

**STATE OF CALIFORNIA
AGRICULTURAL LABOR RELATIONS BOARD**

BOARD MEETING MINUTES

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

January 8, 2003

Time: 10:00 a.m.
Members Present: Chairwoman Shiroma, Board Members Barrios and Rivera,
Staff Present: Executive Secretary Barbosa, Board Counsels Levy, Wender, Heyck
and Murray, Analyst Massie.
Others Present: None.
Absent: None.

OPEN SESSION

1. APPROVAL OF MINUTES:

---The Board approved on a 3-0 vote minutes from December 11 and December 18 (open session) and from December 6, 10, 11, 12 and 20 (closed session).
---Counsel Levy distributed proposed minutes for January 3, 2003.

2. BOARD MEMBER COMMENT: None

3. PUBLIC COMMENT: None.

4. ANNOUNCEMENTS:

---The Governor's budget will be released on Friday, January 10, 2003.
---Western Growers' Association has invited Member Rivera to meet with them on January 15, 2003. Counsel Wender will accompany Member Rivera.

5. WEEKLY STATUS REPORT ON ELECTIONS, UNFAIR LABOR PRACTICE COMPLAINTS, HEARINGS AND COURT LITIGATION:

ELECTION REPORT:

**NOTICE OF INTENT TO TAKE ACCESS AND NOTICE OF
INTENT TO ORGANIZE:**

Schubert Nursery, 02-NA-7-SAL and 02-NO-1-SAL

There has been no additional action by the union (Teamsters Local 890.)
The employer is located in Salinas.

PENDING ELECTION MATTERS:

Milky Way Dairy, 02-RC-2-VI

A hearing on challenged ballots is scheduled for February 17, 2003.
Review of objections to the election will take place after the conclusion of
the challenged ballot proceedings.

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.

**Ventura Coastal Corporation aka Rancho Val Nies and Desert Citrus
Properties, Inc., and Bob Nies, 02-UC-2-EC (R)**

The employer filed a UC petition with the El Centro regional office on
November 25, 2002, seeking to clarify the status of agricultural employees
working at the Lemon Drop Ranch in Indio. This issue was not resolved at
the time of certification.

COMPLAINT REPORT:

TWO NEW COMPLAINTS ISSUED:

Allstar Seed Company, 02-CE-52-EC

The complaint alleges that the employer discharged one worker because he
concertedly requested a wage increase. General Counsel has requested that
Board enter a default judgment against the employer as it failed to file an
answer to the complaint.

U.S. Abalone , 01-CE-59-SAL

The complaint alleges that the employer unlawfully threatened and later
discharged two employees because they concertedly complained about
work assignments and for filing a charge against the employer.

ONE NEW SPECIFICATION ISSUED:

Arturo Saikhon, 01-CE-993-EC

The backpay specification for three workers totaling \$59,793.00 issued on
On December 26, 2002.

ONE COMPLAINT WAS WITHDRAWN:

California Redi-Date, 00-CE-336-EC, et al.

The Regional Director withdrew the complaint because the NLRB exercised jurisdiction over the charges.

ONE CASE HAS BEEN SETTLED:

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

The parties reached an informal bilateral settlement agreement on January 2, 2003.

PREHEARING OR SETTLEMENT CONFERENCES HELD: None
NEW CASES SET FOR HEARING: None.

SEVEN CASES ON CALENDAR:

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

The hearing is set for January 6, 2003.

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.

Northend Equipment Inc., 02-CE-48-EC

The pre-hearing conference is set for June 17, 2003.

The hearing is set for June 24, 2003.

ONE CASE PENDING EXCEPTIONS AND/OR REPLY:

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

A Motion to grant a default judgment was filed on November 27, 2002. The Motion was granted on December 23, 2002. Exceptions are due on January 16, 2003.

CASES SETTLED OR RESOLVED: None.

CASES TRANSFERRED TO BOARD FOR DECISION: None.

BOARD DECISIONS: None

COURT LITIGATION:

McCaffrey Goldner Roses, F041479

The employer's opening brief was received November 27, 2002. The Board's response brief was mailed on January 7, 2003. The matter is pending the filing of Petitioner's reply brief, if any.

6. BUDGET AND ADMINISTRATION

Information Technology and Web Site Development Project:

Analyst Massie is looking into problems with the printer, server, and e-mail. The minimum monthly fee for the intranet is 10 members. Therefore, the Board was able to reinstate each Regional Director to the Intranet.

Regulations:

---Counsel Wender reported that the proposed regulations implementing the new mandatory mediation law, as well as the Notice of Proposed Regulatory Action and the Initial Statement of Reasons, were filed with the Office of Administrative Law (OAL) on January 7, 2003. The requested publication date is January 17, 2003 which will mark the beginning of the 45-day public comment period.

---Counsel Wender reported that the 2003 rulemaking calendar must be filed with OAL by January 30, 2003. The ALRB rulemaking calendar will contain references to the proposed mandatory mediation regulations.

---The biennial report to the Fair Political Practices Commission (FPPC) on whether amendments are needed to the Board's Conflict of Interest Code is due March 1, 2003. Counsels Wender and Heyck will attend a 2-hour FPPC provided seminar on February 4, 2003. Counsel Wender clarified that amendments to the Conflict of Interest Code are filed directly with the FPPC and do not go to OAL for approval.

Budget:

The Board continues to monitor the situation, working closely with Agency.

Policies and Procedures:

Member Barrios reported that she will be scheduling a meeting of the policy and procedures committee within two weeks.

Labor and Workforce Development Agency:

---Executive Secretary Barbosa reported that the sub committee on Coordination of Enforcement Efforts will next meet on January 9, 2003. General Counsel Turner is the lead person on the committee from the ALRB, however Member Rivera will also attend the meetings on behalf of the Board.

---The Taskforce for Strengthening California's One-Stop Career Center System meets January 15, 2003. Member Barrios will attend on behalf of the Board.

Annual Reports for 2000/2001 and 2001/2002:

Executive Secretary Barbosa gave a status report on the progress of these Reports.

7. OUTREACH PROJECT-Novella and Brochures:

The Board will discuss the packet prepared by Counsel Levy on January 21, 2003.

8. LEGISLATION: No new activity to report.

9. PERSONNEL: No new activity to report.

10. COMPLIANCE:

Counsel Murray distributed his report on the status of compliance cases, which was discussed.

11. FUTURE AGENDA REVIEW: None

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