

**STATE OF CALIFORNIA
AGRICULTURAL LABOR RELATIONS BOARD**

BOARD MEETING MINUTES

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

April 22, 2003

Time: 10:00 a.m.
Members Present: Chairwoman Shiroma, Board Members Barrios and Rivera,
Staff Present: Executive Secretary Barbosa; Board Counsels Wender,
Heyck, Levy 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 16, 2003, with changes discussed at the meeting.

2. BOARD MEMBER COMMENT

None.

3. PUBLIC COMMENT

None.

4. ANNOUNCEMENTS

The Regional Directors' Quarterly Meeting will be held at 11:00 a.m. on Wednesday, April 23, 2003 in Salinas, CA.

There is a Statewide CIO meeting on Wednesday, April 23, 2003, from 9:00 - 11:00 a.m. in the first floor auditorium of the Secretary of State's offices. Sharon Massie and Antonio Barbosa will be attending.

Chairwoman Shiroma and Member Rivera have been invited to attend the Grower-Shipper Association of Central California Legislative Conference on April 29 and 30, 2003, in Sacramento, CA.

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 Monday, 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 (ULP) charges filed by the employer and the incumbent union. On April 14, 2003 issued a complaint with respect to one charge and dismissed two others. The matter is pending resolution of the ULP charges.

COMPLAINT REPORT

None.

PREHEARING OR SETTLEMENT CONFERENCES SCHEDULED

None.

NEW CASES SET FOR HEARING

None.

HEARINGS IN PROGRESS:

None.

FOUR CASES ON CALENDAR

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

The pre-hearing conference is set for June 9, 2003.

The hearing is set for June 23, 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.

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 the filing of post-hearing briefs, which are due on May 9, 2003.

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

REQUESTS UNDER MANDATORY MEDIATION AND CONCILIATION LAW

The Hess Collection Winery, Request for Mediation, Case No. 2003-MMC-01:

On April 14, 2003, the Board issued an order granting the parties' joint request to hold the matter in abeyance, but only until the effective date of the proposed regulations or until further order of the Board. The matter is pending OAL approval of the Board's regulations.

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 served on Board Members and the Executive Secretary on February 25, 2003. The matter is pending submission of a response to the complaint. Board Counsel Wender reported that the plaintiffs have agreed to an extension through May 9, 2003. The Court granted the parties' joint request for an extension of time on April 14, 2003. Mr. Wender also reported that the motion to intervene filed by the United Farm Workers and the United Fruit and Commercial Workers unions had been granted.

Pictsweet Mushroom Farms, B166260

The employer filed a petition for writ of review with the Second Appellate District Court, Division Six, seeking review of the Board's decision in **Pictsweet Mushroom Farms**, 29 ALRB No. 1. On April 15, 2003, the Board filed a request for a 10-day extension of time to prepare and file the certified record in this case. On April 16, 2003, the court granted the request for extension of time to file certified record to April 30, 2003. The opening brief will be due 30 days after the filing of the certified record.

6. BUDGET AND ADMINISTRATION

- (a) **Information Technology and Web Site Development Project**
Nothing new to report.
- (b) **Regulations**
Agricultural Employees Relief Fund (AERF)
Board Counsel Wender circulated a memo presenting options for including unclaimed monies collected prior to January 1, 2002, in the AERF. The Board discussed the option of amending the Board's regulations to provide for this contingency. The Board agreed to first seek a legal opinion from the Office of Legislative Counsel.
- (c) **Budget**
The Board briefly discussed each of the following matters: Budget Letter 03-05 (10% Personnel Services Reductions); the contract with Javier Juarez; and the travel budget .
- (d) **Policies and Procedures**
Board Counsel Wender reported that he would be distributing a revised version of the Board's External Complaint policies today for Board review.
- (e) **Labor and Workforce Development Agency**
Executive Secretary Barbosa announced that the Quarterly Chief Counsel meeting will be held on Thursday, April 24, 2003 at 1:00 p.m.
Member Barrios reported that she will be setting up a meeting on case tracking with the Board and DIR Chief Counsel Tony Michel.
- (f) **Strategic Plan**
Chairwoman Shiroma announced that she will circulate a draft later this week.
- (g) **Regional Directors Quarterly Meeting in Salinas**
The Board members and Board Counsels Wender, Heyck, and Murray will be attending this meeting.
- (h) **Proposed Dates for El Centro and Visalia Visits**

The date for Visalia has not yet been set. However, the Board will visit the El Centro office on May 7-8, 2003.

7. OUTREACH PROJECT

(a) Novela

Board member Barrios will schedule a meeting to discuss having the novela printed when it is finalized.

(b) Brochures

Board Counsel Heyck reported that the review of the Spanish translation of the brochures is almost complete.

8. LEGISLATION:

Board Counsel Wender gave an update on 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.

This Bill is on file for a third reading on April 22, 2003.

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.

This Bill was removed from the hearing calendar on April 17, 2003.

AB 556 (Strickland)—State Boards and Commissions

This Bill would specify that members appointed to specified state Boards and Commissions shall receive no salary for the 2003-2004,

2004-2005, and 2005-2006 fiscal years, except that they may receive a per diem payment.

On April 21, 2003, this Bill was re-referred to the Committee on Business and Professions by unanimous consent.

9. PERSONNEL

Executive Secretary Barbosa is working on the MOU with EDD for the two loaned positions. He is also working on a freeze exemption for the Chief ALJ position.

10. COMPLIANCE

The Board discussed the need to draft a Delegation of Authority to the General Counsel for Compliance matters. There was also discussion about the periodic Compliance Reports prepared by Compliance Officer Blanco.

Deputy General Counsel Sobel discussed a possible amendment to the Board's MOU with EDD for exchange of information that could be useful in expediting compliance.

11. FUTURE AGENDA REVIEW

None.

12. PUBLIC MEETING ADJOURNED AT: 11:15 a.m.

WHEREUPON THE BOARD ENTERED INTO CLOSED SESSION