

**STATE OF CALIFORNIA
AGRICULTURAL LABOR RELATIONS BOARD**

BOARD MEETING MINUTES

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

March 5, 2008

Time: 1: 00 p.m.
Members Present: Chairman Almaraz, Members Shiroma and Rivera-Hernandez
Staff Present: Executive Secretary Barbosa, Board Counsel Wender, Heyck and
Robinson, Analyst Massie and General Counsel Lee

OPEN SESSION

1. **Approval of Minutes:** The Board minutes for February 20, 2008, were approved 3-0.
2. **Public Comments:** None.
3. **Chair Budget Report** – A new format for the Annual Report was discussed and agreed upon. Chairman Almaraz suggested we issue all outstanding annual reports by the end of April. Chairman Almaraz reported on meeting with cabinet secretaries, agency secretaries and directors concerning the budget. The Governor’s office expressed thanks to all departments and agencies for their efforts in dealing with the current budget situation.
4. **General Counsel Report:** Four new charges have been filed in the Visalia Regional Office. The El Centro Subregional Office has moved into its new office at 1699 West Main Street, Suite L, El Centro, CA.
5. **Executive Officer Report:**

ELECTION REPORT:

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

PENDING ELECTION MATTERS:

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

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 charges (07-CE-23-SAL, 07-CE-25-SAL and 07-CE-26-SAL. On October 18, 2007 the UFW filed a request for review of three of the four charges. On November 16, 2008 the General Counsel affirmed the Regional Director’s dismissal of the three charges.) On February 5, 2008, the Salinas Regional Director and Employer reached an informal settlement agreement resolving the allegations of the remaining charge, 07-CE-24-SAL. The UFW filed a request for review of the agreement. The matter is pending request for review of the informal settlement and screening of the union’s objections.

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 were outcome determinative, the Regional Director investigated the challenges and issued his report on challenged ballots on November 9, 2007. The Employer filed exceptions to that report on November 19, 2007. The Board issued its decision on challenged ballots on February 15, 2008. A hearing on 3 challenged ballots is set for March 18, 2008. The Employer also filed objections to the election on September 18, 2007 that are pending before the Executive Secretary for decision.

Mayflower Companies et al., 07-RC-7-VI

On December 7, 2007 UFCW International Union, Local 5 filed a representation petition with the Visalia Regional Office seeking to represent the agricultural employees of Mayflower Companies et al. The employer is a dairy located in Pixley with approximately 31 employees. The election was held on Friday, December 14, 2007 with the following tally:

UFCW	11
No Union	20
Unresolved Challenged Ballots	<u>1</u>
Total	32

The UFCW filed objections on 12/21/07. The objections are being held in abeyance pending investigation of overlapping ULPs. On 2/4/08 the employer filed a motion to dismiss the objections alleging the union had neglected to serve the employer's legal representative. The UFCW filed a reply to the motion on 2/12/08. On 2/15/08 the acting ES denied the motion to dismiss. The request for review was filed February 28, 2008. The matter is pending review by the Board.

Rocking S. Dairies, 07-UC-01-VI

UFCW Local 5 filed a unit clarification petition seeking to clarify the bargaining unit designated in its certification of July 23, 2007 to now include the employees of The Oaks Ranch. The union alleges that The Oaks Ranch is a single employer with Rocking S. Dairies. The matter is under investigation by the Visalia Regional Director and is pending a report on the unit clarification.

COMPLAINT REPORTS

ONE NEW COMPLAINT HAS ISSUED

UFW (Monterey Mushrooms Inc.), 07-CL-01-SAL

Complaint issued February 21, 2008

The certified representative (UFW) allegedly failed to process to arbitration a grievance concerning termination without cause.

PREHEARING, HEARING OR SETTLEMENT CONFERENCES SCHEDULED

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

Prehearing February 19, 2008

Hearing May 6, 2008

The Hess Collection Winery, 99-CE-23-SAL

Prehearing July 22, 2008

Hearing August 26, 2008

HEARINGS HELD:

Aukeman Farms, 06-CE-35-VI
Hearing held November 27, 2007
Pending ALJ decision

THREE CASES ON CALENDAR:

Lassen Dairy dba Meritage Dairy, 07-RC-4-VI
Hearing set for March 18, 2008

C. Mondavi & Sons dba Charles Krug, 06-CE-40-SAL
Prehearing held February 19, 2008
Hearing set for May 6, 2008

The Hess Collection Winery, 99-CE-23-SAL
Prehearing set for July 22, 2008
Hearing set for August 26, 2008

CASES PENDING ALJ/IHE DECISION:

Aukeman Farms, 06-CE-35-VI

ALJ/IHE DECISIONS ISSUED:

None.

CASES PENDING EXCEPTIONS OR REPLY:

None.

CASES PENDING BOARD DECISION:

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

CASES PENDING SETTLEMENT:

None.

