

**STATE OF CALIFORNIA
AGRICULTURAL LABOR RELATIONS BOARD**

BOARD MEETING MINUTES

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

January 29, 2003

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

OPEN SESSION

1. **APPROVAL OF MINUTES:** The Board approved the minutes for January 14, 21, 22, 23, 24 and 28, 2003, 3-0.

2. **BOARD MEMBER COMMENT:**
Chairwoman Shiroma congratulated Rita Valenzuela on her appointment to the position of Field Examiner in the El Centro Regional Office. Ms. Shiroma also extended a welcome to Navora Delossantos who will begin duties as a Field Examiner in the Visalia Regional Office on Friday, January 31, 2003.

3. **PUBLIC COMMENT:** None.

4. **ANNOUNCEMENTS:**
Board Member Rivera will be attending a conference of the Grower-Shipper Vegetable Association of Santa Barbara & San Luis Obispo Counties on Thursday, February 6, 2003. Ms. Rivera will be the keynote speaker at the event.

Board Member Barrios and Board Counsel Heyck will attend a career fair at Mc George School of Law on Thursday, February 6, 2003 from 5:00 to 7:00 pm.

The Agricultural Personnel Management Association will be sponsoring its annual forum in Sacramento on February 26, 27 and 28, 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:

One new complaint has issued:

Sierra Packing Company, Inc., 02-CE-40-EC, 02-CE-40-1-EC

The complaint alleges that the charging party was discharged for asking questions about pay rates on behalf of other members of the crew.

PREHEARING OR SETTLEMENT CONFERENCES HELD: None

NEW CASES SET FOR HEARING: None.

EIGHT CASES ON CALENDAR:

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.

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

The pre-hearing conference is set for April 15, 2003.

The hearing is set for April 29, 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 are under consideration

THREE CASES PENDING EXCEPTIONS AND/OR REPLY:

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.

Arturo Saikon, 01-CE-993-EC

A motion to make allegations in backpay specifications true and for a default judgment was filed on January 16, 2003. The motions are pending before the ALJ.

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

A motion to for a default judgment was filed on January 16, 2003. The motion is pending before the ALJ.

CASES SETTLED OR RESOLVED:

Apple Packing, 01-CE-1012-EC

On January 15, 2003, the Regional Director advised the parties that the case was being closed because the respondent had complied with all the terms of the informal settlement agreement.

NO NEW CASES TRANSFERRED TO BOARD FOR DECISION.

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 Petitioner requested a 14-day extension to file its reply brief. The reply brief is now due on February 10, 2003.

6. BUDGET AND ADMINISTRATION

(a) Information Technology and Web Site Development Project:

Analyst Massie reported on setting up the computer system in the new Salinas Regional Office. Ms. Massie also reported on her inventory of all agency computers as requested by the Board.

(b) Regulations:

Board Counsel Wender reported that no written comments on proposed regulation implementing the Mandatory Mediation and Conciliation legislation have been received to date.

(c) Budget:

No new activity to report.

(d) Policies and Procedures:

Board Member Barrios reported that the Policies and Procedures Committee will meet on Thursday, January 30, 2003 to update assignments.

(e) Labor and Workforce Development Agency:

Member Barrios will attend the case management/tracking committee meeting on February 13, 2003.

Member Rivera will attend the next labor enforcement committee meeting on February 4, 2003.

(f) Annual Reports for 2000/2001 and 2001/2002:

A draft copy of the annual report was circulated to the Board and staff. Board and staff will make any final changes to the draft.

(g) Strategic Plan:

Chairwoman Shiroma will circulate the current version of the strategic plan and will schedule a meeting for the Board to discuss it.

7. OUTREACH PROJECT-Novella and Brochures:

Chairwoman Shiroma reminded Board and staff that the deadline for completing the novella is the end of the current fiscal year. Member Barrios and Member Rivera will complete their suggested revisions to the novella by the next Board meeting on February 5, 2003.

The Board reviewed comments received on the brochures and agreed to make the suggested changes. Board Counsel Heyck will complete the revisions to the brochures, and arrangements will be made to have a bilingual ALRB staff member review the Spanish translations of the brochures.

8. LEGISLATION:

Board Counsel Wender reported on the following pending bills that may affect the ALRB:

Senate Bill 75 (Burton)-- Agricultural Labor Relations

This bill would require the board, by July 1, 2004, to compile a list of all certified labor organizations that have not obtained a collective bargaining agreement with the employer of the agricultural employees represented by the labor organization and to post the list, along with specified information, on the board's Web site. This bill would further require the board, by July 1, 2004, to advise each labor organization on the list and each respective employer of their rights and responsibilities under those provisions

of the Labor Code providing for mandatory mediation to achieve a collective bargaining agreement.

Senate Bill X1 1(Poochigian)--State Economy: Suspension of Statutes

Various statutes enacted in the 2001-02 Regular Session of the Legislature, relating to workers' compensation, labor standards, and agricultural labor relations, will take effect on January 1, 2003.

This bill would provide that these statutes shall not become operative until the date the Governor issues a proclamation declaring that the California economy has fully recovered from the recession that began in 2000. Among the affected statutes would be Senate Bill 1156 and Assembly Bill 2596 which created the Mandatory Mediation Law as to which the Board has issued proposed regulations. This bill would declare that it is to take effect immediately as an urgency statute.

Senate Constitutional Amendment 1 (Burton)--Access to government information.

This measure would provide that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state. It would provide that, except as otherwise provided in the California Constitution, the people have a right to attend, observe, and be heard in the meetings of elected and appointed public bodies, and to inspect and obtain copies of records made or received in connection with the official business of any public body, agency, officer, or employee, or anyone acting on behalf of a public body, agency, officer, or employee.

This measure also would provide that nothing in its provisions supersedes the right to privacy guaranteed by the California Constitution, or limits the ability of the Legislature to provide by statute, or the Judicial Council to provide by rule not inconsistent with statute, for the protection of personal privacy.

9. PERSONNEL:

The Board discussed the need to pursue a hiring freeze exemption for the Chief Administrative Law Judge position that was recently vacated when former Chief ALJ Sobel was appointed as Deputy General Counsel of the ALRB. A meeting was scheduled for Tuesday, February 4, 2003 at 1:30 to discuss the Chief ALJ position.

10. COMPLIANCE:

Board Counsel Murray will resume work on compliance matters when his pending Board work is complete.

11. FUTURE AGENDA REVIEW:

Board members will meet with ALRB administrative staff Thursday January 30, 2003 at 10:00 am.

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

PUBLIC MEETING RECONVENED AT: 1:00 p.m.

PUBLIC MEETING ADJOURNED AT: 2:10 p.m.

WHEREUPON THE BOARD ENTERED INTO CLOSED SESSION