

**STATE OF CALIFORNIA
AGRICULTURAL LABOR RELATIONS BOARD**

BOARD MEETING MINUTES

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

February 11, 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 the minutes of February 5, 2003.

2. **BOARD MEMBER COMMENT:**

Member Barrios reported on her attendance, along with Counsel Heyck, at the McGeorge law school Career Day.

Member Rivera reported on the keynote address she made to the Grower Shippers Vegetable Association of San Luis Obispo and Santa Barbara Counties.

3. **PUBLIC COMMENT:** None.

4. **ANNOUNCEMENTS:**

Counsel Wender will attend the World Ag Expo and International Farm Show in Tulare on February 13, 2003. He and will make a presentation on the Mandatory Mediation and Conciliation (MMC) 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 18, 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 Regional Director plans to complete his investigation by March 4, 2003 and then rule on the pending UC petition.

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

The case is pending the scheduling of an investigative hearing by the Executive Secretary.

NEW COMPLAINT REPORT:

The Hess Collection Winery, 01-CE-08-SAL

The Complaint issued on February 7, 2003 alleging that the Employer suspended and discharged employees because they participated in protected concerted and/ or union activities.

PREHEARING OR SETTLEMENT CONFERENCES HELD: None

NEW CASE SET FOR HEARING:

Sierra Packing Co., Inc., 02-CE-40-EC.

The pre-hearing conference is set for September 16, 2003.

The hearing is set for September 30, 2003.

CASES ON CALENDAR:

Milky Way Dairy, 02-RC-2-VI

The hearing is set for February 18, 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 March 5, 2003.

The hearing is set for April 1, 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.

Sierra Packing Co., Inc., 02-CE-40-EC.

The pre-hearing conference is set for September 16, 2003.

The hearing is set for September 30, 2003.

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

The pre-hearing conference is scheduled for July 15, 2003.

The hearing is set for August 5, 2003.

CASES PENDING EXCEPTIONS AND/OR REPLY:

Arturo Saikon, 01-CE-993-EC

A motion to make the allegations in the back pay specifications true and to grant a default judgment was filed on January 16, 2003. The ALJ granted the default motion on February 6, 2003. Exceptions to the ALJ ruling, if any, are due March 3, 2003.

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

A motion for default judgment was filed on January 16, 2003. The ALJ granted the motion on February 6, 2003. Exceptions to the ALJ ruling, if any, are due March 3, 2003.

CASES SETTLED OR RESOLVED: None.

CASES CLOSED:

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

The Respondent has complied with monetary remedies by paying \$14,057 for four farm workers. The Notice remedies are pending.

NEW CASE TO BE TRANSFERRED TO BOARD FOR DECISION:

Allstar Seed Company, 02-CE-52-EC

A motion for default judgment was filed January 6, 2003. The ALJ granted the motion on January 17, 2003. Exceptions to the ALJ ruling were filed February 10, 2003. The case is now pending transfer to the Board for decision.

BOARD DECISIONS: None

COURT LITIGATION:

McCaffrey Goldner Roses, F041479

The Petitioner's reply brief was received February 10, 2003. The matter is now pending oral argument or a decision by the Court.

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

As no timely exceptions were filed, on January 17, 2003, the Executive Secretary issued an order making final the ALJ ruling that made the allegations in the complaint true. The Respondent now has 30 days to file a petition for review with the appropriate Court of Appeals.

6. BUDGET AND ADMINISTRATION

- (a) **Information Technology and Web Site Development Project:**
Analyst Massie updated the Board on the plan to strengthen and update certain operational recovery procedures.
- (b) **Regulations:**

Board Counsel Wender reported the status of regulations to implement the Agricultural Employer-Employee Collective Bargaining and Mediation Law (Senate Bill 1156 and Assembly Bill 2596). He reported that no written comments on proposed regulations have been received to date. The Board discussed a proposed letter to the Ad Hoc Advisory Committee soliciting comments on proposed training for Neutrals.

Executive Secretary Barbosa reported that a workshop on mandatory mediation and conciliation (MMC) was held in Fresno on February 6, 2003. The workshop was organized by former Board member and CSU Fresno professor Bert Mason.

Board Counsel Heyck reported on amendments to the ALRB Conflict of Interest Code.

- (c) **Budget:**
On February 5, 2003, Cabinet Secretary Daniel Zingale issued a memorandum advising all state agencies that new budget measures are to be implemented in response to the urgent circumstances affecting the state budget.
- (d) **Policies and Procedures:**
Board Member Barrios provided an update to the proposed external complaint procedure for review.
- (e) **Labor and Workforce Development Agency:**
Executive Secretary Barbosa announced the Midyear Budget Review Meeting.
- (f) **Annual Reports for 2000/2001 and 2001/2002:**
A draft copy of the annual report was circulated to the Board and staff to make any final changes prior to publication.
- (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:**

The Board discussed proposed changes to the novella.

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 cases in which a union that has been certified by the Board to represent an employer's agricultural employees has not obtained a collective bargaining agreement. The bill requires the Board to post the list, along with specified information, to the ALRB Web site. This bill would further require the Board, by July 1, 2004, to advise both the unions and the employers on the list their respective rights and responsibilities under the new MMC law.

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

Various statutes enacted in the 2001-02 Regular Session of the Legislature that relate to workers' compensation, labor standards, and agricultural labor relations, will take effect on January 1, 2003. This bill, which would take effect immediately, provides that these statutes shall not become operative until such date as the Governor issues a proclamation declaring that the California economy has fully recovered from the recession. Among those statutes that would be affected by passage of this bill are those statutes (Senate Bill 1156 and Assembly Bill 2596) which created the MMC Law.

Senate Constitutional Amendment 1 (Burton)--Access to Government Information.

This Constitutional amendment 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 vacated when former Chief ALJ Sobel was appointed as Deputy General Counsel of the ALRB.

10. **COMPLIANCE:** No report.

11. **FUTURE AGENDA REVIEW:** None.

PUBLIC MEETING ADJOURNED AT: 12:20 p.m.

WHEREUPON THE BOARD ENTERED INTO CLOSED SESSION