

**STATE OF CALIFORNIA
AGRICULTURAL LABOR RELATIONS BOARD**

BOARD MEETING MINUTES

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

April 10, 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: Deputy General Counsel Sobel
Absent: None.

OPEN SESSION

1. APPROVAL OF MINUTES

The Board voted 3-0 to approve minutes from April 2, 2003.

2. BOARD MEMBER COMMENT

None.

3. PUBLIC COMMENT

None.

4. ANNOUNCEMENTS

**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 that 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 the UFW objections alleging that the union failed to serve on the employer either copies of the declarations or detailed statement of facts in lieu as required by Regulation 20365(c)(2)(D).

COMPLAINT REPORT

No new complaints have issued.

PREHEARING OR SETTLEMENT CONFERENCES SCHEDULED

None.

NEW CASES SET FOR HEARING

None.

HEARINGS IN PROGRESS:

None.

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. There is a pending Motion for a Continuance.

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.

THREE 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 briefs.

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

The hearing closed on April 7, 2003. The matter is pending receipt of transcripts and the filing of post hearing briefs.

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 Board Members and the Executive Secretary on February 25, 2003. Service was not considered complete until March 10, 2003. The matter is pending submission of a response to the complaint, now due on April 9, 2003. The plaintiffs have agreed to an extension through May 9, 2003. The matter of the extension of time is before the court. However, if the court does not approve the requested 30-day extension, the parties can agree to a 15-day time extension without court approval.

6. BUDGET AND ADMINISTRATION

(a) **Information Technology and Web Site Development Project**

Analyst Massie provided information on future web site development.

(b) **Regulations**

The Board regulations packet implementing the Agricultural Employer-Employee Collective Bargaining and Mediation Law (Senate Bill 1156 and Assembly Bill 2596) package has been filed with the Office of Administrative Law (OAL) along with a request that OAL expedite its review. Board Counsel Wender reported that OAL was sympathetic to the Board's request but unlikely to be able to expedite its review due to staffing shortfalls. He also reported that the ALRB Question/Answer sheet has been updated with information on the new law and regulations. Board Counsel Heyck reported that when the notice regarding proposed amendments to the Conflict of Interest Code was published in the notice register on April 4, 2003, a 45-day public comment period began.

(c) **Budget**

Executive Secretary Barbosa reported that a meeting on Budget Letter 03-05 (10% Personal Services Reduction) and related budget issues would be held at 2 p.m. with Carrie Nevans.

(d) Policies and Procedures

None.

(e) Labor and Workforce Development Agency

Executive Secretary Barbosa reported that the next Chief Counsel's meeting will include a discussion of how each department, board or commission within Agency treats undocumented workers for purposes of benefits and protections.

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

The final review and approval is in progress.

(g) Strategic Plan

The matter is pending proposed revisions by Chairwoman Shiroma.

(h) Fresno Election Training

Chairwoman Shiroma reported on the Board's participation in the election training session in Fresno. She expressed the Board's appreciation to the General Counsel for the opportunity to observe the program.

7. OUTREACH PROJECT

(a) Novela and Brochures

(b) ALRB Fact Sheet

The revised fact sheet has been sent out for translation into Spanish.

8. LEGISLATION:

Board Counsel Wender gave 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. On April 8, 2003, the bill was sent to a third reading.

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. On April 7, 2003, the bill was referred to the Budget Committee.

9. PERSONNEL

None.

10. COMPLIANCE

Counsel Murray reported that work is continuing on the tomato cases.

11. FUTURE AGENDA REVIEW

12. PUBLIC MEETING ADJOURNED AT: 11:55 A.M.

WHEREUPON THE BOARD ENTERED INTO CLOSED SESSION