

**STATE OF CALIFORNIA  
AGRICULTURAL LABOR RELATIONS BOARD**

**BOARD MEETING MINUTES**

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

**September 19, 2001**

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

**OPEN SESSION**

1. **APPROVAL OF MINUTES:** The Board approved minutes for August 23, August 29, and September 5, 2001. Board Member Ramos Richardson abstained as to August 23 and September 5, 2001 because she was not present on those dates.
2. **PUBLIC COMMENT:** None.
3. **BOARD MEMBER COMMENT:** None.
4. **ANNOUNCEMENTS:**

Executive Secretary Barbosa will make arrangements for the Board to meet with constituents in the Visalia region before or after the upcoming Regional Directors' quarterly meeting on October 24, 2001.

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

The Board discussed procedures for filing charges in the Regional Offices.

**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**

The Executive Secretary issued his ruling on election objections September 13, 2001. The request for review is due September 24, 2001.

**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.

**United Farm Workers, 01-RD-1-SAL**

A decertification petition was filed with the Salinas Regional Office on September 18, 2001 seeking to decertify the United Farm Workers as the exclusive bargaining representative at Sunrise Mushrooms, Inc.

**COMPLAINT REPORT:**

Two new complaints issued:

**River Vineyards, et al., 01-CE-317-EC(R)**

The complaint alleged that Respondents refused to employ 47 employees because they engaged in protected concerted activities.

**BLT Farms, Inc., et al., 01-CE-501-EC(OX)**

The complaint alleged that two employees were allegedly discharged from their jobs because they engaged in protected concerted activities for the purpose of mutual aid or protection when they spoke with Respondents' supervisors and agents about their wages.

One hearing completed: **The Elmore Company, 00-CE-306-EC.**

One case pending transcripts, briefs and decision of Administrative Law Judge (ALJ): **The Elmore Company, 00-CE-306-EC.**

Two cases pending exceptions or reply:

**Sambado & Sons, Inc., 01-CE-41-VI**

ALJ ruling on GC's Motion for order finding allegations of complaint admitted and for entry of judgment thereon, September 5, 2001. Request for review due September 28, 2001.

**Grewal Enterprises, Inc.**, 98-CE-162-EC (26 ALRB No. 5)  
ALJ recommended order upon stipulation of the parties  
issued September 5, 2001. Exceptions due September 28, 2001.

Four cases on calendar:

**Excelsior Farming, LLC**, 01-CE-46-VI.  
Pre-hearing October 2, 2001  
Hearing October 16, 2001.

**Pictsweet Mushroom Farms**, 01-CE-620-EC(OX).  
Pre-hearing October 9, 2001  
Hearing October 23, 2001.

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

**Seaview Growers, Inc.**, 00-CE-15-EC (OX) (new).  
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.**, E030125 (27 ALRB No. 5), The certified record was filed September 17, 2001. The petitioner's brief is due within 30 days.

**Coastal Berry Company**, H021585 (26 ALRB No. 3), Oral argument is scheduled for October 17, 2001 in the Sixth Appellate District Court of Appeal in San Jose, CA.

**Cieniga Farms, Inc.**, B152844 (27 ALRB No. 5), The court granted the Board's request for extension of time to file the certified record. The record is now due on October 2, 2001.

**COMPLIANCE:** No new activity to report.

**6. BUDGET AND ADMINISTRATION:**

- (a) **Information Technology and Web Site Development Project:** Analyst Massie reported that a technician from Capitol Datacorp will be coming to the headquarters office to investigate problems with internet connections. She also reported that Intrek has completed reformatting of the Board decisions.
- (b) **Administration:**
  - 1) **Budget Update:** Chairwoman Shiroma reported that the Department of Finance denied the Board's request for an exemption to the 2.6% budget reduction. The Board will take no further action on this item at this time.
  - 2) **Phones, handling 1-800 calls:** A representative from MCI will be in the office September 26, 2001 at 11:00 to answer questions about the 1-800 line.
  - 3) **Security, ID Badges:** Analyst Massie reported that employee ID badges are being ordered and that individuals will need to go to the nearest DMV office for photos.
  - 4) **Board Decision Duplication Project:** Executive Secretary Barbosa proposed that duplication of Board decisions be handled in house due to the high estimated cost of duplication by an outside service.
- (c) **Policies and Procedures, Update:** No update. The policies and procedures committee will reconvene in October.
- (d) **Regulations, Update:** Board counsel will meet Thursday, September 20 at 1:30 p.m. to discuss proposed changes to regulations.

## 7. **OUTREACH PROJECT:**

- (a) **Review of Outreach Materials:** Board Counsel Heyck is drafting additional ALRB informational materials. The Board asked that a memo be sent to the Regional Directors regarding their input on the materials.
- (b) **Novella:** Board Member Ramos Richardson proposed that staff meet on October 4, 2001 at 10:00 to review the novella.
- (c) **Other:** Board Member Ramos Richardson reported that final changes are being made to the Spanish translations of the ALRB annual report and executive summary.

## 8. **LEGISLATION:** Board Counsel Wender provided an update on legislation of interest to the Board. SB 25 (Labor Agency) has passed both houses of the Legislature and has been sent to enrollment. The Board discussed SB 1198, the Agricultural Employees'

Relief Fund. Executive Secretary Barbosa will send a memo to Regional Directors regarding return of unclaimed funds to employers in light of SB 1198.

**9. PERSONNEL:** Board Member Ramos Richardson will draft a job announcement for the ES I position, and an interview panel will be formed.

**10. FUTURE AGENDA REVIEW:** None.

**PUBLIC MEETING ADJOURNED AT:** 11:55 a.m.

**WHEREUPON THE BOARD ENTERED INTO CLOSED SESSION.**