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# Report to the Legislature and to the Governor, FY 2016-2017

Agricultural Labor Relations Board

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# **Agricultural Labor Relations Board**

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



### **Fiscal Year 2016-2017**

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

**William B. Gould IV, Chairman<sup>1</sup>**

**Genevieve A. Shiroma<sup>2</sup>**

**Cathryn Rivera-Hernandez**

**Isadore Hall III<sup>3</sup>**

**J. Antonio Barbosa, Executive Secretary<sup>4</sup>**

**Santiago Avila-Gomez, Executive Secretary<sup>5</sup>**

**Julia L. Montgomery, General Counsel**

**Date Submitted December 21, 2018**

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<sup>1</sup> William B. Gould IV separated on February 22, 2017.

<sup>2</sup> Genevieve Shiroma was designated Chairwoman on January 13, 2017.

<sup>3</sup> Isadore Hall III was appointed on January 13, 2017.

<sup>4</sup> On August 1, 2017, J. Antonio Barbosa retired from the ALRB on October 1, 2017.

<sup>5</sup> Santiago Avila-Gomez was appointed to Executive Secretary on August 1, 2017.

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## **I. Introduction**

More than forty years ago, the Legislature enacted the Agricultural Labor Relations Act (Act or ALRA), 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 activities for Fiscal Year 2016-2017 ending June 30, 2017. The Board issued 4 decisions and 10 administrative orders. As a result of legal challenges, the Board saw 5 new legal filings in state and federal courts, and a continuation of 18 court cases. At the beginning of the 2016-2017 fiscal year, the General Counsel’s office had 146 pending unfair labor practice (ULP) charges.<sup>6</sup> Throughout fiscal year 2016-2017, the General Counsel’s office received an additional 78 ULP charges filed for a total of 224 ULP charges that were active at some point during this fiscal year. The General Counsel issued 18 complaints encompassing 32 charges, and 22 charges were settled. Monetary remedies to farmworkers in the amount of \$419,368.83 were received from 10 companies. No funds were required to be distributed from the Agricultural Employees Relief Fund. In non-monetary remedies, a “notice posting” was completed at 8 farms; a “notice reading” was conducted at 11 farms involving 1,089 farmworkers; and a “notice mailing” was completed for 7 farms involving 926 farmworkers. Supervisor training was completed in 6 cases involving 78 supervisors. In election activity, the Board, through its regional offices, processed one petition for certification, one petition for decertification and conducted one election. The ALRB also engaged in outreach activities to make the safeguards of the Act known to workers and employers alike.

Also in 2017, the Board finalized and implemented regulations for e-filing (Cal. Code Regs., tit. 8, § 20169) and expediting unfair labor practice cases that are consolidated with election objections (Cal. Code Regs., tit. 8, § 20335, subd. (c)). These regulations are designed to promote efficiency and to make the ALRB’s procedures work more expeditiously.

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

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<sup>6</sup>“Pending ULP charges” are defined here as charges that have not been issued as complaints or dismissed, settled, or withdrawn.

## **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.

During fiscal year 2016-2017, there were no notices of intent to take access filed. A notice of intent to take access is commonly abbreviated as an “NA”.

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”. During fiscal year 2016-2017, there were no notices of intent to organize filed.

An election to determine whether a majority of employees in a bargaining unit support the certification of a labor organization as the exclusive representative of the employees in that bargaining unit is triggered by the filing of a petition for certification of representative (commonly referred to as an “RC” petition) with the ALRB, along with 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 2016-2017, one RC petition was filed with the ALRB.

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

<b>No.</b>	<b>Date Filed</b>	<b>Type of Filing</b>	<b>Petitioner</b>	<b>Employer</b>
1.	2/21/2017	RC	UFW	Monterey Mushrooms, Inc.

An election to determine whether a majority of employees in a bargaining unit support the decertification of a labor organization that is currently certified as the exclusive representative of the employees in that bargaining unit, and its replacement with either no union or with a different labor organization as the certified representative, is triggered by the filing of a petition for decertification of representative (commonly referred to as an “RD” petition) with the ALRB, along with proof of support from the requisite percentage of workers in the bargaining unit. During fiscal year 2016-2017, one RD petition was filed with the ALRB.

***List of Petitions for Decertification of Representative:***

<b>No.</b>	<b>Date Filed</b>	<b>Type of Filing</b>	<b>Petitioner</b>	<b>Labor Organization(s)</b>	<b>Employer</b>
1.	2/16/2017	RD	Antonio Gamboa	UFCW - incumbent	Mushroom Farms, Inc.

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 ALRA. During fiscal year 2016-2017, the ALRB held one election.

***List of Elections Conducted:***

<b>No.</b>	<b>Election Date</b>	<b>Type of Filing</b>	<b>Labor Organization(s)</b>	<b>Employer</b>
1.	2/23/2017	RD	UFCW, Local 5 – incumbent UFW - intervenor	Mushroom Farms, Inc.

