

**STATE OF CALIFORNIA
AGRICULTURAL LABOR RELATIONS BOARD**

BOARD MEETING MINUTES

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

July 17, 2002

Time: 10:00 a.m.
Members Present: Chairwoman Shiroma, Board Members Barrios and Mason.
Staff Present: Executive Secretary Barbosa; Board Counsels Wender, Levy, Heyck and Murray; Accounting Officer Davis; Chief ALJ Sobel; Personnel Analyst Kojima
Others Present: General Counsel Turner
Absent:

OPEN SESSION

1. **APPROVAL OF MINUTES:**
The Board approved minutes for July 10, 2002, 3-0.
2. **PUBLIC COMMENT:**
None.
3. **BOARD MEMBER COMMENT:**
None.
4. **ANNOUNCEMENTS:**
The State Employee Heart Walk will take place on September 12, 2002. Executive Secretary J. Antonio Barbosa is the ALRB Team Leader.
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 investigative hearing on the Challenged Ballots is scheduled for July 23, 2002 in Petaluma, CA. Review of the United Farm Workers (UFW) election objections petition is ongoing.

Ventura Coastal Corporation, 02-RC-2-EC(R)

On June 24, 2002, the Board issued an order directing the El Centro Regional Director to prepare and serve a supplemental report setting forth the basis for his recommendation to open and count the ballots of the 23 challenged voters. The supplemental report was filed on July 1, 2002. The employer filed its reply on July 3, 2002. The El Centro Regional Director filed a second supplemental report on July 9, 2002. The challenged ballot matter is now before the Board. Review of the UFW's and Employer's objections petitions to the election are ongoing.

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

An investigative hearing is scheduled for August 5, 2002. Counsel for the employer has moved to take the case off calendar and dismiss the complaint on the grounds that the employer will be going out of business. The UFW opposes the motion. The matter is pending a ruling by the Executive Secretary.

COMPLAINT REPORT:

One new complaint has issued:

Sierra Packing Company, Inc., 02-CE-8-EC

The complaint issued on July 11, 2002, alleging that the employer unlawfully discharged three workers because they refused to work after the supervisor refused to pay them for work performed on previous days.

No pre-hearing conferences were held.

Three new cases have been set for hearing:

Tsukiji Farms, 96-CE-182-SAL

The pre-hearing conference is set for August 20, 2002.
The hearing is set for September 9, 2002.

Colendich and Vukasovich Vegetable Farms, Inc., 99-CE-26-SAL

The pre-hearing conference is set for September 19, 2002.
The hearing is set for October 16, 2002.

Fresh Pic Harvest, 01-CE-52-EC(R)

The pre-hearing conference is set for November 13, 2002.
The hearing is set for November 19, 2002.

Eight cases are on calendar:

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

The hearing is set for July 23, 2002.

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

The hearing is set for August 5, 2002.

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

The pre-hearing conference is set for August 13, 2002.

The hearing is set for August 27, 2002.

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

The pre-hearing conference is set for September 17, 2002.

The hearing is set for September 24, 2002.

Colendich and Vukasovich Vegetable Farms, Inc.,

The pre-hearing conference is set for September 19, 2002.

The hearing is set for October 16, 2002.

Fresh Pic Harvest, 01-CE-52-EC (R)

The pre-hearing conference is set for November 13, 2002.

The hearing is set for November 19, 2002.

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

The pre-hearing conference is set for October 10, 2002.

The hearing is set for October 29, 2002.

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

The pre-hearing conference is set for December 10, 2002

The hearing is set for December 17, 2002.

The ALJ issued rulings in two cases:

Arturo Saikhon, 01-CE-993-EC

ALJ granted General Counsel motion to make allegations in complaint true.

Apple Packing, 01-CE-1012-EC

ALJ granted General Counsel motion to make allegations in complaint true.

One case is pending exceptions and/or reply:

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

The ALJ decision has issued. Exceptions are due August 16, 2002. The reply is due August 29, 2002.

Three cases are pending Board decision:

McCaffrey Goldner Roses, 00-CE-92-VI

The ALJ decision has issued. Exceptions were filed June 20, 2002. Replies were received July 9, 2002.

Coastal Berry Company, 99-CE-1-SAL

This case is pending Board decision.

Ventura Coastal Corporation, 02-RC-2-EC(R)

This case is pending Board decision.

No new cases have been transferred to the Board for decision.

BOARD DECISIONS:

No new decisions have issued.

COURT LITIGATION:

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

The Board's response brief was filed July 12, 2002. The reply brief is due August 1, 2002.

COMPLIANCE:

6. BUDGET AND ADMINISTRATION:

a) Information Technology and Web Site Development Project

---Sallie McCarther was approved as the agency's Procurement Liaison. She will work with the Procurement Division of the Department of General Services

implementing interim purchasing guidelines during a review period established by Executive Order D-55-02.

b) Regulations

---Board Counsel Wender will submit the rulemaking file on the Agricultural Employee Relief Fund regulations to the Office of Administrative Law this week.

c) Budget

---The Executive Secretary transmitted the Board's Vendor Payment Report for the period July 15-19, 2002, to the Department of Finance.

---The Board discussed the impact and implementation of Department of Finance Budget Letter No. 02-13.

d) Policies and Procedures

---Board member Barrios reported on the Policies and Procedures Committee.

---The three new policies that were circulated to the Board at its last meeting will be considered at the Board's next meeting, which is July 31, 2002.

---The Committee will meet again on July 23, 2002 to discuss the a proposed policy on ergonomics.

---At the request of General Counsel Turner, proposed new or revised Policies and Procedures will be sent directly to her for review.

---Board member Barrios clarified that the Committee is looking at the entire operations manual, but has identified certain sections as most in need of review.

---Board member Barrios also clarified that the Committee would not initiate work on a revised procurement policy but would review any policy submitted by the General Counsel and/or newly appointed Procurement Liaison, Sallie McCarther.

e) Salinas Lease

---Executive Secretary Barbosa issued a follow up memo to Regional Director Capuyan memorializing the Board's position on the critical need to secure a new lease arrangement for the Salinas Regional Office.

f) UFW Convention

---Executive Secretary Barbosa will coordinate efforts to have an ALRB booth at this event that will take place in Fresno on August 31 and September 1, 2002.

7. OUTREACH PROJECT:

The novella and brochures were sent to the ad hoc committee on July 3, 2002 for its review. Any comments or proposed changes are due by August 9, 2002.

8. LEGISLATION:

There has been no change since the last Board meeting.

9. PERSONNEL:

None.

10. COMPLIANCE:

None.

11. FUTURE AGENDA REVIEW:

---The next Regional Director's meeting in October will include a discussion of standard remedies.

PUBLIC MEETING ADJOURNED AT: 11:35 a.m.

WHEREUPON THE BOARD ENTERED INTO CLOSED SESSION.