

**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 26, 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:**  
The Board approved the February 11, 2003 minutes.
2. **BOARD MEMBER COMMENT:** None
3. **PUBLIC COMMENT:** None.
4. **ANNOUNCEMENTS:**  
The Confirmation Hearing for Member Rivera will take place on March 12, 2003.  
  
Executive Secretary Barbosa announced that the annual forum of the Agricultural Personnel Management Association would be held on February 26, 27, and 28, 2003 at the Doubletree Hotel in Sacramento.
5. **WEEKLY STATUS REPORT ON ELECTIONS, UNFAIR LABOR PRACTICE COMPLAINTS, HEARINGS AND COURT LITIGATION:**

(a) **ELECTION REPORT:**

(1) **NOTICE OF INTENT TO TAKE ACCESS AND NOTICE OF INTENT TO ORGANIZE:**

The UFW filed an NA and NO at Pleasant Valley Flowers in Visalia.

(2) **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.

**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.

(b) **COMPLAINT REPORT:** None.

(c) **PREHEARING OR SETTLEMENT CONFERENCES HELD:**

None.

(d) **NEW CASE SET FOR HEARING:** None

(e) **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.

**Sun City Growers, 02-CE-53-EC(R)**

The pre-hearing conference is set for May 13, 2003.

The hearing is set for May 28, 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.

**(g) 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.

**(h) CASES SETTLED OR RESOLVED: None.**

**(i) CASES CLOSED:**

**Sierra Packing Company, Inc., 02-CE-8-EC**

Three employees were alleged to have been discharged for engaging in protected concerted activity. They declined reinstatement and received \$1,447.50 in backpay. This compliance case was closed on February 25, 2003.

**The Elmore Company, 00-CE-306-EC**

One employee was allegedly discharged for engaging in protected concerted activity. The employee declined reinstatement and received \$9,510.37 in backpay. This compliance case was closed on February 25, 2003.

(j) **NEW CASE TRANSFERRED TO BOARD FOR DECISION:**  
None

(k) **BOARD DECISIONS:** None

(l) **COURT LITIGATION:**

**McCaffrey Goldner Roses, F041479**

The matter is now pending oral argument or a decision by the court.

**Western Growers Association, et al., 03AS00987**

A summons and complaint were served on Board members and the Executive Secretary on February 25, 2003. The Attorney General's office will represent the Board in this litigation.

## 6. **BUDGET AND ADMINISTRATION**

(a) **Information Technology and Web Site Development Project:**  
None.

(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.

(c) **Budget:**

The Senate Budget pre-hearing will take place on March 28, 2003. The Hearing will take place on April 3, 2003.

**(d) Policies and Procedures:**

Member Barrios distributed two new policies—Nepotism and Ergonomics. These will be discussed by the Board at its meeting on March 13, 2003. The Board decided to make several changes to the new External Complaint procedure for Board and Regional office staff and will revisit this policy at a later date.

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

The Board decided that the two positions to be loaned from EDD would be assigned to the Executive Secretary. The MOU will be drafted to reflect the job duties of the loaned staff. Board members and staff reported on the committee meetings that had taken place the previous week. Also discussed were items to be included in a report due February 27, 2003 on Cost Efficiencies Achieved through Labor Agency Coordination.

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

There was a status report on this item. The report will be sent to those persons required by statute to receive it.

**(g) Strategic Plan:**

A meeting to discuss this item has been tentatively scheduled for 1:30 p.m. on March 6, 2003.

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

The Board discussed revising its travel plans so that the Regional Directors' Quarterly meeting could be held at the new Salinas office on April 23, 2003.

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

The Board revised its travel schedule in order to accommodate Member Rivera's confirmation hearing on March 12, 2003. The Board will visit the El Centro office during the week of April 7, 2003 and the Visalia and Salinas offices during the week of April 21, 2003.

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

The Board discussed further proposed changes to the Novella. Member Barrios has suggested changes to the ALRB fact sheet. Once the sheet is updated it will be posted on the ALRB web site. Counsel Heyck explained how the new brochures, aimed at employees, would fill a need due to the fact that previously published brochures are aimed at employers.

**8. LEGISLATION:**

Board Counsel Wender reported that the ALRB now has access to Capitol Track, which makes tracking legislation more efficient. He also 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 Executive Secretary gave a status report on the option of utilizing the services of the Department of Industrial Relations (DIR) Budget Analyst. He also reported on an all day Layoff Training he attended.

**10. COMPLIANCE:** No report.

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

**PUBLIC MEETING ADJOURNED AT: 12:50 p.m.**

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