Once the election is held and the votes are tallied, the period of time for filing objections to the election begins to run. 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 2016-2017, the ALRB issued certifications for the one election held.

***List of Certifications Issued:***

<b>No.</b>	<b>Certification Date</b>	<b>Type of Certification</b>	<b>Labor Organization</b>	<b>Employer</b>
1.	3/27/2017	Representative	UFCW, Local 5	Mushroom Farms, Inc.



### **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 four decisions in fiscal year 2016-2017. A list of decisions with brief summaries follows (the full text of decisions can be found on the ALRB website ([www.alrb.ca.gov](http://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.	8/17/2016	42 ALRB No. 3	Mushroom Farms, Inc.
2.	11/18/2016	42 ALRB No. 4	Premiere Raspberries, LLC dba Dutra Farms
3.	11/18/2016	42 ALRB No. 5	T.T. Miyasaka, Inc.
4.	3/24/2017	43 ALRB No. 1	Mushroom Farms, Inc.

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

##### ***MUSHROOM FARMS, INC. (2016) 42 ALRB No. 3, August 17, 2016***

#### **Background**

The United Food and Commercial Workers International Union, Local 5 (UFCW), was certified as bargaining representative of the agricultural employees of Mushroom Farms, Inc. (Employer) on January 19, 2016. The UFCW made an initial demand to bargain with the Employer on January 29, 2016. On August 9, 2016, the UFCW filed a declaration with the Board pursuant to Labor Code section 1164 et seq., requesting that the Board issue an order directing the parties to mandatory mediation and conciliation (MMC).

## **Board Decision**

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

***PREMIERE RASPBERRIES, LLC DBA DUTRA FARMS (2016) 42 ALRB No. 4, November 18, 2016***

## **Background**

This case was a companion case to *T.T. Miyasaka, Inc.* (2016) 42 ALRB No. 5 below. In this case the General Counsel's complaint alleged that Respondent violated section 1153, subdivision (a) of the ALRA by maintaining a mandatory arbitration policy that required its employees to enter into an arbitration agreement that: 1) prohibited them from filing an unfair labor practice charge with the Agricultural Labor Relations Board (Board); and 2) required employees to waive any right they might have to pursue a class or collective action in any forum, arbitral or judicial, in order to resolve their employment disputes with the Respondent.

## **Administrative Law Judge's Decision**

The Administrative Law Judge (ALJ) found, based on the analytical framework established in *Lutheran Heritage Village-Livonia* (2004) 343 NLRB 646, that Respondent violated section 1153, subdivision (a) of the ALRA because its employees would reasonably construe the language of its arbitration policy and arbitration agreements as prohibiting their filing of unfair labor practice charges with the Board, an employee activity protected by section 1152. However, the ALJ concluded on the basis of the majority opinion of the California Supreme Court in *Iskanian v. CLS Transportation Los Angeles, LLC* (2014) 59 Cal.4th 348, that section 1152 does not protect the right of employees to pursue class or collective legal actions to resolve employment disputes with the Respondent. For that reason, Respondent did not violate section 1153, subdivision (a) as alleged with respect to such waivers.

The ALJ ordered Respondent to amend its arbitration policy and agreement to provide specifically that employees have the right to file unfair labor practice charges with the Board and to utilize other services that the department provides.

## **Board Decision**

The Board affirmed the ALJ's rulings, findings, and conclusions in full, and adopted his recommended order.

***T.T. MIYASAKA, INC. (2016) 42 ALRB No. 5, November 18, 2016***

**Background**

This case was a companion case to *Premiere Raspberries, LLC dba Dutra Farms* (2016) 42 ALRB No. 4 above. In this case the General Counsel's complaint alleged that Respondent violated section 1153, subdivision (a) of the ALRA by maintaining a mandatory arbitration policy that required its employees to enter into an arbitration agreement that: 1) prohibited them from filing an unfair labor practice charge with the Agricultural Labor Relations Board (Board); and 2) required employees to waive any right they might have to pursue a class or collective action in any forum, arbitral or judicial, in order to resolve their employment disputes with the Respondent.

**Administrative Law Judge's Decision**

The ALJ found, based on the analytical framework established in *Lutheran Heritage Village-Livonia* (2004) 343 NLRB 646, that Respondent violated section 1153, subdivision (a) of the ALRA because its employees would reasonably construe the language of its arbitration policy and arbitration agreements as prohibiting their filing of unfair labor practice charges with the Board, an employee activity protected by section 1152. However, the ALJ concluded on the basis of the majority opinion of the California Supreme Court in *Iskanian v. CLS Transportation Los Angeles, LLC* (2014) 59 Cal.4th 348, that section 1152 does not protect the right of employees to pursue class or collective legal actions to resolve employment disputes with the Respondent. For that reason, Respondent did not violate section 1153, subdivision (a) as alleged with respect to such waivers.

The ALJ ordered Respondent to amend its arbitration policy and agreement to provide specifically that employees have the right to file unfair labor practice charges with the Board and to utilize other services that the department provides.

