

**STATE OF CALIFORNIA
AGRICULTURAL LABOR RELATIONS BOARD**

BOARD MEETING MINUTES

**Employment Development Department Auditorium
722 Capitol Mall
Sacramento CA 95814**

July 16, 2014

Time: 9:40 a.m.
Members Present: Chairman Gould, Members Shiroma and Rivera-Hernandez
Staff Present: Executive Secretary Barbosa; Special Counsel Starkey; Board
Counsel Heyck, Dixit and Inciardi; Acting Chief of Administration
Saldivar; ALJ Sobel; Assistant General Counsel Blanco; Marilu
Garcia, Secretary (General Counsel's Office); Summer Law Student
Intern, Stephen Spriggs; Student Assistant, Savannah Mendoza
Others Present: Chris Valadez, California Grape and Tree Fruit League;
Farmworkers employed Gerawan Farming, Inc.; Krishna Hari
Pushkar, Director General for the Department of Labour of Nepal

OPEN SESSION

1. **Approval of Minutes:** The Board minutes for April 22, 2014 and May 7, 2014 were approved 3-0.
2. **Public Comment:** Over 60 farmworkers from Gerawan Farming, Inc. appeared at the meeting to speak in support of the UFW. Chairman Gould welcomed the workers and expressed appreciation for the time and effort they spent to come to Sacramento to the Board's meeting. Chairman Gould explained that while he and Members Shiroma and Rivera-Hernandez welcomed comments, there were limitations on the type of information the Board could hear while an investigation of unfair labor practice (ULP) allegations was still pending. Chairman Gould urged the workers to contact the office of the General Counsel with questions about the ULP investigation, and also urged the General Counsel to investigate the matters promptly as "justice delayed is justice denied."

Workers Augustine Garcia, Eliano Salas, Rafael Marcos, Alberto Remjo, Juan Lopez and Esperanza Ruiz spoke about their concerns with respect to the length of time the ULP investigations were taking. Assistant General Counsel Blanco indicated that he would meet with the group of workers outside the building. Chairman Gould thanked the workers again for their time.

3. Chair's Report:

- a. Introduction of Acting Chief of Administration: Chairman Gould announced on behalf of the Board that he was pleased to introduce Nickolas Saldivar III as the Acting Chief of Administration for the ALRB. Mr. Saldivar spoke briefly, thanking the Chairman and thanking the members of the administrative staff for their hard work. Mr. Saldivar stated that the mission of the administrative unit was to support the Board and General Counsel and focus on providing assistance in a timely manner while adhering to state laws and regulations.
- b. Budget: The Legislature approved the FY 2014-15 budget on June 16th and the Governor signed the budget on June 20th effective July 1st. The approved ALRB budget for the new fiscal year is increased by \$1.99 million to a total of \$8.14 million, and by an additional five positions for the General Counsel for a total of 50.5 authorized positions. Of the \$1.99 million increase, \$1.45 million is ongoing or a total of \$7.63 million. This increase provides for the new positions and for operational expenses. One time funds of \$509,000 are authorized for vehicles and a workload study being conducted by the Department of Finance towards helping the ALRB align baseline and future staffing needs. The Board's budget is approximately 35% of the total ALRB budget.
- c. Audit: Chairman Gould reported that earlier this month, he met with a State of California Department of Finance ("DOF") budget review team to kick off the workload study. The DOF study, which is a product of the FY 2014-2015 budget, will focus on the ALRB's operations through its three separate budgets: the Board, the General Counsel, and Administration.
- d. Regional Offices Visit: Chairman Gould reported that on July 9, 2014, he, Member Shiroma and Member Rivera-Hernandez embarked on a two-day visit (July 9-10, 2014) to the area served by the Board's Regional Office in Visalia, California, with a visit to Chandler Farms, near Selma, California, to tour operations there. The farm has been family-owned for 120 years. It is a medium sized farm, at 250 acres, and the Chandlers grow raisin and wine grapes, almonds, peaches, plumbs and nectarines. The farm employs about 20 agricultural workers 10 months out of the year.

The Board then toured HMC (Harold and Mike's Company) Farms packing operation, where owner Harold McClarty was packing nectarines. HMC Farms is located in Kingsburg, California. HMC Farms grows tree fruit and table grapes. The land farmed today has been in the Jensen's and McClarty's families for five generations.

