

STATE OF CALIFORNIA

AGRICULTURAL LABOR RELATIONS BOARD

<b>In the Matter of:</b>	)	
	)	Case Nos. 2011-CE-021-VIS
SAN JOAQUIN TOMATO	)	2011-CE-023-VIS
GROWERS, INC.,	)	2011-CE-025-VIS
	)	2011-CE-026-VIS
<b>Respondent,</b>	)	2011-CE-027-VIS
	)	2011-CE-028-VIS
	)	2012-CE-017-VIS
	)	
	)	
<b>and</b>	)	ORDER GRANTING GENERAL
	)	COUNSEL’S REQUEST FOR
	)	LEAVE TO SEEK COURT
UNITED FARM WORKERS OF	)	ORDER REQUIRING COMPLIANCE
AMERICA,	)	WITH INVESTIGATIVE
	)	SUBPOENA
<b>Charging Party.</b>	)	
_____	)	Admin. Order No. 2013-17

On February 26, 2013, the General Counsel of the Agricultural Labor Relations Board (General Counsel) filed a Request for Leave to Seek Court Order Requiring Compliance with an Investigative Subpoena in the above-captioned matters. General Counsel issued the investigative subpoena on November 6, 2012. General Counsel states that the Petition to Revoke the Subpoena which was filed by Respondent, San Joaquin Tomato Growers, Inc., was denied by the Administrative Law Judge (ALJ) on November 30, 2012, and that the Respondent was ordered to provide all responsive documents in its custody or control by December 6, 2012.

On March 6, 2013, the Board issued an Order allowing the Respondent until March 11, 2013, at 5:00 p.m. to file and serve an opposition to the General Counsel's request. On March 11, 2013, the Respondent timely filed its opposition.

Respondent argues that it did not fail to produce documents within its custody or control. Respondent represents that it conducted a diligent search of its files and found only limited documents that were responsive to the General Counsel's November 6, 2012 subpoena, and provided such documents to the Visalia Regional Office on December 5, 2012. Respondent further argues that it has consistently informed the Visalia Regional Office that the employment records sought by the General Counsel, if they exist at all, are maintained by I.S.A. Contracting Services, Inc., the farm labor contractor engaged by Respondent.<sup>1</sup>

While the documents sought by the General Counsel may have been generated by I.S.A. Contracting Services, Inc., the Respondent does have a duty under ALRA section 1151(a) to provide Board agents with access to any evidence in its possession or under its control relating to the seven unfair labor practice charges that were filed against Respondent.

PLEASE TAKE NOTICE that General Counsel's Request for Leave to Seek Court Order Requiring Compliance with the Investigative Subpoena served on Respondent in the above-captioned matters is conditionally GRANTED pending

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<sup>1</sup> The General Counsel also served an investigative subpoena on I.S.A. Contracting Services, Inc. (I.S.A.) on December 6, 2012, and has filed a separate Request for Leave to Seek Court Order Requiring Compliance with an Investigative Subpoena as to I.S.A. See Administrative order 2013-16

Respondent's failure to provide all documents responsive to the subpoena that are currently in its possession or under its control.

By Direction of the Board.

Dated: March 21, 2013

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J. ANTONIO BARBOSA  
Executive Secretary, ALRB