

**STATE OF CALIFORNIA
AGRICULTURAL LABOR RELATIONS BOARD**

BOARD MEETING MINUTES

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

November 7, 2007

Time: 10:00 a.m.
Members Present: Chairwoman Raymundo, Members Shiroma and Rivera-Hernandez
Staff Present: Executive Secretary Barbosa, Board Counsel Wender, General
Counsel Lee, and Legal Secretary Sakauye
Others Present: Freddie Sanchez, UFCW; John Ulrich, UFCW;
Diane Holland, UFCW

OPEN SESSION

1. **Approval of Minutes:** The Board minutes for October 3, 2007 and October 17, 2007 were approved 3-0.
2. **Public Comments:** None.
3. **Chair Budget Report:** Chairwoman Raymundo provided a review of the LWDA meeting. The Governor has requested that each department provide a 10% budget reduction plan for the 2008/2009 fiscal year.
4. **General Counsel Report:** General Counsel Lee reported that twenty seven new charges have been filed since his last report. Sixteen of the charges were filed at the Salinas Regional Office. The Visalia Regional Office is expecting two Petitions for Certifications to be filed on Friday, November 9, 2007.
5. **Executive Officer Report:**

ELECTION REPORT

NOTICE OF INTENT TO TAKE ACCESS (NA) AND NOTICE OF INTENT TO ORGANIZE (NO): None.

PENDING ELECTION MATTERS:

Jim Nace Dairy, 07-RD-3-VI

On May 25, 2007 agricultural employee Raul Camarena Lopez filed a decertification petition with the Visalia Regional Office seeking to decertify the incumbent union, UFCW Local 5, at Jim Nace Dairy. The employer operates a dairy in Tipton, CA with approximately 18 employees. The election was held on June 1, 2007 with the following results:

UFCW	6
No union	11
Unresolved Challenged Ballots	<u>0</u>
Total	17

Election objections, if any, were due June 8, 2007. On June 7, 2007 UFCW filed objections to the election. On June 15, the Acting Executive Secretary issued an order setting two objections for hearing and dismissing the remaining objection. Any request for review of the partial dismissal was due June 25, 2007. No request for review was filed. The hearing on objections was held on August 20, 2007. The Employer’s post-hearing brief was filed September 24, 2007. The IHE’s decision issued October 31, 2007. Exceptions are due November 13, 2007. Replies, if any, are due November 26, 2007.

Gallo Vineyards, Inc., 07-RD-1-SAL

On June 18, Roberto Parra filed a decertification petition seeking to remove the United Farm Workers of America as the exclusive bargaining representative of Gallo's agricultural employees in Sonoma County. The petition lists the approximate number of employees in the unit as 400. The election was held on June 25, 2007 and yielded the following results:

UFW	95
No union	125
Unresolved Challenged Ballots	<u>12</u>
Total	232

Election objections, if any, are due July 2, 2007. On July 2, 2007 the UFW filed objections to the election. The objections will be held in abeyance pending resolution of ulps mirroring the election objections. On October 5, 2007 the Regional Director dismissed three overlapping charge (07-CE-23-SAL, 07-CE-25-SAL and 07-CE-26-SAL). One charge is still under investigation (07-CE-24-SAL). On October 18, 2007 the UFW filed a request for review of three of the four charges.

Richard's Grove & Saralee's Vineyard, Inc., 07-RD-2-SAL

On July 19, 2007 agricultural employee Victorino Velasquez filed a decertification petition with the Salinas Regional Office seeking an election to oust the incumbent collective bargaining representative, the United Farm Workers. Richard's Grove &

Saralee's Vineyard, Inc. is a vineyard located in Windsor that is engaged in the growing of wine grapes. The petition seeks a bargaining unit consisting of all the agricultural employees in the State of California. An election was held July 26, 2007 with the following results:

No Union	39
Union	6
Unresolved Challenged Ballots	<u>3</u>
Total	48

The no union choice received a majority vote so the unresolved challenged ballots will not be resolved as they are not outcome determinative. On August 2, 2007 the UFW filed objections to the election. The objections will be held in abeyance pending resolution of an ulp charge that mirrors the allegations in the election objection. On October 4, 2007 the Regional Director dismissed the overlapping charge (07-CE-27-SAL). The request for review is due on October 17, 2007. No request for review was filed. On October 23, 2007 the Executive Secretary issued his order dismissing the UFW's sole objection. On November 1, 2007 the UFW filed its request for review. The matter has now been transferred to the Board and is pending decision.