After the morning tours, the Board met with Regional Director Silas Shawver and the staff of the Visalia Regional Office. The Visalia Regional Office, which is located at 1642 West Walnut Avenue, Visalia, California, provides outreach and services relating to the Agricultural Labor Relations Act for the vast agricultural area of Southern California and Inland Empire, Central Valley, and Sacramento Valley.

That afternoon, approximately eighty to one hundred Gerawan agricultural workers opposing the UFW participated in a protest in front of the ALRB Visalia Regional Office. Shortly thereafter, approximately twenty-five Gerawan agricultural workers supporting the UFW arrived.

Chairman Gould met with ten representatives of the anti-UFW faction and then with ten representatives of the pro-UFW faction. Both groups were informed that the Board could not discuss matters related to pending litigation.

As background, a decertification election was held in November 2013 involving Gerawan Farming, Inc. and the UFW, which is the agricultural workers' present bargaining representative pending the outcome of the election. The election is being contested, and various administrative challenges (election objections, and unfair labor practice charges) are in process. The election ballots have been impounded and, pending further investigation, have not yet been counted.

- e. Mandatory Mediation & Conciliation (MMC) Information Session: On July 15, 2014, Chairman Gould, Executive Secretary Barbosa, and Special Counsel Starkey met with interested persons, particularly persons who have already had some experience with the ALRB's MMC procedures, for an initial meeting to discuss the development of a training program for potential mediators handling referrals from the ALRB in MMC cases. As part of this discussion, the participants learned how the MMC process was working and ways that it could be improved so workers can achieve the promises contained in the law. The meeting was held in Oakland at the Elihu M. Harris State Building from 10:00 a.m. to 12:00 p.m.

4. Executive Officer Report:

ELECTION REPORT

5. NOTICE OF INTENT TO TAKE ACCESS (NA) AND NOTICE OF INTENT TO ORGANIZE (NO):

No new NAs have been filed since the Board's last meeting on May 7, 2014 and the two that were previously filed by the United Food and Commercial Workers, Norcal Nursery, Inc./Sakuma Bros. Farms, 2014-NA-001-VIS and 2014-NA-002-VIS, were not renewed and have now lapsed.

There are no new NOs or election petitions that have been filed.

PENDING ELECTION MATTERS:

There is one election matters that is pending and three election matters that are now resolved.

Gerawan Farming, Inc., 2013-RD-003-VIS

On October 25, 2013, Sylvia Lopez (Petitioner) filed a petition to decertify the United Farm Workers of America (UFW) as the bargaining representative of the agricultural employees of Gerawan Farming, Inc. (Employer). An election was held on November 5, 2013, and the ballots were impounded. On December 19, 2013, the Board issued its decision directing an investigative hearing on UFW Objection No. 1, that was to be consolidated with ULP complaint 2013-CE-039-VIS, and UFW Objection No. 2 should a complaint issue in ULP charge 2013-CE-39-VIS. The General Counsel advises that with respect to ULP 2013-CE-039-VIS, the General Counsel anticipates that she will be able to finalize her investigation by mid to late-August, 2014 and either go to complaint or dismiss the charge at that time. With respect to ULP 2013-CE-027-VIS, the General Counsel anticipates that she will be able to make final amendments as appropriate to the complaint in charge 2013-CE-027-VIS within the same time frame.

Arnaudo Brothers, 2014-RD-001-VIS

On May 23, 2014, Horacio Torres, an agricultural workers at Arnaudo Brothers, filed a decertification petition with the ALRB Visalia Regional Office seeking to oust the incumbent union, the United Farm Workers (UFW). On May 29, 2014, the Regional Director for the ALRB's Visalia office blocked a decertification election for the employees of Arnaudo Bros. On June 3, 2014 and June 5, 2014, the decertification petitioner Horacio Torres and Employer, respectively, requested that the Board review and overturn the Regional Director's decision to block the election. Both requests were denied and the Regional Director's decision to block the election was affirmed.

D'Arrigo Bros. of California, 2010-RD-004-SAL

On April 11, 2013, the Board issued its decision dismissing the decertification petition in D'Arrigo Bros. of California, 2010-RD-004-SAL, and setting aside the election. On May 10, 2013, D'Arrigo Bros. filed a petition for writ of review in the Fourth District Court of Appeal (DCA), Division One. On April 22, 2014, the 4th DCA denied the petition for writ of review. The petitioner did not seek further review and this matter is now closed.

