

**STATE OF CALIFORNIA
AGRICULTURAL LABOR RELATIONS BOARD**

BOARD MEETING MINUTES

**Board Conference Room
915 Capitol Mall
Sacramento, CA 95814**

July 5, 2001

Time: 10:00 a.m.
Members Present: Chairwoman Shiroma, Board Members Barrios, and Mason.
Staff Present: Executive Secretary Barbosa, Board Counsel Heyck, Levy and Wender, Chief of Administration Arviso, Summer Intern Tamashiro, Board Staff Nuño.
Others Present:
Absent: Member Richardson, Board Counsel Starkey, Analyst Massie.

OPEN SESSION

- 1. APPROVAL OF MINUTES:** Tabled.
- 2. PUBLIC COMMENT:** None
- 3. BOARD MEMBER COMMENT:** None
- 4. ANNOUNCEMENTS:**
 - a. The Board welcomed Laura Heyck, who has been assigned as board counsel to Member Richardson.
 - b. General Counsel Norma Turner will be attending the ALRA (Association of Labor Relations Agencies) Conference in Montreal, Canada, July 28 - August 1, 2001. The ALRA will be holding its annual conference in San Diego, July 20-24, 2002. ALRA is requesting a representative from each of the participating California agencies to serve on the Arrangements and/or Program Committee for the 2002 conference.
 - c. The Board congratulated Nancy Davis on her promotion to Accounting Officer and thanked her for her diligence and impeccable work ethic. Ms. Davis is largely responsible for the Certificate of Excellence the Board received from the State Controller Office for their Fiscal Year 2000 Report.

5. WEEKLY STATUS REPORT ON ELECTIONS, UNFAIR LABOR PRACTICE COMPLAINTS, HEARINGS AND COURT LITIGATION:

ELECTIONS REPORT:

NOTICE OF INTENT TO TAKE ACCESS and NOTICE OF INTENT TO ORGANIZE: No new filings reported.

Wilgenburg Dairy Farm, 01-RC-1-VI

Election held February 2, 2001

Tally:

FFVW 1096	8
No Union	25
UCBs	<u>24</u>
Total	57

Regional Director issued his Report on Challenged ballots June 1, 2001. Exceptions are due June 11, 2001. Neither party filed exceptions to the report, which became final on June 14, 2001. The Regional Director will be scheduling the opening and counting of the ballots. The Executive Secretary will issue his ruling on the objections following conclusion of the challenged ballot proceedings.

Cocopah Nurseries, Inc., 01-RC-1-EC(R)

The unresolved challenged ballots were opened and counted on July 3, 2001. The certification of results will issue shortly. The revised tally is as follows:

No union	52
UFW	47
Challenged ballots	2
Void	1
Voters	103
Names on list	106

United Farm Workers

(Excelsior Farms & Warmerdam Packing Co.), 01-UC-1-VI

UFW filed UC petition on May 18, 2001 with the Visalia Regional Office seeking to clarify and/or amend the Board's certification in 94-RC-3-VI. The matter is under investigation and is pending the Regional Director's unit clarification report.

Pictsweet Mushroom Farms, 01-RD-2-EC(OX)

On June 28, 2001, Petitioner employee Benjamin Villanueva filed a decertification petition with the El Centro Regional Office. On that same date,

Regional Director Donnell issued an order blocking the election and dismissing the petition. On July 3, 2001, the Employer, joined by the petitioner, filed a request for review of the Regional Director's decision to block the election. The matter is pending Board review.

COMPLAINT REPORT:

No new complaints have issued.

No prehearing conferences held.

No hearings in progress.

No cases pending ALJ decision.

No ALJ decisions issued.

No cases pending exceptions or reply.

No cases transferred to the Board.

One case on calendar:

Kuhn Farms, 00-CE-13-EC
Hearing July 17, 2001.

BOARD DECISIONS: None

COURT LITIGATION:

Dan Tudor & Sons, 01-CE-59-VI

Parties reached an informal settlement agreement on the charges and request for injunctive relief prior to the court hearing on the requested temporary restraining order (TRO). The reading of the notice occurred on July 3 and 5, 2001.

The Office of the Executive Secretary will review sample TRO's and work with staff to develop a model TRO pleading for the General Counsel's convenience.

COMPLIANCE: Compliance Officer Blanco issued quarterly reports on Compliance and Unfair Labor Practice Settlements on July 3, 2001. These are pending Board review and comment.

6. BUDGET AND ADMINISTRATION:

(a) **Information Technology and Web Site Development Project**

- 1) **Annual Maintenance Contract with Cap Data – Update:** After discussion, the Board gave tentative approval for a maintenance agreement for the headquarters and regional offices. Member Mason requested that an inquiry be made to the regional offices concerning subcontracting of services before making a final decision.
- 2) **Flex Your Power Link:** The ALRB web site will be linked to the Flex Your Power web site.

(b) **Administration:**

- 1) **Budget update:** Ms. Arviso provided the Board with a year-end budget summary. The Board finalized year-end purchases.
- 2) **Administrative Order:** Ms. Arviso briefed the Board concerning the Office of Emergency Services (OES) administrative order. The General Counsel is drafting a memo to comply with a state requirement for agencies to list services they will provide in the event of a disaster. The Board delegated approval to Chairwoman Shiroma and Executive Secretary Barbosa.
- 3) **Office Improvements:** After discussion, the Board approved plans for carpeting of conference room and offices and painting, as needed.

(c) **Needs Assessment Report:** The Board discussed the status of needs assessment action items.

(d) **Regulations – Update:** After discussion, Board Counsel Wender was asked to follow up with General Counsel for clarification concerning proposed amendments to regulations pertaining to processing of unfair labor practice charges.

(e) **Compliance:** The Board Counsel is in the process of reviewing the Compliance Report submitted by Ed Blanco of the El Centro office.

(f) **Salinas Trip-Itinerary Update:** The Office of the Executive Secretary is in the process of firming up the meeting agenda for the Regional Directors' Quarterly Meeting, which will be circulated next week.

7. OUTREACH PROJECT:

- 1) Chairwoman Shiroma reported that the Board has been invited to tour a Woodland housing development.
- 2) Board member Barrios reported on outreach through local fairs.

3) Work on the novela is in progress.

8. LEGISLATION: Board Counsel Wender reported on the status of pending legislation of interest to the Board.

9. PERSONNEL: None.

10. FUTURE AGENDA REVIEW: None.

PUBLIC MEETING ADJOURNED AT: 12:00 noon.

WHEREUPON THE BOARD ENTERED INTO CLOSED SESSION.