Lassen Dairy dba Meritage Dairy, 07-RC-4-VI

On September 4, 2007 UFCW International Union, Local 5 filed a representation petition with the Visalia Regional Office seeking to represent the agricultural employees of Lassen Dairy dba Meritage Dairy. The employer is a dairy located in Bakersfield with approximately 25 employees. An election was held on September 11, 2007 with the following results:

UFCW	17
No Union	15
Unresolved Challenged Ballots	<u>6</u>
Total	38

As the unresolved challenged ballots are outcome determinative, the Regional Director will proceed to investigate and issue a report on the six (6) unresolved challenged ballots. On September 18, 2007 the employer filed objections to the election. The union did not file any objections. The investigation of unresolved challenged ballots is ongoing. The Regional Director's challenged ballot report is expected to issue by the end of the week.

COMPLAINT REPORTS

NO NEW COMPLAINTS ISSUED:

None.

PREHEARING OR SETTLEMENT CONFERENCES SCHEDULED

Aukeman Farms, 06-CE-35-VI

Prehearing held October 25, 2007

Hearing set for November 27, 2007

Pacific Coast Mushrooms, 06-CE-1-SAL

Prehearing held October 18, 2007

Hearing set for December 10, 2007

C. Mondavi & Sons dba Charles Krug, 06-CE-40-SAL

Prehearing January 11, 2008

Hearing set for February 19, 2008

HEARINGS HELD:

None.

THREE CASES ON CALENDAR:

Aukeman Farms, 06-CE-35-VI

Prehearing October 25, 2007

Hearing set for November 27, 2007

Pacific Coast Mushrooms, 06-CE-1-SAL

Prehearing October 18, 2007

Hearing set for December 10, 2007

C. Mondavi & Sons dba Charles Krug, 06-CE-40-SAL

Prehearing January 11, 2008

Hearing set for February 19, 2008

CASES PENDING ALJ/IHE DECISION:

Vincent B. Zaninovich & Sons, 06-CE-62-VI

Hearing closed October 2, 2007

Post hearing briefs due November 19, 2007

ALJ/IHE DECISIONS ISSUED:

Jim Nace Dairy, 07-RD-3-VI

Decision issued October 31, 2007

CASES PENDING EXCEPTIONS OR REPLY:

Jim Nace Dairy, 07-RD-3-VI

Exceptions due November 13, 2007

Reply briefs due November 26, 2007

CASES PENDING BOARD DECISION:

Artesia Dairy, 07-CE-28-VI (33 ALRB No. 3)

Technical Refusal to Bargain

Briefs following Stipulated Record received October 29, 2007

Reply briefs due November 13, 2007

Richard's Grove & Saralee's Vineyard, Inc., 07-RD-2-SAL

Request for Review of Dismissal of Election Objection

CASES PENDING SETTLEMENT:

None.

CASES SETTLED OR RESOLVED:

None.

COMPLIANCE CASES CLOSED:

Paramount Farming Company, Case No. 05-CE-02-VI

The case was closed as the Respondent met all the conditions and terms of the informal bilateral settlement agreement.

CASES TRANSFERRED TO BOARD FOR DECISION:

BOARD DECISIONS:

REQUESTS UNDER MANDATORY MEDIATION AND CONCILIATION LAW:

COURT LITIGATION

None.

6. Special:

Legislation Update – Board Counsel Wender reported that there was no new legislation to report.

Case Statistics Tracking System and Web Site Updates – Member Shiroma reported that the new web site was currently online. Member Shiroma also reported on the recent meeting with the project consultant and the progress of the case statistic tracking system.

7. Personnel – New Board Counsel Terrie Robinson will be starting on December 10th.

8. Roundtable –

The ALRB will participate in the State Information Security Officers' Cyber Security Exercise on November 11th.

Analyst Lyta Winston has set up a meeting with AT&T regarding the cost of the installation of the Video Conferencing equipment here at headquarters and in the field. The meeting is set for November 28th at 10:00 a.m.

The 2007 Annual Food Drive is now in progress. ALRB employees may donate both cash and packaged food items. Executive Secretary Barbosa will be sending a memo with further information.

Member Shiroma announced that the Region 20 National Labor Relations Board was holding its annual conference in San Francisco on November 16, 2007.

The next Board Meeting will be December 11, 2007.

The public meeting adjourned at 11:15 a.m.

WHERE UPON THE BOARD ENTERED INTO CLOSED SESSION.