**Board Decision**

The Board affirmed the ALJ's rulings, findings, and conclusions in full, and adopted his recommended order.

***MUSHROOM FARMS, INC. (2017) 43 ALRB No. 1, March 24, 2017***

**Background**

On February 16, 2017, Antonio Gamboa (Petitioner) filed a petition to decertify the UFCW as the bargaining representative of the agricultural employees of Mushroom Farms, Inc. (MFI or Employer). The United Farm Workers of America (UFW) filed a petition for

intervention. An election was held on February 23, 2017, with a tally of UFCW, 38; UFW, 32; No Union, 2. The UFW filed two election objections.

**Board Decision**

The Board dismissed both objections because neither were supported by declarations setting forth facts which, if uncontroverted or unexplained, would constitute sufficient grounds for the Board to refuse to certify the election.

Objection 1 alleged that MFI agricultural employee Jose Flores, an alleged UFCW supporter, intimidated and threatened other MFI workers who supported the UFW. The Board concluded that the misconduct described in the supporting declarations was not so aggravated as to create a general atmosphere of fear and reprisal rendering free election impossible, under the test set forth in *Westwood Horizons Hotel* (1984) 270 NLRB 802, and applied by the ALRB in *T. Ito & Sons Farms* (1985) 11 ALRB No. 36.

Objection 2 alleged that voters were not fully apprised of the time of the election. The single declaration supporting this objection indicated that one worker was not told about the election time; however, Objection 2 was directly undercut by the high voter turnout recorded on the tally of ballots, and the number of additional votes would not have been sufficient to shift the outcome of the election.

**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 2016-2017, the Board issued 10 administrative orders.

No.	Administrative Order Number	Case Name	Case Number	Issue Date	Description
1.	2016-10	Gerawan Farming, Inc.	2012-CE-041-VIS, et at.	7/7/2016	Order Directing Parties to Provide Information Regarding Alternate Hearing Dates

No.	Administrative Order Number	Case Name	Case Number	Issue Date	Description
2.	2016-11	Gerawan Farming, Inc.	2012-CE-041-VIS, et at.	7/14/2016	Order Granting Stipulated Motion to Continue Prehearing Conference and Hearing
3.	2016-12	Mushroom Farms, Inc.	2016-MMC-001 (42 ALRB No. 3)	9/7/2016	Order Denying Employer's Motion for Reconsideration
4.	2016-13	Gerawan Farming, Inc.	2015-CE-011-VIS 2015-CE-012-VIS	11/8/2016	Order Granting Respondent's Application for Special Permission to Appeal ALJ Order Denying Petition to Revoke
5.	2017-01	Konark Ranches, LLC	2015-CE-048-VIS	1/25/2017	Order Setting Time for Response to General Counsel's Request for Board Action to Enforce Subpoena Duces Tecum
6.	2017-02	Konark Ranches, LLC	2015-CE-048-VIS	2/7/2017	Order Granting General Counsel's Request for Board Action to Enforce Subpoena Duces Tecum

No.	Administrative Order Number	Case Name	Case Number	Issue Date	Description
7.	2017-03	Gerawan Farming, Inc.	2012-CE-041-VIS, et al.	5/18/2017	Order Denying Gerawan Farming, Inc.'s Motion to Disqualify Member Isadore Hall; Order Denying Request for Stay
8.	2017-04	Arnaudo Brothers LP, and Arnaudo Brothers, Inc.	2013-CE-028-VIS, et al.	6/2/2017	Order Approving Formal Settlement Agreement
9.	2017-05	H & R Gunlund Ranches, Inc., Westlawn Ranches, Inc., LG Land Corporation, and Harris Gunlund Vineyards, Inc.	2009-CE-063-VIS, et al.	6/2/2017	Order Approving Formal Settlement Agreement
10.	2017-06	Gerawan Farming, Inc.	2012-CE-041-VIS, et al.	6/9/2017	Order Denying Gerawan Farming, Inc.'s Motion for Reconsideration of Denial of Motion to Disqualify Member Isadore Hall; Order Denying Request for Stay

#### **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 below identify litigation matters involving the Board, including the judicial forum in which a matter was pending at the conclusion of the 2016-2017 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, 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 2016-2017, five 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.	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.
2.	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> </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 ALRA.
3.	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 ALRA.

No.	Filing Date	Case Name	Summary
4.	12/9/2016	<i>Premiere Raspberries, LLC dba Dutra Farms v. ALRB</i> <ul style="list-style-type: none"> <li>Sixth District Court of Appeal, Case No. H044197</li> </ul>	Petition for writ of review of Board's decision (42 ALRB No. 4) finding employer's arbitration agreement could be understood by employees to prohibit the filing of unfair labor practice charges and thus violated the ALRA. (Note: Petition dismissed by court at employer's request on 4/20/2017.)
5.	12/9/2016	<i>T.T. Miyasaka, Inc. v. ALRB</i> <ul style="list-style-type: none"> <li>Sixth District Court of Appeal, Case No. H044198</li> </ul>	Petition for writ of review of Board's decision (42 ALRB No. 4) finding employer's arbitration agreement could be understood by employees to prohibit the filing of unfair labor practice charges and thus violated the ALRA. (Note: Petition dismissed by court at employer's request on 4/20/2017.)

