

**STATE OF CALIFORNIA
AGRICULTURAL LABOR RELATIONS BOARD**

BOARD MEETING MINUTES

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

April 2, 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: Herb K. Schultz, Undersecretary of the California Labor and
Workforce Development Agency, Javier Juarez.
Absent: None.

OPEN SESSION

1. APPROVAL OF MINUTES

The Board voted 3-0 to approve minutes from March 25 and 26, 2003.

2. BOARD MEMBER COMMENT

Chairwoman Shiroma congratulated Herb K. Schultz, Undersecretary of the California Labor and Workforce Development Agency, on behalf of the Board, on his appointment to Undersecretary of the California Labor and Workforce Development Agency. Mr. Schultz introduced himself to those present.

3. PUBLIC COMMENT

None.

4. ANNOUNCEMENTS

The Annual Executive Institute for State Information Technology Executives is meeting on Friday, April 4, 2003, at the Cal/EPA, Central Valley Room, 1001 I Street, Sacramento. This years' theme: "Preparing for the Future - IT Leadership in Interesting Times".

IRANC will be holding a lunch meeting on April 28, 2003 at 11:30 a.m. at The Firehouse Restaurant. The topic will be tribal casinos and labor relations.

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 closed on Thursday, February 20, 2003. The matter is pending the filing of post-hearing briefs which are due on April 28, 2003. Review of the objections to the election will take place after the conclusion of the challenged ballot proceedings.

Gallo Vineyards, Inc., 03-RD-1-SAL

A petition to decertify the UFW was filed at Gallo Vineyards, Inc. on March 6, 2003. The election was held on March 13, 2003 but the ballots were impounded pending investigation of unfair labor practice charges filed by the employer and the incumbent union. The employer filed an objection and request for dismissal of UFW's objections for failure to comply with section 20365(c) (2) (D) (i.e., failure to serve a copy of the objections or detailed statement of facts and law on the employer.)

COMPLAINT REPORT

No new complaints have issued.

PREHEARING OR SETTLEMENT CONFERENCES

SCHEDULED: None.

NEW CASES SET FOR HEARING: None.

HEARINGS IN PROGRESS:

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

The hearing began on Tuesday, April 1, 2003 and is still in progress.

FIVE CASES ON CALENDAR

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.

TWO CASES PENDING ALJ/IHE DECISION:

Milky Way Dairy, 02-RC-2-VI

The hearing on challenged ballots closed on February 20, 2003. The matter is pending the filing of post-hearing briefs which are due on April 28, 2003.

Rivera Vineyard, 01-CE-317-EC(R)

The hearing closed on March 31, 2003. The matter is pending receipt of the transcripts and filing of post-hearing.

CASES PENDING EXCEPTIONS/REPLY: None.

CASES SETTLED OR RESOLVED: None.

COMPLIANCE CASES CLOSED: None.

NEW CASES TRANSFERRED TO BOARD FOR DECISION: None

BOARD DECISIONS: None

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

The summons and complaint were first served on the Board Members and Executive Secretary on February 25, 2003 though service was not considered complete until March 10, 2003. The matter is pending the submission of a response to the complaint. The response is presently due on April 9, 2003. The plaintiffs have agreed to an extension through May 9, 2003. Even if the court does not approve the full 30-day extension, the 15-day time extension to which the parties can agree without court approval would put our deadline at April 24, 2003.

6. BUDGET AND ADMINISTRATION

- (a) **Information Technology and Web Site Development Project:** Analyst Massie reported that she will be receiving a proposal for improvements to the ALRB web site shortly.
- (b) **Regulations:** Board Regulations Implementing Agricultural Employer-Employee Collective Bargaining and Mediation Law (Senate Bill 1156 and Assembly Bill 2596): Board Counsel Wender reported that the regulations package had been filed with the Office of Administrative Law (OAL) along with a request that OAL expedite its review of the regulations. In addition, a request was made that OAL prescribe that the regulations become effective upon filing with the Secretary of State.

Proposed Amendments to Conflict of Interest Code: Board Counsel Heyck reported that the notice regarding proposed amendments will be published in the notice register on April 4, 2003. A 45-day comment period on the proposed changes will commence on April 4, 2003. All affected ALRB employees will receive a hard copy of the proposed changes.
- (c) **Budget:** The hearing before the Senate Budget Subcommittee is scheduled for Thursday, April 3, 2003 upon adjournment of the Senate.

- (d) **Policies and Procedures:** Board Member Barrios announced that the Policies and Procedures committee was scheduled to meet on Thursday April 3, 2003 at 1:30.
- (e) **Labor and Workforce Development Agency:** Board Member Barrios circulated a report generated by the case management subcommittee about the implementation of a case management program within the Agency. Board Member Rivera reported that she attended a meeting of the subcommittee to expand enforcement. She will circulate a summary of information presented at the meeting.
- (f) **Annual Reports for 2000/2001 and 2001/2002:** Analyst Massie will circulate the Annual Report a final time for review before it is printed.
- (g) **Strategic Plan:** The matter is pending proposed revisions by Chairwoman Shiroma.
- (h) **Board Visit to El Centro Regional Office:** Executive Director Barbosa announced that the trip to the El Centro Regional Office has been canceled. Instead the Board (and interested counsel) will be attending a two-day training session on election matters in Fresno on April 8 and 9, 2003 hosted by the ALRB General Counsel's office. The Board proposed visiting the El Centro office in early May.

7. OUTREACH PROJECT:

Novela and Brochures: Javier Juarez circulated a Spanish translation of the revised novela. He will provide a rough layout of the novela with the revised text and illustrations soon.

ALRB Fact Sheet update: The revised fact sheet has been sent out for translation into Spanish.

8. LEGISLATION:

Board Counsel Wender reported an update on the following pending legislation:

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. There was a hearing on the bill on March 26, 2003 in front of the Senate Labor & Industrial Relations committee. The bill passed from the committee, but was re-referred to the Committee on Appropriations. A hearing has been set for April 7, 2003.

The Board discussed the request for a fiscal analysis of the bill from the Legislature and Department of Finance. Board Counsel Wender will draft a response and will forward it to Patrick Henning at the Labor Agency.

Mr. Wender reported that there was no new activity on the following pending legislation.

AB 1722 (Committee on Labor and Employment)

This bill was introduced on February 27, 2003. It would require the Governor to appoint 2 legal advisors for each ALRB board member upon recommendation of that board member, to serve at the pleasure of the recommending board member and to receive a salary to be fixed by the board with the approval of the Department of Personnel Administration.

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.

AB 556 (Strickland) State Boards and Commissions: Salaries: Suspension.

This bill would specify that members appointed to specified state boards and commissions shall receive no salary for the 2003-04, 2004-05, and 2005-06 fiscal years, except that they may receive a per diem payment set pursuant to these provisions during that time.

9. **PERSONNEL:** Chairwoman Shiroma reported that she has been informed that the Department of Finance and DPA are requiring all State Agencies to prepare a reduction plan and associated layoff plan that would reduce personal services budgets by at least 10%. More information about this matter will be available soon.
10. **COMPLIANCE:** No report.
11. **FUTURE AGENDA REVIEW:** Due to the Fresno training on April 8 and 9, 2003, the regular weekly Board meeting will take place on April 10, 2003 at 10:00 a.m.

PUBLIC MEETING ADJOURNED AT: 12:15 P.M.

WHEREUPON THE BOARD ENTERED INTO CLOSED SESSION