right, instead of less. It's always less.

8 Yeah, and always the supervisor's always on -- he
9 represented the employer. And if we complain or say
10 anything, the supervisors say that we Mexicans just want to
11 be pampered, you know.

12 Yeah, all we're trying to do is just state --
13 speak out and state our rights, but they react like if we
14 were trying to, you know, attack them.

15 Yeah, and every time that we try to complain or
16 try to get a raise, they tell us that they're really trying
17 to give us that raise, but they never -- there's always an
18 excuse, you know, that it's not the right time, or we have
19 to wait until the end of the year, or six months, whatever.

20 Yeah, and another thing is that we, after eight
21 hours, I think we should be getting paid overtime. And we
22 sometimes work ten hours and we don't get paid overtime.
23 And, particularly, if we work, you know, more than 10
24 hours, up to 12 hours, we should get an extra break.

25 Yeah, and like in particular, like on Sundays or

1 holidays, they never ask us if we want to work. They just
2 take for granted that we're going to work and they just
3 tell us to be there on holidays or Sundays. And they just
4 say that if we don't want to work those days that they're
5 just going to fire us.

6 So, they either give us layoff, or they fire us,
7 or they just won't pay us, you know, for an extra day.

8 Yeah, so it's all right for somebody to intervene
9 on our behalf because many times we're just working too
10 many hours and they treat us like animals. We're just
11 being over-worked.

12 Thank you and I hope that you guys can do
13 something.

14 CHAIRMAN GOULD: Thank you.

15 BOARD MEMBER SHIROMA: Thank you.

16 MR. DIAZ: (Through Interpreter) Good afternoon,
17 my name is Raul Diaz. I'm a fieldworker. I've seen a lot
18 of irregularities regarding the payment and also the time
19 worked.

20 Like my coworker just said, in this country I
21 know that the regular work time is eight hours. Anything
22 after eight hours should be paid us overtime. But,
23 however, when you work in the fields, overtime is anything
24 after ten hours. So, I think this is unfair.

25 Secondly, many times we work the ten hours, but

1 they just give us like 15 minutes overtime. So, if you
2 took into account that we worked after ten hours, 15
3 minutes overtime, maybe on a Monday or Tuesday, or
4 different days during the week, and you add it up, then at
5 the end of the week we should have some overtime pay. And
6 those extra 15 minutes of our time, we take out of a lot of
7 production.

8 So, however, our check does reflect the overtime
9 of those 15 minutes extra that we worked because they --
10 you know, it was just very little and think that we're just
11 going to ignore it. That's regarding the overtime pay.

12 And another thing is their treatment towards the
13 workers. You know, if you came and told us what our rights
14 are, and see for yourselves what's happening. I want to
15 go -- one of our coworkers say that sometimes we don't have
16 time to watch the news. Many of us that are here, we just
17 finished working and just came to the meeting.

18 Many times the news are available in the morning
19 and there's no way that you can watch them, you know, when
20 you're working. It's very important you guys intervene and
21 give the information to the workers so they know what their
22 rights are.

23 When the company investigated about this, with
24 regards to the checks, we told them that some workers got
25 more hours and some got fewer hours. We told them we went

1 to the office to talk about the issue and they wouldn't
2 give us an answer. They told us that it was our
3 responsibility and our obligation to keep going back to the
4 office until the issue was resolved.

5 I think as a worker, my responsibility is to go
6 there only once. Yeah, the secretary or the person
7 responsible is the one who has the obligation to follow
8 through. Yeah, they told us it wasn't their
9 responsibility, that it was our responsibility to be
10 following up.

11 Yeah, that is just an issue. But, however, they
12 are banking for they're working in the office, but when we
13 go to the office we're losing time and money because we
14 have to sometimes make a special trip just to go to the
15 office.

16 They only concentrate on whatever's best for the
17 company, but not for the worker. Yeah, and other
18 coworkers, they don't speak out because they're afraid of
19 retaliation and to be fired.

20 Yeah, another person that went to complain, the
21 thing that they said, well, you're always the one who's
22 complaining. So, that gives the impression that they don't
23 want you to tell them or to speak out and tell them what's
24 going on.

25 Yeah, so that we would like you to go to the

1 places of work so you can see for yourselves what's
2 happening, and also give us the information that we need to
3 know our rights and be confident on what our rights are,
4 and claim our rights.

5 Yeah, if the companies know that they are being
6 audited constantly, that means it's more likely to avoid
7 irregularities.

8 Yeah, I wish these audits will be on a regular
9 basis and not when there's just a claim from someone.
10 That's all, thank you.

