

2019

# Report to the Legislature and to the Governor, Fiscal Year 2017-2018

Agricultural Labor Relations Board

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# **Agricultural Labor Relations Board**

## **Report to the Legislature and to the Governor**



### **Fiscal Year 2017-2018**

#### **Members of the Board**

**Genevieve A. Shiroma, Chairwoman**  
**Cathryn Rivera-Hernandez, Member**  
**Isadore Hall III, Member**

**Santiago Avila-Gomez, Executive Secretary**  
**Julia L. Montgomery, General Counsel**

**Date Submitted March 4, 2019**  
**Revised May 6, 2019**

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## **I. Introduction**

More than 40 years ago, the California State Legislature enacted the Agricultural Labor Relations Act (the Act), a law granting certain rights to California farmworkers in order to “...ensure peace in the agricultural fields by guaranteeing justice for all agricultural workers and stability in labor relations.” The Act’s purpose is simple: Guarantee farmworkers full freedom of choice, and prevent and redress unfair labor practices. A groundbreaking law, the essential Act continues to serve California with its unique vision of agricultural labor peace.

This report is submitted by the Agricultural Labor Relations Board (ALRB) pursuant to Labor Code section 1143. The report covers ALRB activities for fiscal year 2017-2018 ending June 30, 2018.<sup>1</sup> The following is a summary of activities covered in this report:

- The Board issued seven decisions and 20 administrative orders.
- As a result of legal challenges, the Board saw three new legal filings in state and federal courts, and a continuation of 18 court cases.
- At the beginning of the 2017-2018 fiscal year, the General Counsel’s office had 112 pending unfair labor practice (ULP) charges.<sup>2</sup>
- Throughout fiscal year 2017-2018, the General Counsel’s office received an additional 141 ULP charges filed, for a total of 253 ULP charges that were active at some point during this fiscal year.
- The General Counsel issued 25 ULP complaints encompassing 31 charges, and 55 charges were settled either pre-complaint or post-complaint.
- Monetary remedies to farmworkers in the amount of \$942,072.35 were deposited from 24 cases.
- In non-monetary remedies, regional office staff completed:
  - A “notice reading” for 24 cases involving 3,118 farmworkers.
  - A “notice mailing” for 23 cases involving 4,629 farmworkers.
  - A “notice posting” for 25 cases.
  - Supervisor training for 13 cases involving 116 supervisors.
- In election activity, the Board, through its regional offices:
  - Processed one petition for certification.
  - Conducted one election.
  - Issued one certification of representation.
  - Received 18 Notices of Intent to Take Access filings.
  - Received five Notices of Intent to Organize filings.
- The ALRB conducted extensive outreach activities to both workers and employers.

<sup>1</sup> All information in this report is as of June 30, 2018.

<sup>2</sup> “Pending ULP charges” are defined here as charges that have not been either issued as complaints, dismissed, settled, or withdrawn.

This report reflects the hard work, commitment, and accomplishments of the staff and members of the ALRB in implementing the Act, and I thank my colleagues and staff for their dedication. The ALRB remains firm in its commitment to enforce the Act.

Genevieve A. Shiroma  
Chairwoman, Agricultural Labor Relations Board

## II. Election Activity

Farmworkers have the right to choose whether or not they want a union to represent them. Elections are held to allow farmworkers to select or terminate representation by a labor organization. The ALRB is the state department charged with administering and conducting all aspects of farmworker representation elections.

One of the important protections under the Act is that farmworkers have the right to be contacted at their workplace so that they may receive information about a prospective or existing union. The employer is required to give the union organizers “access,” namely, to allow the organizers onto its property to meet directly with the farmworkers. A notice of intent to take access is commonly abbreviated as an “NA”. In the table below, “NA” appears as part of each case number.

- 18 notices of intent to take access were filed during fiscal year 2017-2018.

### *List of Notices to Intent to Take Access:*

No.	Case Number	Employer Name	Filing Date
1.	2017-NA-001-VIS	Gerben Leyendekker Dairies	10/5/2017
2.	2017-NA-001-SAL	Premiere Raspberries, LLC	7/25/2017
3.	2018-NA-001-SAL	Matsui Nursery, Inc.	2/2/2018
4.	2018-NA-002-SAL	Tinhouse LLC/Zavala Nursery	2/7/2018
5.	2018-NA-003-SAL	Top Industries, LLC/Wave Rider	2/8/2018
6.	2018-NA-004-SAL	Waver Rider, LLC	2/8/2018
7.	2018-NA-005-SAL	Grupo Flor/Hernandez	2/9/2018
8.	2018-NA-006-SAL	Monterey Botanicals, LLC	2/20/2018
9.	2018-NA-007-SAL	FLRish Farms, LLC	2/27/2018
10.	2018-NA-008-SAL	GreenField Organix	2/27/2018
11.	2018-NA-009-SAL	Emerald Skyway	3/7/2018
12.	2018-NA-010-SAL	Pacific Organics & Wellness, Inc.	4/4/2018
13.	2018-NA-011-SAL	Greenfield Organix	4/20/2018
14.	2018-NA-012-SAL	Greenfield Organix	5/24/2018
15.	2018-NA-013-SAL	Riverview Farms/DBA-Riverview Farms	6/21/2018
16.	2018-NA-014-SAL	Riverview Farms/DBA-Satsuma Farms	6/21/2018
17.	2018-NA-015-SAL	Fugi Fire Flowers	6/22/2018
18.	2018-NA-016-SAL	Pacific Reserve Nursery, LLC	6/27/2018



When a labor organization files a notice of intent to organize, accompanied by confidential signature cards signed by at least 10 percent of the farmworkers, it may obtain a list of presently employed farmworkers and their home addresses. A notice of intent to organize is commonly abbreviated as an “NO”. In the table below, “NO” appears as part of each case number.

- During fiscal year 2017-2018, five notices of intent to organize were filed.

***List of Notices of Intent to Organize:***

No.	Case Number	Employer Name	Filing Date
1.	2017-NO-001-SAL	Premiere Raspberries, LLC	7/27/2017
2.	2017-NO-001-VIS	Gerben Leydekker Dairies	10/5/2017
3.	2018-NO-001-SAL	Matsui Nursery, Inc.	2/2/2018
4.	2018-NO-002-SAL	Greenfield Organix	4/20/2018
5.	2018-NO-003-SAL	Greenfield Organix	5/24/2018

A certification election determines whether a majority of employees in a bargaining unit supports the certification of a labor organization, as the exclusive representative of the employees in that bargaining unit. This election is triggered by the filing of a petition for certification of representative (commonly referred to as an “RC” petition) with the ALRB. Along with the petition, the petitioner must provide proof of support from a majority of the currently employed workers in the bargaining unit.

The RC petition may be filed by an employee, a group of employees, or a labor organization.

- During fiscal year 2017-2018, one RC petition was filed with the ALRB.

***List of Petition for Certification:***

No.	Filing Date	Type of Filing	Petitioner	Employer
1.	8/2/2017	RC	UFW	Premiere Raspberries, LLC

A decertification election determines whether a majority of employees in a bargaining unit supports the decertification of a labor organization that is currently certified as the exclusive representative of the employees in that bargaining unit. Decertification includes replacement either with no union, or with a different labor organization as the certified representative. A decertification election is triggered by the filing of a petition for decertification of representative (commonly referred to as an “RD” petition), along with proof of support from the requisite percentage of workers in the bargaining unit.

- During fiscal year 2017-2018, no RD petitions were filed.

**Elections Conducted**

Following the filing of an RC or RD petition, the ALRB conducts an investigation to determine if the statutory prerequisites for holding an election have been met. Where these prerequisites are met, the ALRB is required to conduct an election within the time specified under the Act.

- During fiscal year 2017-2018, one certification election was conducted.
- No decertification elections were held during fiscal year 2017-2018.

***List of Elections Held:***

No.	Election Date	Type of Election	Petitioner	Employer
1.	8/9/2017	Certification	UFW	Premiere Raspberries, LLC

Once the election is held and the votes are tallied, the period of time for filing objections to the election begins to run. The vote tally was UFW, 269; No Union, 236. There were 12 unresolved challenged ballots. Premiere filed four election objections.

In the absence of the timely filing of any objections, or upon the final resolution of any timely filed objections, the ALRB is required to certify the election results.

If a labor organization prevailed in the election, a representative certification is issued, certifying that organization as the employees’ exclusive bargaining representative.

- During fiscal year 2017-2018, one certification was issued – for the aforementioned Premiere Raspberries election.

### **III. Decisions Issued by the Board**

The Board hears a variety of different types of cases. The most common type of case is an Unfair Labor Practice (ULP) case. ULP cases typically involve alleged violations of a farmworker's rights under the Act by an employer or union, such as retaliation for engaging in the type of concerted activity protected under the Act, or allegations of bad faith bargaining between a union and employer. A critical Board function is hearing all challenges and objections related to a representation election. The Board may also hear appeals of rulings issued by mediators in mandatory mediation and conciliation proceedings, and petitions seeking to clarify the scope of union representation.

The Board issued seven decisions in fiscal year 2017-2018. A list of decisions with brief summaries follows. The full text of each decision can be found on the ALRB website (<https://www.alrb.ca.gov>).

#### ***List of Board Decisions Issued:***

<b>No.</b>	<b>Issuance Date</b>	<b>Board Decision Number</b>	<b>Case Name</b>
1.	10/10/2017	43 ALRB No. 2	Premiere Raspberries, LLC
2.	12/8/2017	43 ALRB No. 3	Spawn Mate, Inc. dba Mushroom Farms
3.	1/22/2018	44 ALRB No. 1	Gerawan Farming, Inc.
4.	2/16/2018	44 ALRB No. 2	Premiere Raspberries, LLC
5.	3/20/2018	44 ALRB No. 3	Premiere Raspberries, LLC
6.	4/20/2018	44 ALRB No. 4	P & M Vanderpoel Dairy
7.	5/14/2018	44 ALRB No. 5	United Farm Workers (Olivera/Magaña)

#### ***Descriptions of Board Decisions Issued:***

##### ***1. Premiere Raspberries, LLC (2017) 43 ALRB No. 2, October 10, 2017***

#### **Background**

On August 2, 2017, The United Farm Workers of America (UFW) filed a petition for certification to represent workers at Premiere Raspberries, LLC (Premiere).

An election was held on August 9, 2017, with a tally of UFW, 269; No Union, 236. There were 12 unresolved challenged ballots. Premiere filed four election objections.

## **Board Decision**

The Board dismissed all four objections. Objections 1 and 2 alleged that the UFW and its agents bribed workers with cash and the promise of significant monetary and material benefits if workers voted for the UFW. Premiere also made these allegations in ULP Charge No. 2017-CL-008-SAL. The General Counsel dismissed this charge on September 20, 2017, because she found that there was insufficient evidence to show that the UFW violated the Act. Because objections 1 and 2 mirrored the allegations in the dismissed ULP charge, the Board dismissed the objections pursuant to the rule set forth in *Mann Packing Company, Inc.* (1989) 15 ALRB No. 11. To the extent that a portion of objection 2 arguably fell outside of the conduct alleged in the ULP charge, the Board stated it still would dismiss objection 2 based on Premiere's failure to provide specific allegations demonstrating that the alleged misconduct interfered with the employees' free choice to such an extent that it affected the results of the election.

