

**STATE OF CALIFORNIA
AGRICULTURAL LABOR RELATIONS BOARD**

BOARD MEETING MINUTES

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

September 26, 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: Administrative Law Judge Smith. General Counsel Turner, General Counsel Staff Justice.
Absent: Board Member Barrios, Chief of Administration Arviso.

OPEN SESSION

1. **APPROVAL OF MINUTES:** The Board approved minutes for September 12, and September 19, 2001. Board Member Ramos Richardson abstained as to September 12, 2001 because she was not present on that date.
2. **PUBLIC COMMENT:** None.
3. **BOARD MEMBER COMMENT:** None.
4. **ANNOUNCEMENTS:**

Building Security: Chairwoman Shiroma announced that the California Highway Patrol has been contacted to reschedule the building security meeting that was cancelled September 11, 2001. Board Staff Nuño will attend the meeting.

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

The request for review was due September 24, 2001, and no request has been received to date. The hearing is scheduled for November 7, 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.

Sunrise Mushrooms, 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. An election was held on September 25, 2001 with the following results:

Tally:

UFW	84
No Union	26
UCB's	0
Total	110

Election objections are due October 2, 2001.

COMPLAINT REPORT:

One new complaint issued:

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 complaint was withdrawn:

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

The complaint was withdrawn by the Regional Director on September 19, 2001.

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 issued September 5, 2001. Request for review is 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 are due September 28, 2001.

Five cases on calendar:

Pictsweet Mushroom Farms, 01-CE-620-EC(OX).

Pre-hearing October 9, 2001

Hearing October 23, 2001.

Excelsior Farming, LLC, 01-CE-46-VI.

Pre-hearing October 2, 2001

Hearing October 24, 2001.

Wilgenburg Dairy Farm, 01-RC-1-VI.

Hearing November 7, 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 the Information and Technology Committee will be meeting with a representative from Capitol Datacorp on September 27, 2001 to follow up on the office equipment maintenance agreement.
- (b) **Administration:**
 - 1) **Security, ID Badges:** Analyst Massie reported that employee ID badges are being ordered, and that she will contact the Department of Personnel Administration for information about photos.
 - 2) **Phones, handling 1-800 calls:** Analyst Massie distributed records showing the increase in the number of calls to the 800 line over the past several months. A representative from MCI Worldcom, Patrick Hanson, was present to answer questions about possible strategies for handling misdirected calls.
 - 3) **Budget Update:** Executive Secretary Barbosa reported that he will contact Jaci-Marie Nitschke of the Department of Finance to answer questions she posed early this week. Ms. Nitschke is preparing a bill analysis of Assembly Bill 856 regarding backstretch employees.
 - 4) **Employee parking:** Chairwoman Shiroma proposed that a waiting list of employees who want a parking spot be created.
- (c) **Policies and Procedures, Update:** Board Counsel Levy reported that the policies and procedures committee will meet October 2, 2001 at 10:00 A.M.
- (d) **Regulations, Update:** Board Counsel Wender reported that Board Counsel and the Executive Secretary met with General Counsel Turner on Thursday, September 20 at 1:30 p.m. to discuss proposed changes to regulations. Chairwoman Shiroma indicated that the Board will review the regulation proposals at the Board meeting on October 17, 2001.

7. OUTREACH PROJECT:

- a) **Review of Outreach Materials:** Board Counsel Heyck is drafting additional

ALRB informational materials. A memo was sent to the Regional Directors regarding their input on the materials on September 24, 2001. Responses are due October 24, 2001 at the Regional Directors' quarterly meeting.

- b) **Novella:** Board Member Ramos Richardson rescheduled the meeting to review the novella to October 11, 2001 at 10:00 a.m.
 - c) **Other:** Analyst Massie announced that Spanish translations of the ALRB annual report and executive summary are now available on the ALRB website.
8. **LEGISLATION:** Board Counsel Wender provided an update on legislation of interest to the Board. There were no changes in the status of bills being tracked by the Board since the September 19, 2001 report. The Board approved Executive Secretary Barbosa's clarifying memo to be sent to Regional Directors regarding settlement agreements in light of Senate Bill 1198.
9. **PERSONNEL:** A job announcement for the vacant Executive Secretary I position will be posted, and an interview panel will be formed.
10. **FUTURE AGENDA REVIEW:** None.

PUBLIC MEETING ADJOURNED AT: 11:45 a.m.

CLOSED SESSION: None