Dole Berry North, 2013-RD-001-SAL

On January 17, 2014, the Salinas Regional Director dismissed the two overlapping charges (2013-CE-050-SAL and 2013-CE-051-SAL). Following remand from the General Counsel to the Regional Director for further investigation, the UFW withdrew the two charges and such withdrawal was approved by the Regional Director on April 4, 2014.

On May 14, 2014, the Board, in light of the withdrawal of the charges, issued an order directing the Regional Director to open and count the ballots. On May 23, 2014, the ballots were opened and counted and a tally of ballots issued showing the following results:

UFW	346
No Union	175
Unresolved Challenged Ballots	<u>3</u>
Total	524

On May 27, 2014 the UFW requested withdrawal of its election objections which was granted on May 27, 2014. Also on May 27, 2014, the Board issued a Certification of Representative to the UFW. This matter is now fully resolved.

COMPLAINT REPORT

COMPLAINTS ISSUED:

Two complaints have issued since the last Board meeting:

McGrath Family Farm, 2013-CE-027-SAL

On June 2, 2014, the General Counsel issued a complaint in McGrath Family Farm, 2013-CE-027-SAL. The complaint alleges that the employer unlawfully fired two workers because they complained about their working conditions, i.e., unclean restrooms, lack of drinking cups and attendance at company production meetings during workers' lunch break.

D'Arrigo Bros. Co. of California, 2014-CE-004-SAL

On June 3, 2014, the Regional Director for the Salinas ALRB Regional Office issued a complaint in D'Arrigo Bros. Co. of California. The complaint alleges that the employer has failed to provide relevant bargaining information, including information concerning a new broccoli operation in Brawley, beginning November 12, 2013 to the present.

COMPLAINTS WITHDRAWN:

Lassen Dairy, Inc., Case No. 07-CE-65-VI

On June 12, 2014, the Regional Director for the Visalia ALRB Regional Office withdrew the complaint in Lassen Dairy, Inc., Case No. 07-CE-65-VI as the Charging Party had withdrawn its charges as the Respondent was no longer in existence.

FOUR HEARINGS SCHEDULED:

There are three cases on calendar with a fourth to be scheduled next week:

California Artichoke and Vegetable Growers Corp. dba Ocean Mist Farms, 2012-CE-044-VIS

The hearing is scheduled for September 23, 2014.

McGrath Family Farm, 2013-CE-027-SAL

A prehearing conference is scheduled for July 18, 2014, 10:00 AM.

The hearing is scheduled for September 23 & 24, 2014.

Ace Tomato Company, Inc., 93-CE-37-VIS

The hearing is scheduled for December 15, 2014.

Arnaudo Brothers, 2012-CE-030-VIS

Parties to submit proposed hearing dates this Friday.

CASES TO BE SCHEDULED FOR HEARING:

Ace Tomato Company, Inc., 2012-CE-007-VIS et al.

Ace Tomato Company, Inc., 2012-CE-024-VIS

Arnaudo Brothers, LP, 2013-CE-028-VIS

Gerawan Farming, Inc., 2013-RD-003-VIS and 2013-CE-027-VIS

Gerawan Farming, Inc., 2013-CE-010-VIS & 2012-CE-041-VIS

Gerawan Farming, Inc., 2012-CE-003-VIS

HEARINGS IN PROGRESS:

None.

CASES SETTLED AT HEARING:

RBI Packing, LLC, 2013-CE-002-VIS

The parties reached an informal bilateral settlement agreement in the amount of \$116,000 that resolved an outstanding unfair labor practice complaint against RBI. The complaint alleged that RBI committed an unfair labor practice by laying off its lemon harvest crews in February 2013 after these workers engaged in protected concerted activity.

D'Arrigo Bros. of California, 2012-CE-005-SAL

On July 7, 2014, D'Arrigo Bros. Co of California ("D'Arrigo Bros."), the United Farm Workers of America, and the General Counsel reached an informal bilateral settlement agreement resolving all matters scheduled for hearing. With this agreement, the Salinas Regional Director withdrew the underlying complaint.

