

**STATE OF CALIFORNIA
AGRICULTURAL LABOR RELATIONS BOARD**

BOARD MEETING MINUTES

**ALRB Headquarters Office
Board Conference Room
1325 J Street, Suite 1900
Sacramento CA 95814-2944**

October 2, 2013

Time: 9:45 a.m.
Members Present: Chairwoman Shiroma, Members Rivera-Hernandez and Mason
General Counsel: General Counsel Torres-Guillén (by telephone conference),
Assistant General Counsel Blanco; Analyst Cooper
Staff Present: Executive Secretary Barbosa, Board Counsel Heyck, Robinson and
Inciardi; Administrative Law Judge Mark Soble and Analyst Massie
Others Present: Sylvia Lopez and 31 Employees of Gerawan Farming, Inc.; Annette
Porini, Director of Appointments for the Senate Rules Committee

**Note: This meeting was translated into Spanish by Executive Secretary Barbosa for the non-English speaking guests.*

OPEN SESSION

- 1. Approval of Minutes:** The Board minutes for September 18, 2013 were approved 3-0.

- 2. Public Comment:** On behalf of the Board, the Chair welcomed the guests to the Board meeting. Ms. Shiroma acknowledged that the farmworkers present were employees of Gerawan Farming Company, traveled a long way and took time off work to attend the meeting. Ms. Shiroma explained that because the Gerawan case is still before the Board in closed session, by law the Board members and counsel could not speak with the employees about the specifics of the case. By law the Board is only able to review the materials that are submitted. In any dispute, the Board members are the neutral review board that looks at the evidence, the law, and the regulations. Based on that evidence, the Board then rules on a matter. Ms. Shiroma expressed the Board's appreciation for the effort the workers made by traveling many hours to attend the meeting. The Board understands the importance of the case to the workers. The Chair and Executive Secretary met with the workers congregated outside the building after the meeting to relay the same information to those workers who were unable to attend the Board meeting due to occupancy limitations of the

meeting room. Executive Secretary Barbosa answered workers questions after the Board meeting concluded and again when more workers arrived later in the day. The General Counsel asked her staff to make worker-rights fliers available to the workers.

3. **Chair's Report:** There is nothing new to report on the current budget.
4. **Executive Officer Report:** The Executive Secretary's report was deferred due to the large number of farmworkers waiting for Mr. Barbosa to speak with them outside of the building.
5. **General Counsel's Report:** The General Counsel's reported on the status of hearings, unfair labor practice charges, complaints, settlements and compliance activities in the regions was deferred.
6. **Special Projects**
 - a. Education/Outreach: Update on UC Berkeley Outreach Project – The General Counsel explained in both English and Spanish that a famous Chicano artist offered to design an image for the project and has provided an image noting the importance of farmworkers. Ms. Torres-Guillén explained this is an original water color art work and she described the colors. A printer who is able to color-correct the image will need to be located. The English and Spanish products will be reviewed next week.
 - b. Annual Report – The report is very near completion.
 - c. Election Manual – Nothing new to report.
 - d. Master Calendar – Executive Secretary Barbosa provided a status report on the calendar of upcoming projects in Spanish.

RD Quarterly Meetings

Both Regional Directors advised the Executive Secretary that they are available for the quarterly Regional Director meetings on the dates provided by the Board but cautioned that there might be conflicts given the current hearing or court litigation calendar.

Impact of Government Shutdown

The Governor's office is asking what real life impacts, if any, the federal government shut down will have on our agency. The Executive Secretary will compile the information in one report for the Governor's office.

Bilingual Implementation Plan

The Bilingual Implementation Plan was transmitted to the California Dept. of Human Resources on October 11, 2013.

Anonymous Letter

The ALRB received an anonymous letter that raised claims that may be within the jurisdiction of the Labor Commissioner's office. The letter was referred to Julie A. Su, California Labor Commissioner, for potential action. Ms. Su responded on October 1st that they too received this anonymous complaint and have been looking into it. The entity is unregistered as a farm labor contractor and they are investigating to determine whether they should be.

Temporary Help Blanket Reconciliation Form – The form is due October 9th.

Single Audit FY 2012-13 - Request for Information – As a part of the State of California's Single Audit for fiscal year 2012-13, State agencies are required to provide certain financial information related to federal awards received and disbursed during 2012-13. The information provided by the agency will be used by the Department of Finance (Finance) to prepare the 2012-13 Single Audit's Schedule of Federal Assistance (SEFA). The information is due October 14, 2013. This request has been forwarded to Arun Chatterjee and Tess Gormley for response.

FISMA Report – The State Financial Integrity and State Manager's Accountability Act of 1983 (FISMA) Report is due by December 31, 2013.

List of Foundations – The Department of Finance (DOF) has been asked us to provide a list of foundations associated with different government entities. DOF wants to know if we are aware of any foundations that either support our respective departments (indirectly or directly) or that our departments support in some way. These would be auxiliary nonprofit types. Some specific examples include: California Maritime Academy Foundation, Foundation for California Community Colleges, Yosemite Foundation. The ALRB does not receive any foundation support nor supports any foundations. The information was due September 27, 2013. Accounting Officer Gormley responded on our behalf.

Bi-Weekly ALRB CES Migration Status Meeting – The bi-weekly CES Migration status meeting will be held on October 2 at 3:30 p.m.

2013-14 IT Capital Plan -- Kinman Oyoung, Employment Development Department, Information Technology Branch, Technology Governance Division, inquired whether the ALRB has any new concepts for the 2013-14 Capital Plan submission. John Payne responded on our behalf.

7. ***Regulations – Discussion of Potential Subjects for Rulemaking In 2013: Items listed in the Rulemaking Calendar (Unit Clarification Procedure, Voter Eligibility Exclusions (Family Members), Exculpatory Evidence, Electronic Filing).***
Nothing new to report.

8. Legislation – *Update, if any, on pending legislation affecting the ALRB*

Nothing new to report.

9. Personnel – *Progress on filling ALRB position.* The General Counsel hired Servando Medina as a limited term two-year appointment to the classification of Staff Services Analyst in the Salinas office.

Irma L. Martinez, Assistant General Counsel in the Salinas ALRB Regional Office, is no longer with the agency. Her last day was September 30, 2013.

10. Roundtable

California State Employees Charitable Campaign—The General Counsel reported that Laura Camaro in Visalia, Jose Gonzalez in Salinas, and Shelia Fountain in Oxnard would be contacts for the campaign.

The public meeting adjourned at 10:42 a.m.

WHEREUPON THE BOARD ENTERED INTO CLOSED SESSION.