FARM LABOR AND THE ALRA AT 40
University of California, Davis April 17, 2015

THE ALRA & ALRB SINCE 1975

Ronald H. Barsamian, Esq.
BARSAMIAN & MOODY
THE FIRST 20 YEARS

• **Elections**
  • Hundreds of elections within the first five years.
  • Strike (48 hour) elections in the beginning and the garlic elections in the 1980s.
  • Unions in all industries suffer declining membership.

• **Negotiations**
  • Multi-employer bargaining...a level playing field in agricultural sectors under both the ALRB’s and NLRB’s jurisdictions.
  • Bad faith bargaining cases...*make-whole* awards.

• ** Strikes and Boycotts**
  • Single employer and entire industries/seasons.
  • Violence.
1995-2010

- **Organizing and Elections**
  - UFW goes for the big plays with mixed results (strawberries and table grapes).
    - *Coastal Berry*...reinventing the wheel.
    - *Gallo*...reinventing the wheel 2.
  - UFCW reinvents itself (dairy and wine industries).
  - Organized labor at a crossroads.
  - Card Check.

- **Negotiations**
  - Mixed results.
  - Mandatory Mediation and Conciliation.

- **ALRB Enforcement**
  - Fewer unfair labor practice charges filed.
THE LAST FIVE YEARS

• SB 126 Amendments
  • 2003 MMC Amendments barely used, but let’s “fix” them anyway.
  • *Gallo* supercharged.

• Old Certifications
  • Mining the past when the present isn’t working out.

• A New Team in the General Counsel’s Office
ADMINISTRATIVE HEARINGS

Then...
• Testimony recorded:
  • Takes time to go back and review testimony, but easy to find using cassette recorder.
• ALJs have typewriters:
  • Real-time printing.
• Quick communication:
  • Facsimile or overnight shipping.

Now...
• Testimony recorded:
  • Takes time to go back and review testimony on laptop, and not easy to find.
• ALJs have laptops:
  • But no printers.
• Quick communication:
  • Facsimile or overnight shipping.
SERVICE OF UNFAIR LABOR PRACTICE CHARGES

Then...

• Left under the windshield wiper in morning.

Now...

• E-mailed by General Counsel with request for documents.
Then...

• Read Regulations:
  • “...if delivered on the third day of the new moon when Venus shines brightly, add 3 days, unless it is leap year…”

• Call Executive Secretary.

Now...

• Read Regulations:
  • “...if delivered on the third day of the new moon when Venus shines brightly, add 3 days, unless it is leap year…”

• Call Executive Secretary.
FILING ONLINE

Then…

• Huh?

Now…

• Huh?
THE NEXT 40 YEARS?

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