

**STATE OF CALIFORNIA  
AGRICULTURAL LABOR RELATIONS BOARD**

**BOARD MEETING MINUTES**

**Board Conference Room  
915 Capitol Mall, 3<sup>rd</sup> Floor  
Sacramento, CA 95814**

**February 27, 2002**

Time: 10:00 a.m.  
Members Present: Chairwoman Shiroma, Board Members Barrios and Mason.  
Staff Present: Executive Secretary Barbosa, Board Counsel Wender, Levy, Murray,  
Heyck, Analyst Massie and Board Staff Nuño.  
Others Present: Tom Adams, Department of Education  
Absent:

**OPEN SESSION**

1. **APPROVAL OF MINUTES:** The Board approved minutes for February 20, 2002, 3-0.
2. **PUBLIC COMMENT:** None.
3. **BOARD MEMBER COMMENT:** None.
4. **ANNOUNCEMENTS:** None.
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:**

**Albert Goyenette Dairy, 02-RC-1-VI**

Fresh Fruit and Vegetable Workers Local 1096 filed a representation petition with the Visalia Regional Office seeking an election at Goyenette Dairy. The election was held February 22, 2002.

The tally was as follows:

FFVW

15

No Union	14
UCBs	1
Total	30

Election objections, if any, are due March 1, 2002. The matter is pending the Regional Director's challenged ballot report. A Board agent challenged the voter in question as not being on the eligibility list. The Union is contending that the employee in question is a supervisor. The parties have been contacted for their respective positions on the challenged ballot and have a week to respond.

### **COMPLAINT REPORT:**

Two new complaints have issued:

**Desert Citrus Properties, Inc. et al**, 01-CE-178-EC(R)

This case involves the alleged discharge of 12 employees because they engaged in protected, concerted activity.

**Cocopah Nurseries, Inc.**, 00-CE-399-EC

This case involves the alleged harassment, threatening, suspension and discharge of an employee because of his participation in a union organizing campaign.

No new cases set for hearing; however, the Salinas Regional Director has requested that **Long Family Partners, Ltd. LP**, 01-CE-19-SAL be set for hearing. The request is being processed.

One case pending reply:

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

Exceptions received February 7, 2002.

Reply due March 15, 2002.

One case currently in hearing:

**McCaffrey Goldner Roses**, 00-CE-92-VI

Hearing began February 25, 2002.

Scheduled to close March 1, 2002.

One hearing completed:

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

Hearing opened February 14, 2002.

Hearing closed February 22, 2002, and the matter is pending transcripts and post hearing briefs.

Five cases on calendar:

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

Pre-hearing March 12, 2002

Hearing March 26, 2002.

**Jasmine Vineyards, Inc.**, 00-CE-110-VI  
Pre-hearing conference, March 11, 2002  
Hearing, March 28, 2002

**California Redi-Date, Inc.**, 00-CE-25-EC  
Prehearing Conference (completed)  
Hearing April 23, 2002

**Pacific Sod and Pacific Earth Resources**, 01-CE-588-EC(OX)  
Pre-hearing Conference May 7, 2002  
Hearing May 21, 2002

**Cameiro Heifer Ranch, Inc.**, 01-CE-638-EC  
Pre-hearing June 4, 2002  
Hearing June 18, 2002

No new cases transferred to the Board for decision.

**SETTLEMENTS:** No new cases reported.

**BOARD DECISIONS:** No new cases issued.

**COURT LITIGATION:**

**Turco Desert Co., Inc.**, E030125 (27 ALRB No. 5): The petitioner's reply brief was received February 1, 2002. The matter is pending oral argument or decision by the court.

**Cieniga Farms, Inc.**, B152844 (27 ALRB No. 5): Petitioner filed its opening brief on February 26, 2002. The Board's brief is due March 28, 2002.

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

**6. BUDGET AND ADMINISTRATION:**

- (a) **Presentation on Cesar Chavez Day Curriculum:** Mr. Tom Adams, Administrator of Curriculum Frameworks, from the Department of Education, gave a presentation on curriculum the Department of Education has developed for Cesar Chavez Day, April 1, 2002. Information about the curriculum is available at the following website: <http://chavez.scientech.com/>.
- (b) **Information Technology and Web Site Development Project :** Analyst Massie reported that the ALRB website has been experiencing some technical problems and will be down for a short period in the evening on February 27, 2002 so that the server hosting the site can be replaced. Ms. Massie also reported that the office

email system may be interrupted for short periods on March 1, 2002 while the GroupWise upgrade is installed.

- (c) **Regulations:** The Board reviewed Board Counsel Wender and Murray's memo outlining comments received from ad hoc advisory committee participants on draft regulations implementing Senate Bill 1198 (Agricultural Employees' Relief Fund). The Board discussed a tentative schedule for submitting the proposed regulations to the formal rulemaking process.
  - (d) **Budget:** Update – Executive Secretary Barbosa announced that the Board's hearing before the Senate Budget committee currently scheduled for April 11, 2002 needs to be rescheduled. Board members agreed that they would be available March 14, 2002.
  - (e) **Policies and Procedures:** Update- The Board discussed a February 22, 2002 memo from General Counsel Turner that addressed the General Counsel dress code policy, the General Counsel press policy and the external complaint procedure.
  - (f) **Salinas Office Lease Renegotiation:** Board Counsel Heyck reported that she had contacted the Department of General Services Real Estate officer handling the ALRB's account and told her to proceed with renegotiating the lease with the landlord in the current location.
  - (g) **Annual Report:** Update- Executive Secretary Barbosa circulated an updated assignment sheet regarding completion of the annual report. A meeting is scheduled for March 12, 2002 for those with assignments.
  - (h) **Needs Assessment:** The Board agreed to review the Need Assessment spreadsheet circulated by Board Counsel Heyck on March 27, 2002.
7. **OUTREACH PROJECT:** Novela and Brochures update- The Board agreed to take an additional week to review the draft novela. When the review is complete, Executive Secretary Barbosa will distribute the draft novela to the ad hoc advisory committee. The Board asked Board Counsel Heyck to prepare the proposed brochures for review by the ad hoc advisory committee and begin investigating the costs of translation and printing. Executive Secretary Barbosa reported that he had obtained the script of the ALRB's Spanish informational video and will explore options for getting the material translated into Mixtec.
8. **LEGISLATION:** Board Counsel Wender reported that Senate Bill 1736, which provides for binding interest arbitration in specified disputes between agricultural employers and employees, was introduced on February 21, 2002. The bill is currently in the Rules Committee awaiting committee assignment.
9. **PERSONNEL:** Chairwoman Shiroma reported that she will be attending a class on the

State Personnel Board hearing process.

10. **COMPLIANCE:** Board Counsel Murray discussed several issues he has been examining with regard to the compliance process.
11. **FUTURE AGENDA REVIEW:** Discussion of switching dates of several Board Meetings: Thursday, March 7, 2002, Tuesday, March 19, 2002, Thursday, April 25, 2002.

**PUBLIC MEETING ADJOURNED AT: 3:35 p.m.**

**WHEREUPON THE BOARD ENTERED INTO CLOSED SESSION**