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CONTACT: Rob Stutzman
(916) 930-0100, rob@stutzmanpa.com

MEDIA ALERT

Court Denies ALRB General Counsel's Attempt to Impose Contract before Counting Decertification Ballots

Fresno, CA, June 5, 2014 — The Gerawan family, owners and operators of Gerawan Farming, issued the following statement after a Fresno County Superior Court rejected the California Agricultural Labor Relations Board's (ALRB) general counsel's request to impose a contract on Gerawan employees. The ALRB had asked the Superior Court to impose a contract that was written by a mediator five months ago without input from the farm workers and before counting the ballots of a decertification election requested by a majority of the workers. That decertification election was held in November 2013 to determine whether or not the workers wanted the UFW involved at all.

“We are pleased the court rejected the ALRB's request to impose a contract. Imposing a contract before decertification ballots have been counted would have been wrong and undemocratic. The ALRB should be counting the workers' ballots given that a majority of the workers, according to the ALRB itself, asked for the decertification election to be held.

Furthermore, we find it very disturbing that not only has the ALRB abdicated its duty to ensure peace in the field, it has now decided for the employees what's in their best interest. So, rather than counting the ballots—that were cast when the employees knew what was in the so-called contract—the ALRB has decided that the contract should be imposed whether the employees want it or not. The ALRB should stop denying our workers an essential American right. Count the votes.”

In the order denying the ALRB's attempt to impose the contract, the Court noted that imposing a contract would create a “long term bar to an employee election. Such an election, however, is, at this point, a clear objective of numerous Gerawan employees.”

Judge Jeffrey Y. Hamilton, Jr., went on to confirm that there is evidence of the UFW's “lengthy absence from Gerawan.”

This is the second time a Court has rejected a request to impose this contract. The UFW had previously sought enforcement and lost.

See following page for additional background...

ADDITIONAL BACKGROUND

Gerawan Farming is a family grower of peaches and grapes in the Fresno area. The farm is known as the preferred employer for thousands of farm workers in the Central Valley. Gerawan has a history of paying the highest wages and benefits in the industry.

In 1990, the United Farm Workers won an election to represent Gerawan's farm workers. After one bargaining session, the union abandoned the employees before any contract was negotiated on their behalf. The union has repeatedly refused to explain the 20-year absence, saying it has no obligation to explain it.

In October of 2012, the union sent a letter to Gerawan to say they were ready to bargain, even though 98% of the current employees did not participate in the one and only election that took place almost a quarter century ago. In good faith, Gerawan Farming began bargaining sessions in January 2013. After ten bargaining sessions over a three-month period, during which the UFW never made an economic proposal to discuss worker compensation, the UFW asked the government to step in to write and impose a contract on Gerawan and its employees. This contract will force the workers to pay 3% of their paycheck to the UFW or lose their jobs. The workers have no right to accept or reject the contract and the ALRB has banned workers from intervening, participating or even attending the proceeding.

To impose the contract, the UFW invoked a 2003 mandatory "mediation" law that was meant to resolve years-long negotiations that were intentionally dragged-out by growers. However, in the case of Gerawan, there were no negotiations because the union had disappeared. This is a blatant abuse of the 2003 law.

The employees asked for an election to decertify the UFW as their Board-imposed representative. Farm workers collected nearly 3,000 signatures to win the right to choose whether the UFW has earned the right to speak on their behalf. The election was held November 5, 2013 after several public demonstrations where thousands of Gerawan employees walked off the job and protested the ALRB's decision to force UFW representation without being elected by the workers.

The state has written a contract and is now seeking to impose it through the judicial system on Gerawan Farming and the employees despite the unknown outcome of the election.

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