The 18 matters identified in the table below were filed before July 1, 2016, but remained pending for some or all of fiscal year 2016-2017:

No.	Filing Date	Case Name	Summary
1.	5/6/2013	<i>Gerawan Farming, Inc. v. ALRB</i> <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</li> </ul>	Action challenging the Board's order (39 ALRB No. 5) directing the employer and union to MMC proceedings.



No.	Filing Date	Case Name	Summary
2.	5/17/2013	<i>Lupe García v. ALRB</i> <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	<i>Gerawan Farming, Inc. v. ALRB</i> <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> </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	<i>Gerawan Farming, Inc. v. ALRB</i> <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</li> </ul>	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	<i>Lupe Garcia v. ALRB</i> <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>	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.
6.	2/20/2014	<i>Silvia Lopez v. Shiroma, et al.</i> <ul style="list-style-type: none"> <li>• U.S. Dist. Court, E.D. Cal., Case No. 1:14-CV-00236-LJO-GSA</li> <li>• On appeal (filed 8/22/2014): U.S. Court of Appeals, Ninth Circuit, Case No. 14-16640 (opinion issued 9/14/16)</li> </ul>	Civil rights action under 42 USC § 1983 arising out of a decertification election held at Gerawan Farms. (Note: Judgment dismissing case entered by district court 10/25/2016.)

No.	Filing Date	Case Name	Summary
7.	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</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.
8.	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.
9.	9/15/2014	<i>Francisco Aceron v. ALRB, et al.</i> <ul style="list-style-type: none"> <li>• Sacramento County Superior Court, Case No. 34-2014-00168939</li> </ul>	Civil action filed by an ALRB employee in the General Counsel's office, alleging employment discrimination and harassment. (Note: Dismissal entered 8/23/2016.)
10.	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 (opinion issued 10/25/16; remanded to superior court 12/30/2016)</li> </ul>	Public Records Act 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.)
11.	9/30/2015	<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> </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.

No.	Filing Date	Case Name	Summary
12.	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 an ALRB employee in the General Counsel's office, alleging employment discrimination and harassment.
13.	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 9/14/16): Fifth District Court of Appeal, Case No. F074423</li> </ul>	Petition for writ of mandate challenging administrative law judge's decision revoking administrative subpoenas seeking disclosure of communications between the Board and the General Counsel concerning an injunctive relief request in May 2015.
14.	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 7/27/16): 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, § 20900).
15.	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.
16.	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.

No.	Filing Date	Case Name	Summary
17.	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.
18.	5/27/2016	<i>Sabor Farms, LLC v. ALRB</i> <ul style="list-style-type: none"> <li>Sixth District Court of Appeal, Case No. H043618</li> </ul>	Petition for writ of review of the Board's decision (42 ALRB No. 2) finding the employer unlawfully terminated two employees in retaliation for engaging in protected concerted activity. (Note: Order denying petition for review issued 5/5/2017.)

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

For fiscal year 2016-2017, the table below lists and describes superior court and appeals courts actions being handled by the General Counsel program. Litigation matters handled by the General Counsel's office typically involve injunctive relief requests or enforcement of administrative subpoenas.

No.	Filing Date	Case Name	Summary
1.	2/9/2017	<i>ALRB v. Konark Ranches, LLC</i> Tulare County Superior Court, Case No. 268482	Subpoena enforcement action filed by the General Counsel relating to unfair labor practice charges involving Konark Ranches, LLC (2015-CE-048-VIS). Case was settled prior to hearing.

## V. Unfair Labor Practice Charges

Unfair Labor Practice (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.

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 2016-2017 fiscal year, the General Counsel's office had a total of 146 pending ULP charges. Throughout fiscal year 2016-2017, an additional 78 ULP charges were filed for a total of 224 pending ULP charges. Of the 224 ULP charges, 25 charges were withdrawn, 47 charges were dismissed, 22 charges were settled, and 32 charges went to complaint. By the end of fiscal year 2016-2017, the General Counsel's office had a total of 112 pending ULP charges.

	<b>Salinas Regional Office</b>	<b>Visalia Regional Office</b>	<b>Total</b>
Charges Filed	53	25	78
Withdrawn	11*	14*	25
Dismissed	28*	19*	47
Settled	7*	15*	22
Charges to Complaint	14*	18*	32

\*Encompasses charges filed prior to fiscal year 2016-2017.

**B. ULP Investigation-Subpoena Enforcement**

In fiscal year 2016-2017, the General Counsel sought to enforce a subpoena in Superior Court in connection with one unfair labor practice charge.

