

**STATE OF CALIFORNIA  
AGRICULTURAL LABOR RELATIONS BOARD**

**BOARD MEETING MINUTES**

915 Capitol Mall, 3rd Floor  
Room # 371  
Sacramento, CA 95814

**May 23, 2002**

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

**OPEN SESSION**

1. **APPROVAL OF MINUTES:** The Board approved minutes for May 15, 2002, 3-0.
2. **PUBLIC COMMENT:** None.
3. **BOARD MEMBER COMMENT:** None.
4. **ANNOUNCEMENTS:**

On May 15, 2002, El Centro Regional Office staff members participated in an agricultural labor relations forum in San Jacinto, which is in Riverside County between the city of Riverside and the Coachella Valley. Cal-OSHA, EEOC, US Department of Labor and others sent representatives to serve as panelists.

On May 16, 2002 El Centro Regional Office staff members attended the US Department of Labor conference at the Indio One Stop. The conference was attended by several representatives from the various one stop partners and the agenda focused on the role of one stops in agricultural communities.

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 Salinas Regional Director issued his challenged ballot report in Sonoma Cutrer Vineyards on May 17, 2002. The Regional Director recommended the following:

- 1) Challenged Ballots Overruled - 2 ballots (opened and counted)
- 2) Challenged Ballots Sustained- 21 ballots
- 3) Challenged Ballots Set for Hearing- 28 ballots

Exceptions, if any, are due June 14, 2002. The Executive Secretary's review of election objections will follow completion of the challenged ballot process.

**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 June 7, 2002 and replies are due by June 17, 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. This matter is pending the Regional Director's Challenged Ballot Report.

**Richard's Grove & SaraLee's Vineyard, 02-RC-2-SAL**

On May 17, 2002, the UFW filed an RC petition seeking an election at Richard's Grove & SaraLee's Vineyard in Windsor, California. The employer is involved in the production of wine grapes in Sonoma County. The employer has approximately 65 workers at its operation. The election will be held May 24, 2002 from 7:00 a.m. to 11:00 a.m.

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

The Executive Secretary granted the Regional Director's request to set the UFW's request for unit clarification for hearing. The matter will be heard on August 5, 2002 in Oceanside, CA.

## **COMPLAINT REPORT:**

No new complaints have issued.

One complaint has been dismissed:

**BLT Farms, Inc.**, Case No. 01-CE-501-EC(OX)

The El Centro Regional Director dismissed the complaint in BLT Farms as the parties entered into a private party settlement agreement, and the Charging Party requested withdrawal of the unfair labor practice charges.

Two new case set for hearing:

**Ronald Panziera**

01-CE-55-SAL

Pre-hearing June 5, 2002

Hearing June 18, 2002.

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

Investigative Hearing August 5, 2002.

No pre-hearing conferences held.

One case pending post-hearing briefs:

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

Post-hearing briefs due May 29, 2002.

One ALJ decision issued:

**Coastal Berry Company, LLC**, 99-CE-1-SAL

The ALJ issued his supplemental decision in Coastal Berry following Board order providing in camera inspection of declarations filed in Coastal Berry I and II. The ALJ denied Respondent's motion for issue preclusion or reopening of the record since, to the extent General Counsel did not produce any declaration(s) that Respondent was entitled to, Respondent suffered no prejudice to the presentation of its case. Exceptions, if any, are due June 3, 2002. No reply briefs are permitted.

One case pending ALJ decision:

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

Post-hearing briefs received May 14, 2002.

Eight cases on calendar:

**Ronald Panziera**, 01-CE-55-SAL

Pre-hearing June 5, 2002

Hearing June 18, 2002.

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

Pre-hearing conference July 9, 2002

Hearing July 23, 2002.

**Robert R. Hall, 02-UC-1-EC(SD)**  
Investigative Hearing August 5, 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 Court of Appeal granted the employer's petition for writ of review. Upon reviewing the Court's Writ of Review issued on May 3, 2002, Board Counsel had several procedural questions. Board Counsel Murray and Heyck will follow up and send a letter to the court clerk seeking clarification of procedures.

**Cieniga Farms, Inc., B152844 (27 ALRB No. 5):** On May 22, 2002, the Court of Appeal summarily denied the employer's petition for writ of review.

**The Elmore Company, D040054 (28 ALRB No. 3)**

The employer filed a petition for writ of review with the Fourth Appellate District Court of Appeal on May 7, 2002. The certified record was mailed to the court on May 13, 2002. The matter is pending the filing of the Petitioner's opening brief.

**COMPLIANCE:** On May 15, 2002, the Riverside County Superior Court issued an Order To Show Cause on the Petition for Court Enforcement of the Board orders in the Grewal cases, 24 ALRB 7 and 26 ALRB 5. The hearing date is July 19, 2002 at 8:30 a.m. in Indio, and Assistant General Counsel Cardenas will handle the matter.

