

**STATE OF CALIFORNIA  
AGRICULTURAL LABOR RELATIONS BOARD**

**BOARD MEETING MINUTES**

**Board Conference Room  
915 Capitol Mall, 3<sup>rd</sup> Floor  
Sacramento, CA 95814**

**February 5, 2003**

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: None.  
Absent: Board Counsel Levy,

**OPEN SESSION**

1. **APPROVAL OF MINUTES:** The Board approved the minutes for January 29, 2003 with minor changes.
2. **BOARD MEMBER COMMENT:** None.
3. **PUBLIC COMMENT:** None.
4. **ANNOUNCEMENTS:**

Fresno State University Professor, and former Board Member, Bert Mason, is conducting a workshop on February 6, 2003 as part of the Annual AgSafe Conference in Monterey. It is designed for professional personnel managers and safety directors and informs them about the new mandatory mediation and conciliation law. The workshop will include a review of the proposed Board regulations implementing the law.

A memorial service for former ALRB litigation attorney Suzanne Vaupel will be held at 2 p.m. Friday, Feb. 7, at the Unitarian Universalist Society, 2425 Sierra Blvd., Sacramento.

A Small Business/DVBE Advocate Forum is scheduled for Friday, February 7, 2003 from 9:30 AM to 11:30 AM at the Ziggurat Building Auditorium, 707 3rd

Street, West Sacramento to discuss the reporting requirements for Senate Bill 1045 and Assembly Bill 1084.

The UFW held a reception on February 4, 2003 to thank those who worked on Senate Bill 1156 and Assembly Bill 2596, the new mandatory mediation and conciliation law.

Chairwoman Shiroma announced that she has been invited to attend the California Grape and Tree Fruit League Association annual meeting on March 24, 2003. She will serve on a panel that will speak about the new mandatory mediation and conciliation law.

## **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:**

None.

#### **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 allegedly no longer in business. The matter is pending investigation and a ruling by Regional Director Donnell.

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

The employer filed a unit clarification 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. Regional Director Donnell has completed his investigation of the petition and has concluded that the parties have submitted conflicting evidence on several points in the declarations. Accordingly, has determined that an investigative hearing be scheduled.

**COMPLAINT REPORT:** No new complaints have issued.

**PREHEARING OR SETTLEMENT CONFERENCES HELD:** None

**NEW CASES SET FOR HEARING:** None.

**SIX CASES ON CALENDAR:**

**Milky Way Dairy, 02-RC-2-VI**

The hearing is set for February 17, 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.

**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 ALJ granted the motion on January 30, 2003. The motion was vacated on January 31 as improvidently granted. The time for exceptions had not lapsed.

**CASES SETTLED OR RESOLVED:**

**Gourmet Veg-Pac, Inc., 01-CE-1004-EC** settled on February 4, 2003. The matter will therefore be taken off calendar.

**Dan Tudor & Sons, 01-CE-72-VI** settled on February 4, 2003 as part of settlement conference with Administrative Law Judge Smith.

**NO NEW CASES TRANSFERRED TO BOARD FOR DECISION.**

**BOARD DECISIONS:** None

**COURT LITIGATION:**

**McCaffrey Goldner Roses, F041479**

The petitioner's reply brief is due on February 10, 2003.

**6. BUDGET AND ADMINISTRATION**

- (a) Information Technology and Web Site Development Project:**  
Analyst Massie reminded ALRB employees how to activate security codes on their telephones. Ms. Massie also reported on efforts to repair the search engine on the ALRB website.
- (b) Regulations:** Board Counsel Wender reported that no written comments on the proposed regulation implementing the Mandatory Mediation and Conciliation legislation (Senate Bill 1156 and Assembly Bill 2596) have been received to date. The 45-day written comment period ends on March 3, 2003.
- (c) Budget:**  
The Board designated Executive Secretary Barbosa as the procurement and contracting officer as requested by the Department of General Services.

**(d) Policies and Procedures:**

Board Member Barrios distributed an updated schedule for completion of remaining internal policies and procedures. The Board specifically discussed the need to examine the agency's emergency planning procedure. The next meeting of the Policies and Procedures Committee is February 13, 2003.

**(e) Labor and Workforce Development Agency:**

A budget briefing meeting with Steve Smith will be held Tuesday, February 11, 2003 at 1:30 pm. at the Labor Agency Conference Room, 801 K Street, Suite 2101.

There is a Senior Managers meeting at the Department of Industrial Relations on Tuesday, February 11, 2003. The ALRB is on the agenda at 3:30 p.m. A representative from the ALRB will need to describe a Board agent's duties in the investigation of a charge and election petition.

The ALRB's Litigation Report to the Labor Agency is due February 10, 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 discuss changes to the draft on February 11, 2003.

**(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:**

Board Members Barrios and Rivera and Board Counsel Heyck will put together a packet of the revised novella and revised brochures by February 13, 2003.

**8. LEGISLATION:**

No new activity to report.

**9. PERSONNEL:**

Chairwoman Shiroma will draft a protocol on behalf of the Board that will set out the Board's procedures with the Administrative Staff.

**10. COMPLIANCE:**

The Board discussed the tracking of workers in compliance cases.

**11. FUTURE AGENDA REVIEW:** The next Board meeting will be on Tuesday, February 11, 2003 because of the holiday on Wednesday, February 12.

**PUBLIC MEETING ADJOURNED AT: 12:00 p.m.**

**WHEREUPON THE BOARD ENTERED INTO CLOSED SESSION.**