

**STATE OF CALIFORNIA
AGRICULTURAL LABOR RELATIONS BOARD**

BOARD MEETING MINUTES

**Board Conference Room
915 Capitol Mall, 3rd Floor
Sacramento, CA 95814**

November 7, 2001

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

OPEN SESSION

1. **APPROVAL OF MINUTES:** The Board approved minutes for October 31, 2001 4-0.
2. **PUBLIC COMMENT:** None.
3. **BOARD MEMBER COMMENT:** None.
4. **ANNOUNCEMENTS:**

Executive Secretary Barbosa circulated Paula Johnson's memo on the October 31, 2001 building security 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.

Election Petitions

Hure Brothers, 01-RC-3-VI

The UFW filed representation petition with the Visalia Regional Office seeking an election at Hure Brothers on October 19, 2001. An election was held on

October 25 with the following tally:

Tally

UFW	33
No Union	33
UCBs	54
Total	120

The UFW filed election objections on November 1, 2001. The employer filed a reply to the union's objections. The matter is also pending the Regional Director's challenged ballot report. The report is expected to issue within two weeks.

Peter Vander Ham, 01-RC-3-EC(R)

Dairy Employees Union, Local 17 filed representation petition with the El Centro Regional Office seeking an election at Peter Vander Ham on November 2, 2001. The pre-election conference will be held today with the election to occur tentatively on Friday, November 9, 2001.

COMPLAINT REPORT:

No new complaints have issued.

No prehearing conferences have been held.

One case pending ALJ decision:

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

The post-hearing briefs were received this week and the matter is now pending ALJ decision.

One hearing completed:

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

Suspension and discharge of employee who allegedly engaged in protected concerted and union activities. Hearing closed November 1, 2001 and the matter is pending post-hearing briefs.

Three cases on calendar:

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

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.

This matter was taken off calendar on November 1, 2001 as the parties reached an informal settlement agreement.

BOARD DECISIONS: No changes to report.

COURT LITIGATION:

Coastal Berry Company, H021585 (26 ALRB No. 3):

The matter is pending the decision of the Court of Appeal.

Turco Desert Co., Inc., E030125 (27 ALRB No. 5):

The petitioner's opening brief is due November 16, 2001.

Cieniga Farms, Inc., B152844 (27 ALRB No. 5):

The petitioner's opening brief is due November 30, 2001.

COMPLIANCE:

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

This case was released for compliance on November 5, 2001.

6. BUDGET AND ADMINISTRATION:

(a) Information Technology and Web Site Development Project:

Analyst Massie reported that the agency's internet connection and Groupwise system have been functioning satisfactorily, and that previous problems seem to have been addressed. Ms. Massie also circulated a price quote to upgrade the Groupwise system that she received from Capitol Datacorp. Ms. Massie will determine whether installation of the upgrade is included in the Capitol Datacorp maintenance contract. Board Member Mason recommended that the agency delay installation of the upgrade for 30 days to make sure that the system has stabilized.

(b) Administration - Budget – Update:

Chairwoman Shiroma reported that the proposal for a 10% reduction in operating expenses and equipment (O E & E) was submitted to the Department of Finance on November 5, 2001. The Board will now review carry-over items from the previous two fiscal years to determine if there are non-essential items that could be eliminated.

(c) **Policies and Procedures – Code of Conduct Policy:**

A draft of the Code of Conduct policy was circulated to the Board. The Board will discuss this policy in full on November 29, 2001 at 10:00 a.m. Board Counsel Levy updated the Board on the Policy and Procedure committee's recent work, and stated that she will continue to send draft policies to the Regional Directors to give them an opportunity to review them for a two week period as previously requested by the Board.

(d) **Regulations, Update: Counsel's Suggested Revision of Settlement Agreement & Proposed Rulemaking Timeline:**

The Board approved the revised draft of section 20298 of the regulations (settlement agreements). Executive Secretary Barbosa recommended that the draft of this section be circulated to the General Counsel and Regional Directors, and that they have until November 16, 2001 to provide the Board with comments. Board Counsel Wender will send the Notice of Proposed Regulatory Action to the Office of Administrative Law so the public comment period can commence. Board Member Mason proposed scheduling the public hearing on the regulations for the first week of February 2002.

7. **OUTREACH PROJECT – Novela Update:**

Executive Secretary Barbosa reported that the Board's suggested revisions to the text of the novela were sent to Javier Juarez who is creating the novela for the agency. Mr. Barbosa has asked Mr. Juarez to go forward with illustrating the novela so the Board can review the novela by the end of the year. Mr. Barbosa also reported that he will circulate a list of constituent groups that the Board may wish to consider including in an ad hoc advisory group to be formed for the purpose of providing feed back on outreach materials and proposed regulations.

8. **LEGISLATION:**

The Board discussed the development of a timeline and work plan for drafting regulations to implement Senate Bill 1198 (Agricultural Employee Relief Fund) which will take effect on January 1, 2002. The Board and Board Counsel will meet on November 8, 2001 at 1: 30 to begin identifying issues involved in the implementation of this legislation. Chairwoman Shiroma invited Compliance Officer Blanco to attend the meeting.

9. **PERSONNEL:**

The Board agreed that Chairwoman Shiroma would proceed with an application for an exemption to the State Agency hiring freeze for a Board Secretary position. The Board also offered to assist the General Counsel with any desired applications for exemptions.

10. **COMPLIANCE:**

The Board discussed the compliance procedures, and examined possible ways to cooperate with other agencies to locate missing discriminatees who are owed funds.

The Board agreed that compliance cases be given top priority so they can be resolved as efficiently as possible. Chairwoman Shiroma proposed that the Board offer assistance to the General Counsel to develop a proposal for compliance cases involving the make whole remedy, and recommended offering Board Counsel Murray's help. The Board authorized a memo to be drafted to the General Counsel concerning this offer.

11. FUTURE AGENDA REVIEW:

Chairwoman Shiroma requested that the Board review and update the Needs Assessment Report at the November 14, 2001 Board meeting.

PUBLIC MEETING ADJOURNED AT: 11:50 a.m.

WHEREUPON THE BOARD ENTERED INTO CLOSED SESSION