

**STATE OF CALIFORNIA
AGRICULTURAL LABOR RELATIONS BOARD**

BOARD MEETING MINUTES

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

February 19, 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: General Counsel Turner, Deputy General Counsel Sobel
Absent: None

OPEN SESSION

1. **APPROVAL OF MINUTES:** None
2. **BOARD MEMBER COMMENT:** None
3. **PUBLIC COMMENT:** None.
4. **ANNOUNCEMENTS:**

Executive Secretary Barbosa and Analyst Massie will attend the Executive Leadership Forum on February 20, 2003.

Executive Secretary Barbosa and Personnel Officer Kojima will attend a Layoff Training Workshop on February 21, 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:

None.

PENDING ELECTION MATTERS:

Milky Way Dairy, 02-RC-2-VI

The hearing on challenged ballots commenced February 18, 2003 and is currently in progress. 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 UFW February 5, 2003 request to withdraw its UC petition was granted by Regional Director Donnell on February 7, 2003.

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

A hearing has been scheduled for March 18, 2003.

COMPLAINT REPORT:

None.

PREHEARING OR SETTLEMENT CONFERENCES HELD:

None.

NEW CASE SET FOR HEARING:

Ventura Coastal Corporation, 02-UC-1-EC(SD)

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

The hearing is set for March 18, 2003.

HEARING IN PROGRESS:

Milky Way Dairy, 02-RC-2-VI

The hearing began on February 18, 2003 and is in progress.

CASES ON CALENDAR:

Ventura Coastal Corporation, 02-UC-1-EC(SD)

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

The hearing is set for March 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.

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

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

The hearing is set for August 5, 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.

CASES PENDING EXCEPTIONS/REPLY:

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 ALJ granted the default motion on February 6, 2003. Exceptions 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 due March 3, 2003.

CASES SETTLED OR RESOLVED: None.

CASE CLOSED:

Peter Vanderham Dairy, Inc. 01-CE-996-EC(R)

This is an informal bilateral settlement agreement resolving the discharge, interrogation, discipline and threats of two employees because they engaged in protected concerted activity. The employees received \$9657 in backpay and waived reinstatement. The regional director closed this case on February 13, 2003.

NEW CASE TRANSFERRED TO BOARD FOR DECISION:

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 were received on February 10, 2003. The case was transferred to Board office for decision on February 14, 2003.

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)

On December 23, 2002 the Administrative Law Judge issued her ruling granting General Counsel's Motion to Make Allegations in Complaint True and for Default Judgment against Respondent Sun World International, Inc., Case No. 01-CE-613-EC(R) et al. As no exceptions were filed to the Administrative Law Judge's decision, her ruling became final on January 17, 2003. As no appeal was filed with the appropriate court of appeal, this matter is now final and was released to the El Centro Regional Office for compliance on February 18, 2003.

6. BUDGET AND ADMINISTRATION:

(a) Information Technology and Web Site Development Project:

Analyst Massie will attend the Project Oversight Framework meeting to be held on February 20, 2003 from 3:30 to 5:00 p.m.

The Board and General Counsel agreed to follow the server backup protocol recommended by Deputy General Counsel Sobel.

(b) **Regulations:**

Board Counsel Wender reported that no written comments on proposed regulation implementing the Mandatory Mediation and Conciliation (MMC) legislation have been received to date. The written comment period will close at 5:00 p.m. on March 3, 2003, however the Board will accept written comments delivered in person at the March 4, 2003 public hearing.

The Board approved a letter to be sent to members of its Ad Hoc Advisory Committee regarding training for Neutrals.

The Board approved a letter to be sent to both the President Pro Tem of the Senate and to the Speaker of the Assembly regarding the ALRB Report to the Legislature on the Status of the Agricultural Employee Relief Fund.

The Board discussed the need to develop policies and procedures for administering the Agricultural Employees Relief Fund (AERF).

(c) **Budget:**

The Board discussed the impact of further required reductions to the Board's travel budget. Executive Secretary Barbosa summarized the newly released LAO report.

(d) **Policies and Procedures:**

Member Barrios reported that new policies would be ready for distribution next week when the External Complaint Procedure distributed last week would be discussed.

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

EDD will loan the Board two non-attorney positions. The Board agreed to draft an MOU to this effect that will describe the job duties of the loaned staff.

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

No report.

(g) **Strategic Plan:**

A meeting has been scheduled at 1:30 p.m. on March 6, 2003.

(h) **Regional Directors Quarterly Meeting:**

A telephone conference meeting will be scheduled for April 23, 2003.

(i) **Board Member Tour of Regional Offices:**

The three Board members and the Executive Secretary will travel to the regional offices during the week of March 10th, 2003.

7. **OUTREACH PROJECT-Novella and Brochures:**

A meeting to discuss suggested changes is scheduled for 1:30 p.m. on February 24, 2003.

8. **LEGISLATION:**

Board Counsel Wender reported that there had been no change in the status of 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 options for utilizing the services of the Department of Industrial Relations (DIR) Budget Analyst and reclassifying its vacant SSMII position.

10. **COMPLIANCE:** No report.

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

PUBLIC MEETING ADJOURNED AT: 12:07 p.m.

WHEREUPON THE BOARD ENTERED INTO CLOSED SESSION