

**STATE OF CALIFORNIA
AGRICULTURAL LABOR RELATIONS BOARD**

BOARD MEETING MINUTES

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

October 17, 2001

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

OPEN SESSION

1. **APPROVAL OF MINUTES:** The Board approved minutes for October 9 and 10, 2001.
2. **PUBLIC COMMENT:** None.
3. **BOARD MEMBER COMMENT:** None.
4. **ANNOUNCEMENTS:**
 1. Board Counsel Murray and Board Staff Nuño circulated a memo summarizing the meeting regarding building security that they attended on October 2, 2001 to Board and General Counsel.
 2. Analyst Massie reminded Headquarters Staff to complete their identification badge signature forms as soon as possible and reported that badge photographs will be taken on October 18, 2001 at 10:00am and 1:00 pm.
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 Executive Secretary approved the petitioner's request to withdraw its objections petition and canceled the hearing scheduled for November 7, 2001. This matter is now closed.

United Farm Workers

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

The Regional Director's Report and Recommended Decision on unit clarification petition was issued September 26, 2001. Exceptions were due Tuesday, October 9, 2001. None were filed. An amended certification naming Excelsior Farming as the successor to Warmerdam Packing was issued on October 12, 2001.

COMPLAINT REPORT:

Two new complaints issued:

Cameiro Heifer Ranch, Inc., 01-CE-638-EC

Employer allegedly discharged employee because he engaged in protected concerted activity.

McCaffrey Roses, Inc., 00-CE-92-VI

Employer allegedly laid off and discharged various employees because they engaged in protected concerted activities or refused to commit an unfair labor practice.

One case pending parties' post-hearing briefs:

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

Briefs due October 29, 2001.

Five cases on calendar:

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

Hearing October 23, 2001.

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

Hearing November 6, 2001.

Pictsweet Mushroom Farms, 00-CE-332-EC(OX) (new).

Hearing December 12, 2001.

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

BLT Farms, Inc., 01-CE-501-EC(OX)
Pre-hearing March 12, 2002
Hearing March 26, 2002.

SETTLEMENTS:

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

The General Counsel and Respondent have reached an agreement in this matter and are requesting a two week continuance of the hearing to finalize the agreement.

BOARD DECISIONS: No changes to report.

COURT LITIGATION:

Coastal Berry Company, H021585 (26 ALRB No. 3): Oral argument is scheduled today October 17, 2001 at 1:30 p.m. in the Sixth Appellate District Court of Appeal in San Jose, CA.

Cieniga Farms, Inc., B152844 (27 ALRB No. 5): The petitioner's opening brief is due October 31, 2001.

Turco Desert Co., Inc., E030125 (27 ALRB No. 5): By stipulation, the Petitioner and Respondent (Board) have agreed to an extension of time for the Petitioner's attorney to file the opening brief. That brief is now due on November 16, 2001.

COMPLIANCE: No new activity to report.

6. BUDGET AND ADMINISTRATION:

(a) Information Technology and Web Site Development Project:

Analyst Massie reported that the ALRB web site had been down for a short period during the previous week. Due to a request from the Governor's office, all state agency sites were shut down temporarily. Ms. Massie also reported that she will be meeting with a representative from Capitol Data Corp. on Friday, October 19, 2001 to review new software licensing policies which will take effect in February 2002. With regard to the maintenance agreement with Capitol Data, Board Member Mason advised that Ms. Massie hold off on finalizing the contract until problems with the agency's internet connection are straightened out.

(b) Administration:

1) **Budget Update:** Executive Secretary Barbosa reported that Chief Administrative Law Judge Sobel and Accounting Manager Davis were finalizing the 15% budget change proposal and were to forward the proposal to the Department of Finance as soon as possible.

(c) Policies and Procedures, Update: No new activity to report.

(d) Regulations, Update: Chairwoman Shiroma suggested that the Board identify key questions and primary issues with regard to the proposed changes to the regulations. Board members then conducted a preliminary discussion of principal concerns about the regulations package, and agreed to resume a full discussion of the package at the October 31, 2001 Board meeting.

(e) El Centro Office – Board member Barrios circulated a report discussing remodeling versus relocating the El Centro Regional Office.

(f) Regional Directors' Quarterly Meeting – Executive Secretary Barbosa announced that the Board will be taking a facility tour at Exeter Citrus at 1:30 p.m., on Tuesday, October 23.

7. **OUTREACH PROJECT:** No new activity to report.

8. **LEGISLATION:**

Board Counsel Wender circulated a legislative report indicating that Senate Bill 25 (Establishment of Labor and Civil Rights Agency) was vetoed by the Governor, and that Assembly Bill 856 (Horse racing backstretch employees) was signed by the Governor.

9. **PERSONNEL:** The open enrollment period for the dental, flexelect and consolidated benefits programs has been extended to November 2, 2001.

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

PUBLIC MEETING ADJOURNED AT: 10:55 a.m.

WHEREUPON THE BOARD ENTERED INTO CLOSED SESSION