11 CHAIRMAN GOULD: Thank you.

12 BOARD MEMBER RIVERA-HERNANDEZ: Can I just ask a
13 question?

14 CHAIRMAN GOULD: Yeah, sure.

15 BOARD MEMBER RIVERA-HERNANDEZ: You stated that
16 your coworkers are afraid of retaliation or being
17 terminated. If our agency staff showed up at lunchtime to
18 meet with workers and it was voluntary, do you think your
19 coworkers would go? Or, do you think they would not go
20 because of a fear of retaliation?

21 MR. DIAZ: I say half and half.

22 BOARD MEMBER RIVERA-HERNANDEZ: Okay, thank you.

23 MR. MARTINEZ: Good afternoon. I'm glad you guys
24 are here. This is my first time here. A person from the
25 Cesar Chavez union asked me to be here and recommended --

1 CHAIRMAN GOULD: What is the gentleman's name?

2 MR. MARTINEZ: Armando. I don't know the last
3 name, just the first name is Armando.

4 CHAIRMAN GOULD: Okay.

5 MR. BLANCO: But it's not his name, though.

6 BOARD MEMBER RIVERA-HERNANDEZ: No, that's not --

7 MR. MARTINEZ: I was working at a company. I
8 don't know what happened, but then the foreman called me
9 and sent me to the supervisor. I said hi to the
10 supervisor, but he didn't answer the greeting. So, I
11 greeted him a second time and he said I have nothing to
12 talk to you, so just stand right there.

13 So I told him, you know, you're responsible for
14 us workers, how come you don't want to respond? Yeah, just
15 I don't need to talk anything to you, so just stand right
16 there and somebody from human resources is going to come to
17 get your information.

18 So, I asked him why do I have to wait? I mean,
19 is there anything wrong that I have done? Is this a
20 warning or -- so, he told me I have nothing to talk to you,
21 so just stand right there. And I wait for 30 minutes for
22 human resources and they never came.

23 So, I went home and I told one of my kids. I
24 asked him to take me to the office. I asked for somebody
25 from human resources. So, he told me that I had some

1 problems from the union when I started working. So, at the
2 meetings that they have in human resources is like this one
3 here, that they ask a person a question and each person
4 answers. I asked him if I had a warning and so I gave him
5 my phone number. So, I waited Monday and Tuesday and I
6 asked if I was allowed to go back to work. They never
7 called me and then it became Wednesday and then early in
8 the morning on Wednesday the human resources called me, and
9 I told them that I would be there in half an hour.

10 So, they just told me that they laid me off. I
11 said, that's okay, just give me my final paycheck. So,
12 they had an envelope. They had all the papers ready for an
13 employment, my check was included. They told me that I was
14 fired. So, I said that's okay.

15 So, I want home and then I went to a notary
16 public's office --

17 CHAIRMAN GOULD: He did what?

18 THE INTERPRETER: Notary public's office.

19 BOARD MEMBER SHIROMA: A notary public.

20 CHAIRMAN GOULD: Oh.

21 MR. MARTINEZ: (Through Interpreter) So, I got
22 Armando's phone number from the Cesar Chavez union. He
23 gave me an attorney's phone number. So, I called him and
24 first I thought it was a private attorney, but it turned
25 out to be a state attorney.

1 I was upset because I couldn't find a branch of
2 the Cesar Chavez union around here. Originally, I wanted
3 to file a claim. But because the supervisor didn't give me
4 an answer or a reason, then I just decided to file a
5 lawsuit.

6 One day, I wanted to study something regarding
7 immigration, because most of the people here are from
8 Mexico. And I tracked through the radio that there's
9 immigration is around Santa Maria, that there's an office
10 close by. Many of us are undocumented workers.

11 Yeah, being a male I don't mind, but I'm
12 concerned when it comes to women. Many times people are
13 afraid to go out, or leave their homes to go to see the
14 doctor. Also, the State Police, we can see that they're
15 around and that's one of the reasons why I came to talk to
16 you. And that's all I have to say.

17 CHAIRMAN GOULD: Thank you. Thank you. Okay,
18 and your name is Santiago Martinez?

19 MR. MARTINEZ: Yes, Santiago Martinez.

20 CHAIRMAN GOULD: Yes, okay. Thank you, thank
21 you. All right, thank you.

22 Is there anything that either of you want to say?

23 BOARD MEMBER SHIROMA: Yes, thank you.

24 CHAIRMAN GOULD: All right, thank you very much
25 for coming.

1 (Applause)

2 MR. BLANCO: So, Francisca Pacheco, Paty Cantu,
3 Olga Santos.

4 MS. SANTOS: Good afternoon. First of all, I
5 would like to thank you guys for your time for coming out
6 here. I really appreciate it. And I know a lot of the
7 people that are here today appreciate it.