A Subpoena Enforcement action was filed with the Tulare County Superior Court on February 9, 2017 in the matter of Konark Ranches LLC (2015-CE-048-VIS). A hearing was scheduled for this matter but that hearing was subsequently taken off calendar following execution of a settlement agreement.

No.	Filing Date	Case Name	Summary
1.	2/9/2017	<i>ALRB v. Konark Ranches, LLC</i> Tulare County Superior Court, Case No. 268482	Subpoena enforcement action filed by the General Counsel relating to unfair labor practice charges involving Konark Ranches, LLC (2015-CE-048-VIS). Case was settled prior to hearing.

**C. ULP Complaints**

During the fiscal year 2016-2017, the General Counsel issued 18 new complaints encompassing 32 charges.

	Salinas Regional Office	Visalia Regional Office	Total
Complaints Issued	8	10	18
Complaints Withdrawn	0	0	0
Complaints Dismissed	0	0	0
Complaints Settled	3*	7*	10*
Complaints to Compliance	4*	0*	4

\*Encompasses complaints filed before fiscal year 2016-2017.

No.	Case No.	Respondent	Complaint Date	Status as of June 30, 2017
1.	2016-CL-007-SAL	United Farm Workers	8/17/2016	Pending ALJ decision.

<b>No.</b>	<b>Case No.</b>	<b>Respondent</b>	<b>Complaint Date</b>	<b>Status as of June 30, 2017</b>
2.	2016-CL-004-SAL 2016-CL-006-SAL	United Farm Workers	8/17/2016	Pending ALJ decision.
3.	2015-CE-041-SAL	Ojai Farms, Inc.	8/26/2016	Settlement agreement reached on 10/25/2016.
4.	2015-CE-051-SAL	Mushroom Farms, Inc.	10/27/2016	Settlement agreement reached 1/5/2017.
5.	2016-CE-002-VIS	Airdrome Orchards, Inc.	12/30/2016	Settlement agreement reached 6/27/2017.
6.	2015-CE-043-VIS	Pacific Ag Management, Inc.	12/30/2016	Settlement agreement reached 5/11/2017.
7.	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, and Del Sol Harvesting, Inc.	6/20/2017	Hearing scheduled for 12/5/2017.
8.	2016-CE-011-VIS	Del Carlo Farms, Inc.	6/23/2017	Hearing scheduled for 10/17/2017.
9.	2015-CE-005-VIS	Rancho Buenaventura, LLC	6/29/2017	Hearing requested.
10.	2016-CE-035-SAL	Growers Express, LLC	6/29/2017	Hearing requested.
11.	2017-CE-017-SAL	South County Packing, Inc.	6/29/2017	Hearing requested.

No.	Case No.	Respondent	Complaint Date	Status as of June 30, 2017
12.	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, Inc.	6/29/2017	Hearing requested.
13.	2014-CE-015-VIS 2014-CE-021-VIS 2014-CE-025-VIS 2015-CE-023-VIS	Gerawan Farming, Inc.	6/29/2017	Hearing requested.
14.	2016-CE-045-SAL	Rawah Vineyards, LLC	6/30/2017	Hearing requested.
15.	2015-CE-014-VIS	Gerawan Farming, Inc.	6/30/2017	Hearing requested.
16.	2015-CE-032-VIS	Sun Pacific Farming Cooperative, Inc.	6/30/2017	Hearing requested.
17.	2015-CE-027-VIS	Jacobo D. Farms	6/30/2017	Hearing requested.
18.	2016-CE-015-VIS	Scoto Brothers Farming, Inc.	6/30/2017	Hearing requested.

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

During the fiscal year 2016-2017, the General Counsel did not seek injunctive relief.

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

During the fiscal year 2016-2017, the General Counsel achieved 13 settlement agreements which resolved 22 unfair labor practices charges. Of these settlement agreements, 3 were achieved pre-complaint and 10 were achieved post-complaint.



### ***Pre-Complaint Settlements***

During the fiscal year 2016-2017, the General Counsel reached three pre-complaint settlements encompassing four charges.

<b>No.</b>	<b>Case No.</b>	<b>Respondent</b>	<b>Settlement Type<sup>7</sup></b>	<b>Settlement Date</b>
1.	2015-CE-028-SAL	Rancho Guadalupe, LLC	Informal Bilateral	8/5/2016
2.	2015-CE-038-SAL 2015-CE-039-SAL	Dole Fresh Vegetables, Inc. and RC Packing, LLC	Informal Bilateral	11/19/2016
3.	2017-CE-005-SAL	Agro-Jal Farming Enterprises, Inc.	Informal Bilateral	6/20/2017

### ***Post-Complaint Settlements***

During the fiscal year 2016-2017, the General Counsel reached 10 post-complaint settlements encompassing 18 charges.