Objections 3 and 4 alleged that the UFW and its agents threatened to call immigration and/or the police if workers did not vote for the UFW, or if workers told anyone about the cash payments or offers of material benefits. The Board dismissed these objections because Premiere failed to provide specific allegations demonstrating that the alleged misconduct interfered with the employees' free choice to such an extent that it affected the results of the election. In addition, the Board found that the threats alleged in objection 4 were tied to the conduct alleged in ULP Charge No. 2017-CL-008-SAL, which was dismissed for lack of evidence. Therefore, the Board also dismissed objection 4 in accordance with *Mann Packing Company, Inc.*, *supra*, 15 ALRB No. 11.

### **2. *Spawn Mate, Inc. dba Mushroom Farms, Inc.* (2017) 43 ALRB No. 3, December 8, 2017**

## **Background**

On August 17, 2016, the Board issued *Mushroom Farms, Inc.* (2016) 42 ALRB No. 3, referring Spawn Mate, Inc. dba Mushroom Farms (Mushroom Farms) and the United Food and Commercial Workers Union, Local 5 (UFCW) to mandatory mediation and conciliation (MMC) pursuant to Labor Code section 1164. The parties met with the mediator on several occasions but were unable to agree to all terms of a collective bargaining agreement. The mediator issued a report, dated October 24, 2017, fixing the remaining terms of the agreement. (Lab. Code, section 1164, subd. (d).) The Board found that the report failed to satisfy the requirements of Labor Code section 1164, subdivision (d), because the report failed to fully resolve all of the issues between the parties. On November 8, 2017, the Board issued Administrative Order 2017-17, remanding the matter to the mediator with instructions to issue and file a report in compliance with Labor Code section 1164, subdivision (d). On November 27, 2017, the Board received a supplemental

report from the mediator. Both the UFCW and Mushroom Farms timely filed requests for review of the report as amended by the supplemental report.

### **Board Decision and Order**

After evaluation of the requests for review, the Board granted review only as to Mushroom Farms' petition concerning an incentive bonus rate provision, and the Board remanded that issue to the mediator in accordance with Labor Code section 1164.3, subdivision (c). In all other respects the Board found that the parties failed to establish a prima facie case that the mediator's findings of material fact were clearly erroneous, or that the provisions fixed in his report and supplemental report were arbitrary or capricious in light of his findings of fact.

### **3. *Gerawan Farming, Inc.* (2017) 44 ALRB No. 1, January 22, 2018**

#### **Background**

The Administrative Law Judge (ALJ) found that Gerawan engaged in bad faith bargaining with no intention of reaching an agreement for the period commencing January 18, 2013, and continuing through August 2013. He further concluded that Gerawan violated its duty to bargain in good faith by insisting on the exclusion of Farm Labor Contractor (FLC) employees from the core benefits of a collective bargaining agreement.

The ALJ ordered standard notice, posting, reading, and mailing remedies, and he ordered bargaining makewhole for the period January 18, 2013 to June 6, 2013.

#### **Board Decision**

The Board affirmed the ALJ's factual findings and legal conclusions consistent with its own decision. The Board applied the "totality of the circumstances" test applicable in surface bargaining cases and determined that Gerawan's conduct as a whole, both at and away from the bargaining table, demonstrated a violation of the duty to bargain in good faith. The Board agreed with the ALJ that Gerawan's insistence on removing the FLC workers from the scope of any collective bargaining agreement, and its persistent refusal to bargain over their wages, hours, and terms and conditions of employment, violated the Act.

With respect to the remedy, the Board concluded that an award of makewhole was appropriate, but after evaluating all relevant dates in this case, modified the end date of the makewhole period to June 30, 2013. The Board found that Gerawan did not rebut the presumption that an agreement providing for higher employee wages would have been reached in the absence of Gerawan's unlawful conduct. The Board concluded that Gerawan's conduct in this case did not further the policies and purposes of the Act. In particular, Gerawan's conduct was destructive of the core right of employees "to negotiate the terms

and conditions of their employment” through their bargaining representative. Finally, the Board rejected Gerawan’s argument that an award of makewhole is not appropriate in circumstances where MMC mediation has been invoked.

#### ***4. Premiere Raspberries, LLC (2018) 44 ALRB No. 2, February 16, 2018***

##### **Background**

On February 2, 2018, the UFW, the certified bargaining representative of the agricultural employees of Premiere Raspberries, LLC (Premiere) filed a declaration with the Board pursuant to Labor Code section 1164 et seq. and Board Regulation section 20400 requesting that the Board issue an order directing the parties to MMC mediation of their issues.

##### **Board Decision**

The Board dismissed the request for referral to MMC because 90 days had not elapsed since an initial request to bargain following the certification of representative as required under Labor Code section 1164, subdivision (a). The certification was stayed by the Board from October 12, 2017 to December 6, 2017. The UFW’s October 31, 2017 demand to bargain was made while the certification was stayed; therefore, the 90-day period cannot run from that date. Rather, the period would run from the date of an initial request to bargain following the December 6, 2017 effective date of the certification of representative.

The Board also denied Premiere’s request for an order staying all future requests for MMC pending judicial review of the certification based on its technical refusal to bargain with the UFW. Labor Code section 1158 specifically states that the filing of a petition for review in a ULP case to obtain indirect review of a Board certification in a representation proceeding (such as in the case of a technical refusal to bargain) “shall not be grounds for a stay of proceedings conducted pursuant to” the MMC statute.

#### ***5. Premiere Raspberries, LLC (2018) 44 ALRB No. 3, March 20, 2018***

##### **Background**

On March 8, 2018, the UFW, the certified bargaining representative of the agricultural employees of Premiere filed a declaration with the Board pursuant to Labor Code section 1164 et seq. and Board Regulation section 20400 requesting that the Board issue an order directing the parties to MMC of their issues.

## **Board Decision**

The Board found that the relevant prerequisites for referral to MMC as set forth in Labor Code section 1164, subdivision (a) and section 20400, subdivision (b) of the Board's regulations were met. The Board granted the request for referral to MMC

The Board denied Premiere's request for an order staying the MMC process pending judicial review of the certification based on its technical refusal to bargain with the UFW. Labor Code section 1158 specifically states that the filing of a petition for review in a ULP case to obtain indirect review of a Board certification in a representation proceeding (such as in the case of a technical refusal to bargain) "shall not be grounds for a stay of proceedings conducted pursuant to" the MMC statute.

### **6. *P & M Vanderpoel Dairy* (2018) 44 ALRB No. 4, April 20, 2018**

#### **Background**

On April 28, 2014, an administrative law judge issued a recommended decision finding that P & M Vanderpoel Dairy (Vanderpoel) violated the Act when it discharged five employees for engaging in protected, concerted activity. The administrative law judge ordered the discharged employees be reinstated and made whole for all wages and other economic losses resulting from their unlawful discharges. On August 28, 2014, the Board issued a decision affirming the administrative law judge's findings of fact and legal conclusions and adopting his recommended order. (*P & M Vanderpoel Dairy* (2014) 40 ALRB No. 8.)

A partial settlement agreement made whole four of the five terminated employees, except for Charging Party Jose Noel Castellon Martinez (Martinez). The parties were unable to reach a settlement concerning Martinez, and a supplemental compliance proceeding was held before an ALJ. The ALJ ordered that Vanderpoel provide \$26,410 in backpay to Martinez.

#### **Board Decision**

On April 20, 2018, the Board affirmed the ALJ's factual findings and conclusions that the General Counsel had shown that the backpay calculations were reasonable and that Martinez utilized reasonable diligence in seeking interim employment throughout the backpay period. The Board upheld the ALJ, except for interim earnings during the second quarter of April 2013, which the Board increased by \$1,500.

**7. *United Farm Workers of America (Olivera/Magaña)* (2018) 44 ALRB No. 5,  
May 14, 2018**

**Background**

On August 4, 2017, the ALJ issued a decision finding that, in 2013, Respondent UFW unlawfully interrogated and threatened employees who circulated a petition seeking the removal of the UFW's contract administrator. The ALJ further found that the UFW placed petitioning activity under surveillance and created the impression of surveillance of such activity. While the 2013 allegations had been settled in a February 2016 settlement agreement, the ALJ found that the UFW voided the settlement agreement when it unlawfully threatened an employee who had filed a charge against the UFW in March 2016. While sustaining the charge alleging the March 2016 threat, the ALJ dismissed additional allegations that the UFW unlawfully excluded employees from a crew meeting for engaging in protected dissident union activity and unlawfully instructed employees to ignore and/or not trust an employee whom the UFW believed was engaged in decertification activity.

**Board Decision**

On December 11, 2017, the Board upheld the ALJ's conclusion concerning the 2013 interrogation, threat, and surveillance allegations and also found that the UFW made a threat against an additional employee, a violation not found by the ALJ. The Board agreed with the ALJ that the UFW threatened an employee in March 2016 and that this conduct voided the agreement to settle the 2013 charges. The Board agreed that the exclusion of dissident employees from the crew meeting did not violate the Act.

Labor Code section 1154, subdivision (a)(1) generally does not prohibit intra-union discipline that does not affect members' status as employees, and does not involve threats or violence, prevent members from accessing Board processes, or conflict with policies imbedded in the Act. The exclusion from the crew meeting, where only internal union matters were discussed, did not affect the dissidents' status as employees.

Finally, the Board agreed with the ALJ that the UFW instructions to employees concerning suspected decertification activity did not violate the Act. Labor Code section 1155 protects speech that does not contain threats or promises of benefits and unions are entitled to defend themselves against suspected decertification activity.



## **A. Board Administrative Orders**

The Board, in addition to issuing board decisions, also issues “administrative orders” or interlocutory rulings in response to motions filed by parties regarding procedural issues in connection with investigations, hearings, elections, or mandatory mediation and conciliation proceedings. Many of the motions filed by parties are appeals of decisions rendered by either an ALJ or the Executive Secretary. In fiscal year 2017-2018, the Board issued 20 administrative orders.