8 As you heard, many of the people that were here
9 today work in the fields. I, myself, work in the fields.

10 CHAIRMAN GOULD: Could you tell us your name?

11 MS. SANTOS: Olga Santos.

12 CHAIRMAN GOULD: Olga Santos. Okay, thank you.

13 MS. SANTOS: The last time I worked in the field
14 I was really disappointed. A lot of the workers, including
15 myself, didn't know my rights. I didn't know that what was
16 wrong and what was right. Everything, for me, it seemed
17 like why are the growers, why are the supervisors treating
18 us this way. And every time somebody would stand up to
19 speak up for their rights, they were fired.

20 I, of course, didn't know as a child and would
21 always speak up. I would always say something and I would
22 get myself and my parents fired. We got fired from so many
23 places, at that time I couldn't understand. I was like,
24 why do we have to keep looking for a new place to work?

25 And my parents, after the last time they said,

1 you can no longer come and work with us because you keep
2 getting us fired. And I said, all I'm saying is I'm just
3 asking, you know, why don't they have water for us? Why
4 don't we have shade? Why are they treating us this way?

5 Again, I didn't know. You know, I didn't know my
6 rights. I didn't know, as many of the workers don't know.

7 If we had somebody that can come and talk to us,
8 show us what our rights are, we would be able to stand
9 together and advocate for ourselves and our rights.

10 (Speaking Spanish)

11 And I'm going to say it a little in Spanish
12 because I want my fellow workers to know that I'm here for
13 them, too.

14 (Speaking Spanish)

15 CHAIRMAN GOULD: Could we get it --

16 THE INTERPRETER: She's saying what she said in
17 English.

18 MS. SANTOS: Yeah, I'm just saying what I said.
19 That, you know, it hurts and it breaks m y heard that
20 because you speak up for your right, you end up getting
21 fired. And that's one of the reasons that a lot of the
22 workers don't speak up. A lot of the workers that I've
23 invited today didn't want to come because they're scare.
24 They fear of losing their jobs and it shouldn't be like
25 that. You shouldn't have to go to work and have that fear

1 of losing your job.

2 I know you guys sit there right now and you guys
3 know your rights. You guys know that you guys can't get
4 fired for saying certain things. But imagine being in our
5 shoes and not being able to speak up for your rights
6 because you know if you say something, you're going to lose
7 your job.

8 Imagine going to work every morning, leaving your
9 kids early in the morning, getting off late, and not
10 getting paid your overtime.

11 People that work in the fields don't make a lot
12 of money. But, yet, the work that we do, being out in the
13 sun, whether it's rain or shine, we have to -- you know,
14 you're picking strawberries, you know, all day long or
15 you're in the greens. No matter what job you do, it's hard
16 work. Yet, you don't get treated right. They step on you.
17 You have no rights, you have no voice.

18 Yes, there's places that do treat the workers
19 right, but there's those that don't. And that's what we
20 want, we want all the growers, all the companies to respect
21 the workers, to allow them to speak up for their rights.

22 That's all we want. We want to be treated like
23 humans. We want to be treated equal. We want to be able
24 to have a voice. Is that too much to ask? It could be. I
25 may be just, you know, day dreaming. Maybe I'm way out,

1 but that's all we want. We want to be respected. We want
2 to be able to go to our families and say, you know what, I
3 worked really hard, I made my money, but I was treated
4 right.

5 Not going home and saying, man, I was treated
6 horribly. There was no water, there was no shade. I can't
7 even speak up for my rights because I'm going to get fired.
8 It shouldn't be like that.

9 I get emotional when I speak about this because
10 there was one time, this was, what, in 2000 and -- I want
11 to say 2002, when we were working. And across from where I
12 was working, on the other field, they were spraying. There
13 was a patch they were spraying. And, of course, there I am
14 again, why are they spraying? It smells. It's giving me a
15 headache.

16 My mom was like, "Mija, stop, be quiet, you're
17 going to get us fired." And I said, "Why? And, you know,
18 it's giving me a headache."

19 My parents looked at me, in my eyes, and looked
20 down. They said, "I'm sorry, there's nothing I can do for
21 you," and they kept working.

22 I don't know if you guys could do that, look into
23 your kids' eyes and say, son or daughter, you know what,
24 I'm sorry, we have to keep working. We can't lose our
25 jobs, and keep on working.

