

**STATE OF CALIFORNIA
AGRICULTURAL LABOR RELATIONS BOARD**

BOARD MEETING MINUTES

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

January 22, 2003

Time: 10:00 a.m.
Members Present: Chairwoman Shiroma, Board Members Barrios and Rivera,
Staff Present: Executive Secretary Barbosa, Board Counsels Heyck and Murray.
Others Present: Ileana Samanc, Special Assistant to the Acting Director, Department
of Industrial Relations.
Absent: Board Counsels Levy and Wender, Analyst Massie

OPEN SESSION

1. **APPROVAL OF MINUTES:** The Board approved the minutes for January 8, 2003, 3-0.
2. **BOARD MEMBER COMMENT:** None
3. **PUBLIC COMMENT:** None.
4. **ANNOUNCEMENTS:**

The Small Business Outreach and Education program is hosting a Small Business Advocate Forum on February 7, 2003, between 9:30 – 11:30 a.m., at the Ziggurat Building in West Sacramento.

The Statewide Emergency Planning Committee (SWEPC) meeting scheduled for December 4, 2002 has been rescheduled to January 30, 2003, from 9:00 a.m. to noon at the Office of Emergency Services Headquarters, Multipurpose Room, 3650 Schriever Avenue, Mather, CA.

The California Integrated Waste Management Board (CIWMB) has sent notice that the ALRB's Integrated Waste Management Plan 2001 Annual Report complies with the requirements of Assembly Bill 75. The Annual Report for 2002 is due April 1, 2003.

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. The matter is under investigation.

COMPLAINT REPORT:

No new complaints issued.

PREHEARING OR SETTLEMENT CONFERENCES HELD: None

NEW CASES SET FOR HEARING: None.

SEVEN CASES ON CALENDAR:

UFW (L.E. Cooke), 00-CL-1-VI

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

The hearing is set for February 24, 2003.

The UFW has requested a continuance of the hearing. The request is pending an order by the Executive Secretary.

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.

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

The hearing is set for March 3, 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.

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

New hearing dates under consideration

TWO CASES PENDING EXCEPTIONS AND/OR REPLY:

Sun World International, Inc., 01-CE-613-EC(R)

A motion to grant a default judgment was filed on November 27, 2002. The motion was granted on December 23, 2002. Exceptions were due on January 16, 2003. None filed. ALJ decision became final on January 17, 2003.

Allstar Seed Company, 02-CE-52-EC

A motion to grant a default judgment was filed on January 6, 2003. The motion was granted on January 17, 2003. Exceptions are due by February 10, 2003.

CASES SETTLED OR RESOLVED: None.

ONE NEW CASE TRANSFERRED TO BOARD FOR DECISION:

Andreas Farms, 96-CE-141-SAL

Regional Director's Motion Seeking a Finding by the Board That the Case is Eligible for Pay Out from the Fund or in the Alternative, Motion to Close

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 filed on January 8, 2003. The matter is pending the filing of Petitioner's reply brief, if any, due January 27, 2003.

6. BUDGET AND ADMINISTRATION

a. Information Technology and Web Site Development Project:

No new activity to report.

b. Regulations:

Executive Secretary Barbosa reported that a packet of information on proposed regulations implementing the mandatory mediation law, including materials submitted to OAL on January 7, 2003, was prepared and sent to Senate President Pro Tempore Burton's office and Assembly Speaker Wesson's office.

c. Budget:

No new activity to report.

d. Policies and Procedures:

Member Barrios handed out an updated list of pending and completed policies and procedures. She will schedule a meeting of the policies and procedures committee next week.

e. Labor and Workforce Development Agency:

The Conference Call for the Sub-Committee on Coordination of Enforcement Efforts is scheduled for Tuesday, February 4th from 10:00 am to 11:30 am. Member Rivera will participate.

Representatives from the Employment Development Department (EDD) will meet with ALRB Executive Secretary J. Antonio Barbosa and Francisco Acheron, of the Visalia Regional Office, this Friday, January 24 at 10:00am, to identify options to obtain the needed wage information within the existing contract. Representatives from the EDD Information Services Office (ISO) and the Tax Branch will provide technical assistance and

support to the ALRB. Any contract changes necessary to support the ALRB will be handled by the ISO.

Member Barrios reported that she had attended a taskforce meeting on "Strengthening California's One-Stop Career Center Initiative" on January 15, 2003. She circulated a memo summarizing the taskforce's goals. Ms. Barrios will be attending meetings of the taskforce on an ongoing basis.

f. Annual Reports for 2000/2001 and 2001/2002:

Executive Secretary Barbosa reported that a draft copy of report will be circulated to Board and staff shortly.

g. Strategic Plan:

The Board discussed the need to update the strategic plan and mission statement.

h. Review of Farm Labor Contractor Continuing Education Materials:

The Board is reviewing the Farm Labor Contractor Continuing Education Materials currently being used by the Visalia Regional Office. Executive Secretary Barbosa asked that any individual comments on the materials be forwarded to him by Friday, January 24, 2003 and that he will see that those comments are sent to the Visalia Regional Office.

7. OUTREACH PROJECT-Novella and Brochures:

The Board will meet on January 21, 2003 to discuss the packet of ad hoc committee comments on the Novella prepared by Counsel Levy.

Board Counsel Heyck circulated the most current version of the revised ALRB brochures to Board members and staff. The Board will discuss these materials at the January 29, 2003 Board Meeting.

8. LEGISLATION: No new activity to report.

9. PERSONNEL: No new activity to report.

10. COMPLIANCE: No new activity to report.

11. FUTURE AGENDA REVIEW: None

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