No.	Administrative Order Number	Case Name	Case Number	Issue Date	Description
1.	2017-07	P & M Vanderpoel Dairy	2013-CE-016-VIS (40 ALRB No. 8)	7/20/2017	Order Approving Partial Formal Settlement Agreement
2.	2017-08	United Farm Workers (Olvera/Magaña)	2013-CL-002-SAL 2013-CL-004-SAL 2013-CL-006-SAL 2013-CL-007-SAL	9/8/2017	Order Directing Respondent to Refile Exceptions in Compliance with Board Regulation 20282
3.	2017-09	Premiere Raspberries, LLC	2017-RC-004-SAL	9/8/2017	Order Granting General Counsel's Motion for Extension of Time
4.	2017-10	Sabor Farms	2013-CE-047-SAL (42 ALRB No. 2)	9/13/2016	Order Setting Time for Response to Request for Enforcement of Board Order
5.	2017-11	California Artichoke and Vegetable Corporation dba Ocean Mist Farms	2012-CE-044-VIS 2013-CE-012-VIS (41 ALRB No. 2)	9/13/2017	Order Setting Time for Response to Request for Enforcement of Board Order
6.	2017-12	Sabor Farms	2013-CE-047-SAL (42 ALRB No. 2)	9/19/2017	Order Granting General Counsel's Request to Stay Request for Enforcement of Board Order

No.	Administrative Order Number	Case Name	Case Number	Issue Date	Description
7.	2017-13	California Artichoke and Vegetable Corporation dba Ocean Mist Farms	2012-CE-044-VIS 2013-CE-012-VIS (41 ALRB No. 2)	10/17/2017	Order Granting Regional Director's Motion to Stay Request for Leave to Seek Court Order Requiring Compliance with Board Order
8.	2017-14	California Artichoke and Vegetable Corporation dba Ocean Mist Farms	2012-CE-044-VIS 2013-CE-012-VIS (41 ALRB No. 2)	10/17/2017	Order Denying Approval of [Proposed] Bilateral, Formal and Partial Settlement Agreement, Without Prejudice
9.	2017-15	Premiere Raspberries, LLC	2017-RC-004-SAL	10/27/2017	Order Requesting and Setting Forth Time for Response to Employer's Motion for Reconsideration of Decision and Order; Stay of Certification of Representative
10.	2017-16	California Artichoke and Vegetable Corporation dba Ocean Mist Farms	2012-CE-044-VIS 2013-CE-012-VIS (41 ALRB No. 2)	11/1/2017	Order Approving Bilateral, Formal and Partial Settlement Agreement
11.	2017-17	Spawn Mate, Inc. dba Mushroom Farms, a California Corporation	2016-MMC-01	11/8/2017	Order Remanding Mediator's Report; Order Dismissing Petitions for Review Without Prejudice
12.	2017-18	Premiere Raspberries, LLC	2017-RC-004-SAL	11/8/2017	Order Granting UFW's Request for Extension of Time to File Reply to Premiere Raspberries, LLC's Motion for Reconsideration of Decision and Order

No.	Administrative Order Number	Case Name	Case Number	Issue Date	Description
13.	2017-19	California Artichoke and Vegetable Corporation dba Ocean Mist Farms	2012-CE-044-VIS 2013-CE-012-VIS (41 ALRB No. 2)	11/20/2017	Order Staying Regional Director's Request for Leave to Seek Court Order Requiring Compliance with Board Order
14.	2017-20	Premiere Raspberries, LLC	2017-RC-004-SAL	12/6/2017	Order Denying Motion for Reconsideration
15.	2018-01	California Artichoke and Vegetable Corporation dba Ocean Mist Farms	2012-CE-044-VIS 2013-CE-012-VIS (41 ALRB No. 2)	1/4/2018	Order Staying Regional Director's Request for Leave to Seek Court Order Requiring Compliance with Board Order
16.	2018-02	Gerawan Farming, Inc.	2013-MMC-003 (39 ALRB No. 17) (39 ALRB No. 16) (39 ALRB No. 13) (39 ALRB No. 11) (39 ALRB No. 5)	2/5/2018	Order Denying Request for Order Directing Parties to Mediation to Update Economic Contract Terms
17.	2018-03	Kawahara Nurseries, Inc.	2011-CE-004-SAL 2011-CE-005-SAL 2011-CE-006-SAL (40 ALRB No. 11)	4/2/2018	Order Approving Formal Bilateral Settlement Agreement
18.	2018-04	Sabor Farms	2013-CE-047-SAL (42 ALRB No. 2)	5/18/2018	Order Conditionally Granting Approval of Formal Bilateral Settlement Agreement
19.	2018-05	Sabor Farms	2013-CE-047-SAL (42 ALRB No. 2)	6/1/2018	Order Granting Approval of Formal Bilateral Settlement Agreement
20.	2018-06	Gerawan Farming, Inc.	2015-CE-014-VIS 2015-CE-007-VIS 2015-CE-008-VIS 2013-CE-064-VIS	6/28/2018	Order Denying Gerawan Farming, Inc.'s Application for Special Permission to Appeal ALJ'S Ruling

## **IV. Board and General Counsel Litigation**

Board decisions generally are reviewable in the California courts of appeal, with review triggered by the timely filing of a petition for review. Litigation in California superior courts may include applications for injunctive relief, the enforcement of subpoenas issued in connection with an ALRB investigation or hearing, or petitions for writ of mandate asserting constitutional challenges to actions of the Board. Cases in federal court typically involve constitutional challenges to the Act or its enforcement.

### **A. Board Litigation**

The tables in this section identify litigation matters involving the Board, including the judicial forum in which a matter was pending at the conclusion of the 2017-2018 fiscal year. Generally, the Board is a respondent or defendant in such litigation cases, which typically involve appeals of Board Decisions, actions under the California Public Records Act (PRA), or petitions for writ of mandate or complaints for declaratory relief and injunctive relief asserting constitutional challenges to actions taken by the Board. For fiscal year 2017-2018, three new litigation matters involving the Board were filed in state and federal courts, as follows:

<b>No.</b>	<b>Filing Date</b>	<b>Case Name</b>	<b>Summary</b>
1.	2/21/2018	<i>Gerawan Farming, Inc. v. ALRB</i> <ul style="list-style-type: none"> <li>• Fifth District Court of Appeal, Case No. F077033</li> </ul>	Petition for writ of review of the Board's decision (44 ALRB No. 1) finding employer engaged in bad faith bargaining.
2.	4/24/2018	<i>Premiere Raspberries, LLC v. ALRB</i> <ul style="list-style-type: none"> <li>• Monterey County Superior Court, Case No. 18CV001447</li> <li>• On Appeal (filed 6/14/2018): Sixth District Court of Appeal, Case No. H044175</li> </ul>	Action challenging Board's decision (44 ALRB No. 3) ordering parties to MMC and seeking to enjoin such proceedings.
3.	5/18/2018	<i>P&amp;M Vanderpoel Dairy v. ALRB</i> <ul style="list-style-type: none"> <li>• Fifth District Court of Appeal, Case No. F077513</li> </ul>	Petition for writ of review of Board's decision (44 ALRB No. 4) awarding backpay to an unlawfully terminated employee.

The 18 matters identified in the table below were filed before July 1, 2017, but remained pending or had activity for some or all of fiscal year 2017-2018:

No.	Filing Date	Case Name	Summary
1.	5/6/2013	<p><i>Gerawan Farming, Inc. v. ALRB</i></p> <ul style="list-style-type: none"> <li>• Fresno County Superior Court, Case No. 13-CECG-01408</li> <li>• On Appeal (filed 1/5/2014): Fifth District Court of Appeal, Case No. F068676</li> <li>• On Review (filed 6/22/2015): California Supreme Court, Case No. S227243 (remanded to appellate court 1/4/2018)</li> <li>• Petition for Writ of Certiorari (filed 2/7/2018): United States Supreme Court, Case No. 17-1375</li> </ul>	Action challenging the Board's order (39 ALRB No. 5) directing the employer and union to MMC proceedings.
2.	5/17/2013	<p><i>Lupe García v. ALRB</i></p> <ul style="list-style-type: none"> <li>• Fresno County Superior Court, Case No. 13-CECG-01557</li> </ul>	Petition for writ of mandate; constitutional challenge by Gerawan employee to MMC proceedings and the Board's order (39 ALRB No. 5) directing the employer and union to MMC.
3.	10/28/2013	<p><i>Gerawan Farming, Inc. v. ALRB</i></p> <ul style="list-style-type: none"> <li>• Fresno County Superior Court Case No 13-CECG-03374</li> <li>• On Appeal (filed 8/15/2014): Fifth District Court of Appeal, Case No. F069896 (remanded to superior court 9/6/2016)</li> <li>• On Appeal (filed 8/2/2017): Fifth District Court of Appeal, Case No. F076148</li> </ul>	Petition for writ of mandate; First Amendment challenge to the Board's decision (39 ALRB No. 13) denying an employee's petition to intervene in MMC proceedings and regarding public access to MMC.
4.	12/16/2013	<p><i>Gerawan Farming, Inc. v. ALRB</i></p> <ul style="list-style-type: none"> <li>• Fifth District Court of Appeal, Case No. F068526</li> <li>• On Review (filed 6/22/2015): California Supreme Court, Case No. S227243 (remanded to appellate court 1/4/2018)</li> </ul> <p>Petition for Writ of Certiorari (filed 2/7/2018): United States Supreme Court, Case No. 17-1375</p>	Petition for writ of review of Board's decision (39 ALRB No. 17) approving a MMC contract between the employer and union.
5.	12/20/2013	<p><i>Lupe Garcia v. ALRB</i></p> <ul style="list-style-type: none"> <li>• Fresno County Superior Court, Case No. 13-CECG-03374</li> <li>• On Appeal (filed 9/19/2014): Fifth District Court of Appeal, Case No. F070287 (remanded to superior court 9/6/2016)</li> </ul> <p>On Appeal (filed 8/3/2017): Fifth District Court of Appeal, Case No. F076150</p>	Complaint-in-Intervention filed by Gerawan employee asserting First Amendment challenge to Board's decision (39 ALRB No. 13) denying employee's petition to intervene in MMC proceedings between his employer and union.

No.	Filing Date	Case Name	Summary
6.	5/23/2014	<i>Tri-Fanucchi Farms v. ALRB</i> <ul style="list-style-type: none"> <li>• Fifth District Court of Appeal, Case No. F069419</li> <li>• On Review (filed 6/23/2015): California Supreme Court, Case No. S227270 (remanded to appellate court 12/28/2017)</li> <li>• Petition for Writ of Certiorari (filed 2/26/18): United States Supreme Court, Case No. 17-1220</li> </ul>	Petition for writ of review of Board's decision (40 ALRB No. 4) rejecting employer's contention that the union abandoned the bargaining unit and awarding makewhole relief. (Note: Order dismissing petition filed 3/14/2018; petition for writ of certiorari denied 4/2/2018.)
7.	6/18/2014	<i>United Farm Workers v. ALRB (Corralitos Farms, LLC)</i> <ul style="list-style-type: none"> <li>• Sixth District Court of Appeal, Case No. H041113</li> </ul>	Petition for writ of review of Board's decision (40 ALRB No. 6) finding union unlawfully picketed for representative status. (Note: Order dismissing petition filed 8/31/2017.)
8.	6/2/2015	<i>Gerawan Farming, Inc. v. ALRB</i> <ul style="list-style-type: none"> <li>• Sacramento County Superior Court, Case No. 34-2015-80002100</li> <li>• On Appeal (filed 2/24/2016): Third District Court of Appeal, Case No. C081373 (remanded to superior court 12/30/2016)</li> </ul>	PRA litigation seeking disclosure of communications between the Board and General Counsel relating to a request by the General Counsel for authority to seek injunctive relief against Gerawan Farming, Inc. in connection with unfair labor practice charges. (Note: Judgment entered 1/31/2017; order denying motion to vacate judgment entered 7/28/2017.)
9.	09/30/2015	<i>Arnaudo Brothers, LP and Arnaudo Brothers, Inc. v. ALRB</i> <ul style="list-style-type: none"> <li>• Fifth District Court of Appeal, Case No. F072420</li> <li>• On Review (filed 9/18/2017): California Supreme Court, Case No. S244322 (remanded to appellate court 3/14/2018)</li> </ul>	Petition for writ of review of the Board's decision (41 ALRB No. 6) rejecting employer's claim that the union disclaimed interest in representing the bargaining unit and awarding bargaining makewhole relief. (Note: Opinion denying petition filed 5/4/2018.)
10.	10/14/2015	<i>Pauline Alvarez v. ALRB, et al.</i> <ul style="list-style-type: none"> <li>• Sacramento County Superior Court, Case No. 2015-34-00185535</li> </ul>	Civil action filed by Pauline Alvarez, an ALRB employee in the General Counsel's office, alleging employment discrimination and harassment. (Note: Dismissal entered 10/16/2017.)