1 If my parents lost that job, we wouldn't be able
2 to pay the rent, we wouldn't be able to get food. And so,
3 that's why they'd rather be quiet and not say anything.

4 And maybe that's why I'm so passionate and
5 emotional about this topic because I don't think it's
6 right. And I'm not the only one that was affecte3d by it.
7 There was a whole crew just recently.

8 I'm really known in the community by a lot of
9 indigenous communities because I speak Mixteco, myself. I
10 got a call from I want to say three members of a crew,
11 where a lady had fainted. This was recently. She was not
12 taken to the hospital, 911 was not called out. The workers
13 were calling me, hey, this lady passed out, we think she's
14 dead.

15 And, well, the supervisor's going to call 911?
16 No, they're just looking at her and they're just like
17 testing her, like for her to wake up.

18 And I'm like, did she wake up? They're like,
19 she's not moving.

20 I quickly got on the phone and called other
21 agencies to see if they won't go out there. And I don't
22 know if I can say the name of the agency, but we ended up
23 going out there. And the lady that was in charge, the
24 supervisor, had no idea of what the procedure was.

25 She was like, well, I'm new. I've only been

1 here -- but that's a lie, because the crew, the workers
2 have told me that she's been there for some time. Yet, she
3 didn't know what the process was, that she needed to call
4 911, what the symptoms were for heat stroke. She didn't
5 have her first aid kit. It was in her truck, which was
6 pretty far, a far distance.

7 They had called this lady's husband to pick her
8 up and take her home. And afterwards they were saying, oh,
9 it's because her blood pressure dropped. That day was
10 really hot. Is that right for them to do that? I don't
11 know. Only you guys know.

12 But will the workers try to say something? No,
13 because they're scared.

14 The lady, she was going to come and speak today,
15 but she was fearful, amongst other workers, because they
16 say they can't afford losing their jobs, especially because
17 the work is starting to slow down. They said, I need to
18 work and make as much as I can to save up. Because when
19 this job, the season ends, I'm not going to have money to
20 pay my rent and my groceries.

21 I don't know. Thank you for your time. I
22 appreciate it. But I do hope that you guys do allow aiding
23 any unions to come out and talk to the workers, educate
24 them about their rights, and let them know that they're not
25 alone and that there can be change.

1 Thank you for your time, I appreciate it.

2 CHAIRMAN GOULD: Thank you. Thank you very much.

3 BOARD MEMBER SHIROMA: Thank you.

4 CHAIRMAN GOULD: Thank you very much, indeed.

5 BOARD MEMBER RIVERA-HERNANDEZ: I'd like to ask a
6 question. Thank you so much for coming out and sharing
7 your story and the story of your family. And I know it's
8 probably the story of many other workers.

9 You talked, and other workers have talked about
10 the fear. And as we've shared, it is our goal to inform as
11 many workers as possible of their rights and what we can do
12 for them.

13 My concern is if we do that, if we go out to the
14 fields, is there such a fear that they will not voluntarily
15 come and listen. And even if they do know their rights, as
16 a group, do you think that would give them the power, then,
17 to file a charge?

18 Because the only way we get involved and the way
19 we can enforce the law, it unfortunately required employees
20 to do that. So, I just really want your perspective on
21 that.

22 MS. SANTOS: I've seen the fear is really big,
23 unless they can be assured that they're going to be
24 protected. Like I said, even a lot of people that came in,
25 while they were signing in they were scared. They were

1 scared to give out their name. They were scared, like when
2 the media was here, they're like, oh, my goodness, we're
3 going to be on TV.

4 And I said, I asked the reporter to please blur
5 out their faces. Because this is my people, and I always
6 say my people because I used to work there. I used to work
7 in the fields and I know how big the fear is because I
8 experienced it. My parents, they didn't dare to come
9 today. They still have that fear. Even though I've talked
10 to them, I've tried to encourage them to stand up for
11 themselves, the fear is so big that they can't.

12 I respect and I admire all of the people that
13 came out today because it took a lot for them to come to
14 this meeting. And especially those that spoke. A lot of
15 the ones that came in today wanted to speak, but they
16 wouldn't dare. They said, no, my name is going to be on
17 there, my information is going to be on there. Anybody can
18 get access to it. That's how big the fear is.

19 And regards to being voluntary, I think if you
20 guys required and said everybody, I'm going to talk to
21 every employee and like they won't have to be, oh, you
22 know, I was singled out, or I went out. No, I think if you
23 guys go out there and be like, no, all the employees are
24 required to talk to us and everything is confidential.

25 Because again, if you go out and they have to

1 give out their name, they're not going to say anything.