CASES SETTLED OR RESOLVED:

None.

COMPLIANCE CASES CLOSED:

None.

CASES TRANSFERRED TO BOARD FOR DECISION:

Mayflower Companies et al., 07-RC-7-VI
Request for review of Executive Secretary Order Denying Motion to Dismiss Election
Objections

BOARD DECISIONS:

None.

REQUESTS UNDER MANDATORY MEDIATION AND CONCILIATION LAW:

None.

COURT LITIGATION

Artesia Dairy, F054590

Petition for review filed January 25, 2008. ALRB filed certified record on January 7, 2008. Petitioner's opening brief due March 13, 2008.

6. Special Projects:

- (a) Information Technology Update: Analyst Massie submitted a service request to Department of Technology Services for consulting work on improvements to the Legal Search engine on the ALRB website. Staff will be reminded of the implementation of the new law regarding cell phone use while driving.
- (b) Case Tracking System: Steve Guida reviewed the case tracking system with the Regional Directors. Changes to the case numbering system were discussed with the Regional Directors and will be finalized at the Regional Directors' meeting on March 12th. Mr. Guida will review the case tracking system and inventory system with the Regional Directors at that time. The Regional Directors would like a PDF link to challenged ballot reports. A more detailed examination of time tracking will take place at a future meeting.
- (c) Budget Information System: Budget Letter 08-05 announcing a moratorium on developing or enhancing information technology systems that duplicate functionality that is being developed for the Financial Information System for California (FI\$Cal) project was reviewed. The planned FI\$Cal implementation date for the ALRB is July 1, 2015.
- (d) CalATERS: Accounting Officer Davis' training on the online travel expense system known as California Automated Travel Expense Reimbursement System (CalATERS) continues.
- (e) Financial Integrity And State Managers Accountability Act (FISMA): Chairman Almaraz met with Budget Officer Vogel. No material weaknesses or material inadequacies were found in the 2005 audit or in the December 31, 2007 update. Three areas of risk were identified and procedures to mitigate risks were discussed. Current policies and procedures need to be reviewed to determine if they need to be expanded or updated. General Counsel Lee, Board Members

Shiroma and Rivera-Hernandez, Board Counsel Robinson and Accounting Officer Davis will serve on the committee to review the current policies and procedures.

- (f) COOP-COG (Continuity of Operations and Continuity of Government): Board Member Rivera-Hernandez and Analyst Massie will review the current Operational Recovery and COOP-COG Plans.

7. Legislation:

AB 2539 (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 2008-09, 2009-10 and 2010-11 fiscal years, except that they may receive a per diem payment of \$100. The bill is essentially identical to AB 309, which died on January 31, 2008, pursuant to Art. IV, Sec. 10(c) of the Constitution (failure to meet deadline for passage by house of origin). On March 1, the bill was re-referred to Com. on B. & P.

SB 971 (McClintock) – Bureaucracy Realignment and Closure Act.

This bill was introduced on February 23, 2007 and would establish the Bureaucracy Realignment and Closure Commission. Beginning on January 1, 2008, recommendations for the closure or realignment of state bureaucracies would be required to be developed for consideration by the commission. It would require the commission to independently evaluate the recommendations, conduct three public hearings, and by January 1, 2009, have at least one member of the commission visit each state bureaucracy considered for realignment or closure. The commission's recommendations would be presented to the Governor and Legislature and, if approved by the Governor, the recommendations would be prepared as a reorganization plan and submitted to the Legislature. The January 9, 2008 amendments change the effective dates of the act's provisions (for the most part from 2008 to 2009) in light of the passage of time since introduction.

AB 1869 (Anderson) State boards and commissions; reorganization.

Existing law establishes various boards and commissions in state government. This bill would declare the intent of the Legislature to effect the changes proposed by the California Performance Review (CPR) to eliminate and consolidate various state boards and commissions. The CPR did not include any proposals affecting the ALRB.

AB 2386 (Nunez) Agricultural employees: elections of labor representatives.

This bill would make technical, nonsubstantive changes to section 1156.3 of the ALRA, which governs the filing of election petitions.

8. Board Regulations: Nothing new.

9. Personnel: The Board discussed filling the vacant Board secretary position and authorized the Executive Secretary to seek a retired annuitant or student to fill the position.

10. Roundtable:

The Executive Secretary requested all Headquarters staff sign the acknowledgment and return the asbestos notices.

The deadline for filing the Statement of Economic Interests (Form 700) is April 1.

The Agricultural Labor Relations Board received the following awards from the United California State Employees State Campaign: The Red Shoe Award for outstanding achievement of an increase greater than 20 percent, the Platinum Award for support of \$100 or more per capita, and the Bronze Award for outstanding participation of 20-39% of employees in the 2007 California State Employees Charitable Campaign.

The public meeting adjourned at 2:45 p.m.

WHEREUPON THE BOARD ENTERED INTO CLOSED SESSION.