

**STATE OF CALIFORNIA  
AGRICULTURAL LABOR RELATIONS BOARD**

**BOARD MEETING MINUTES**

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

**September 5, 2001**

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

**OPEN SESSION**

1. **APPROVAL OF MINUTES:** The Board tabled approval of minutes.
2. **PUBLIC COMMENT:** None.
3. **BOARD MEMBER COMMENT:** None.
4. **ANNOUNCEMENTS:**
  - (a) ADA Compliance Memo from ADA Task Force (circulated).
  - (b) Horse Racing Board Annual Report (circulated).
  - (c) Sacramento County Bar Association, Labor and Employment Law Section, speaker, Bill Lloyd, Director of Labor Affairs and Senate Relations, Office of the Governor, September 25, 2001, luncheon.
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

The Regional Director issued his Report on Challenged Ballots on June 1, 2001, in which 14 challenges were sustained. Neither party filed exceptions to the report, which became final on June 14, 2001. The Regional Director conducted the opening and counting of the ballots on August 14, 2001. The amended tally is as follows:

FFVW 1096	8
No Union	34
UCBs	<u>1</u>
Amended Total	43

The Executive Secretary's review of election objections is in progress.

**United Farm Workers**

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

The UFW filed a unit clarification (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.

**COMPLAINT REPORT:**

One new complaint issued:

**Delfino, et al. dba Western Ranch, 00-CE-32-SAL**, complaint alleging the employer's failure to bargain in good faith with the union in connection with the permanent layoff of agricultural employees.

Four cases on calendar:

**The Elmore Company, 00-CE-306-EC**

Hearing September 11, 2001.

**Grewal Enterprises, Inc., 98-CE-162-EC**

Hearing September 25, 2001 (pending motion to take off calendar).

**Pictsweet Mushroom Farms, 00-CE-332-EC(OX)**  
Pre-hearing November 27, 2001  
Hearing December 12, 2001.

**Seaview Growers, Inc., 00-CE-15-EC (OX)**  
Pre-hearing January 15, 2002  
Hearing January 29, 2002.

**SETTLEMENTS:**

No changes to report.

**BOARD DECISIONS:** No changes to report.

**COURT LITIGATION:**

**Turco Desert Co., Inc., No. E03125 (27 ALRB No. 5),** Respondent employer filed a petition for writ of review, dated August 27, 2001.

**Coastal Berry Company, H021585 (26 ALRB No. 3)** The matter is pending oral argument.

**COMPLIANCE:** No activity to report.

**6. BUDGET AND ADMINISTRATION:**

- (a) **Information Technology and Web Site Development Project—Update:**  
Analyst Massie reported that installation of the T1 line is in progress.

**The Board recessed into Closed Session from 10:25 a.m. to 11:30 a.m., to discuss pending personnel matters, whereupon the Board continued its Open Session meeting at 11:35 a.m.**

(b) **Administration:**

- 1) **Budget—Update; Proposed General Fund Reductions:** The Board and General Counsel are working on the response to the Department of Finance, which is due September 13, 2001.
- 2) **BCP—Workplan Update :** The Board is reviewing proposed requests from the regions and the headquarters offices. Further action was continued to September 10, 2001.

- (c) **Policies and Procedures—Update:** The Board approved the proposed policy

against sexual harassment, as amended. The Board approved the proposed policy for reasonable accommodation. Member Barrios will request that the General Counsel address these subjects in the General Counsel's upcoming staff training.

- (d) **Regulations – Update:** Proposals are being reviewed by board counsel. A discussion meeting for board counsel will be scheduled for September 11, 2001.

**7. OUTREACH PROJECT:**

- (a) **Review of Outreach Materials—Update:** Board counsel Heyck is working on revisions of ALRB informational materials.

- 8. LEGISLATION:** Board Counsel Wender provided an update on legislation of interest to the Board. The Board discussed the status of SB 1198, establishing a trust fund for unpaid agricultural workers, which has been sent to the Governor. Inquiries to staff about the legislation should be directed to the General Counsel for response.

- 9. PERSONNEL:** Board Counsel Heyck will work with Analyst Massie to update written instructions concerning certain Board procedures.

- 10. FUTURE AGENDA REVIEW:** None.

**PUBLIC MEETING ADJOURNED AT:** 12:30 p.m.