

STATE OF CALIFORNIA

AGRICULTURAL LABOR RELATIONS BOARD

DOLE BERRY NORTH,	)	Case No.	2013-RD-001-SAL
	)		(39 ALRB No. 18)
Employer,)		
)		
and	)	ORDER CERTIFYING TALLY OF	
	)	ELECTION BALLOTS AND	
	)	GRANTING WITHDRAWAL	
	)	OF ELECTION OBJECTIONS;	
JOSÉ AGUILAR	)	CERTIFICATION OF	
	)	BARGAINING	
	)	REPRESENTATIVE	
)		
)		
)		
Petitioner,)		
	)	Admin. Order No. 2014-11	
and)		
)		
UNITED FARM WORKERS OF)		
AMERICA,)		
)		
<u>Certified Bargaining Representative.</u>)		

Following a Petition for Decertification of the United Farm Workers of America (UFW) filed by José Aguilar (Petitioner) on October 18, 2013, a decertification election was conducted on October 25, 2013 among the agricultural employees of the Employer, Dole Berry North (DBN) in Watsonville, Salinas and Marina. Six ballots were challenged by agents of the Agricultural Labor Relations Board (ALRB or Board), and ultimately, three of these were rejected as invalid. The ballots were impounded due to pending unfair labor practice (ULP) charges against

DBN. The UFW filed six election objections on November 1, 2013, and the Board dismissed Objections 4-6 in its decision on November 22, 2013. (*Dole Berry North* (2013) 39 ALRB No. 18.) Objections 1-2 were held in abeyance pending resolution of the ULP charges, and Objection 3 was held in abeyance pending a tally of the ballots.

On April 7, 2014, at the request of the UFW, the Regional Director provided written consent to allow the UFW to withdraw the ULP charges, in accordance with section 20212 of the Board's regulations¹. On May 21, 2014, the Board issued Administrative Order (Admin. Order) No. 2014-10, directing that the ballots be opened and counted, and that a hearing be set for Objections 1-3. The Official Tally of Ballots, conducted on May 23, 2014, showed the following results:

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

The UFW then requested, on May 27, 2014, to withdraw Objections 1-3.

The Board hereby grants the UFW's request to withdraw its election objections. It is hereby certified that a majority of the valid votes have been cast for the United Farm Workers of America, and that, pursuant to Labor Code section 1156, the said labor organization is the exclusive representative of all agricultural employees of Dole Berry North in the State of California for purposes of collective bargaining, as

¹ The Board's regulations are codified in the California Code of Regulations, title 8, section 20100 *et seq.*

defined in Labor Code section 1155.2(a), concerning employees' wages, hours, and working conditions.

Dated: May 27, 2014

William B. Gould IV, Chairman

Genevieve A. Shiroma, Member

Cathryn Rivera-Hernandez, Member

State of California
AGRICULTURAL LABOR RELATIONS BOARD

Estado de California
CONSEJO DE RELACIONES DE TRABAJADORES AGRICOLAS

DOLE BERRY NORTH,

Employer,

and

JOSÉ AGUILAR,

Petitioner,

and

UNITED FARM WORKERS OF AMERICA,

Certified Bargaining Representative.

Case No. 2013-RD-001-SAL
(39 ALRB No. 18)

CERTIFICATION OF
REPRESENTATIVE

An election having been conducted in the above matter under the supervision of the Agricultural Labor Relations Board in accordance with the Rules and Regulations of the Board; and it appearing from the Tally of Ballots that a collective bargaining representative has been selected; and no petition filed pursuant to Section 1156.3(c) remaining outstanding;

Pursuant to the authority vested in the undersigned by the Agricultural Labor Relations Board, IT IS HEREBY **CERTIFIED** that a majority of the valid ballots have been cast for **UNITED FARM WORKERS OF AMERICA**.

and that, pursuant to Section 1156 of the Agricultural Labor Relations Act, the said labor organization is the exclusive representative of all the employees in the unit set forth below, found to be appropriate for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment, or other conditions of employment.

UNIT: All of the agricultural employees of **DOLE BERRY NORTH** located in the state of California.

Signed at Sacramento, California

On the 27th day of May 2014

On behalf of
AGRICULTURAL LABOR RELATIONS BOARD

J. ANTONIO BARBOSA
Executive Secretary, ALRB

Estado de California
CONSEJO DE RELACIONES DE TRABAJADORES AGRICOLAS

DOLE BERRY NORTH,

Employer,

and

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Petitioner,

and

UNITED FARM WORKERS OF AMERICA,

Certified Bargaining Representative.

Caso Núm. 2013-RD-001-SAL

(39 ALRB No. 18)

CERTIFICACION DEL
REPRESENTANTE

Habiéndose conducido una elección en el asunto arriba citado bajo la supervisión del Consejo de Relaciones de Trabajadores Agrícolas de acuerdo con las Reglas y Regulaciones del Consejo; y apareciendo por la Cuenta de Votos que se ha seleccionado un representante de negociación colectiva; y que no se ha registrado (archivado) una petición de acuerdo con la Sección 1156.3(c) que queda pendiente;

De acuerdo con la autoridad establecida en el suscribiente por el Consejo de Relaciones de Trabajadores Agrícolas, por LA PRESENTE SE CERTIFICA que la mayoría de las balotas válidas han sido depositadas en favor **UNITED FARM WORKERS OF AMERICA**.

y que, de acuerdo con la Sección 1156 del Acto de Relaciones de Trabajadores Agrícolas, dicha organización de trabajadores es el representante exclusivo de todos los trabajadores en la unidad aquí implicada, y se ha determinado que es apropiada con el fin de llevar a cabo negociación colectiva con respecto al salario, las horas de trabajo, y otras condiciones de empleo.

UNIDAD: Todos los trabajadores agrícola de la compañía Dole Berry North en el estado de California.

Firmado en Sacramento, California

El día 27 de mayo, 2014

De parte del
CONSEJO DE RELACIONES DEL TRABAJO
AGRICOLA

J. ANTONIO BARBOSA
Executive Secretary, ALRB