CASES PENDING TRANSCRIPTS, POST-HEARING BRIEFS OR ALJ/IHE DECISION:

Arnaudo Brothers, LP and Arnaudo Brothers, Inc., 2012-CE-030-VIS

The matter was remanded to the ALJ for issuance of a supplemental decision on the question of whether a disclaimer of interest occurred. The notice of hearing is scheduled to be issued next week.

ONE ALJ/IHE DECISIONS HAS ISSUED:

George Amaral Ranches, Inc., 2013-CE-033-SAL

The ALJ decision issued May 22, 2014.

CASES PENDING EXCEPTIONS OR REPLY/REQUEST FOR REVIEW:

None.

CASES PENDING BOARD DECISION OR ACTION:

Kawahara Nurseries, Inc., 2011-CE-004-SAL

All briefing had been completed and the matter is pending decision by the Board.

P&M Vanderpoel Dairy, 2013-CE-016-VIS

All briefing had been completed and the matter is pending decision by the Board.

George Amaral Ranches, Inc., 2013-CE-033-SAL

All briefing had been completed and the matter is pending decision by the Board.

Gurinder S. Sandhu dba Sandhu Poultry and Farming, 2012-CE-010-VIS

On May 12, 2014, the General Counsel filed exceptions the ALJ's decision. The General Counsel's reply to exceptions were received July 14, 2014.

San Joaquin Tomato Growers, Case No. 2011-MMC-001

On May 20, 2014, the United Farm Workers of America's submitted its position in regard to the implementation of the Board's Order in San Joaquin Tomato Growers, Case No. 2011-MMC-001, 38 ALRB No. 9, 38 ALRB No. 7, 38 ALRB No. 2 and 37 ALRB No. 5. The employer's response is due July 18, 2014.

TWO CASES REFERRED TO COMPLIANCE:

Premiere Raspberries, LLC, 6 DCA. Case Number H039793

On May 12, 2013, the Executive Secretary released this matter for compliance as all litigation has been completed.

D'Arrigo Brothers Company of California, 2010-RD-004-SAL (39 ALRB No. 4).

On May 12, 2013, the Executive Secretary released this matter for compliance as all litigation has been completed.

COMPLIANCE CASES CLOSED:

None.

BOARD DECISIONS/ADMINISTRATIVE ORDERS

Since the Board's last meeting, the Board has issued two (2) decisions (United Farm Workers (Corralitos Farms) and Arnaudo Brothers) and thirteen (13) administrative orders.

BOARD DECISIONS:

United Farm Workers (Corralitos Farms, LLC) 40 ALRB No. 6

On June 5, 2104, the Board issued a decision finding that the UFW committed an unfair labor practice by demanding recognition as the representative of the employees of Corralitos Farms, LLC ("Corralitos"), and threatening to picket until it received such recognition, although the Board had previously found that a majority of Corralitos' employees had voted against representation by the UFW. The UFW's actions represented a "technical" violation of the Agricultural Labor Relations Act ("ALRA"), intended to allow the UFW to seek judicial review of the Board's order in the representation case. The Board held that the UFW's demand for recognition violated the ALRA, but declined to rule on whether section 1154 of the ALRA permits a union to seek indirect judicial review of an order in a representation case, finding that the issue must be decided by the appellate courts. The Board also declined to reconsider its decision in the representation case, finding that the UFW did

not have the requisite extraordinary circumstances. Finally, the Board rejected the UFW's argument that it was required to expressly address all disputed issues in its order in the representation case rather than adopting the findings and conclusions of the administrative law judge with which it agreed.

