

**STATE OF CALIFORNIA
AGRICULTURAL LABOR RELATIONS BOARD**

BOARD MEETING MINUTES

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

May 1, 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
and Heyck, Analyst Massie, and Board Staff Nuño.
Others Present: General Counsel Turner
Absent:

OPEN SESSION

1. **APPROVAL OF MINUTES:** The Board approved minutes for April 25, 2002, 3-0.
2. **PUBLIC COMMENT:** None.
3. **BOARD MEMBER COMMENT:** None.
4. **ANNOUNCEMENTS:**
There is a Building Security meeting scheduled for Wednesday, May 8, 2002 at 2:00 p.m.
Board Staff Nuño will attend.

Executive Secretary Barbosa announced that a follow up meeting with Employment Development Department (EDD) representatives has been confirmed for May 20, 2002. The time, location and number of attendees remain to be determined.

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:

Sonoma Cutrer Vineyards, Inc., 02-RC-1-SAL

The UFW filed its objections to the election on March 22, 2002. The objections

are being screened by the Executive Secretary. The matter is pending the Regional Director's Challenged Ballot Report. The Executive Secretary's review of election objections will follow. The Regional Director's target date for completion of his investigation and issuance of his report is May 20, 2002.

Albert Goyenette Dairy, 02-RC-1-VI

An investigative hearing on the one challenge was conducted on April 17 and 18, 2002. The matter is pending decision by the Investigative Hearing Examiner.

Ventura Coastal Corporation, 01-RC-2-EC

The election was held April 5, 2002 with the following tally:

UFW	0
No Union	0
UCB's	141
Total	141

The unresolved challenged ballots are outcome determinative. The Regional Director's investigation of the challenges is underway. The parties' positions have been received and are being reviewed. The Regional Director's target date for completion of his investigation and issuance of his report is May 15, 2002. Both the UFW and Employer filed objections to the election that are under review.

Robert R. Hall, 02-UC-1-EC(SD)

Unit Clarification petition filed by UFW on March 27, 2002. The Regional Director is conducting an investigation of the petition.

COMPLAINT REPORT:

One new complaint has issued:

Frank Capuro & Son, 01-CE-629-EC(R)

Employer allegedly laid off one employee because he allegedly refused to work in a recently sprayed field with pesticides.

One new case has been set for hearing:

Pete Vanderham Dairy, Inc., 01-CE-996-EC(R)

Pre-hearing conference December 10, 2002

Hearing December 17, 2002.

No pre-hearing conferences held.

No ALJ decisions have issued.

One Case Pending IHE Decision:

Goyenette Dairy Farms, 02-RC-1-VI

No post-hearing briefs; Investigative Hearing Examiner decision pending.

Two cases pending post-hearing briefs and ALJ decision:

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

Post-hearing briefs due May 17, 2002.

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

Post-hearing briefs due May 13, 2002.

Five cases on calendar:

California Redi-Date, 00-CE-336-EC

Pre-hearing conference July 9, 2002

Hearing July 23, 2002.

Rivera Vineyard, 01-CE-317-EC(R)

Pre-hearing conference August 13, 2002

Hearing August 27, 2002.

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

Pre-hearing conference September 17, 2002

Hearing September 24, 2002.

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

Pre-hearing conference October 10, 2002

Hearing October 29, 2002.

Pete Vanderham Dairy, Inc., 01-CE-996-EC(R)

Pre-hearing conference December 10, 2002

Hearing December 17, 2002.

No new cases transferred to the Board for decision.

BOARD DECISIONS: No new decisions have issued.

COURT LITIGATION:

Turco Desert Co., Inc., E030125 (27 ALRB No. 4): The matter is pending notification from the court on the need for oral argument.

Cieniga Farms, Inc., B152844 (27 ALRB No. 5): Petitioner filed its opening brief on February 26, 2002. The Board's response brief was filed April 25, 2002. The matter is pending the petitioner's reply brief, if any.

COMPLIANCE: No new activity to report.

6. BUDGET AND ADMINISTRATION:

- (a) **Information Technology and Web Site Development Project** – Analyst Massie presented the quote for purchasing Adobe Acrobat software for all ALRB users, and the Board approved the purchase.
- (b) **Regulations** – Proposed regulations implementing Senate Bill 1198: The period for written comment on the Proposed regulations ends May 1, 2002. The hearing on proposed regulations implementing Senate Bill 1198 is scheduled for Wednesday, May 8, 2002 at 10:00 a.m. at 722 Capitol Mall, 1st floor, Room # 1098 West (Employment Development Department auditorium).
- (c) **Budget** – The Board and General Counsel reviewed Regional Office budget requests, and discussed additional items that could be purchased. The Board approved the Regional Office requests and also agreed to allocate \$15,000.00 to each Regional Office for purchasing office furniture.
- (d) **Policies and Procedures** – No new activity to report, but Board Member Barrios indicated that the committee would resume meetings soon.
- (e) **The Labor and Workforce Development Agency** – Executive Secretary Barbosa reported that he attended the April 30, 2002 planning meeting of the Labor Agency Task Force. The Employment Development Department and Employment Training Panel made presentations on their agency/department. A two-day training workshop has been scheduled for May 19 and 20, 2002. The Labor Agency Task Force will be developing a mission statement, identifying initiatives and developing strategies for carrying out the agency’s initiatives. Mr. Barbosa will attend the workshop.
- (f) **Salinas Office Lease Renegotiation-** Board Counsel Heyck reported that she will follow up with the Department of General Services Real Estate Division regarding the lease renegotiation.

7. OUTREACH PROJECT: Novella – Executive Secretary Barbosa reported that Javier Juarez anticipates finishing the edits to the Board’s novella within two weeks.

8. LEGISLATION –
Hearing on Senate Bill 1736 (Arbitration in agricultural employee-employer disputes) is scheduled for Monday, May 6, 2002 in the State Capitol, Room 4203, at 9:30 a.m.

9. PERSONNEL: No new activity.

10. COMPLIANCE: Board Counsel Murray reported that Phil Martin should have a completed report of make-whole methodology soon.

11. FUTURE AGENDA REVIEW: None.

PUBLIC MEETING ADJOURNED AT: 11:20 a.m.

WHEREUPON THE BOARD ENTERED INTO CLOSED SESSION.