No.	Filing Date	Case Name	Summary
11.	2/9/2016	<i>Gerawan Farming, Inc. v. ALRB</i> <ul style="list-style-type: none"> <li>Fresno County Superior Court, Case No. 16-CECG-00411</li> <li>On Appeal (filed 9/14/2016): Fifth District Court of Appeal, Case No. F074423</li> </ul>	Petition for writ of mandate challenging ALJ's decision revoking administrative subpoenas seeking disclosure of communications between the Board and the General Counsel concerning an injunctive relief request in May 2015.
12.	2/16/2016	<i>Cedar Point Nursery and Fowler Packing Co. v. Gould, et al.</i> <ul style="list-style-type: none"> <li>U.S. Dist. Court, E.D. Cal., Case No. 1:16-cv-00185-LJO-BAM</li> <li>On Appeal (filed 7/27/2016): U.S. Court of Appeals, Ninth Circuit, Case No. 16-16321</li> </ul>	Constitutional challenge on Fourth and Fifth Amendment grounds to the Board's access regulation (Cal. Code Regs., tit. 8, section 20900).
13.	5/16/2016	<i>Gerawan Farming, Inc. v. ALRB</i> <ul style="list-style-type: none"> <li>Fifth District Court of Appeal, Case No. F073720</li> </ul>	Petition for writ of review of the Board's decision (42 ALRB No. 1) finding the employer unlawfully assisted efforts to decertify the union.
14.	5/17/2016	<i>Silvia Lopez v. ALRB</i> <ul style="list-style-type: none"> <li>Fifth District Court of Appeal, Case No. F073730</li> </ul>	Petition for writ of mandate alleging constitutional challenges to the Board's decision (42 ALRB No. 1) dismissing a decertification petition and setting aside a decertification election held at Gerawan Farms.
15.	5/23/2016	<i>Gerawan Farming, Inc. v. ALRB</i> <ul style="list-style-type: none"> <li>Fifth District Court of Appeal, Case No. F073769</li> </ul>	Petition for writ of mandate alleging constitutional challenges to the Board's decision (42 ALRB No. 1) dismissing a decertification petition and setting aside a decertification election held at Gerawan Farms.
16.	11/29/2016	<i>Spawn Mate, Inc. dba Mushroom Farms v. ALRB</i> <ul style="list-style-type: none"> <li>Monterey County Superior Court, Case No. 16CV003804</li> </ul>	Complaint for injunctive relief to stay pending MMC proceedings. (Note: Judgment entered 7/20/2017.)
17.	12/1/2016	<i>Magaña v. ALRB (T.T. Miyasaka, Inc.)</i> <ul style="list-style-type: none"> <li>Sixth District Court of Appeal, Case No. H044175</li> <li>Order denying petition filed 5/15/2018</li> </ul>	Petition for writ of review of Board's decision (42 ALRB No. 4) dismissing ULP allegation that class action waiver contained in employer's arbitration agreement violated the Act. (Note: Order denying petition filed 5/15/2018.)

No.	Filing Date	Case Name	Summary
18.	12/1/2016	<i>Cruz v. ALRB (Premiere Raspberries, LLC dba Dutra Farms)</i> <ul style="list-style-type: none"> <li>Sixth District Court of Appeal, Case No. H044179</li> </ul>	Petition for writ of review of Board's decision (42 ALRB No. 4) dismissing unfair labor practice allegation that class action waiver contained in employer's arbitration agreement violated the Agricultural Labor Relations Act. (Note: Order denying petition filed 5/15/2018.)

### **B. General Counsel Litigation**

Litigation matters handled by the General Counsel's office typically involve injunctive relief requests or enforcement of administrative subpoenas. During fiscal year 2017-2018, the General Counsel did not handle any litigation matters.

### **V. Unfair Labor Practice Charges**

ULP charges alleging violations of the Act may be filed by agricultural employees against agricultural employers or labor organizations, or may be filed by agricultural employers or labor organizations against one another. ULP charges are investigated by the General Counsel's office. The General Counsel program decides whether to dismiss the charge (if no merit) or to file a ULP complaint. Many charges are settled, both before and after the General Counsel's filing of a ULP complaint. ULP complaints are scheduled for a case management conference, a pre-hearing conference, and an evidentiary hearing before an ALRB ALJ. After the hearing, the ALJ issues a written decision, which includes a remedial order when violations of the Act are found. The ALJ decision can be appealed to the Board for de novo review. The subsequent Board decision, if any, can be appealed to a District Court of Appeal, and to the California Supreme Court. Once all appeals have been exhausted, and if the Board's decision is upheld or if the ALJ's decision is not appealed, it is released for compliance with the order of the decision. The Board relies on the Regional staff to effectuate compliance, which can include monetary remedies as well as readings, noticing, and mailings to farmworkers regarding their rights.

In some instances, a separate "compliance hearing" occurs to establish the amount of the monetary award to compensate the charging party for lost wages and other economic losses resulting from a violation of the Act. The ULP charges are typically handled entirely within the ALRB's administrative framework, but the General Counsel occasionally utilizes the courts to enforce subpoenas and to seek injunctive relief for an immediate court order remedying an egregious unfair labor practice.



### **A. ULP Charges**

At the beginning of the 2017-2018 fiscal year, the General Counsel’s office had a total of 112 pending ULP charges. Throughout fiscal year 2017-2018, an additional 141 ULP charges were filed for a total of 253 pending ULP charges. Of the 253 ULP charges, 32 charges were withdrawn, 45 charges were dismissed, 55 charges were settled, and 30 charges went to complaint. At the end of fiscal year 2017-2018, the General Counsel’s office had a total of 120 pending ULP charges.

	<b>Salinas Regional Office</b>	<b>Visalia Regional Office</b>	<b>Total<sup>3</sup></b>
Charges Filed	104	37	141
Withdrawn	22	10	32
Dismissed	39	6	45
Settled	31	24	55
Charges to Complaint	18	12	30

### **B. ULP Investigation-Subpoena Enforcement**

In fiscal year 2017-2018, the General Counsel did not file any subpoena enforcement actions.

### **C. ULP Complaints**

During fiscal year 2017-2018, the General Counsel issued 25 new complaints encompassing 31 charges.<sup>4</sup> Of the 25 complaints issued, three went to hearing within the fiscal year. For a complete list of all ULP complaint hearings conducted during fiscal year 2017-2018, including hearings for complaints filed in previous fiscal years, see page 29.

	<b>Salinas Regional Office</b>	<b>Visalia Regional Office</b>	<b>Total</b>
Complaints Issued	17	8	25
Complaints Withdrawn	1	0	1
Complaints Dismissed	0	0	0
Complaints Settled	8	7	15
Complaints to Compliance	0	0	0

<sup>3</sup> Totals for withdrawn, dismissed, settled, and charges to complaints, each include charges filed *prior* to fiscal year 2017-2018. Total for “charges filed” lists *only* charges filed during fiscal year 2017-2018.

<sup>4</sup> 30 of the charges that went to complaint were from fiscal year 2017-2018, and one charge went to complaint in 2016-2017 but was consolidated with other charges in 2017-2018. That is, 30 new charges went to complaint in 2017-2018, and one charge from 2016-2017 was included as part of a consolidation.

No.	Case No.	Respondent	Complaint Date	Status as of June 30, 2018 <sup>5</sup>
1.	2015-CE-007-VIS 2015-CE-014-VIS <sup>6</sup> 2015-CE-008-VIS 2013-CE-064-VIS	Gerawan Farming, Inc.	7/27/2017	Hearing held 5/22/2018
2.	2015-CE-006-VIS 2017-CE-003-VIS	Arnaudo Brothers	8/31/2017	Case submitted 2/20/2018; decided upon a stipulated record 2/27/2018.
3.	2015-CE-044-VIS	Robert Johnson Farms	8/31/2017	Settled 11/8/2017
4.	2017-CE-009-VIS	Lagomarsino Group	12/7/2017	Settled 4/3/2018
5.	2017-CE-034-SAL	Premiere Raspberries	12/29/2017	Settled 6/27/2018
6.	2017-CE-040-SAL	Premiere Raspberries	12/29/2017	Settled 6/27/2018
7.	2016-CE-030-SAL	Reiter Berry Farms	12/29/2017	Settled 2/9/2018
8.	2016-CE-022-SAL 2017-CE-028-SAL	D'Arrigo Brothers	12/29/2017	Withdrawn 6/1/2018
9.	2016-CE-032-SAL	Monterey Mushrooms	12/29/2017	Hearing held 6/5/2018
10.	2017-CE-036-SAL	Premiere Raspberries	1/8/2018	Settled 6/27/2018
11.	2017-CE-064-SAL	Premiere Raspberries	1/9/2018	Settled 6/27/2018
12.	2016-CE-003-VIS	Fowler Packing	1/8/2018	Hearing held 4/16/2018. Post-hearing briefs filed on Friday, May 25, 2018; Pending ALJ decision
13.	2016-CE-002-SAL	West Coast Berry Farms	1/10/2018	Hearing scheduled for 8/23/2018
14.	2016-CE-028-SAL	Golden West Veg, Inc.	1/11/2018	Hearing scheduled for 8/21/2018

<sup>5</sup> The purpose of this table is to list *complaints* issued during the fiscal year. The “status” column is for information only, and is not meant to document the total number of hearings held. This column lists only the hearings held during fiscal year 2017-2018 for complaints that were filed between July 1, 2017 and June 30, 2018. As of June 30, 2018, some complaints that were filed between July 1, 2017 and June 30, 2018 were scheduled for hearings to be held during fiscal year 2018-2019. Hearings were also held during fiscal year 2017-2018 for complaints that were filed in previous fiscal years. See Section F “Unfair Labor Practice and Compliance Hearings” on page 29 for a complete list of the seven ULP complaint hearings that were held during fiscal year 2017-2018.

<sup>6</sup> This charge went to complaint in fiscal year 2016-2017 (not in fiscal year 2017-2018) and was consolidated with the other charges in fiscal year 2017-2018. Therefore, it is not counted as a charge that went to complaint during fiscal year 2017-2018.