Arnaudo Brothers, LP and Arnaudo Brothers, Inc., 40 ALRB No. 7

On June 27, 2014, the Board issued a decision and order sustaining a petition for review filed by the UFW challenging the report of Mediator Matthew Goldberg in Mandatory Mediation and Conciliation ("MMC") proceedings between the UFW and Arnaudo Brothers, LP/Arnaudo Brothers, Inc. ("Arnaudo"). The Board found that, with respect to articles two (union security) and twenty-four (contract duration) of the MMC Contract, the Mediator's rulings were arbitrary and capricious, because the Mediator improperly relied upon his conjecture concerning employee support for the union, and purported desire on the part of employees for an election to remove or replace the UFW. The Board also found that, with respect to article twenty-four, the Mediator's finding that Arnaudo's employees had never had the opportunity to express their desires as to union representation was clearly erroneous. A majority of the Board also found that the Mediator ordered a one-year contract without distinguishing his prior reports in MMC cases where he ordered three-year contracts. Chairman Gould wrote separately to express his view that requiring the Mediator to provide a reasoned distinction between prior and subsequent reports unduly restricts the flexibility desirable for a third-party mediator, and that that what the mediator did in prior reports should matter little, or not at all, so long as the Mediator adheres to the relevant statutory criteria. The Board remanded the matter to the mediator for further mediation proceedings and the issuance of a second report.

ADMINISTRATIVE ORDERS:

Ace Tomato Company, Inc., et al., 93-CE-37-VI, et al.

On May 13, 2014, the Board issued an order denying Respondent's motion for stay of all proceedings and enforcement. Admin. Order No. 2014-07.

Dole Berry North, 2013-RD-001-SAL

On May 14, 2014, the Board, in light of the withdrawal of the charges, issued an order directing the Regional Director to open and count the ballots and provide advance notice to all parties of the date, time and place of the ballot counting. Also, the Board directed the Executive Secretary to schedule an investigative hearing on election objections one, two and three after the tally of ballots is completed.

Admin. Order No. 2014-08.

Dole Berry North, 2013-RD-001-SAL

On May 15, 2014, the UFW filed a request for reconsideration of the Board's Administrative Order No. 2014-08, which the Board will consider. The Board on

May 16, 2014, issued Administrative Order No. 2014-09, which permits briefing on the motion and stays counting of the ballots, which had been scheduled for Monday, May 19, 2014, at 3:00 p.m., until after the Board has ruled on the motion for reconsideration. Administrative Order No. 2014-09.

Dole Berry North, 2013-RD-001-SAL

On May 21, 2014, the Board issued an order denying the UFW's motion for reconsideration for not showing "extraordinary circumstances" that would warrant overturning the Board's original order. The administrative order directs the Regional Director to open and tally the ballots and further directs the Executive Secretary to set an investigative hearing on objections 1-3 after the votes are tallied. Administrative Order No. 2014-10.

Dole Berry North, 2013-RD-001-SAL

On May 27, 2014, the Board issued an order granting the UFW's request to withdraw its election objections. The administrative order also certified the tally of ballots, and certified the UFW as the bargaining representative for all agricultural employees of Dole Berry North in California. Administrative Order No. 2014-11,

Arnaudo Brothers, LP / Arnaudo Brothers, Inc., 2013-MMC-001

On June 2, 2014, the Board issued an order concerning the mediator's report in Mandatory Mediation and Conciliation ("MMC") proceedings between the UFW and Arnaudo Brothers, LP / Arnaudo Brothers, Inc. ("Arnaudo"). Both the UFW and Arnaudo filed petitions for review of the report of Mediator Matthew Goldberg, which set the terms of the parties' MMC contract. The Board found that Arnaudo's petition did not establish a prima facie case that the report was based on clearly erroneous finding of fact or was arbitrary or capricious. However, the Board did find that the UFW's petition established a prima facie case and granted review with respect to two articles of the MMC Contract. The Board will issue a further order concerning the merits of the UFW's petition. The Board also considered a motion by Arnaudo to stay the MMC proceedings and denied that motion. Administrative Order No. 2014-12.

D'Arrigo Bros. Co. of California, 2012-CE-005-VIS

On June 3, 2014, the Board issued Administrative Order No. 2014-13 denying Respondent's application for permission to appeal an ALJ's ruling regarding a request made by the UFW for enforcement of discovery to the Respondent. Administrative Order No. 2014-13

Arnaudo Brothers, Inc., 2013-MMC-001

On June 2, 2014, the Board issued an order finding that Arnaudo's petition did not establish a prima facie case that the report was based on clearly erroneous finding of fact or was arbitrary or capricious. However, the Board did find that the UFW's

petition established a prima facie case and granted review with respect to two articles of the MMC contract. The Board will issue a further order concerning the merits of the UFW's petition. The Board also considered a motion by Arnaudo to stay the MMC proceedings and denied that motion. Administrative Order No. 2014-12.