The El Centro Regional Director has closed the case in Cameiro Heifer Ranch, Case No.

01-CE-638-EC, as the mailing was done pursuant to the bilateral informal settlement agreement and all the terms of the settlement agreement have been carried out by the Respondent.

## **6. BUDGET AND ADMINISTRATION:**

### **(a) Information Technology and Web Site Development Project –**

Analyst Massie presented a quote for installing new cabling in the headquarters office, and the Board approved the project 3-0. The Board also approved going forward with the installation of the new telephone system so long as there is a net benefit and savings.

Analyst Massie also reported that last week Capital Data staff reported a problem with the internet connection to the Oxnard server. The headquarters server was constantly trying to reestablish contact with the Oxnard server thereby tying up system resources. The problem with the connection was of unknown origin and corrected itself. The Capital Data technician suggested if the server is not going to be used in Oxnard, it should be sent to Sacramento where it could be used as an adjunct to the main headquarters office server. E-mail and internet service could still be maintained in Oxnard without the server.

The Board discussed the possibility of creating a new system to track case data and statistics.

**(b) Regulations –** The State Personnel Board has issued proposed whistleblower retaliation regulations. The public comment period for written comments will close on June 3, 2002.

**(c) Budget –**

**(d) Policies and Procedures – Update –** No new activity to report.

**(e) The Labor and Workforce Development Agency –** The two-day planning session scheduled May 19 and 20, 2002 was canceled and will be rescheduled at a later time. Department of Finance Director, Tim Gage, has requested that budget item 0559-001 et al. and reimbursement be added to the budget bill to provide funding for the California Labor and Workforce Development Agency. The General Fund and federal fund appropriations proposed to support the Agency are offset by corresponding reductions (totaling \$348,000) in the budgets of Department of Industrial Relations (DIR), Employment Development Department (EDD) and California Workforce Investment Board (CWIB). Additional support will be provided by Reimbursements. Furthermore, a total of 17 positions will be eliminated from the budgets of EDD and DIR to provide the personnel needed to operate the agency.

- (f) **Salinas Regional Office Lease Renegotiation** – Board Counsel Heyck reported that the Department of General Services Real Estate Officer had spoken with the landlord about further revisions to the proposed lease. The Real Estate Officer will be in the Monterey area on May 23 and 24, 2002, and will obtain lease rate information for areas surrounding Salinas.
- (g) **Association of Labor Relations Agencies (ALRA) Conference** – The ALRA conference will be held in San Diego on July 20-24, 2002. Those planning to attend should speak to Board Staff Nuño about making arrangements.

7. **OUTREACH PROJECT:** Novella – The revised introduction to the novella has been completed and the novella should be available for submission to the ad hoc committee by the end of next week or sooner. Annual Report- General Counsel Turner completed her revised introduction to the annual report.

8. **LEGISLATION** – Update on Pending Bills that May Affect the ALRB:

- 1) **Governor's Reorganization Plan:** Board Chairwoman Shiroma reported that she and General Counsel Turner had been asked to testify in front of the Assembly Labor Committee on June 5, 2002 at 1:30 p.m. regarding the Governor's Reorganization Plan.
- 2) **Constitutional Amendment 7** (providing that access to public records is a fundamental right): On May 16, 2002, the resolution was amended, although for the most part, the amendments do not pertain to the Board's processes. The one exception is a new provision that makes it clear that the Public Records Act shall remain in force until amended, repealed, or judicially determined to be in conflict with a provision of SCA 7. Hearing was set for May 21, 2002: 8-0 vote to adopt resolution, but first re-refer to Committee on Constitutional Amendments.
- 3) **Senate Bill 1236** (Labor and Workforce Development Agency): was amended on May 14, 2002 and re-referred to the Committee on Appropriations. Hearing set for May 23, 2002.
- 4) **Senate Bill 1736** (arbitration in agricultural employee-employer disputes): On May 14, 2002, the bill was read a second time, and amended to include a provision clarifying that the arbitrators are to be paid by the parties. May 20, 2002- read a third time. Amended. To second reading. May 21, 2002- read a second time. To third reading.
- 5) **Senate Bill 1818** (back pay awards): May 20, 2002- from the Labor and Industrial Relations Committee- placed on second reading file pursuant to Senate Rule 28.8. May 21, 2002- read a second time. Amended (no substantive changes). To third reading.

9. **PERSONNEL:** Public Records Act request for Attorney IV documents: The Board discussed the request for documents and will meet on May 28, 2002 to review the prepared response.

**10. COMPLIANCE:** Board Counsel Murray reported that he provided an analysis and recommendation to the General Counsel's office regarding the tomato cases.

**11. FUTURE AGENDA REVIEW:** None.

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

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