

**STATE OF CALIFORNIA
AGRICULTURAL LABOR RELATIONS BOARD**

BOARD MEETING MINUTES

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

June 12, 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: General Counsel Turner
Absent:

OPEN SESSION

1. **APPROVAL OF MINUTES:** The Board approved minutes for June 5, 2002, 3-0.
2. **PUBLIC COMMENT:** None.
3. **BOARD MEMBER COMMENT:** None.
4. **ANNOUNCEMENTS:**

The Department of Industrial Relations will be celebrating its 75th anniversary on June 27, 2002. As part of the program, the department will present a workshop on the new labor agency consisting of a panel discussion with representatives from the constituent agencies, including the ALRB.

The Office of Privacy Protection has set up a special Web page for state employees at <http://www.privacy.ca.gov/stateemployee.htm> to get additional information on the recent computer intrusion at Teal Data Center.

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 on Friday, June 14, 2002. Review of the UFW's election objections petition is in progress.

Albert Goyenette Dairy, 02-RC-1-VI

Exceptions to the Investigative Hearing Examiner's decision were filed by the Employer on 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. The Employer filed exceptions to the report on June 6, 2002. Review of the UFW's and Employer's objections petitions to the election is in progress.

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

An investigative hearing is set for August 5, 2002.

COMPLAINT REPORT:

Four new complaints issued:

Blas Rivera, Inc., 01-CE-675-EC(R)

The complaint issued on June 4, 2002 and alleged that the Employer denied employment to two employees because it believed the employees had engaged in union or protected concerted activities.

Gourmet Veg-Pac, Inc., 01-CE-1004-EC

The complaint issued on June 5, 2002 and alleged that the Employer did not employ three persons because they engaged in protected concerted activities.

Arturo Saikhon, 01-CE-993-EC

The complaint issued on June 4, 2002 and alleged that the Employer discharged three employees because they refused to continue working unless they were paid overtime for the extra work.

American Takii, Inc., 01-CE-49-SAL

The complaint issued on June 10, 2002 and alleged that the Employer discharged three employees because they engaged in protected concerted activities.

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)
Review of parties' post-hearing briefs and preparation of decision in progress.

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.

Two new cases transferred to the Board for decision:

Albert Goyentche Dairy, 02-RC-1-VI
Ventura Coastal Corporation, 02-RC-2-EC (R)

BOARD DECISIONS:

No new decisions have issued.

COURT LITIGATION:

Turco Desert Co., Inc., E030125 (27 ALRB No. 4): The matter is set for oral argument on July 2, 2002 at 1:30 p.m. in Riverside, California unless oral argument is waived.

The Elmore Company, D040054 (28 ALRB No. 3)
The Petitioner's opening brief is due June 13, 2002.

COMPLIANCE:

6. BUDGET AND ADMINISTRATION:

- (a) Information Technology and Web Site Development Project – Analyst Massie reported that Program Services Staff Winston is seeking bids on materials to recable the headquarters' office.
- (b) **Regulations** –The regulations adopted by the Board on February 6 and March 13 of this year were approved by the Office of Administrative Law and filed with the Secretary of State on May 9, 2002. The new regulations became effective on June 8, 2002. Copies of the new regulations were mailed to all persons listed on the Board's all parties list and circulated to staff . The information is also available on the Board's website: <http://www.alrb.ca.gov/>.
- (c) **Budget** – Accounting Officer Davis will provide the Board with a budget reconciliation report at the next Board meeting. The leases for the Salinas office and the El Centro office were discussed.
- (d) **Policies and Procedures** – Update – No new activity to report
- (e) **The Labor and Workforce Development Agency** – The hearing previously scheduled before the Assembly Committee on Labor and Employment on June 5, 2002 to hear testimony on the Governor's Reorganization Plan No.1, California Labor and Workforce Development Agency, has been rescheduled for June 17, 2002 at 1:30 p.m. in room 444 of the State Capitol. Chairwoman Shiroma and General Counsel Turner have been invited to testify.
- (f) **Annual Report** -The Board approved the annual report for fiscal year 2000-2001.

7. OUTREACH PROJECT: Novella – Javier Juarez has submitted his revised novella following Board edits. Executive Secretary Barbosa will now transmit the novella and brochures to the ad hoc committee for its review and comments.

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

- 1) **Senate Bill 1236** (Labor and Workforce Development Agency):
On June 5, 2002 passed as amended and re-referred to the Committee on Appropriations.
- 2) **Senate Bill 1736** (Agricultural Employer-Employee Disputes: Binding Arbitration):
On June 6, 2002 sent to the Assembly Labor and Employment Committee for hearing on June 12, 2002.
- 3) **Senate Bill 1818** (Backpay Awards):
On June 10, 2002 assigned to the Assembly Labor and Employment Committee.

9. **PERSONNEL:** None.

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

11. **FUTURE AGENDA REVIEW:**

There will be a discussion of rescheduling the Regional Director's meeting which is currently scheduled for July 17, 2002.

PUBLIC MEETING ADJOURNED AT: 11:00 a.m.

WHEREUPON THE BOARD ENTERED INTO CLOSED SESSION.