D'Arrigo Bros. Co. of California, 2012-CE-005-VIS

On June 3, 2014, the Board issued an order denying D'Arrigo's application for special permission to appeal an ALJ's order recommending that the Board ask the superior court to enforce two notices in lieu of subpoena made by the UFW. The Board held that the request did not meet the Board's regulatory criteria for special permission because the issues raised by the Employer can be reviewed on appeal. Administrative Order No. 2014-13.

Arnaudo Bros., 2014-RD-001-VIS

On June 19, 2014, the Board issued an amended order denying petitioner's request for review; affirming regional director's decision to block election; and dismissing decertification petition. Administrative Order No. 2014-14.

Arnaudo Brothers, Inc., 2013-MMC-001

On June 10, 2014, the Board issued an order following finding that the UFW's petition established a prima facie case and granted review with respect to two articles of the MMC contract. The Board will issue a further order concerning the merits of the UFW's petition. Administrative Order No. 2014-15.

D'Arrigo Bros. of California, 2012-CE-005-VIS

On June 12, 2014, the Board issued an order concerning compliance with notices in lieu of subpoenas. Administrative Order No. 2014-16.

Arnaudo Bros., 2014-RD-001-VIS

On June 19, 2014, the Board issued an order denying employer's request for reconsideration of the board's order denying review of regional director's decision to block election and dismiss decertification petition. Administrative Order No. 2014-17.

San Joaquin Tomato Growers, Inc., 2011-MMC-001

On July 2, 2014, the Board issued an order granting the General Counsel's request to seek a court order requiring compliance with subpoena duces tecum. Administrative Order No. 2014-18.

REQUESTS UNDER MANDATORY MEDIATION AND CONCILIATION LAW:

Arnaudo Brothers, Inc., 2013-MMC-001

On June 2, 2014, the Board issued an order concerning the parties' petitions for review of the Mediator's final report. The Board found that Arnaudo's petition did not establish a prima facie case that the report was based on clearly erroneous finding of fact or was arbitrary or capricious. However, the Board did find that the UFW's petition established a prima facie case and granted review with respect to two articles of the MMC Contract.

On June 27, 2014, the Board issued a decision and order sustaining a petition for review filed by the UFW finding that, with respect to articles two (union security) and twenty-four (contract duration) of the MMC Contract, the Mediator's rulings were arbitrary and capricious, because the Mediator improperly relied upon his conjecture concerning employee support for the union, and purported desire on the part of employees for an election to remove or replace the UFW. The Board also found that, with respect to article twenty-four, the Mediator's finding that Arnaudo's employees had never had the opportunity to express their desires as to union representation was clearly erroneous. A majority of the Board also found that the Mediator ordered a one-year contract without distinguishing his prior reports in MMC cases where he ordered three-year contracts. Chairman Gould wrote separately to express his view that requiring the Mediator to provide a reasoned distinction between prior and subsequent reports unduly restricts the flexibility desirable for a third-party mediator, and that that what the mediator did in prior reports should matter little, or not at all, so long as the Mediator adheres to the relevant statutory criteria. The Board remanded the matter to the mediator for further mediation proceedings and the issuance of a second report. The parties and the Mediator are discussing meeting dates to discuss the two matters remanded by the Board.

Perez Packing, Inc., 2014-MMC-001

On January 21, 2014, the UFW faxed a copy its declaration requesting that the Board issue an order directing the parties, the UFW and Perez Packing, Inc., to mandatory mediation pursuant to Labor Code section 1164(b). On January 24, 2014, the employer filed its answer and argument in response to the UFW's declaration. On March 25, 2014, the Board's issued an administrative order holding the UFW's MMC petition in abeyance pending the outcome of an expedited evidentiary hearing. At the hearing, the investigative hearing examiner is take evidence on whether the UFW made qualifying initial and renewed demands to bargain with the Employer before October 23, 2013, in accordance with section 1164 of the ALRA. On May 7, 2014, the UFW requested withdrawal of its petition. The ALJ granted that request on May 8, 2014. The Employer did not seek review of this ruling and the matter is now withdrawn.

