

The Agriculture Industry Rallies around Gerawan Employees *Calls On the ALRB to Count Workers' Votes*

California Fresh Fruit Association President Says Workers Want to Have Their Votes Counted: Farm employees at Gerawan Farming, Inc. have been enduring an incredibly frustrating situation for over two years. In the fall of 2012 they were informed that there had been an election in 1990, when, in a close vote, field employees had approved joining a union. They were told that the union was now appearing after more than a two-decade absence to represent them and, oh by the way, the union was going to collect three percent from their wages as dues. Never mind the facts that the employee base had grown from hundreds to thousands. Or that almost all the current employees had no contact ever with the union. Or that the conditions related to wages, benefits, health and safety issues had changed dramatically in favor of employees during the many years of a total absence of organized labor. Even ignore the most obvious fact – that the employees failed to see value in union membership when evaluating what they would receive in exchange for three percent of their wages. (Fox & Hounds: [Patterson's AB 1389 Deserves Bipartisan Support](#); 5/5/15)

President and CEO of Western Growers Association: The ALRB Has a Duty To Count the Votes: No state holiday, street, school or park will ever be named for her, but Silvia Lopez is a modern day hero. She is leading an acrimonious fight on behalf of thousands of California farmworkers. Her story is one of courage, perseverance and righteousness — and it needs to be shared. Silvia Lopez has been an employee of Gerawan Farming for many years. Gerawan Farming is one of the largest tree fruit producers in the country and employs more than 10,000 workers in Fresno County. Two years ago, Silvia learned for the first time that the United Farm Workers Union (UFW) claimed to be the certified bargaining representative of Gerawan Farming employees. This came as a shock since the union had not been seen at Gerawan for two decades... Given the overwhelming reaction against the union, and paltry support for the union, it appears that the final tally, if the votes are ever counted, will not be close. If that is the case, the ALRB would be hard-pressed to find that any alleged misconduct affected the results of the election. So why not count the ballots now? Lopez fought hard to win the right to an election by the ALRB. But if the votes are not counted, it's tantamount to no election being conducted at all. (Western Growers Association Magazine: [Justice Delayed, Justice Denied](#); 9/2/2014)

Don Curlee: Farmers Unite Behind Workers: “Every few years something occurs to bring California agriculture together in a kind of show of strength. This year it is the plight of farm workers and their right to reject union membership. The state's major farm organizations signed onto a “friend of the court” document in May to express their

support for 5,000 or more farm workers employed by Gerawan Farming in Reedley, a major producer of peaches, plums, nectarines and grapes. The workers took part in an election last November to decide if they want to continue working without belonging to a union, namely the United Farmworkers of America (UFW). Not only has the outcome of the election never been announced by the state's Agricultural Labor Relations Board (ALRB), the ballots cast have been locked up at the agency's Visalia field office and not counted." (*The Porterville Record*: [Farmers Unite Behind Workers](#); 6/2/2014)

Western Growers Is Joined By Top Ag Associations to File Amicus Brief In Gerawan Farming Case: "Using the [MMC statutes], the ALRB has rewarded a union that abandoned the employees in the bargaining unit and refused to engage in sustained, good-faith, collective bargaining," the brief states. The brief notes that, "the Board then locked the employees out of the MMC process, ruling that they could not even see what the wayward union was doing (or not doing) on their behalf. Finally, the Board allowed the 'mediator' to become a private judge exercising the sovereign authority of the State of California. With this power, the private judge imposed an order on [Gerawan] dictating how it will run its business and imposing significant economic sanctions on Gerawan...Joining Western Growers were the following organizations who signed on to the brief: California Farm Bureau Federation, Agricultural Council of California, California Citrus Mutual, California Grape and Tree Fruit League, Grower-Shipper Association of Central California, Grower-Shipper Association of Santa Barbara and San Luis Obispo Counties, Nisei Farmers League, and Ventura County Agricultural Association. (Western Growers blog: [Western Growers Files Amicus Brief in Gerawan Farming Case](#); 4/29/2014)