2 This crew that I'm talking about, this incident
3 recently, after we had left and the workers that had told
4 me that they told the workers, which one of you guys --
5 which one of you guys made that call? Why did this agency
6 come out here? One of you guys made that call and one of
7 you guys are going to get fired.

8 Of course, none of the workers said anything.
9 You know, a lot of them may know that's wrong that they can
10 be told that. But are they going to say and speak up? No,
11 because of the fear.

12 BOARD MEMBER RIVERA-HERNANDEZ: Thank you.

13 CHAIRMAN GOULD: Thank you.

14 MS. PACHECO: (Through Interpreter) My name is
15 Francisca Pacheco. I want to thank you for being here for
16 us.

17 I'm a field worker. Since I came to the States,
18 I've been working in the fields. Sorry if I'm emotional.
19 In the time I've been working in the fields, I've seen a
20 lot of unfair treatments. I've seen a lot with my
21 relatives. On one occasion, a cousin fractured, broke his
22 fingers. They didn't give him any compensation. They kept
23 him working, they didn't even let him rest for a while.

24 So, the finger lost its motion and it's just
25 numb. They denied him one day rest, they just kept him

1 working. Yeah, it was terrible. I know he had some
2 protection, but it was something terrible about his finger.
3 And they didn't give him even one dollar of compensation.

4 Another occasion my own daughter, she got her
5 hand cut on a machine. Took her to the hospital. As soon
6 as we came back from the hospital, went back to the office
7 and they wanted to keep her working there. And I was
8 working, and I didn't let her work and I took her home.

9 The next day the supervisor ordered that she had
10 to go back to work. She couldn't go back to work because
11 of her wrist was so swelled up. She didn't get paid for
12 the day that she was home. And when she called the
13 insurance and she explained to them what happened. They
14 said that the insurance was going to send the payment on
15 the part of the company and they never paid her, and they
16 owed her hours. All the time that she was disabled, they
17 had her working eight hours. And whenever she had to go
18 see the doctor, she didn't get paid for that time.

19 Yeah, they prescribed therapy, you know, physical
20 therapy on her hand, but they said they wouldn't pay for
21 that time. That she had to leave work, but she wasn't
22 going to get paid.

23 Yeah, when we started working in that company,
24 they made us sign a document stating that if anything
25 happens during our work that we had to reach an agreement

1 between the worker and the supervisor, if there were any
2 problems with the company.

3 CHAIRMAN GOULD: If anything happens, what was
4 that again? If anything happens, what? What did she say?

5 THE INTERPRETER: That there has to be an
6 agreement between the supervisor and the worker if there
7 were problems with the company.

8 CHAIRMAN GOULD: What was the agreement?

9 MS. PACHECO: (Through Interpreter) Yeah, the
10 paper stated that if we had any kind of injury at the work
11 that we couldn't use an attorney. Yeah, that they would
12 send us to their doctor, but the doctor doesn't care, you
13 know. The doctor, they just send us back to work. And if
14 anything happens to us, the paper said that we couldn't try
15 to look for another doctor.

16 Yeah, they provider work, like in a cooler and
17 also on the field. And the people work in the cooler,
18 after eight hours they get paid overtime. But the people
19 that work in the field, they don't get overtime. You have
20 to work ten hours before you can start earning or, you
21 know, have the right to get overtime.

22 Yeah, I would like you to convey this message to
23 the workers so we know our rights and we can defend
24 ourselves.

25 And I really wish that they could pay us overtime

1 after eight hours because working on the fields is just
2 really hard. That's all, thank you.

3 CHAIRMAN GOULD: Yes, thank you.

4 BOARD MEMBER RIVERA-HERNANDEZ: Thank you.

5 MS. CANTU: My name is Paty Cantu and I've lived
6 in Santa Maria my whole life. I lived in Clovis for a few
7 years. I worked for the Department of Health Services as
8 an auditor, and I did seven counties. I, myself, was in
9 charge of auditing more than 400 clinics.

10 And I think that in doing audits, I think that
11 it's really smart for you guys to come out and do audits.
12 As an auditor, I didn't call myself an auditor. I called
13 myself a facility evaluator, because auditor tends to scare
14 a lot of people. Like, obviously, the Farm Bureau earlier,
15 they don't want you guys there. That's obvious.

16 I also work for a grower. And I don't think it's
17 all of the grower's fault that this is happening. I think
18 there's like a middle person in between. It could be the
19 contractors, the supervisors. So, I don't think it's all
20 on the grower. I think the grower tends to turn a blind
21 eye and kind of say, just pick my crop. That's money on
22 those trees, that's money on the ground that I need in my
23 pocket.