No.	Case No.	Respondent	Complaint Date	Status as of June 30, 2018 <sup>5</sup>
15.	2017-CE-024-SAL	David Abreu Vineyards	1/26/2018	Hearing scheduled for 9/18/2018
16.	2017-CE-021-SAL	George Amaral Ranches	1/29/2018	Hearing scheduled for 8/7/2018
17.	2018-CE-004-SAL	Premiere Raspberries	2/9/2018	Hearing scheduled for 7/10/2018
18.	2015-CE-027-VIS	Jacobo Farms	2/22/2018	Hearing scheduled for 7/17/2018
19.	2016-CE-037-SAL	Channel Island Berry Farms	3/13/2018	Hearing scheduled for 10/16/2018
20.	2017-CE-069-SAL	Premiere Raspberries	3/30/2018	Settled 6/27/2018
21.	2018-CE-012-SAL	Premiere Raspberries	5/7/2018	Consolidated with 2018-CE-004-SAL, Hearing scheduled for 11/14/2018
22.	2017-CE-012-VIS 2017-CE-036-VIS	KR Thermal Middleton LLC	5/7/2018	Hearing scheduled for 8/21/2018
23.	2017-CE-020-SAL	GJ Farms	5/10/2018	Hearing scheduled for 11/8/2018
24.	2016-CE-044-SAL	Catalinos Berry Farm, LLC	5/15/2018	Hearing scheduled for 12/45/2018
25.	2016-CE-012-VIS	WMJ Farms	5/15/2018	Hearing scheduled for 10/15/2018

#### **D. Injunctive Relief**

During fiscal year 2017-2018, the General Counsel did not seek injunctive relief.

#### **E. ULP Settlements**

During fiscal year 2017-2018, the General Counsel achieved 29 settlement agreements which resolved 55 unfair labor practices charges. Of these settlement agreements, 14 were achieved pre-complaint and 15 were achieved post-complaint.

Informal settlements are those that occur prior to hearing, as opposed to formal settlements that occur after hearing. A bilateral settlement is one in which both the charging party and the respondent are parties to a settlement with the ALRB. A Unilateral Settlement is one

in which only the respondent is a party to the settlement with the ALRB and not the charging party.

***Pre-Complaint Settlements***

During fiscal year 2017-2018, the General Counsel reached 14 pre-complaint settlements encompassing 28 charges.

<b>No.</b>	<b>Case No.</b>	<b>Respondent</b>	<b>Settlement Type</b>	<b>Settlement Date</b>
1.	2016-CE-017-SAL 2016-CE-018-SAL	Channel Island Berry Farms	Informal Bilateral	7/19/2017
2.	2017-CE-002-SAL	Reiter Brothers Berry Farms	Informal Bilateral	7/27/2017
3.	2016-CE-014-VIS	Castle Rock Vineyards	Informal Bilateral	8/30/2017
4.	2017-CE-007-VIS	Maricopa Orchards	Informal Bilateral	9/27/2017
5.	2017-CE-048-SAL 2017-CE-051-SAL	Redwood Empire Vineyard Management, Inc.	Informal Bilateral	12/1/2017
6.	2017-CE-033-VIS	Wildwood Packing & Cooling, Inc.	Informal Bilateral	2/8/2018
7.	2017-CE-077-SAL	J&E Berry Farms, LLC	Informal Bilateral	3/1/2018
8.	2017-CE-076-SAL	El Dorado Berry Farms LLC	Informal Bilateral	3/2/2018
9.	2017-CE-079-SAL	Laguna Farms	Informal Bilateral	3/7/2018
10.	2018-CE-017-SAL	Foothill Packing, Inc. and Monterey Pacific, Inc.	Informal Bilateral	4/5/2018
11.	2017-CE-021-VIS 2017-CE-022-VIS 2017-CE-023-VIS 2017-CE-024-VIS 2017-CE-025-VIS 2017-CE-026-VIS 2017-CE-027-VIS 2017-CE-028-VIS 2017-CE-029-VIS 2017-CE-030-VIS 2017-CE-031-VIS	Munger Farms	Informal Bilateral	5/6/2018
12.	2016-CE-010-VIS 2016-CE-017-VIS	Western Packing, Inc./Jones Farms, Inc.	Informal Bilateral	5/15/2018

No.	Case No.	Respondent	Settlement Type	Settlement Date
13.	2018-CE-001-SAL	Pacific South Farms	Informal Bilateral	5/24/2018
14.	2017-CE-070-SAL 2017-CE-078-SAL	Monterey Tilth, Inc.	Informal Bilateral	6/1/2018

### *Post-Complaint Settlements*

During fiscal year 2017-2018, the General Counsel reached 15 post-complaint settlements encompassing 27 charges.

No.	Case No.	Respondent	Settlement Type	Settlement Date
1.	2015-CE-032-VIS	Sun Pacific	Informal Bilateral	8/18/2017
2.	2017-CE-017-SAL	South County Packing	Informal Bilateral	9/11/2017
3.	2016-CE-011-VIS	Del Carlo Farms	Informal Bilateral	9/25/2017
4.	2016-CE-035-SAL	Growers Express	Informal Bilateral	9/27/2017
5.	2016-CE-015-VIS	Scoto Brothers	Informal Bilateral	10/26/2017
6.	2012-CE-044-VIS 2013-CE-012-VIS	CA Artichoke, dba Ocean Mist Farms	Partial	11/1/2017
7.	2015-CE-044-VIS	Robert Johnson Farms	Informal Bilateral	11/8/2017
8.	2016-CE-045-SAL	Rawah Vineyards	Informal Bilateral	11/16/2017
9.	2015-CE-044-SAL 2015-CE-045-SAL 2015-CE-046-SAL 2015-CE-047-SAL 2015-CE-048-SAL 2015-CE-049-SAL	San Miguel Produce, Inc.; Herb Farm, LLC; Del Sol Harvesting, Inc.	Informal Bilateral	12/1/2017
10.	2015-CE-005-VIS	Farmland Management Services	Informal Bilateral	1/4/2018
11.	2016-CE-030-SAL	Reiter Berry Farms, Inc.	Informal Bilateral	2/9/2018
12.	2011-CE-004-SAL 2011-CE-005-SAL 2011-CE-006-SAL	Kawahara Nurseries, Inc.	Board Approved	3/22/2018
13.	2017-CE-009-VIS	Lagomarsino Group	Informal Bilateral	4/3/2018
14.	2013-CE-047-SAL	Sabor Farms	Formal Bilateral	6/1/2018
15.	2017-CE-034-SAL 2017-CE-036-SAL 2017-CE-040-SAL 2017-CE-064-SAL 2017-CE-069-SAL	Premiere Raspberries	Informal Unilateral	6/27/2018

## **F. Unfair Labor Practice and Compliance Hearings**

During fiscal year 2017-2018, the ALRB held seven hearings conducted by an ALJ in ULP cases and compliance cases. Cases are listed chronologically by Hearing Closed date.

No.	Case No.	Respondent	Hearing Opened	Hearing Closed	No. of Hearing Days
1.	2012-CE-044-VIS 2013-CE-012-VIS	CA Artichoke, dba Ocean Mist Farms	10/3/2017	10/3/2017	1
2.	2013-CE-016-VIS	P&M Vanderpoel Dairy	10/31/2017	10/31/2017	1
3.	2013-CE-011-VIS 2014-CE-023-VIS 2014-CE-024-VIS 2015-CE-003-VIS 2015-CE-022-VIS 2015-CE-024-VIS	Gerawan Farming	3/6/2018	3/6/2018	1
4.	2016-CE-003-VIS	Fowler Packing Company, Inc.	4/16/2018	4/16/2018	1
5.	2015-CE-007-VIS 2015-CE-014-VIS 2015-CE-008-VIS 2013-CE-064-VIS	Gerawan Farming	5/22/2018	5/25/2018	4
6.	2016-CE-032-SAL	Monterey Mushrooms	6/5/2018	6/6/2018	2
7.	2015-CE-023-VIS 2014-CE-015-VIS 2014-CE-021-VIS 2014-CE-025-VIS	Gerawan Farming	6/20/2018	6/20/2018	1
<b>TOTAL</b>					<b>11</b>

## **VI. Remedies and Disbursements**

The Board is empowered to order a wide range of remedies to effectuate the purposes of the Act and to “make whole” the victims of unfair labor practices. These remedies may include reinstatement of an unlawfully discharged employee, an award of lost wages and benefits, various non-monetary remedies--including orders to cease and desist from engaging in similar conduct that violates the Act--and the issuance of notices to employees.

Once a Board decision awarding backpay (the lost earnings resulting from an unlawful discharge) and/or other remedies is final (appeals have been exhausted and the decisions have been upheld), the Board releases the case back to the applicable region to effectuate the remedies of that decision. Amounts received from parties ordered to provide backpay

are transmitted by the ALRB to the farmworkers. The General Counsel staff expends significant effort to locate all farmworkers who are entitled to backpay. If the ALRB is unable to locate a farmworker entitled to backpay for a period of two years following the collection of the amount owed, this amount may be deposited into the Agricultural Employee Relief Fund ("AERF"), and monies in that fund are used by the ALRB to pay farmworkers the unpaid balance of any monetary relief ordered by the Board in other matters that cannot be collected from the violator. Thus, there is usually a disparity between the amounts collected and amounts disbursed as monetary remedies in a given year.

**A. Remedies**

In fiscal year 2017-2018, the Board released four cases encompassing eight charges for compliance:

No.	Case No.	Respondent Name	Date to Compliance	Amount
1.	2013-CE-014-VIS 2013-CE-008-VIS	Tri-Fanucchi Farms	5/16/2018	TBD
2.	2016-CE-010-SAL	Premiere Raspberries, Inc. dba Dutra Farms	6/11/2018	N/A
3.	2016-CE-011-SAL	T.T. Miyasaka	6/11/2018	N/A
4.	2013-CL-002-SAL 2013-CL-004-SAL 2013-CL-006-SAL 2013-CL-007-SAL	United Farm Workers	6/26/2018	N/A

***Monetary Remedies***

In fiscal year 2017-2018, the Board collected payments in 28 cases encompassing 50 charges for a total of \$766,302.59. Of that total, \$185,049.37 was collected pursuant to settlement agreements that were achieved during current and prior fiscal years. Of the original total, \$581,253.22 was collected pursuant to a Board Order.

**Monies Collected During Fiscal Year 2017-2018**

The following table is listed in chronological order of when each settlement agreement was reached. Although some of these settlement agreements were reached in prior fiscal years, all money listed in this table was collected during fiscal year 2017-2018.