Perez Packing, Inc., 2014-MMC-002

On May 13, 2014, the UFW faxed a copy its declaration requesting that the Board issue an order directing the parties, the UFW and Perez Packing, Inc., to mandatory mediation pursuant to Labor Code section 1164(b). On May 16, 2014, the employer filed its answer and argument in response to the UFW's declaration. On March 26, 2014, the Board issued a Board decision referring this matter to mandatory mediation. On June 12, 2014, the UFW informed the California State Mediation and Conciliation Service that the parties had selected Louis M. Zigman as the mediator in this case. The first session is scheduled for July 28, 2014 in Firebaugh, CA. The parties have exchanged their position statements.

BOARD LITIGATION: Due to time constraints and the significant length of the litigation report, Chairman Gould accepted a written litigation report in lieu of the oral report.

5. GENERAL COUNSEL'S REPORT:

Assistant General Counsel Blanco indicated that the General Counsel is aware that the pending ULP charges in the Gerawan matter need to be resolved and shares the Chairman's concerns about delays. Mr. Blanco reported that there are over 50 ULP charges involving Gerawan currently pending and the investigation is taking a significant amount of time and resources. In addition, 200 other ULP charges are being investigated and the General Counsel's office expects that more complaints will be issued and more requests for hearings will be made.

Mr. Blanco reported that he and General Counsel Torres-Guillen had met with the DOF audit team in the Salinas Regional Office.

Mr. Blanco also reported that Assistant General Counsels Christina Pena and Jorge Gaitan had attended an outreach event with Ag Safe in Napa, Ca.

Finally Mr. Blanco, on behalf of the General Counsel, expressed support for the new Administrative Unit and indicated that the General Counsel hopes that her priorities will be addressed.

CHIEF OF ADMINISTRATION REPORT:

Acting Chief of Administration Saldivar reported on the following:

The California Department of Human Resources (CalHR) Office of Civil Rights announced the release of the 2014-2015 Language Survey and Implementation Plan (LSIP) Online System that will allow the agency to enter our language survey data and record our agency's participation by October 1, 2014.

The Workforce Analysis Report was filed with the California Department of Human Resources (CalHR) on June 2, 2014.

Annual Statewide Property Inventory Verification/Certification - The Department of General Services (DGS) is required to maintain a complete and accurate inventory of all real property held by the State of California, per Government Code (GC) Section 11011 et seq. On July 9, 2014, Acting Chief of Administration Nickolas Saldivar spoke with a DGS representative and, after discussion, was informed that his complied with the SPI Verification/Certification requirement and no further action was required.

7. REGULATIONS

a. **Electronic Filing of Documents:** The Board voted 3-0 to proceed with forming an ad-hoc advisory committee and to proceed with having staff put a package of proposed regulatory changes together.

8. LEGISLATION

AB 2575 (Campos) ALRB Annual Report Deadline

- a. Introduced February 21, 2014.
- b. Amends Labor Code section 1143, which requires the Board at the close of the fiscal year to file its annual report to the Governor and the Legislature, to specify that the annual report shall be made within 45 days of the end of the fiscal year (August 14).
- c. Status: The bill was assigned to Assembly Labor & Employment Committee on March 13, 2014. A hearing was set for April 23, 2014, but was subsequently cancelled and has not re-set.

SB 1106 (Berryhill) Labor organizations' annual reports

- a. Introduced February 19, 2014
- b. This bill would add section 1159.1 is added to the Labor Code to require that a certified labor organization submit an annual report to the Agricultural Labor Relations Board listing the names of employers with whom negotiations under this part are in progress but not yet completed, including a description of the progress of negotiations between the labor organization and the employer. The report shall include the requests made by the union to bargain and the dates of meetings between the labor organization and the employer.
- c. Status: On April 17, 2014 the bill was set for hearing on April 24 in Senate Labor and Industrial Relations Committee. The hearing was cancelled and not re-set.

9. PERSONNEL – Chairman Gould introduced Stephen Spriggs, a law student from Stanford Law School who will be a summer intern at the ALRB. Board Member

Rivera-Hernandez introduced Savannah Mendoza, a rising senior at McClatchy High School who will be a student assistant at the ALRB.

10. **ANNOUNCEMENT** – Board Member Shiroma introduced Krishna Hari Pushkar, Director General for the Department of Labour of Nepal, who will spend the day at the ALRB as part of his participation in the Fulbright: Hubert Humphrey Fellowship Program.

The public meeting adjourned at 11:00 a.m.