24 So, they tend to kind of just let that, you know,
25 whoever's in charge of the people, take care of the people.

1 And not all growers are bad.

2 But I'm assuming you guys are here to educate all
3 of the employees about their laws, and their rights. And
4 with the grower that I work, I actually go out in the field
5 and I tell all of the workers, you know, when did you
6 start? How's it going? Did you take your break?

7 I'm kind of like my own inside auditor because I
8 was an auditor, and so I like to see how the people are
9 being treated.

10 And I was -- I'm overwhelmed at today's meeting.
11 You know, I had to go pick up my kids. And I don't want to
12 pick up my kids, I wanted to stay here and hear what was
13 going on. Because there's obviously injustice going on.
14 And Sangria seems to be a really hot spot for exploitation
15 of its workers.

16 And I'm really glad that you guys came here
17 because this is the first time that we've had, actually,
18 somebody come and listen to us that can do something about
19 it. I don't think that anybody, you know, has ever come
20 and actually asked the workers what -- you know, do you
21 know what your rights are?

22 And I think that it's real important to educate
23 them. And I think it starts with you guys building a
24 relationship with the growers and with the supervisors,
25 getting the supervisors trained and making sure that the

1 supervisors follow through as far as teaching all of the
2 employees.

3 And not necessarily -- when I was an auditor, I
4 always tried to build a relationship with a lot of the
5 clinics, and we had a lot of, obviously, problem clinics
6 that didn't follow the rules. And I learned to build a
7 relationship with those clinics and kind of teach them, you
8 know, I'm here to help you. I'm here to help you be the
9 best. I'm here to help you, you know, do what my goal was
10 as an auditor.

11 I think here the goal is we need to educate all
12 of our agricultural workers that they have rights and that,
13 you know, their lives are valuable.

14 The eight-hour rule, I think that's -- that's
15 like a slap in the face for them. They're out in the sun
16 all day. And after ten hours they get, you know, overtime?
17 That's just -- and I know that's the law, I understand
18 that. But I think that, you know, growers and other
19 businesses, if that's not the law, yet, they need to stand
20 up and say I'm going to pay my employees that are out there
21 eight hours. You know, and after eight hours I'm going to
22 pay the overtime, even if there's not the law, yet. But
23 they need to start that standard until you guys can make
24 that, you know, actually the law.

25 There's a lot of steps that need to be taken on

1 your guys' part, as far as teaching all of us. And then
2 coming out, once you do build the relationship, then do
3 unannounced visits.

4 If you see that there's, you know, some people
5 that are kind of bumping heads with you guys and are
6 saying, no, you can't come on my property, obviously they
7 don't want you there for a reason.

8 If they're doing something right, they're going
9 to welcome you with open arms and say how can I make my
10 business better? How can I help my employees want to come
11 to work and enjoy working, and not have the fear that a lot
12 of the agricultural workers have here right now? There's a
13 lot of fear in Santa Maria.

14 Since the ICE building came, I think -- you know,
15 the ICE, when the ICE building did come, I think that kind
16 of stepped up the fear for a lot of people around.

17 But I think it's made some good thing.
18 Obviously, there's a lot of the children that are up here
19 talking on that behalf. Because before, we didn't think
20 about it. But now that it's here, we actually have a lot
21 of leaders coming out and speaking up.

22 So, you know, I don't know what -- how many staff
23 you guys have or how you guys separate your counties, or
24 how you guys regulate, but I think auditing is the best way
25 to do it. Be out there, build relationships and, you know,

1 let them know that you're there to help them. you're not
2 the bad guy. You're not the auditor that's coming to say
3 you did this wrong, you did this wrong.

4 I think if you tell them you're doing this right,
5 that's the good way to get the growers on your side.

6 CHAIRMAN GOULD: Okay, thank you.

7 Now, are there any questions at this point?

8 BOARD MEMBER RIVERA-HERNANDEZ: Thank you.

9 BOARD MEMBER SHIROMA: I have a comment.

10 CHAIRMAN GOULD: Okay, thank you.

11 MR. BLANCO: So, when did this ICE facility open?

12 MS. CANTU: You know, I think it was about -- it
13 just opened this year, but there was a lot of controversy.
14 We had, actually, over 4,000 people come out to one of the
15 city hall meetings. It was record numbers. Never had we
16 had that many people come out in regards to, you know,
17 something that was going to be built.

18 But it was going to be built, regardless, because
19 obviously the city had it planned. But they had a lot of
20 opposition to it.

