

**STATE OF CALIFORNIA
AGRICULTURAL LABOR RELATIONS BOARD**

BOARD MEETING MINUTES

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

April 30, 2003

Time: 10:00 a.m.
Members Present: Chairwoman Shiroma, Board Members Barrios and Rivera,
Staff Present: Board Counsels Wender, Heyck, Levy and Murray; Analyst
Massie.

Absent: Executive Secretary Barbosa

OPEN SESSION

1. APPROVAL OF MINUTES

The Board voted 3-0 to approve minutes from April 22, 2003.

2. BOARD MEMBER COMMENT

Chairwoman Shiroma reported that she attended the Grower-Shipper Association of Central California Legislative Conference on April 29, 2003.

Board Member Barrios reported that she attended the Fiesta Broadway event in Los Angeles on April 27, 2003 where she distributed ALRB outreach materials. Representatives from the Department of Industrial Relations (DIR), the California Occupational Safety and Health Administration (CalOSHA), and the Division of Labor Standards Enforcement (DLSE) were present as well. There was a discussion about doing collaborative outreach at future events.

3. PUBLIC COMMENT

None.

4. ANNOUNCEMENTS

Chairwoman Shiroma announced that the Chair of the California Department of Food and Agriculture Commission has invited her to speak at its next meeting on May 28, 2003.

Board Counsel Levy announced that she will be retiring from State Service on August 17, 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 parties post-hearing briefs were received April 29, 2003. The matter is being decision by the Investigative Hearing Examiner. 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 matter is pending a decision by the Investigative Hearing Examiner.

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. The deadline is May 9, 2003. Representatives of the Attorney General's Office are scheduled to arrive at 11:00 to discuss the response to the complaint in closed session.

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. Board Counsel Murray reported that the record had been sent via overnight mail to the court on April 29, 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**
Analyst Massie will distribute instructions to Headquarters staff on how to access Groupwise email accounts from the Regional Offices.

- (b) **Regulations**
The Board authorized a request to Senator Glora Romero for a Legislative Counsel opinion on the Agricultural Employee Relief Fund (AERF). Senator Romero is the author of Senate Bill 1198 which created the AERF.

Board Counsel Wender reported that there has been no change on the proposed regulations implementing the mandatory mediation and conciliation law that are currently under review by the Office of Administrative Law (OAL).

Board Counsel Heyck reported that Monday May 5, 2003 is the final day to request a public hearing on the proposed amendments to the agency's conflict of interest code.

- (c) **Budget**
A hiring freeze exemption for the vacant Chief Administrative Law Judge position will be sought.
- (d) **Policies and Procedures**
The Board approved the revised external complaint policies for Board and Regional Office employees.
- (e) **Labor and Workforce Development Agency**
Board Member Barrios circulated a memo from the Case Management/ Case Tracking committee meeting she attended on April 29, 2003. She also circulated a memo from Labor and Workforce Development Agency General Counsel Bob Dresser that outlines the information the Agency is seeking from the ALRB.
- (f) **Strategic Plan**
Chairwoman Shiroma circulated the draft revised strategic plan. She stated that she will add a section on agency accomplishments

(g) El Centro Visit

Chairwoman Shiroma reported that El Centro Regional Director Donnell has put together an interesting agenda, including visits from local experts, for the Board's visit on May 7-8, 2003.

(h) Annual Report

Board Member Barrios reported that Janet Cauffman from DIR is looking into printing services for the annual report.

7. OUTREACH PROJECT

(a) Novela

Chairwoman Shiroma reported that representatives from the Central Coast Grower-Shipper Association asked that the Ad Hoc Advisory Committee be given an opportunity for a final review of the novela before it is printed.

(b) Brochures

Board Member Barrios and Board Counsel Heyck reported on their meeting with Janet Cauffman regarding designing and printing the new agency outreach brochures.

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.

This Bill passed the Senate on April 24, 2003 with a 21-14 vote and went to the Assembly where it was read for the first time.

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.

The scheduled hearing on this Bill was postponed by the Committee on Labor and Employment on April 23, 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.

The bill was heard in the Committee on Business and Professions on April 29, 2003. A motion to pass and re-refer to the Committee on Appropriations failed; a motion to reconsider passed.

9. PERSONNEL

The Board discussed pursuing a hiring freeze exemption for a Senior Board Counsel in the Executive Secretary's office when Board Counsel Levy retires in August 2003.

10. COMPLIANCE

The Board approved the draft memo to the General Counsel regarding the delegation of authority for compliance.

Board Member Barrios reported that she had received a request from the Labor and Workforce Development Agency for ALRB "success stories" such as employee reinstatement. Ms. Barrios will forward the request to the General Counsel.

11. FUTURE AGENDA REVIEW

The next Board meeting will be on Tuesday May 6, 2003 at 1:30 p.m.

THE BOARD ADJOURNED TO CLOSED SESSION AT 11:00 A.M. TO DISCUSS THE MATTER OF *WESTERN GROWERS ASSOCIATION, ET AL.*, CASE NO. 03500987. THE BOARD RECONVENED THE OPEN SESSION AT 11:30 A.M., AND ADJOURNED THE PUBLIC MEETING AT 12:00 P.M.