Sometimes there is a time lapse between accomplishing the settlement and receiving the actual check. As a result, money collected near the end of a fiscal year is sometimes

deposited during the subsequent fiscal year. Additionally, not all monies collected are deposited into an ALRB account, but are instead paid directly to farmworkers.<sup>7</sup>

No.	Case No.	Respondent Name	Amount Collected
1.	2013-CE-016-VIS	P&M Vanderpoel Dairy	\$ 4,969.48
2.	2016-CE-017-SAL 2016-CE-018-SAL	Channel Island Berry Farms	\$ 607.22
3.	2017-CE-002-SAL	Reiter Berry Farms	\$ 1,569.19
4.	2015-CE-032-VIS	Sun Pacific Farming	\$ 10,000.00
5.	2016-CE-014-VIS	Castle Rock Vineyards	\$ 2,056.98
6.	2017-CE-017-SAL	South County Packing	\$ 2,297.33
7.	2016-CE-011-VIS	Del Carlo Farms	\$ 10,000.00
8.	2017-CE-007-VIS	Maricopa Orchards	\$ 737.42
9.	2016-CE-015-VIS	Scoto Brothers Farming	\$ 5,500.60
10.	2012-CE-044-VIS 2013-CE-012-VIS	CA Artichoke, dba Ocean Mist Farms	\$ 34,140.21
11.	2015-CE-044-VIS	Robert Johnson Farms	\$ 530.40
12.	2016-CE-045-SAL	Rawah Vineyards	\$ 22,552.79
13.	2015-CE-044-SAL 2015-CE-045-SAL 2015-CE-046-SAL 2015-CE-047-SAL 2015-CE-048-SAL 2015-CE-049-SAL	San Miguel Produce, Inc.; Herb Farm, LLC; Del Sol Harvesting, Inc.	\$ 13,944.00
14.	2017-CE-048-SAL 2017-CE-051-SAL	Redwood Vineyard Management	\$ 15,161.33
15.	2015-CE-005-VIS	Farmland Management Services	\$ 23,930.71
16.	2017-CE-033-VIS	Wildwood Packing & Cooling, Inc.	\$ 287.88
17.	2016-CE-030-SAL	Reiter Berry Farms	\$ 6,484.31
18.	2017-CE-077-SAL	J&E Berry Farms, LLC	\$ 1,167.01
19.	2017-CE-076-SAL	El Dorado Berry Farms LLC	\$ 231.46
20.	2011-CE-004-SAL 2011-CE-005-SAL 2011-CE-006-SAL	Kawahara Nurseries, Inc.	\$348,000.00
21.	2017-CE-009-VIS	Lagomarsino Group	\$ 4,887.96
22.	2018-CE-017-SAL	Foothill Packing, Inc., and Monterey Pacific, Inc.	\$ 916.66

<sup>7</sup> For these reasons, the amount of money collected does not match the amounts deposited for fiscal year 2017-2018.



No.	Case No.	Respondent Name	Amount Collected
23.	2017-CE-021-VIS 2017-CE-022-VIS 2017-CE-023-VIS 2017-CE-024-VIS 2017-CE-025-VIS 2017-CE-026-VIS 2017-CE-027-VIS 2017-CE-028-VIS 2017-CE-029-VIS 2017-CE-030-VIS 2017-CE-031-VIS	Munger Farms	\$ 1,130.00
24.	2016-CE-010-VIS 2016-CE-017-VIS	Western Packing, Inc./Jones Farms, Inc.	\$ 514.62
25.	2018-CE-001-SAL	Pacific South Farms	\$ 593.31
26.	2013-CE-047-SAL	Sabor Farms	\$ 5,104.35
27.	2017-CE-070-SAL 2017-CE-078-SAL	Monterey Tilth, Inc.	\$ 15,734.15
28.	93-CE-038-VI	San Joaquin Tomato Growers	\$233,253.22
<b>TOTAL</b>			<b>\$766,302.59</b>

### **Payments Awarded**

Payments were awarded in 27 cases encompassing 49 charges, as a result of an Informal Settlement Agreement, a Formal Settlement Agreement, or a Board Order.<sup>8</sup>

No.	Case No.	Respondent Name	Amount Ordered
1.	2016-CE-017-SAL 2016-CE-018-SAL	Channel Island Berry Farms	\$ 664.00
2.	2017-CE-002-SAL	Reiter Berry Farms	\$ 1,972.00
3.	2015-CE-032-VIS	Sun Pacific Farming	\$ 10,000.00
4.	2016-CE-014-VIS	Castle Rock Vineyards	\$ 2,250.00
5.	2017-CE-017-SAL	South County Packing	\$ 3,532.70
6.	2016-CE-011-VIS	Del Carlo Farms	\$ 10,000.00
7.	2017-CE-007-VIS	Maricopa Orchards	\$ 853.18
8.	2016-CE-015-VIS	Scoto Brothers Farming	\$ 6,370.00
9.	2012-CE-044-VIS 2013-CE-012-VIS	CA Artichoke, dba Ocean Mist Farms	\$ 50,000.00
10.	2015-CE-044-VIS	Robert Johnson Farms	\$ 580.00
11.	2016-CE-045-SAL	Rawah Vineyards	\$ 38,577.96

<sup>8</sup> The number of payments awarded during fiscal year 2017-2018 is not necessarily the same as the number of payments collected by ALRB during this fiscal year. These figures differ for various reasons, including the lag in time between when an award is made to when payment is actually collected, and the fact that some payments are paid directly to the charging party and not to the ALRB.

<b>No.</b>	<b>Case No.</b>	<b>Respondent Name</b>	<b>Amount Ordered</b>
12.	2015-CE-044-SAL 2015-CE-045-SAL 2015-CE-046-SAL 2015-CE-047-SAL 2015-CE-048-SAL 2015-CE-049-SAL	San Miguel Produce, Inc.; Herb Farm, LLC; Del Sol Harvesting, Inc.	\$ 20,920.00
13.	2017-CE-048-SAL 2017-CE-051-SAL	Redwood Vineyard Management	\$ 17,660.00
14.	2015-CE-005-VIS	Farmland Management Services	\$ 29,892.00
15.	2017-CE-033-VIS	Wildwood Packing & Cooling, Inc.	\$ 317.00
16.	2016-CE-030-SAL	Reiter Berry Farms	\$ 7,068.96
17.	2017-CE-077-SAL	J&E Berry Farms, LLC	\$ 1,397.00
18.	2017-CE-076-SAL	El Dorado Berry Farms, LLC	\$ 254.60
19.	2011-CE-004-SAL 2011-CE-005-SAL 2011-CE-006-SAL	Kawahara Nurseries, Inc.	\$348,000.00
20.	2017-CE-009-VIS	Lagomarsino Group	\$ 7,183.00
21.	2018-CE-017-SAL	Foothill Packing, Inc., and Monterey Pacific, Inc.	\$ 1,003.48
22.	2017-CE-021-VIS 2017-CE-022-VIS 2017-CE-023-VIS 2017-CE-024-VIS 2017-CE-025-VIS 2017-CE-026-VIS 2017-CE-027-VIS 2017-CE-028-VIS 2017-CE-029-VIS 2017-CE-030-VIS 2017-CE-031-VIS	Munger Farms	\$ 1,130.00
23.	2016-CE-010-VIS 2016-CE-017-VIS	Western Packing, Inc./Jones Farms, Inc.	\$ 563.35
24.	2018-CE-001-SAL	Pacific South Farms	\$ 649.50
25.	2013-CE-047-SAL	Sabor Farms	\$ 7,900.00
26.	2017-CE-070-SAL 2017-CE-078-SAL	Monterey Tilth, Inc.	\$ 21,250.00
27.	2013-CE-016-VIS	P&M Vanderpoel Dairy	\$ 20,707.00
<b>TOTAL</b>			<b>\$610,695.73</b>

**Checks Issued by ALRB to Farmworkers**

In fiscal year 2017-2018, the ALRB issued 915 checks from 27 cases to farmworkers as a result of findings of liability in unfair labor practice cases or as a result of settlement agreements:

No.	Case No.	Respondent Name	Number of Checks Issued by ALRB	Total Net Amount Issued
1.	93-CE-37-VI	Ace Tomato	272	\$ 79,375.53
2.	2012-CE-024-VIS	Ace Tomato	106	\$ 26,322.10
3.	2013-CE-028-VIS 2014-CE-011-VIS 2014-CE-012-VIS 2015-CE-004-VIS	Arnaudo Bros, L. P. Canal Farms	4	\$ 25,471.50
4.	2012-CE-044-VIS 2013-CE-012-VIS	CA Artichoke/Veg Growers, dba Ocean Mist Farms	2	\$ 698.00
5.	2016-CE-014-VIS	Castle Rock Vineyards	7	\$ 1,599.74
6.	2016-CE-017-SAL 2016-CE-018-SAL	Channel Islands Berry Farms, Inc.	2	\$ 607.22
7.	2016-CE-011-VIS	Del Carlo Farms, Inc.	4	\$ 10,000.00
8.	2009-CE-063-VIS 2009-CE-064-VIS 2009-CE-067-VIS 2009-CE-068-VIS 2010-CE-017-VIS	H & R Gunlund Ranches	44	\$154,624.05
9.	2017-CE-077-SAL	J & E Berry Farms, LLC	1	\$ 1,167.01
10.	2011-CE-004-SAL 2011-CE-005-SAL 2011-CE-006-SAL	Kawahara Nurseries, Inc.	5	\$265,839.00
11.	2017-CE-076-SAL	El Dorado Farms	1	\$ 231.46
12.	2017-CE-009-VIS	Lagomarsino Group	2	\$ 4,887.96
13.	2013-CE-016-VIS	P & M Vanderpoel Dairy	4	\$ 4,969.48
14.	2018-CE-001-SAL	Pacific South Farms	1	\$ 593.31
15.	2015-CE-005-VIS	Rancho Buenaventura (Farmland Management Services)	1	\$ 23,930.71
16.	2015-CE-038-SAL 2015-CE-039-SAL	RC Packing/Dole Fresh Vegetables	1	\$ 3,033.49
17.	2017-CE-048-SAL 2017-CE-051-SAL	Redwood Empire Vineyard Management	5	\$ 15,161.33
18.	2014-CE-024-SAL 2014-CE-025-SAL	Rincon Pacific	1	\$ 156.38
19.	2016-CE-030-SAL	Reiter Berry Farms Inc.	23	\$ 4,364.38
20.	2017-CE-002-SAL	Reiter Brothers, Inc.	1	\$ 1,569.19
21.	2015-CE-044-VIS	Robert Johnson Farms	3	\$ 397.80
22.	93-CE-38-VI	San Joaquin Tomato Growers (Interest checks)	336	\$216,441.63
23.	93-CE-38-VI	San Joaquin Tomato Growers	80	\$ 41,172.59
24.	2015-CE-044-SAL 2015-CE-045-SAL 2015-CE-046-SAL 2015-CE-047-SAL 2015-CE-048-SAL 2015-CE-049-SAL	San Miguel Produce, Inc.; Herb Farm, LLC; Del Sol Harvesting, Inc.	5	\$ 13,944.02

No.	Case No.	Respondent Name	Number of Checks Issued by ALRB	Total Net Amount Issued
25.	2016-CE-015-VIS	Scoto Brothers Farming	2	\$ 5,500.60
26.	2013-CL-005-SAL	United Farm Workers of America	1	\$ 34.50
27.	2013-CE-033-VIS	Wildwood Packing & Cooling	1	\$ 287.88
<b>TOTAL</b>			<b>915</b>	<b>\$902,380.86</b>

### *Non-Monetary Remedies*

In cases where the Board finds a violation, it generally orders noticing remedies in addition to monetary awards. A negotiated settlement signed by the parties may also include noticing remedies in addition to monetary awards. A noticing remedy requires the employer to post, mail, and/or read a prepared notice to all agricultural employees, so they can become aware of the outcome of the case.