21 MR. BLANCO: And so, it's a detention facility,
22 is that what it is?

23 MS. CANTU: It is a detention facility.

24 BOARD MEMBER SHIROMA: I was going to make a
25 comment. I will make a comment. First of all, thank you

1 very much.

2 In growing up in a farmworker family, my
3 experience was the reverse. My mother would speak up and
4 she is speaking up -- and this was as a secretary, as a
5 clerical worker. She didn't get fired, but she quit her
6 job.

7 So she came home. I was the eldest daughter and
8 I was so worried about -- because at that point she was
9 raising four of us by herself. And I was so worried, as
10 the eldest daughter, how were we going to pay the rent? I
11 was aware at the age of 11 or 12, how were we going to buy
12 food, how is the rent going to be paid?

13 My mother, she just kept saying don't worry,
14 don't worry, I'll find something else. And she did.

15 But I remember that keenly. And the feeling
16 of -- the feeling of no safety, no safety net, and
17 vulnerable. Vulnerable.

18 So, I thank you for sharing your stories and --

19 MS. SANTOS: May I speak?

20 CHAIRMAN GOULD: Oh, yes, please.

21 MS. SANTOS: And I think that's one of the things
22 that a lot of the kids' parents -- because that's what I
23 can remember about my childhood, I was always worried. And
24 again, after that my parents had told me that one time that
25 I was no longer able to go with them, I felt horrible

1 because I know that was -- that meant one less income.

2 Because I was helping out and my income counted.

3 But that's a lot of the feeling that the kids
4 have. And, again, the parents don't want to worry the
5 kids. But a lot of them, they'd just rather keep quiet and
6 keep working.

7 But that's why I'm so thankful that you guys are
8 here and I do hope that you guys do the right decision and
9 allow people to come in and show the workers what their
10 rights are. The ability that they can either become a
11 union, or whatever, but for them to be able to know what
12 their rights are and to not have that fear. Because it's
13 horrible getting up every day, going to work, knowing that
14 you can't speak up for rights because if you do, you're
15 going to lose your job.

16 And I hope, and I do hope that you guys really
17 take that in consideration. A lot of these people that are
18 here today came right after their work. Some of them
19 didn't even have dinner because they told me that. They
20 go, oh, man, I just came right after. I showered really
21 quick. Some of them didn't even, they just came right over
22 here.

23 And that's why I say I respect them because they
24 had the courage to come in today. That takes a lot for our
25 people to come out.

1 (Speaking Spanish)

2 Our lives are in your guys' hands. You guys have
3 the power to change it, to make things a little better.
4 Thank you.

5 CHAIRMAN GOULD: Thank you. Well, now, what we
6 want to do, I just want to make a few concluding comments.
7 I think I'm told by counsel that you are the last people
8 who are speaking here. And so, what I want to do is
9 conclude this and really speak on two -- in two areas.

10 One is that to speak, personally, I must tell you
11 that I am the great-grandson of slaves. And that my great-
12 grandparents lived under a system where we were not even
13 regarded as human beings under the constitutional system of
14 the United States, were not regarded -- the Supreme Court
15 of the United States said that we were completely without
16 protection in this country.

17 And my great-grandparents escaped from slavery
18 and made a life for themselves and tried to shape their own
19 destiny.

20 Now, I went into law school because of a very
21 important decision by the United States Supreme Court in
22 1954. Dred Scott had become history because the post-Civil
23 War Constitutional Amendments invalidated Dred Scott, even
24 though some of the Republican candidates seem not to think
25 that is the case.

1 But the major decision that made me go into the
2 law was a decision called Brown against Board of Education,
3 which held that segregation by the races was
4 unconstitutional.

5 There was similar litigation here in California,
6 involving segregation of people from Mexico from Anglos
7 here, in California.

8 And so, all of my work has focused upon labor
9 law. How can we give dignity to people under a system
10 which has historically denied dignity?

11 Now, so I want to tell you that because we are
12 the most -- this system that existed, that I saw and heard
13 about since I was a child, and experienced, was the
14 greatest degradation, except possibly the treatment of the
15 Native Americans in this country, ever witnessed here, in
16 North America.

17 Now, we are a small agency. I was Chairman of a
18 much larger agency in Washington, under -- when President
19 Clinton appointed me there.

20 And then, Governor Brown asked me, a year and a
21 half ago, to come to Sacramento and to Chair this
22 relatively small agency. It was much bigger 40 years ago,
23 in the days of Cesar Chavez, and the birth of the United
24 Farmworkers, and the birth of the labor movement.