California Fresh Fruit Association: Governor Brown's Perception Of Being Farmworker Rights Champion in Jeopardy: "Gov. Jerry Brown is considered the father of the Agricultural Labor Relations Act (ARLA)...The Governor was then and is currently viewed as a champion of farmworker rights. However that perception is now in jeopardy a recent actions by the Agriculture Labor Relations Board (ALRB) are sending the clear and unmistakable message that the law is really for the benefit of unions and for one union in particular...I have been working long enough with Sacramento legislators and regulators to realize there are many well-intended individuals who truly believe that workers, particularly farmworkers are better off with a union whether the worker knows it or not. This paternalistic attitude is very evident but ignores the realities that while the Legislature continues to pass laws that benefit the worker, the hard it is for the union to show value and justify taking 3% out of the workers' paychecks. (*The Fresno Bee*: Op-ed by Barry Bedwell: Gov. Brown, this doesn't feel right; 10/13/2013)

How the UFW is Harvesting Dormant Certifications After Years of Abandoning Farm Workers: "In the case of the Gerawan Farming employees, the

vast majority of whom were not working for the company during the 1990 election, it meant finding out that they were represented by a union they had never known during the off-season when UFW representatives started contacting them at their homes and announcing that the union was representing them in negotiations. The employees soon learned that also meant that the UFW would seek contract provisions requiring them to pay 3 percent of their gross wages as union dues or fees, or be subject to termination. When the UFW and Gerawan Farming began negotiating, employees began trying to find out what their rights were and soon discovered that until the harvest began, they could not even ask for an election to determine whether they wanted the UFW to represent them... Growers have met fates similar to Gerawan Farming's, or are involved in the process after having the UFW wake from its decades long slumber and sending a letter to them. Until then, the legal battles continue, and thousands of employees wonder why a law that was designed to protect their rights is being used by the UFW and the general counsel to prevent them from enjoying that most basic right...their right to vote and have their ballots counted. (*Western Growers Magazine: [UFW Harvesting Dormant Certifications: The Anatomy Of the Gerawan Case](#)*; 8/1/2014)

Western Growers Association Appalled By Unchecked Union Influence In the Legislature:

“Labor unions have unmatched influence in the Legislature and they aren't shy about trying to write the law to their advantage. Those representing employers face insurmountable odds in the labor committees...So it was more than a little jarring when, on June 12, the roll was called in the Assembly Labor Committee on Senate Bill 25, a UFW bill expanding the mandatory mediation aspects of the Agriculture Labor Relations Act. Two of the Democratic members of the committee withheld their votes, causing the bill to fail passage...Testimony in the committee by stone fruit grower Dan Gerawan (Gerawan Farming, Reedley, CA), also had an impact. The UFW won a certification election at Gerawan in 1990 and was certified as the bargaining agent for workers in 1992. After one negotiating session, the UFW abandoned the effort only to return 20 years later and demand that Gerawan be forced into mandatory mediation, bypassing the bargaining process and denying the current workers — nearly all of whom were not around when the UFW was certified — a right to vote on having 3 percent of their wages taken by the UFW. Mr. Gerawan's personal testimony to the Assembly Labor Committee about his company's honorable treatment of its employees was powerful and compelling. For those willing to listen with an open mind, he put the lie to the UFW's claim that SB 25 was only a “minor change” to the law. (*Western Growers Association Magazine: [A “Man Bites Dog Story” in Sacramento](#)*; 8/1/2013)

California Fresh Fruit Association President Calls ALRB Refusal To Count Votes ‘Undemocratic’:

“Barry Bedwell, president of the California Grape and Tree Fruit League [now known as the California Fresh Fruit Association], which represents growers, believes the foundations of workplace democracy would be undermined if the contract at Gerawan was enforced without the decertification votes being tallied. ‘It's

almost a forced unionization,' he told MintPress, adding, 'This seems about as undemocratic as you can get. 'Whether or not there should be a union at all should be decided by the workers themselves,' Raimondo, the attorney, said. 'That's what labor laws stand for.' (*Mintpress*: [Fight At Big Calif. Grower Tests Workplace Democracy](#); 5/26/2014)