The ALRB conducted a *notice reading* to 3,118 agricultural employees in 24 cases encompassing 42 charges in fiscal year 2017-2018.

No.	Case No.	Respondent Name	Date of Notice Reading	Number of Employees at Reading
1.	2016-CE-017-SAL 2016-CE-018-SAL	Channel Island Berry Farms	3/5/2018	64
2.	2017-CE-002-SAL	Reiter Brothers	4/11/2018	112
3.	2015-CE-032-SAL	Sun Pacific Farming	10/17/2017	62
4.	2016-CE-014-SAL	Castle Rock Vineyards	10/11/2017	38
5.	2017-CE-017-SAL	South County Packing	10/3/2017	28
6.	2016-CE-011-VIS	Del Carlo Farms	11/2/2017	20
7.	2016-CE-035-SAL	Growers Express	10/17/2017	71
8.	2017-CE-007-VIS	Maricopa Orchards	5/10/2018	28
9.	2012-CE-044-VIS 2013-CE-012-VIS	CA Artichoke, dba Ocean Mist Farms	10/20/2017 11/2/2017 11/21/2017	647
10.	2016-CE-045-SAL	Rawah Vineyards	12/8/2017	46
11.	2015-CE-044-SAL 2015-CE-045-SAL 2015-CE-046-SAL 2015-CE-047-SAL 2015-CE-048-SAL 2015-CE-049-SAL	San Miguel Produce, Inc.; Herb Farm, LLC; Del Sol Harvesting, Inc.	12/13/2017	40
12.	2015-CE-005-VIS	Farmland Management Services	1/29/2018	8
13.	2017-CE-033-VIS	Wildwood Packing & Cooling, Inc.	4/6/2018	4
14.	2016-CE-030-SAL	Reiter Berry Farms	6/7/2018	200
15.	2017-CE-077-SAL	J&E Berry Farms LLC	4/11/2018	150
16.	2017-CE-076-SAL	El Dorado Berry Farms LLC	4/23/2018	94
17.	2017-CE-079-SAL	Laguna Farms	4/16/2018	160

No.	Case No.	Respondent Name	Date of Notice Reading	Number of Employees at Reading
18.	2017-CE-009-VIS	Lagomarsino Group	5/17/2018	446
19.	2017-CE-021-VIS 2017-CE-022-VIS 2017-CE-023-VIS 2017-CE-024-VIS 2017-CE-025-VIS 2017-CE-026-VIS 2017-CE-027-VIS 2017-CE-028-VIS 2017-CE-029-VIS 2017-CE-030-VIS 2017-CE-031-VIS	Munger Farms	6/14/2018	540
20.	2018-CE-001-SAL	Pacific South Farms	5/25/2018	7
21.	2017-CE-070-SAL 2017-CE-078-SAL	Monterey Tilth, Inc.	6/28/2018	26
22.	2017-CE-005-SAL	Agro-Jal Farming	8/24/2017	44
23.	2013-CE-047-SAL	Sabor Farms	9/21/2017	250
24.	2016-CE-002-VIS	Airdrome Orchards	7/11/2017	33
<b>TOTAL</b>				<b>3,118</b>

The ALRB issued a *notice mailing* to 4,629 agricultural employees in 23 cases encompassing 32 charges.

No.	Case No.	Respondent Name	Date of Notice Mailing	Number of Employees Received Mailing
1.	2016-CE-017-SAL 2016-CE-018-SAL	Channel Island Berry Farms	10/25/2017	131
2.	2017-CE-002-SAL	Reiter Brothers	4/18/2018	181
3.	2015-CE-032-VIS	Sun Pacific Farming	10/20/2017	69
4.	2016-CE-014-VIS	Castle Rock Vineyards	8/16/2017	59
5.	2016-CE-011-VIS	Del Carlo Farms	10/26/2017	35
6.	2016-CE-035-SAL	Growers Express	10/27/2017	74
7.	2017-CE-007-VIS	Maricopa Orchards	5/31/2018	31
8.	2012-CE-044-VIS 2013-CE-012-VIS	CA Artichoke, dba Ocean Mist Farms	12/29/2017	134
9.	2016-CE-045-SAL	Rawah Vineyards	1/5/2018	99
10.	2015-CE-044-SAL 2015-CE-045-SAL 2015-CE-046-SAL 2015-CE-047-SAL 2015-CE-048-SAL 2015-CE-049-SAL	San Miguel Produce, Inc.; Herb Farm, LLC; Del Sol Harvesting, Inc.	12/21/2017	300
11.	2017-CE-048-SAL 2017-CE-051-SAL	Redwood Vineyard Management	2/2/2018	93

No.	Case No.	Respondent Name	Date of Notice Mailing	Number of Employees Received Mailing
12.	2015-CE-005-VIS	Farmland Management Services	1/25/2018	54
13.	2017-CE-033-VIS	Wildwood Packing & Cooling, Inc.	2/14/2018	3
14.	2016-CE-030-SAL	Reiter Berry Farms, Inc.	3/20/2018	1188
15.	2017-CE-077-SAL	J&E Berry Farms	4/18/2018	99
16.	2017-CE-076-SAL	El Dorado Berry Farms LLC	4/18/2018	108
17.	2017-CE-079-SAL	Laguna Farms	4/18/2018	175
18.	2017-CE-009-VIS	Lagomarsino Group	4/30/2018	493
19.	2018-CE-017-SAL	Foothill Packing, Inc. and Monterey Pacific, Inc.	4/17/2018	51
20.	2018-CE-001-SAL	Pacific South Farms	6/1/2018	22
21.	2017-CE-070-SAL 2017-CE-078-SAL	Monterey Tilth	6/14/2018	83
22.	2017-CE-005-SAL	Agro-Jal Farming	6/28/2018	147
23.	2013-CE-047-SAL	Sabor Farms	9/14/2017	1000
<b>TOTAL</b>				<b>4,629</b>

The ALRB completed a *notice posting* in 25 cases encompassing 43 charges.

No.	Case No.	Respondent Name	Date of Notice Posting
1.	2017-CE-017-SAL 2017-CE-018-SAL	Channel Island Berry Farms	3/5/2018
2.	2017-CE-002-SAL	Reiter Brothers	4/11/2018
3.	2015-CE-032-VIS	Sun Pacific Farming	10/17/2017
4.	2016-CE-014-VIS	Castle Rock Vineyards	10/11/2017
5.	2017-CE-017-SAL	South County Packing	10/3/2017
6.	2016-CE-011-VIS	Del Carlo Farms	11/2/2017
7.	2016-CE-035-SAL	Growers Express	10/17/2017
8.	2017-CE-007-VIS	Maricopa Orchards	5/10/2018
9.	2012-CE-044-VIS 2013-CE-012-VIS	CA Artichoke, dba Ocean Mist Farms	10/11/2017 11/21/2017
10.	2016-CE-045-SAL	Rawah Vineyards	12/8/2017
11.	2015-CE-044-SAL 2015-CE-045-SAL 2015-CE-046-SAL 2015-CE-047-SAL 2015-CE-048-SAL 2015-CE-049-SAL	San Miguel Produce, Inc.; Herb Farm, LLC; Del Sol Harvesting, Inc.	12/20/2017
12.	2015-CE-005-VIS	Farmland Management Services	1/29/2018
13.	2017-CE-033-VIS	Wildwood Packing & Cooling	4/6/2018
14.	2016-CE-030-SAL	Reiter Berry Farms	6/7/2018
15.	2017-CE-077-SAL	J&E Berry Farms	4/11/2018
16.	2017-CE-076-SAL	El Dorado Berry Farms LLC	4/23/2018
17.	2017-CE-079-SAL	Laguna Farms	4/16/2018
18.	2017-CE-009-VIS	Lagomarsino Group	5/17/2018

No.	Case No.	Respondent Name	Date of Notice Posting
19.	2017-CE-021-VIS 2017-CE-022-VIS 2017-CE-023-VIS 2017-CE-024-VIS 2017-CE-025-VIS 2017-CE-026-VIS 2017-CE-027-VIS 2017-CE-028-VIS 2017-CE-029-VIS 2017-CE-030-VIS 2017-CE-031-VIS	Munger Farms	6/14/2018
20.	2018-CE-001-SAL	Pacific South Farms	5/25/2018
21.	2017-CE-070-SAL 2017-CE-078-SAL	Monterey Tilth	6/28/2018
22.	2017-CE-005-SAL	Agro-Jal Farming	8/24/2017
23.	2013-CE-047-SAL	Sabor Farms	9/21/2017
24.	2016-CE-002-VIS	Airdrome Orchards	7/11/2017
25.	2015-CE-043-VIS	Pacific Ag Management	12/15/2017

The ALRB trained 116 supervisors of farmworkers in 13 cases encompassing 32 charges.

No.	Case No.	Respondent Name	Date Training Held	Number of Supervisors Received Training
1.	2017-CE-002-SAL	Reiter Brothers	4/11/2018	8
	2016-CE-017-SAL 2016-CE-018-SAL	Channel Island Berry Farms	3/5/2018	5
2.	2015-CE-032-VIS	Sun Pacific Farming	10/19/2017	4
3.	2016-CE-011-SAL	Del Carlo Farms	11/2/2017	3
	2016-CE-045-SAL	Rawah Vineyards	1/19/2018	6
4.	2015-CE-044-SAL 2015-CE-045-SAL 2015-CE-046-SAL 2015-CE-047-SAL 2015-CE-048-SAL 2015-CE-049-SAL	San Miguel Produce, Inc.; Herb Farm, LLC; Del Sol Harvesting, Inc.	12/13/2017	10
5.	2015-CE-005-VIS	Farmland Management Services	1/29/2018	6
6.	2017-CE-033-VIS	Wildwood Packing & Cooling, Inc.	3/21/2018	2
7.	2016-CE-030-SAL	Reiter Brothers	6/6/2018	18
8.	2017-CE-076-SAL	El Dorado Berry Farms LLC	4/23/2018	7
9.	2017-CE-079-SAL	Laguna Farms	4/19/2018	10
10.	2017-CE-009-VIS	Lagomarsino Group	6/4/2018	9
11.	2016-CE-010-VIS 2016-CE-017-VIS	Western Packing, Inc./Jones Farms, Inc.	6/17/2018	25

No.	Case No.	Respondent Name	Date Training Held	Number of Supervisors Received Training
12.	2017-CE-021-VIS 2017-CE-022-VIS 2017-CE-023-VIS 2017-CE-024-VIS 2017-CE-025-VIS 2017-CE-026-VIS 2017-CE-027-VIS 2017-CE-028-VIS 2017-CE-029-VIS 2017-CE-030-VIS 2017-CE-031-VIS	Munger Farms	1/25/2018	1
13.	2018-CE-001-SAL	Pacific South Farms	5/25/2018	2
<b>TOTAL</b>				<b>116</b>

### **B. Deposits and Disbursements**

Payments collected from settlements or board-ordered monetary remedies are deposited into the ALRB trust fund before being distributed to the charging parties, unless the checks are made out directly in the name(s) of the charging parties. During fiscal year 2017-2018, the ALRB deposited payments from 24 cases, encompassing 53 separate charges.