25 But a lot, as we know, has changed. And that's

1 why we've heard the absence of protection is why we've --
2 and the absence of awareness of protection is why we've
3 heard so many of the stories that we have heard today, from
4 so many people. And they are powerful, eloquent stories
5 that I don't think any of us will ever forget.

6 Now, we're trying to do, trying to do very many
7 things with this relatively small agency. But I told
8 Governor Brown that if I couldn't make the people in this
9 State aware of their rights, then I couldn't do anything at
10 all.

11 And so, that's been my approach to the subject.
12 I don't know, I tried to talk to the young, very bright
13 high school student who spoke here a short while ago, and
14 give her some estimate as to what would happen and when it
15 could happen. Our law, itself, is not as strong as I would
16 like to see it be.

17 The National Labor Relations Act is not as
18 strong. Both statutes should have been amended long ago
19 and strengthened. But it does offer some element of
20 justice.

21 I want to point out, as I've heard so many of
22 these stories, one thing about the limits of law. Our law
23 is not only administered by a small agency that doesn't
24 have a large staff, but also it's not focused upon what we
25 call -- I don't know, I guess it would translate literally

1 into Spanish, substantive rights.

2 That is, the State has regulations about hours of
3 work, and overtime pay, you see. And I heard many of you
4 speak about this. And it may be that one of the things
5 that we'll look at is whether we can work in some measure
6 in concert with other agencies that do have control over
7 it.

8 What our agency is concerned with is the basic
9 right of workers to stand up and to protest, and to
10 organize, and to join with one another. This Act protects
11 so-called concerted activities, which are designed to
12 protest and improve employment conditions. The kinds of
13 things that you have been talking about, overtime, the
14 failure to pay promptly, and the like, and the firing.
15 Protest about it.

16 But other agencies control the substance, the
17 rules, the basic substantive rules. We deal with the
18 procedure. The right of people to band together and to
19 speak up, and to protest. And if they wish to do so, to
20 join into labor organizations.

21 I think that we're going to make a great effort
22 to both realize these rights and to accomplish this goal.
23 Which seems like just a simple, elementary idea, the idea
24 that workers should know what their rights are. But you
25 see how controversial it is.

1 And we will be meeting with one another and
2 trying to discuss this, and trying to move forward with one
3 another, and to be people who you can look to in asserting
4 your rights to stand up and protest, and stand together.

5 And so, I want to say -- I want to say what a
6 great opportunity this has been for us to hear from so many
7 of you directly. And I must say, we've had three of these
8 meetings and this is the third of them, and I have never
9 heard so much in the way of very graphic, eloquent
10 testimony. And you've given us a charge.

11 And I want to thank you very much for being here.
12 And I wish you Godspeed. And I hope that we can do
13 something.

14 You know, my father used to say to me, when I
15 represented some black workers in Detroit, who were in a
16 big fight when they were discriminated against because of a
17 denial of fair testing, denial of promotional rights, they
18 were put in lower level jobs and other people were promoted
19 over them, he would always say to me, " Bill, when are
20 those guys going to get their money? When are they going
21 to get their money? What do you do? What did you do for
22 them today?"

23 And so, we'll try to do something for you. And
24 we will do the best we can. I will do the best I can.
25 That is why I took this job, when Governor Brown called me.

1 That is all I'm interested in doing. And I will do the
2 best I can.

3 And I know I speak for my colleagues in that they
4 would say the very same thing.

5 Thank you very much, all of you. And this
6 meeting is concluded. I really, very much appreciate it.

7 (Applause)

8 (Off the record at 8:31 p.m.)

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REPORTER' S CERTIFICATE

I do hereby certify that the testimony in the foregoing hearing was taken at the time and place therein stated; that the testimony of said witnesses were reported by me, a certified electronic court reporter and a disinterested person, and was under my supervision thereafter transcribed into typewriting.

And I further certify that I am not of counsel or attorney for either or any of the parties to said hearing nor in any way interested in the outcome of the cause named in said caption.

IN WITNESS WHEREOF, I have hereunto set my hand this 22nd day of September 2015.

A handwritten signature in black ink that reads "Susan Palmer". The signature is written in a cursive, flowing style.

TRANSCRIBER'S CERTIFICATE

I do hereby certify that the testimony in the foregoing hearing was taken at the time and place therein stated; that the testimony of said witnesses were transcribed by me, a certified transcriber and a disinterested person, and was under my supervision thereafter transcribed into typewriting.

And I further certify that I am not of counsel or attorney for either or any of the parties to said hearing nor in any way interested in the outcome of the cause named in said caption.

IN WITNESS WHEREOF, I have hereunto set my hand this 22nd day of September, 2015.



Myra Severtson
Certified Transcriber
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