<b>No.</b>	<b>Case No.</b>	<b>Respondent</b>	<b>Settlement Type</b>	<b>Settlement Date</b>
1.	2013-CE-009-VIS 2013-CE-044-VIS	Gerawan Farming, Inc.	Informal Bilateral	10/19/2016
2.	2015-CE-041-SAL	Ojai Farms, Inc.	Informal Bilateral	10/25/2016
3.	2015-CE-022-SAL	J. Lohr Vineyards	Informal Bilateral	12/15/2016
4.	2015-CE-051-SAL	Mushroom Farms, Inc.	Informal Bilateral	1/5/2017
5.	2015-CE-048-VIS	Konark Ranches, LLC	Informal Bilateral	2/23/2017
6.	2009-CE-063-VIS 2009-CE-064-VIS 2009-CE-067-VIS 2009-CE-068-VIS 2010-CE-017-VIS	H&R Gunlund Ranches, Inc.	Formal Bilateral	4/27/2017

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<sup>7</sup> 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.

No.	Case No.	Respondent	Settlement Type	Settlement Date
7.	2015-CE-043-VIS	Pacific Ag Management, Inc.	Informal Bilateral	5/11/2017
8.	2013-CE-016-VIS	P&M Vanderpoel Dairy	Partial	5/24/2017
9.	2013-CE-028-VIS 2014-CE-011-VIS 2014-CE-012-VIS 2015-CE-004-VIS	Arnaudo Brothers, Inc.	Formal Bilateral	6/2/2017
10.	2016-CE-002-VIS	Airdrome Orchards, Inc.	Informal Bilateral	6/27/2017

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

During fiscal year 2016-2017, the ALRB held four hearings conducted by an ALJ in ULP cases and no hearing(s) on compliance. Cases are listed by Hearing Closed date.

No.	Case No.	Respondent	Hearing Opened	Hearing Closed	No. of Hearing Days
1.	2012-CE-041-VIS	Gerawan Farming, Inc.	11/1/2016	11/2/2016	2
2.	2015-CE-051-SAL	Mushroom Farms, Inc.	1/24/2017	1/24/2017	1
3.	2013-CL-002-SAL	United Farm Workers	2/28/2017	3/9/2017	7
4.	2015-CL-006-VIS	United Farm Workers	3/28/2017	4/4/2017	4
<b>Total</b>					<b>14 Days</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 2016-2017, the Board released one case for compliance:

<b>No.</b>	<b>Case No.</b>	<b>Respondent Name</b>	<b>Date of Compliance</b>	<b>Amount</b>
1.	2013-CE-047-SAL	Sabor Farms, LLC	5/30/2017	TBD

### ***Monetary Remedies***

In fiscal year 2016-2017, the Board obtained payments in nine cases encompassing 18 charges for a total of **\$419,368.83**. Monies collected were the result of settlement agreements and Board orders.

### **Monies Collected**

<b>No.</b>	<b>Case No.</b>	<b>Respondent Name</b>	<b>Amount</b>
1.	2015-CE-038-SAL 2015-CE-039-SAL	Dole Fresh Vegetables, Inc. and RC Packing, LLC	\$ 3,033.49
2.	2015-CE-022-SAL	J. Lohr Vineyards	34,812.45
3.	2015-CE-048-VIS	Konark Ranches, LLC	8,849.95
4.	2009-CE-063-VIS 2009-CE-064-VIS 2009-CE-067-VIS 2009-CE-068-VIS 2010-CE-017-VIS	H&R Gunlund Ranches, Inc.	225,000.00
5.	2015-CE-043-VIS	Pacific Ag Management, Inc.	2,654.45
6.	2017-CE-005-SAL	Agro-Jal Farming Enterprises, Inc.	2,974.39

No.	Case No.	Respondent Name	Amount
7.	2013-CE-028-VIS 2014-CE-011-VIS 2014-CE-012-VIS 2015-CE-004-VIS	Arnaudo Brothers, Inc.	25,471.50
8.	2016-CE-005-SAL 2016-CE-007-SAL	Etchandy Farms, LLC	9,299.92
9.	93-CE-038-VIS	San Joaquin Tomato Growers, Inc.	107,272.68
<b>Total</b>			<b>\$419,368.83</b>

Payments were awarded in eight cases encompassing 16 charges as a result of a Settlement Agreement or Private Party Agreement.<sup>8</sup>

**Payments Awarded**

No.	Case No.	Respondent Name	Settlement Type	Amount
1.	2015-CE-038-SAL 2015-CE-039-SAL	Dole Fresh Vegetables, Inc. and RC Packing, LLC	Informal Bilateral	\$3,318.72
2.	2015-CE-022-SAL	J. Lohr Vineyards	Informal Bilateral	45,267.00
3.	2015-CE-048-VIS	Konark Ranches, LLC	Informal Bilateral	10,000.00
4.	2009-CE-063-VIS 2009-CE-064-VIS 2009-CE-067-VIS 2009-CE-068-VIS 2010-CE-017-VIS	H&R Gunlund Ranches, Inc.	Formal Bilateral	225,000.00
5.	2015-CE-043-VIS	Pacific Ag Management, Inc.	Informal Bilateral	3,073.00
6.	2013-CE-016-VIS	P&M Vanderpoel Dairy	Partial	4,969.48
7.	2013-CE-028-VIS 2014-CE-011-VIS 2014-CE-012-VIS 2015-CE-004-VIS	Arnaudo Brothers, Inc.	Formal Bilateral	25,471.50

<sup>8</sup> The number of payments ordered during fiscal year 2016-2017 is not necessarily the same as the number of payments collected by the department during that fiscal year. These figures differ for various reasons, including the lag in time between when an order is obtained to when payment is actually collected, the fact that some payments are paid directly to the charging party and not the ALRB.

