

**STATE OF CALIFORNIA  
AGRICULTURAL LABOR RELATIONS BOARD**

**BOARD MEETING MINUTES**

**Employment Development Department**

722 Capitol Mall, 1st floor  
Room # 1098 West  
Sacramento, CA 95814

**May 8, 2002**

Time: 10:00 a.m.  
Members Present: Chairwoman Shiroma, Board Members Barrios and Mason.  
Staff Present: Executive Secretary Barbosa, Board Counsel Wender, Murray, and Heyck.  
Others Present: General Counsel Turner  
Absent: Board Counsel Levy

**OPEN SESSION**

The Board held a public hearing regarding proposed amendments to Title 8 of the California Code of Regulations, section 20100 et seq. The proposed regulation to implement Senate Bill 1198 (Agricultural Employee Relief Fund), will appear as section 20299.

Chairwoman Shiroma made an introductory statement. Board Counsel Wender then gave summaries of Senate Bill 1198, the proposed regulation, written comments received from the United Farm Workers Union (UFW), and finally, the staff response to the written comments.

The Board then deliberated, and voted as follows: 3-0 to adopt the proposed regulation as presented by staff.

**PUBLIC MEETING ADJOURNED AT: 10:15 a.m.**

**PUBLIC MEETING RECONVENED AT: 10:30 a.m.**

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

Members Present: Chairwoman Shiroma, Board Members Barrios and Mason.  
Staff Present: Executive Secretary Barbosa; Board Counsel Wender, Murray and Heyck, Analyst Massie, and Board Staff Nuño.  
Others Present: Chief Administrative Law Judge Sobel  
Absent: Board Counsel Levy

**OPEN SESSION**

1. **APPROVAL OF MINUTES:** The Board approved minutes for April 30, 2002, and May 1, 2002 3-0.

2. **PUBLIC COMMENT:** None.

3. **BOARD MEMBER COMMENT:** None.

4. **ANNOUNCEMENTS:**

The California Employers' Conference will be held on May 9 and 10, 2002 in Sacramento. The conference will provide information on the recent modifications and changes to the California Civil and Government Codes, the Fair Employment and Housing Act, including information on reasonable accommodation.

The Western Growers Association board of directors voted unanimously to elect former U.S. Ambassador Thomas Nassif as its new president and chief executive officer. Mr. Nassif formerly was a partner in the law firm of Gray, Cary, and Ames & Frye, where he represented the Imperial Valley Vegetable Growers Association, among other industry trade groups and individual growers and shippers. He was one of the first attorneys to argue a case before the ALRB.

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**

On May 8, 2002 the investigative hearing examiner issued her recommended decision in this matter. She found that Jose Luis Isusquiza was a statutory supervisory and recommend that the challenge to his ballot be sustained and the results of the election be certified. Exceptions are due by May 23, 2002 and replies are due by June 3, 2002.

**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, and they are under review.

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

UC 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 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.

One IHE decision has issued.

**Albert Goyenette Dairy**, 02-RC-1-VI  
Decision issued May 8, 2002.  
Exceptions due by May 23, 2002.  
Replies due by June 3, 2002.

Two cases pending post-hearing briefs and ALJ decision:  
**McCaffrey Goldner Roses**, 00-CE-92-VI  
Post-hearing briefs due May 13, 2002.

**Pictsweet Mushroom Farms**, 00-CE-332-EC(OX)  
Post-hearing briefs due May 29, 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 reported on her discussion with Telelink representatives about potential advantages of installing a "PRI" line for the telephone system.
- (b) **Regulations** – Board Counsel Wender reported that the Office of Administrative Law (OAL) had contacted him regarding the set of proposed amendments first noticed in December 2001, and had informed him that the package will be approved with several minor non substantive changes. Mr. Wender also reported that he will prepare the final package for the regulation implementing Senate Bill 1198 (Agricultural Employee Relief Fund) that the Board voted to adopt on May 8, 2002, and will submit it to OAL shortly.
- (c) **Budget** – Executive Secretary Barbosa presented the Board with a list of budget request items from the Executive Secretary and Board staff. Mr. Barbosa also reported that an inventory of outreach materials has been completed and is pending review and recommendation.
- (d) **Policies and Procedures** – Update – No new activity to report.
- (e) **The Labor and Workforce Development Agency** – Executive Secretary Barbosa reported that the Governor's Reorganization Plan No. 1 of 2002 (Labor and Workforce Development Agency) was submitted to the Legislature on May 2, 2002. The Legislature now has 60 days to review it, and if it chooses, reject the plan by a majority vote of either the Senate or the Assembly. If the plan is not rejected, the new agency becomes law.
- (f) **Lease Renegotiation** – Board Counsel Heyck circulated a summary of proposed lease terms that had been sent by the Department of General Services (DGS), Real Estate Division. The Board asked Ms. Heyck to follow up with the DGS Real Estate Officer handling the lease renegotiation on several questions before making a decision about the lease.
- (g) **EDD Meeting – Confirmation and Attendees** – Executive Secretary Barbosa reported that the meeting with Employment Development Department (EDD) personnel has been confirmed for May 20, 2002. It will be held from 11:00 a.m. to 2:15 p.m. at a location to be arranged by EDD. A copy of the proposed agenda has been circulated to the Regional Offices and Headquarters.

**7. OUTREACH PROJECT:** Novella – Executive Secretary Barbosa reported that Javier Juarez is still working on the edits to the Board's novella.

8. **LEGISLATION** – The Board discussed a proposed response to requests for information from the Western Growers Association regarding Senate Bill 1736 (arbitration in agricultural employee-employer disputes). The Board also discussed developing a new system for tracking case data in order to facilitate responses to similar requests for information in the future.
9. **PERSONNEL:** None.
10. **COMPLIANCE:** None.
11. **FUTURE AGENDA REVIEW:** None.

**PUBLIC MEETING ADJOURNED AT:** 11:30 a.m.

**WHEREUPON THE BOARD ENTERED INTO CLOSED SESSION.**