**Monies Deposited and Disbursed from the Agency Trust  
from July 1, 2017 to June 30, 2018**

**DEPOSITS**

<b>No.</b>	<b>Case No.</b>	<b>Respondent Name</b>	<b>Deposits</b>
1.	2013-CE-028-VIS 2014-CE-011-VIS 2014-CE-012-VIS 2015-CE-004-VIS	Arnaudo Bros, L. P. Canal Farms	\$ 25,471.50 <sup>9</sup>
2.	2012-CE-044-VIS 2013-CE-012-VIS	CA Artichoke/Veg Growers, dba Ocean Mist Farms	\$ 1,047.00
3.	2016-CE-014-VIS	Castle Rock Vineyards	\$ 2,056.98
4.	2016-CE-017-SAL 2016-CE-018-SAL	Channel Islands Berry Farms, Inc.	\$ 607.22
5.	2016-CE-011-VIS	Del Carlo Farms, Inc.	\$ 10,000.00
6.	2017-CE-076-SAL	El Dorado Berry Farms LLC	\$ 231.46
7.	2009-CE-063-VIS 2009-CE-064-VIS 2009-CE-067-VIS 2009-CE-068-VIS 2010-CE-017-VIS	H & R Gunlund Ranches	\$225,000.00 <sup>10</sup>
8.	2017-CE-077-SAL	J & E Berry Farms, LLC	\$ 1,167.01
9.	2011-CE-004-SAL 2011-CE-005-SAL 2011-CE-006-SAL	Kawahara Nurseries, Inc.	\$348,000.00
10.	2017-CE-009-VIS	Lagomarsino Group	\$ 4,887.96
11.	2017-CE-070-SAL 2017-CE-078-SAL	Monterey Tilth	\$ 15,734.15
12.	2017-CE-021-VIS 2017-CE-022-VIS 2017-CE-023-VIS 2017-CE-024-VIS 2017-CE-025-VIS 2017-CE-026-VIS 2017-CE-027-VIS 2017-CE-028-VIS 2017-CE-029-VIS 2017-CE-030-VIS 2017-CE-031-VIS	Munger Farms, LLC	\$ 1,130.00
13.	2013-CE-016-VIS	P & M Vanderpoel Dairy	\$ 4,969.48

<sup>9</sup> This deposit was a payment received in the prior fiscal year.

<sup>10</sup> This deposit was a payment received in the prior fiscal year.

<b>No.</b>	<b>Case No.</b>	<b>Respondent Name</b>	<b>Deposits</b>
14.	2018-CE-001-SAL	Pacific South Farms LTD	\$ 593.31
15.	2015-CE-005-VIS	Rancho Buenaventura (Farmland Management Services)	\$ 23,930.71
16.	2017-CE-048-SAL 2017-CE-051-SAL	Redwood Empire Vineyard Management, Inc.	\$ 15,161.33
17.	2016-CE-030-SAL	Reiter Berry Farms, Inc.	\$ 6,484.31
18.	2017-CE-002-SAL	Reiter Brothers, Inc.	\$ 1,569.19
19.	2015-CE-044-VIS	Robert Johnson Farms	\$ 530.40
20.	93-CE-038-VI	San Joaquin Tomato Growers	\$233,253.22
21.	2015-CE-044-SAL 2015-CE-045-SAL 2015-CE-046-SAL 2015-CE-047-SAL 2015-CE-048-SAL 2015-CE-049-SAL	San Miguel Produce, Inc.; Herb Farm, LLC; Del Sol Harvesting, Inc.	\$ 13,944.02
22.	2016-CE-015-VIS	Scoto Brothers Farming	\$ 5,500.60
23.	2016-CE-010-VIS 2016-CE-017-VIS	Western Packing, Inc., Jones Farms	\$ 514.62
24.	2013-CE-033-VIS	Wildwood Packing & Cooling	\$ 287.88
<b>TOTAL</b>			<b>\$942,072.35</b>

### **DISBURSEMENTS**

<b>No.</b>	<b>Case No.</b>	<b>Respondent Name</b>	<b>Amount of Net Payment Issued</b>
1.	93-CE-37-VI 2012-CE-024-VIS	Ace Tomato Company, Inc.	\$105,697.63
2.	2013-CE-028-VIS 2014-CE-011-VIS 2014-CE-012-VIS 2015-CE-004-VIS	Arnaudo Bros, L. P. Canal Farms	\$ 25,471.50
3.	2012-CE-044-VIS 2013-CE-012-VIS	CA Artichoke/Veg Growers, dba Ocean Mist Farms	\$ 698.00
4.	2016-CE-014-VIS	Castle Rock Vineyards	\$ 1,599.74
5.	2016-CE-017-SAL 2016-CE-018-SAL	Channel Islands Berry Farms, Inc.	\$ 607.22
6.	2016-CE-011-VIS	Del Carlo Farms, Inc.	\$ 10,000.00
7.	2009-CE-063-VIS 2009-CE-064-VIS 2009-CE-067-VIS 2009-CE-068-VIS 2010-CE-017-VIS	H & R Gunlund Ranches	\$154,624.05
8.	2017-CE-077-SAL	J & E Berry Farms, LLC	\$ 1,167.01

No.	Case No.	Respondent Name	Amount of Net Payment Issued
9.	2011-CE-004-SAL 2011-CE-005-SAL 2011-CE-006-SAL	Kawahara Nurseries, Inc.	\$265,839.00
10.	2017-CE-076-SAL	El Dorado Farms	\$ 231.46
11.	2017-CE-009-VIS	Lagomarsino Group	\$ 4,887.96
12.	2013-CE-016-VIS	P & M Vanderpoel Dairy	\$ 4,969.48
13.	2018-CE-001-SAL	Pacific South Farms	\$ 593.31
14.	2015-CE-005-VIS	Rancho Buenaventura (Farmland Management Services)	\$ 23,930.71
15.	2015-CE-038-SAL 2015-CE-039-SAL	RC Packing/Dole Fresh Vegetables	\$ 3,033.49
16.	2017-CE-048-SAL 2017-CE-051-SAL	Redwood Empire Vineyard Management	\$ 15,161.33
17.	2014-CE-024-SAL 2014-CE-025-SAL	Rincon Pacific	\$ 156.38
18.	2016-CE-030-SAL	Reiter Berry Farms, Inc.	\$ 4,364.38
19.	2017-CE-002-SAL	Reiter Brothers, Inc.	\$ 1,569.19
20.	2015-CE-044-VIS	Robert Johnson Farms	397.80
21.	93-CE-38-VI	San Joaquin Tomato Growers	\$257,614.22
22.	2015-CE-044-SAL 2015-CE-045-SAL 2015-CE-046-SAL 2015-CE-047-SAL 2015-CE-048-SAL 2015-CE-049-SAL	San Miguel Produce, Inc.; Herb Farm, LLC; Del Sol Harvesting, Inc.	\$ 13,944.02
23.	2016-CE-015-VIS	Scoto Brothers Farming	\$ 5,500.60
24.	2013-CL-005-SAL	United Farm Workers of America	\$ 34.50
25.	2013-CE-033-VIS	Wildwood Packing & Cooling	\$ 287.88
<b>TOTAL</b>			<b>\$902,380.86</b>

### **C. Agricultural Employee Relief Fund**

Effective January 1, 2002, pursuant to Labor Code section 1161, the Agricultural Employee Relief Fund (AERF or Fund), establishes a trust fund, administered by the Board, to pay agricultural employees entitled to monetary relief under the Act. California Code of Regulations, title 8, section 20299, governs the administration of the AERF.

In fiscal year 2017-2018, no cases were referred to the Fund and there were no disbursements from the Fund. As of June 30, 2018, \$23,468.65 remains in the Fund for distribution.

## **VII. Mandatory Mediation and Conciliation**

The Act authorizes certified labor organizations or employers to petition the Board for an order directing the parties to “mandatory mediation and conciliation” of disputed issues. When certain statutory prerequisites are met, the Board will order the parties to participate in the MMC process. A mediator is then appointed to assist the parties in resolving their outstanding issues, and failing such resolution, to issue a determination as to how the issues should be resolved. The mediator’s determination is reviewable by the Board, and the Board’s decision is reviewable by the courts.

During fiscal year 2017-2018, the ALRB received two requests for referral to mandatory mediation and conciliation involving the same parties. The Board dismissed one request for referral to mandatory mediation and conciliation in *Premiere Raspberries, LLC* (2018) 44 ALRB No. 2 because the 90-day timeframe for requesting referral to mandatory mediation and conciliation after the certified bargaining representative’s initial request for bargaining had not yet expired. The Board issued an order referring the parties to mandatory mediation and conciliation following a second request by the certified bargaining representative in *Premiere Raspberries, LLC* (2018) 44 ALRB No. 3.

## **VIII. Outreach Activities**

The ALRB is actively conducting ongoing outreach activities, designed to educate farmworkers, labor organizations, and agricultural employers about their rights and obligations under the Act, and the role of the ALRB.

General Counsel program staff conducted and participated in various events throughout California, with the goal of informing farmworkers, agricultural employers, and labor organizations about their rights under the Act and the role of the ALRB in enforcing such rights. Highlights of outreach activities include:

- The ALRB hired a full-time, statewide outreach coordinator to help the ALRB improve and expand its outreach, with a particular emphasis on reaching Indigenous farmworkers.
- Regular announcements have aired on Radio Bilingue in multiple locations throughout the state, in Spanish and Mixteco, about the ALRB and farmworkers’ rights under the Act. These announcements reach thousands of farmworkers.
- Multiple community fairs and outreach events attended by an estimated 2,000 farmworkers, including *Día del Trabajador Agrícola* (Day of the Farmworker) in Greenfield, California.

- General Counsel staff in all ALRB offices participated in *La Semana de los Derechos Laborales* (“Labor Rights Week”), sponsored by the Mexican Consulate at various locations throughout California.
- Presentations and training regarding Indigenous farmworker issues, including at an Indigenous Knowledge Conference and several “know your rights” presentations to Indigenous farmworker groups in Oxnard.
- Presentations to migrant parent groups at Coachella Valley schools.
- Several trainings to agricultural supervisors – including farm labor contractor supervisors – about the ALRB, and rights and obligations under the Act.
- Participated in roundtable discussions, with representatives of agricultural employers and government enforcement agencies, regarding the influx of H-2A workers in Salinas and Santa Rosa.
- Presentation in Santa Rosa – together with other state enforcement agencies (including EDD, Cal-Osha, DLSE and DFEH) – to employer representatives, about ALRB procedures, as well as rights and obligations under the Act.
- Participated in several events hosted by prominent advocacy and non-profit groups (including the American Civil Liberties Union, Catholic Charities, and Planned Parenthood), as well as outreach events hosted by government agencies (including the U.S. Department of Labor, the Employment Development Department, and the Mexican Consulate).
- Participated in a radio program called Radio Indígena on multiple occasions, broadcasting to thousands of farmworkers. ALRB staff discussed the rights of farmworkers to form or decertify unions, and to participate in protected concerted activities.
- The General Counsel, regional office staff, and Board Members attended and assisted with the annual Farmworker Appreciation Breakfast in Calexico, CA.