8.	2017-CE-005-SAL	Agro-Jal Farming Enterprises, Inc.	Informal Bilateral	3,252.50
<b>Total</b>				<b>\$320,352.20</b>

In fiscal year 2016-2017, the ALRB issued 606 checks from six cases encompassing 11 charges to farmworkers as a result of findings of liability in unfair labor practice cases or as a result of settlement agreements:

**Checks Issued by the ALRB to Farmworkers<sup>9</sup>**

No.	Case No.	Respondent Name	Number of Checks Issued by the ALRB	Total Net Amount Issued
1.	93-CE-037-VIS	Ace Tomato Company, Inc.	238	\$ 45,840.52
2.	2014-CE-030-VIS	Etchandy Farms, LLC	6	9,299.92
3.	2014-CE-042-SAL	J. Lohr Vineyards, Inc.	29	34,812.45
4.	93-CE-038-VIS	San Joaquin Tomato Growers, Inc.	331	125,947.37
5.	2014-CE-024-SAL 2014-CE-025-SAL	Santa Paula Berry Farms, LLC	1	2,289.35
6.	2013-CE-041-SAL	Ventura Terra Garden, Inc.	1	2,632.82
<b>Total</b>			<b>606</b>	<b>\$220,822.43</b>

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<sup>9</sup> In addition to these amounts, farmworkers received an additional net amount of \$14,478.79 issued directly by respondents to the workers.

### ***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 effectuated the following noticing remedies in fiscal year 2016-2017:

The ALRB conducted a ***notice reading*** to 1,089 agricultural employees in 10 cases encompassing 12 charges.

<b>No.</b>	<b>Case No.</b>	<b>Respondent Name</b>	<b>Date of Notice Reading</b>	<b>Number of Employees at Reading</b>
1.	2016-CE-005-SAL 2016-CE-007-SAL	Etchandy Farms, LLC	7/1/2016	80
2.	2014-CE-007-VIS	Sun Pacific Farming Cooperative, Inc.	7/7/2016	64
3.	2012-CE-007-SAL	Bud Antle, Inc.	7/12/2016	113
4.	2015-CE-028-SAL	Rancho Guadalupe, LLC	8/5/2016	115
5.	2013-CE-016-VIS	P&M Vanderpoel Dairy	8/08/2016	8
6.	2015-CE-041-SAL	Ojai Farms, Inc.	11/4/2016	38
7.	2015-CE-051-SAL	Mushroom Farms, Inc.	3/16/2017	53
8.	2015-CE-022-SAL	J. Lohr Vineyards, Inc.	3/24/2017	36
9.	2015-CE-038-SAL 2015-CE-039-SAL	Dole Fresh Vegetables, Inc., and RC Packing, LLC	5/22/2017	398
10.	2011-CE-005-SAL	Kawahara Nursery, Inc.	5/23/2017	184
	<b>Total</b>			<b>1,089</b>

The ALRB issued a ***notice mailing*** to 926 agricultural employees in seven cases encompassing nine charges.

<b>No.</b>	<b>Case No.</b>	<b>Respondent Name</b>	<b>Date of Notice Mailing</b>	<b>Number of Employees Received Mailing</b>
1.	2016-CE-005-SAL 2016-CE-007-SAL	Etchandy Farms, LLC	7/11/2016	131
2.	2015-CE-028-SAL	Rancho Guadalupe, LLC	8/12/2016	275

No.	Case No.	Respondent Name	Date of Notice Mailing	Number of Employees Received Mailing
3.	2012-CL-015-SAL	George Amaral Ranches, Inc.	8/16/2016	21
4.	2015-CE-041-SAL	Ojai Farms, Inc.	11/16/2016	153
5.	2015-CE-022-SAL	J. Lohr Vineyards, Inc.	3/6/2017	139
6.	2015-CE-038-SAL 2015-CE-039-SAL	Dole Fresh Vegetables, Inc., and RC Packing, LLC	5/15/2017	39
7.	2015-CE-043-VIS	Pacific Ag Management, Inc.	5/22/2017	168
	<b>Total</b>			<b>926</b>

The ALRB completed a *notice posting* in seven cases encompassing eight charges.

