

**STATE OF CALIFORNIA  
AGRICULTURAL LABOR RELATIONS BOARD**

**BOARD MEETING MINUTES**

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

**June 5, 2002**

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

**OPEN SESSION**

1. **APPROVAL OF MINUTES:** The Board approved minutes for May 29, 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:**

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

The Regional Director issued his report on challenged ballots on May 17, 2002. Exceptions to his report are due by June 14, 2002. Review of the UFW's election objections petition is in progress.

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

Exceptions to Investigative Hearing Examiner decision are due by June 7, 2002.

Replies are due by June 17, 2002.

**Ventura Coastal Corporation, 01-RC-2-EC**

The Regional Director issued his report on challenged ballots on May 24, 2002. Exceptions to his report are due by June 6, 2002. Review of the UFW's and Employer's objections petitions to the election are in progress.

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

On May 24, 2002 an election was held with the following tally of ballots:

UFW:	47
No Union	10
UCBs:	4
Total:	61

Objections were due on June 3, 2002. None were filed. The certification of representative issued June 4, 2002

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

An investigative hearing is set for August 5, 2002.

**COMPLAINT REPORT:**

No new complaints issued.

No pre-hearing conferences held.

Six cases on calendar:

**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)**

Hearing set for 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.

One case pending ALJ decision:  
**Pictsweet Mushroom Farms**, 00-CE-332-EC(OX)

One case pending exceptions/reply:  
**McCaffrey Goldner Roses**, 00-CE-92-VI  
Decision issued May 28, 2002.  
Exceptions due June 20, 2002  
Reply due July 3, 2002.

No new cases transferred to the Board for decision.

#### **BOARD DECISIONS:**

The Board's decision in **Pictsweet Mushroom Farms**, 28 ALRB No.4, Case No.01-CE-620-EC (OX), issued on June 4, 2002.

#### **COURT LITIGATION:**

**Turco Desert Co., Inc.**, E030125 (27 ALRB No. 4): The court of appeal granted the employer's petition for review. The Board requested clarification of the court's ruling, which is pending. The matter is now set for oral argument on July 2, 2002 at 1:30 p.m. in Riverside, California.

**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 petition for review in the California Supreme Court was due on June 3, 2002. As the employer did not seek review of the court's decision, the matter was released for compliance on June 4, 2002.

**The Elmore Company**, D040054 (28 ALRB No. 3)  
The matter is pending the filing of the Petitioner's opening brief.

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

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

- (a) Information Technology and Web Site Development Project – Analyst Massie reported that program services staff Winston is clarifying the terms of the contract to recable the office. Mr. Winston is working with Capital Datacorp.
- (b) **Regulations** –The year 2001 regulations will go into effect on June 8, 2002. The

comment period for the Senate Bill 1198 regulations will end on July 1, 2002.

- (c) **Budget** – The Board requested a final reconciliation from the Accounting Department. Executive Secretary Barbosa will finalize the Annual report and circulate for final version and approval. He will also ascertain the needs with respect to outreach materials. Chair Shiroma will draft a dedication in memoriam for Julie Demaris. Staff will prepare a plan to meet the Department of Finance requirement for a possible 5 percent reduction of all authorized positions.
- (d) **Policies and Procedures** – Update – No new activity to report
- (e) **The Labor and Workforce Development Agency** – The Assembly Committee on Labor and Employment has scheduled a hearing June 5, 2002 at 1:30 p.m. in Room 4202, to hear testimony on the Governor’s Reorganization Plan No.1, California Labor and Workforce Development Agency. Chair Shiroma and General Counsel Turner will be testifying.
- (f) **Hoffman Plastic Compounds, Inc. v NLRB** – The Board continued its ongoing discussion of this case and its potential impact on the Board’s remedial jurisdiction.

7. **OUTREACH PROJECT:** Novella – The final edits to the novella are being completed. The novella and brochures will then be sent to ad hoc committee for review and comments.

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

- 1) **Senate Bill 1236** (Labor and Workforce Development Agency):  
This is set for hearing June 5, 2003 in tandem with the Governor’s Reorganization Plan.
- 2) **Senate Bill 1736** (Agricultural Employer-Employee Disputes: Binding Arbitration):  
There has been no change in the status of this bill. It is still in the Assembly.
- 3) **Senate Bill 1818** (Backpay Awards):  
On May 29, 2002 the bill passed the Senate and was sent to the Assembly.

9. **PERSONNEL:** Personnel Officer Kojima confirmed that Senior Board Counsel could laterally transfer into an Administrative Law Judge position without taking an exam.

10. **COMPLIANCE:** Nothing new to report.

11. **FUTURE AGENDA REVIEW:**

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

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