



SUSAN S. MURANISHI
COUNTY ADMINISTRATOR

C O U N T Y A D M I N I S T R A T O R

May 5, 2015

Honorable Board of Supervisors
Administration Building
Oakland, CA 94612

Dear Board Members:

**SUBJECT: AMENDMENT TO THE 2015 ALAMEDA COUNTY LEGISLATIVE
PLATFORM ADOPTING POSITIONS ON LEGISLATION**

RECOMMENDATION:

The following item was considered by the PAL (Personnel, Administration and Legislation) Committee at its May 4, 2015 meeting and is hereby referred to your Board for approval and inclusion as an amendment to the County's 2015 Legislative Platform:

1. Adopt a Resolution calling on Gerawan Farming to Immediately Implement the Union Contract Issued by the Neutral Mediator and the State of California

DISCUSSION:

Supervisor Valle requests your Board's adoption of the attached Resolution calling on Gerawan Farming to immediately implement the union contract issued by the neutral mediator and the State of California. Gerawan Farming is one of the nation's largest grape and tree fruit producers with 5,000 employees selling produce under its Prima label through well-known food vendors and grocery stores.

The Resolution delineates a number of actions and allegations that describe persistent and egregious anti-labor conduct on the part of Gerawan Farming that undermine farm workers' rights to organize and negotiate union contracts.

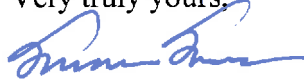
The Agricultural Labor Relations Board (ALRB), a body created in California in 1975 to ensure peace in the fields of California by guaranteeing justice for all agricultural workers and stability in agricultural labor relations, has filed five complaints accusing, among other things, Gerawan Farming of illegally excluding some of its farm workers from the benefits of a union contract, and illegally instigating and encouraging the gathering of signatures on petitions to decertify the United Farm Workers of America to which the farm workers belong.

In 2013, Gerawan workers invoked a California law allowing neutral state-appointed mediators to decide union contracts when employers refuse to sign them, and in late 2013, the ALRB ordered that the three-year union contract be immediately implemented.

Gerawan Farming's subsequent refusal to implement the union contract means its roughly 5,000 employees have not been paid many millions of dollars they are owed by Gerawan Farming from July 2013 to July 2014, and many millions of dollars more over the contract's duration.

The PAL Board Committee recommends adoption of the Resolution.

Very truly yours,



Susan S. Muranishi
County Administrator

SSM:LL:pk:pkp

Attachment

c: Affected County Agencies/Departments
CAO Analysts
State and Federal Legislative Advocates
Board Committee Clerk

Resolution Calling on Gerawan Farming to Immediately Implement the Union Contract Issued by the Neutral Mediator and the State of California

WHEREAS, Gerawan Farming is one of the nation's largest grape and tree fruit producers with 5,000 employees selling produce under its Prima label through well-known food vendors and grocery stores; and

WHEREAS, Agricultural Labor Relations Board (ALRB) General Counsel has alleged that Gerawan Farming has been engaged in persistent and egregious anti-labor conduct that exemplifies the agricultural industry's defiance of farm workers' rights to organize and negotiate union contracts; and

WHEREAS, ALRB General Counsel has alleged that Gerawan farm workers voted for the United Farm Workers of America ("UFW") in a state-conducted secret-ballot election in 1990, in the last major organizing drive under Cesar Chavez's leadership, and that since that time Gerawan Farming has thwarted multiple worker efforts to negotiate a union contract; and

WHEREAS, in 2013, Gerawan workers invoked a California law allowing neutral state-appointed mediators to decide union contracts when employers refuse to sign them, and in late 2013, the state Agricultural Labor Relations Board ordered that the three-year union contract be immediately implemented; and

WHEREAS, the ALRB General Counsel filed five complaints accusing Gerawan Farming of "illegally excluding some of its farm workers from the benefits of a [union contract]"; illegally "instigating and encouraging the gathering of signatures" on petitions to decertify the UFW; "unlawfully interrogating workers about their union activities" and "surveilling" workers; "failing to bargain in good faith with its employees' union"; "intimidating [employees] in the exercise of their right to participate in negotiations"; and failing to implement the state-issued union contract; and

WHEREAS, under contract terms set by the state mediator, not the UFW, between July of 2013 and July of 2014, most Gerawan workers would have earned approximately \$1,480 in additional money each, based on a 54-hour work week, plus additional pay increases and benefits scheduled to take effect over the duration of the agreement; and

WHEREAS, Gerawan Farming's refusal to implement the union contract means its roughly 5,000 employees have not been paid many millions of dollars they are owed by Gerawan Farming from July 2013 to July 2014, and many millions of dollars more over the contract's duration; and

WHEREAS, the ALRB General Counsel has alleged that Gerawan Farming's first attempt to decertify the UFW in September 2013 was dismissed by the ALRB regional director after a careful investigation exposed "a large number of forged signatures" and "significant unlawful assistance by the employer in the circulation of the petition," and a second petition was dismissed by the regional director who cited the outstanding recent complaints against Gerawan for serious and repeated violations of the law so that "a free and uncoerced" election is "impossible";

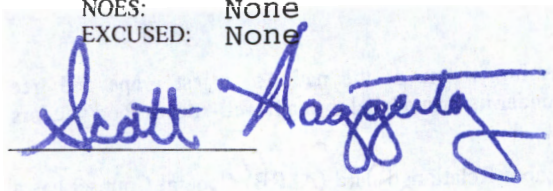
NOW THEREFORE BE IT RESOLVED, THAT: the Alameda County Board of Supervisors call upon Gerawan Farming to meet basic standards of fair conduct and to refrain from hindering workers' efforts to organize, bargaining in bad faith, and intimidating employees in their attempts to exercise employee rights, and to immediately implement the union contract issued by the neutral mediator and the State of California.

PASSED AND ADOPTED by the Board of Supervisors of the County of Alameda, State of California, on
May 12, 2015 by the following vote:

AYES: Carson, Chan, Miley, Valle & President Haggerty

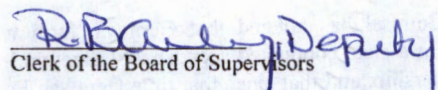
NOES: None

EXCUSED: None

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SCOTT HAGGERTY,
President
Board of
Supervisors

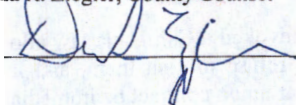
ATTESTED TO:

A handwritten signature in blue ink, reading "R. Bailey", written over a horizontal line.

Clerk of the Board of Supervisors

APPROVED AS TO FORM

Donna R. Ziegler, County Counsel

By:  County Counsel

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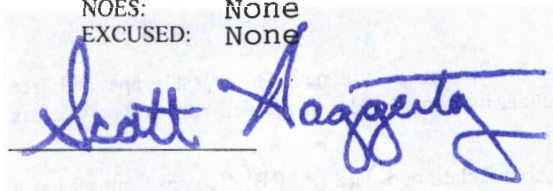
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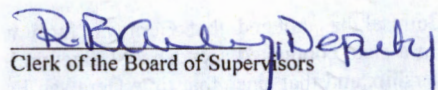
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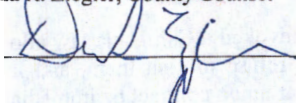
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