No.	Case No.	Respondent Name	Date of Notice Posting
1.	2015-CE-028-SAL	Rancho Guadalupe, LLC	8/5/2016
2.	2013-CE-016-VIS	P&M Vanderpoel Dairy	8/8/2016
3.	2015-CE-041-SAL	Ojai Farms, Inc.	10/29/2016
4.	2015-CE-022-SAL	J. Lohr Vineyards, Inc.	3/24/2017
5.	2015-CE-051-SAL	Mushroom Farms, Inc.	3/16/2017
6.	2015-CE-038-SAL 2015-CE-039-SAL	Dole Fresh Vegetables, Inc., and RC Packing, LLC	5/22/2017
7.	2011-CE-005-SAL	Kawahara Nursery, Inc.	5/23/2017

The ALRB trained 78 supervisors of farmworkers in six cases encompassing seven charges.

No.	Case No.	Respondent Name	Date Training Held	Number of Supervisors Received Training
1.	2016-CE-005-SAL 2016-CE-007-SAL	Etchandy Farms, LLC	7/27/2016 8/10/2016	7
2.	2015-CE-028-SAL	Rancho Guadalupe, LLC	8/5/2016	13
3.	2015-CE-041-SAL	Ojai Farms, Inc.	11/4/2016	7
4.	2015-CE-022-SAL	J. Lohr Vineyards, Inc.	1/12/2017	16
5.	2015-CE-051-SAL	Mushroom Farms, Inc.	3/16/2017	9

No.	Case No.	Respondent Name	Date Training Held	Number of Supervisors Received Training
6.	2015-CE-043-VIS	Pacific Ag Management, Inc.	6/13/2017 6/28/2017	26
	<b>Total</b>			<b>78</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 2016-2017, the ALRB deposited payments from four cases, encompassing six separate charges.

### **Monies Deposited and Disbursed from the Agency Trust Fund from July 1, 2016 to June 30, 2017**

#### **DEPOSITS**

No.	Case No.	Respondent Name	Deposits
1.	2016-CE-005-SAL 2016-CE-007-SAL	Etchandy Farms, LLC	\$9,299.92
2.	2015-CE-022-SAL	J. Lohr Vineyards, Inc.	34,812.45
3.	2015-CE-038-SAL 2015-CE-039-SAL	R. C. Packing, LLC/Dole Fresh Vegetables, Inc.	3,033.49
4.	93-CE-038-VIS	San Joaquin Tomato Growers, Inc.	107,272.68
	<b>Total</b>		<b>\$154,418.54</b>

#### **DISBURSEMENTS**

No.	Case No.	Respondent Name	Amount of Net Payment Issued
1.	93-CE-037-VIS	Ace Tomato Company, Inc.	\$45,840.52
2.	2016-CE-005-SAL 2016-CE-007-SAL	Etchandy Farms, LLC	9,299.92
3.	2015-CE-022-SAL	J. Lohr Vineyards, Inc.	34,812.45



No.	Case No.	Respondent Name	Amount of Net Payment Issued
4.	93-CE-038-VIS	San Joaquin Tomato Growers, Inc.	125,947.37
5.	2013-CE-062-SAL	Santa Paula Berry Farms, LLC	2,289.35
6.	2015-CE-052-SAL	Ventura Terra Garden, Inc.	2,632.82
	<b>Total</b>		<b>\$220,822.43</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 2016-2017, no cases were referred to the Fund and there were no disbursements from the Fund. As of June 30, 2017, \$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 mandatory mediation and conciliation (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 reviewable by the courts.

During fiscal year 2016-2017, the ALRB received one request for referral to mandatory mediation and conciliation. The Board issued an order directing the parties to mandatory mediation and conciliation on August 17, 2016 (Mushroom Farms 2016-MMC-001).

## VIII. Outreach Activities

The ALRB is actively conducting ongoing outreach activities 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 attended various events throughout California with the goal of informing workers about their rights under the ALRA and the role of the ALRB in enforcing such rights. ALRB staff distributed outreach materials, made presentations, answered workers' questions, and collaborated with other agencies in order to educate farmworkers and others who serve the farmworker community about the availability of services from the ALRB. Highlights of outreach activities include:

- Multiple community fairs and outreach events attended by farmworkers including *Día del Trabajador Agrícola* (Day of the Farm Worker) in Greenfield, California.
- Attendance at a week-long event at *La Semana de los Derechos Laborales* (“Labor Rights Week”), which was sponsored by the Mexican Consulate, that takes place throughout the state of California.
- Continued partnership with AgSafe: ALRB appeared at various AgSafe events as one of the primary presenters and conducted trainings in Spanish and English throughout California. AgSafe is a network of farmers, farm labor contractors, packers, shippers and processors. Educational classes provided information and resources needed to prevent injuries, illnesses and fatalities.
- Participation in a radio program called Radio Indígena multiple occasions. The program focused on the rights of farmworkers to form or decertify unions and to participate in protected concerted activities.
- Appearances on Spanish language television, broadcasting to multiple regions in California.
- Attendance at a Forum on Labor Rights, together with the Mexican Consulate and Santa Maria Food Bank to provide information to farm workers and employers.