

**STATE OF CALIFORNIA
AGRICULTURAL LABOR RELATIONS BOARD**

BOARD MEETING MINUTES

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

December 11, 2002

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

OPEN SESSION

1. **APPROVAL OF MINUTES:** None.
2. **BOARD MEMBER COMMENT:** None.
3. **PUBLIC COMMENT:** None.
4. **ANNOUNCEMENTS:**
 - Today at 10 a.m. the Governor's Office of Planning and Research is conducting an initial meeting to kick off the Governor's Environmental Goals and Policies Report process.
 - The Governor's Office of Emergency Services has rescheduled a Statewide Emergency Planning Committee meeting for January 30, 2003. Executive Secretary Barbosa will attend.
 - The Association of Labor Relations Agencies has circulated a statistical study of the individuals who attended previous conferences and requested each member agency to verify the accuracy of the surveys.

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 have been reported.

PENDING ELECTION MATTERS:

Milky Way Dairy, 02-RC-2-VI

On November 27, 2002, the Executive Secretary granted the parties' request to continue the hearing to February 17, 2002. On December 2, 2002, the petitioner filed a motion for reconsideration of the Board's order rejecting in part and affirming in part the Regional Director's Challenged Ballot Report. On December 6, 2002, the Board set forth a due date for the filing of responses to the motion. Responses are due on December 16, 2002. The matter is pending receipt of response, if any, and the Board's decision on the motion for reconsideration.

Desert Spring Growers dba Sun City Growers, 02-RC-3-EC

On October 25, 2002, the UFW filed a representation petition with the El Centro Regional Office seeking to represent the employees of Sun City Growers. An election was held on November 1, 2002, with the following tally of ballots:

UFW	29
No Union	26
Void	2
Unresolved CBs	2
Total	57

The employer filed election objections on November 8, 2002, which were dismissed by the Executive Secretary on November 12, 2002. The employer's request for review was filed November 25, 2002. The matter is pending decision by the Board.

Coastal Berry Company, 02-RD-4-SAL

On November 6, 2002, agricultural employee Francisco Cerritos filed a decertification petition with the Salinas Regional Office seeking to decertify the incumbent union, Coastal Berry of CA Farmworker Committee (Comite). The UFW timely intervened in the election. The election was held on November 13, 2002, with the following tally of ballots:

Comite	16
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UFW	182
No Union	98
Unresolved CBs	6
Total	302

The certified bargaining representative timely filed objections to the election that were later withdrawn. On December 9, 2002 the Executive Secretary certified the UFW as the exclusive bargaining representative of a unit consisting of all Coastal Berry Company's agricultural employees in Monterey and Santa Cruz Counties.

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

The employer's motion to dismiss the complaint is pending before the Regional Director. The employer is no longer in business.

COMPLAINT REPORT:

No new complaints issued.

No pre-hearing or settlement conferences have been held:

One new case has been set for hearing:

Milky Way Dairy, 02-RC-2-VI

The hearing is set for February 17, 2003.

Six cases are on calendar:

Dan Tudor & Sons, 01-CE-72-VI

The pre-hearing conference is set for November 22, 2002.

The hearing is set for January 6, 2002.

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

The pre-hearing conference is set for January 14, 2003.

The hearing is set for January 21, 2003.

Milky Way Dairy, 02-RC-2-VI

The hearing is set for February 17, 2003.

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

The pre-hearing conference is set for February 5, 2003.

The hearing is set for February 19, 2003.

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

The pre-hearing conference is set for March 11, 2003.
The hearing is set for March 25, 2003.

Grimmway Enterprises, Inc., 02-CE-3-EC (R)

The pre-hearing conference is set for April 22, 2003.
The hearing is set for April 29, 2003.

No cases are pending exceptions and/or reply.

One case pending ruling on motion to make allegations in complaint true and for default judgment.

Maria G. Duran, 01-CE-606-EC(R)

Motion filed 11/27/02

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

One case has settled or been resolved:

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

Parties reached an informal settlement agreement.

BOARD DECISIONS: None.

COURT LITIGATION:

McCaffrey Goldner Roses, F041479

The employer's opening brief was received November 27, 2002. The Board's response brief is due January 10, 2003.

6. BUDGET AND ADMINISTRATION:

Information Technology and Web Site Development Project:

Analyst Massie reported that the PRI telephone service installation has been rescheduled. She will announce the new date for installation shortly.

Regulations:

The Board discussed the upcoming December 17, 2002, meeting with members of the ad hoc advisory committee to discuss regulations to implement the new Agricultural Employer-Employee Collective Bargaining and Mediation Law (Senate Bill 1156 and Assembly Bill 2596). Executive Secretary Barbosa reported that 16 individuals are confirmed to attend. He will prepare a draft agenda for the Board's review.

Budget:

Accounting Officer Davis reported that, after the most recent budget reductions, the ALRB's budget stands at \$4,740,000. She also reported that she has communicated our budget projections with appropriate staff at Agency.

Policies and Procedures:

Member Barrios reported that she will follow up with Personnel Manager Kojima regarding whether all ALRB employees have signed and returned the form acknowledging receipt of and familiarity with the agency's sexual harassment policy.

Labor and Workforce Development Agency:

---Executive Secretary Barbosa announced that the Strategic Planning Labor Enforcement Committee will be meeting on December 20, 2002 at 10:00 a.m.
---The Board reviewed assignments and responsibilities for producing reports for Agency and for attending committee meetings.

Impact of *Hoffman Plastic Compounds v. NLRB* on the ALRB: No report.

Regional Directors Quarterly Meeting:

The Board and General Counsel discussed holding a meeting in the Salinas Regional office at the end of January 2003.

Annual Reports for 2000/2001 and 2001/2002:

Chairwoman Shiroma asked Executive Secretary Barbosa to forward a copy of the Annual Report to General Counsel Turner for her review.

7. OUTREACH PROJECT:

Novela and Brochures:

Executive Secretary Barbosa reported that Stella Levy is preparing a summary incorporating the comments we received on the Novela. His office will circulate the packet within a few days.

8. LEGISLATION: No new activity to report.

9. PERSONNEL:

Executive Secretary Barbosa reported that job announcements for open exempted positions have been posted on the agency's web site.

10. COMPLIANCE:

Board Counsel Murray is preparing a report on compliance issues that will soon be circulated.

11. FUTURE AGENDA REVIEW: None.

PUBLIC MEETING ADJOURNED AT: 11:45 a.m.

WHEREUPON THE BOARD ENTERED INTO CLOSED SESSION.