

Farm Labor and the ALRA at 40: 1975-2015

Perspectives on the ALRB:
Past, Present, and Future



Agricultural Labor Relations Board
Office of the General Counsel

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Introduction

Farmworkers play a critical role in California's \$43.5 billion dollar agricultural economy. They perform some of the most difficult, dangerous, and important work in the state and yet, they remain among the most marginalized and lowest-paid workers. At the same time, California's farmworkers enjoy some of the most robust legal protections in the world. The rights of farmworkers are set forth in the Agricultural Labor Relations Act:

It is hereby stated to be the policy of the State of California to encourage and protect the right of agricultural employees to full freedom of association, self-organization, and designation of representatives of their own choosing, to negotiate the terms and conditions of their employment, and to be free from the interference, restraint, or coercion of employers of labor, or their agents in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.¹

These rights are meaningless, however, if workers are unable to exercise their rights without fear of retaliation. The ALRB is the department that was established to protect these rights.

The ALRB consists of a two-part structure: the General Counsel and the Board. The Board is the adjudicatory body of the ALRB. This presentation focuses on the activities of the General Counsel. The General Counsel is the chief prosecutor of all violations of the Agricultural Labor Relations Act. As such, the General Counsel is responsible for processing, investigating, and prosecuting and resolving charges when the Act is violated. Additionally, the General Counsel manages and ensures that the ALRB conducts free and fair union elections for agricultural workers so that they can decide whether they want to be represented by a union. In response to stakeholders' requests for increased accountability, timely investigation and enforcement, training, education, outreach, and clearer communication, the General Counsel implemented significant internal policy changes, developed and delivered state-wide trainings for her employees, and generally raised the level of professionalism of ALRB staff. These improvements have raised the quality and delivery of services to all stakeholders.

In addition to internal changes, the General Counsel has led the ALRB's public outreach campaign, including overseeing the creation of updated outreach materials. These efforts serve the vital purpose of ensuring that employers, workers, and unions are aware of their rights and responsibilities under the law and, importantly, that they know how and where to seek out the ALRB for assistance. The combination of the ALRB's community education and outreach efforts, in conjunction with the timely and responsible resolution of charges, has impacted labor-management relations in California agriculture in a positive and transformative way.

¹ Lab. Code § 1140.2.

This presentation will highlight the present condition of the ALRB, highlighting the last three years, including improved case handling policies and procedures, increased access to ALRB services, more timely prosecution of violations, reduction in case backlog, swifter department response to serious violations of the law through successful injunctive relief actions, and more expansive outreach efforts, including effective outreach to indigenous communities.

Enhanced Investigative Policies and Procedures Have Been Implemented to Promote Effective and Timely Resolution of Charges for Farmworkers

Upon the General Counsel's arrival at the ALRB in September 2011, she discovered that there was a significant backlog in investigations and prosecutions due to, *inter alia*, decades of inadequate resource allocation, years of staffing cuts, and a lack of accountability. What had been a department of over three hundred employees in 1975 had been reduced to fewer than forty in 2011. The corresponding delays due to lack of resources and general inability to complete the department's core tasks resulted in a lack of trust in the ALRB's ability to serve the agricultural community. It was essential for the ALRB to regain the trust of the farmworkers, agricultural employers, unions, and other agricultural stakeholders. The General Counsel determined that the program needed a complete overhaul. She obtained additional resources with the support of Governor Jerry Brown and Labor Secretary Marty Morgenstern and hired dedicated staff to aggressively investigate and litigate both new and backlogged claims. The team of new staff include a supervising staff counsel and two accomplished and committed Regional Directors, Alegría De La Cruz and Silas Shawver, who not only oversee their respective regions, but also support each other and work collaboratively. This collaboration serves the vision of providing high quality services to the agricultural community statewide, as well as to ensure coverage of all regions and matters with minimal staff. The General Counsel also hired a number of attorneys and field examiners who infused the ALRB with new energy and skill. With this new, dedicated, and talented team in place, the General Counsel made substantial changes to the way unfair labor practice charges are processed, investigated, and resolved; the way compliance cases and elections are timely and effectively handled; and centralized the supervision structure of General Counsel staff.

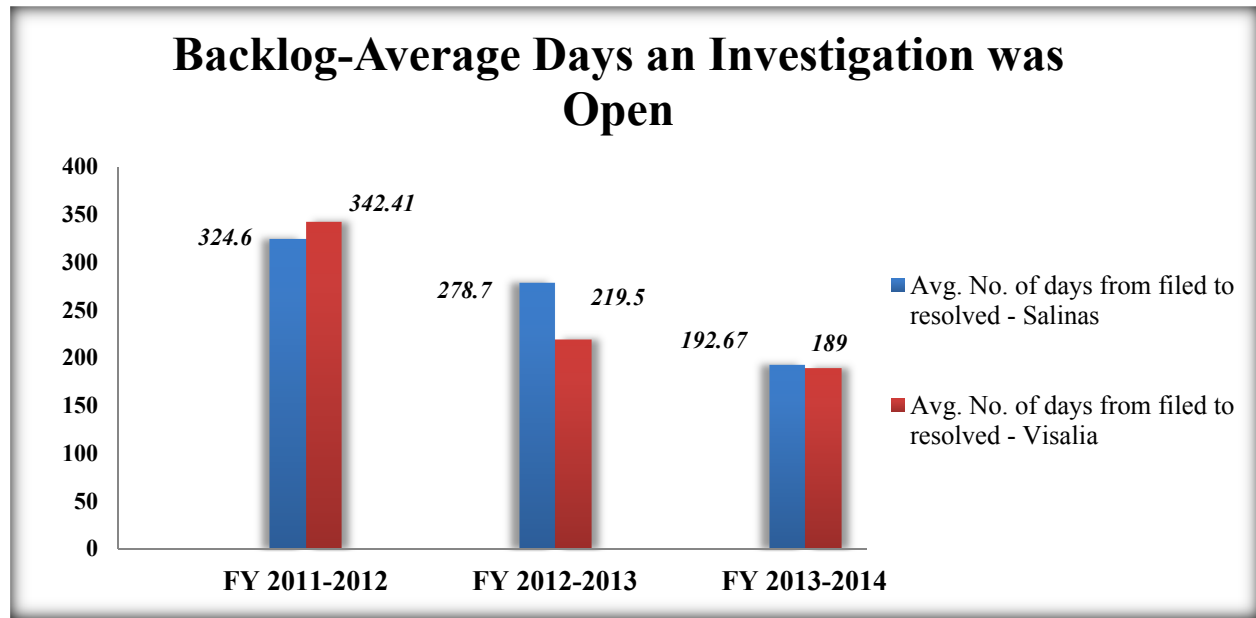
One major area that required improvement was the speed with which claims of unfair labor practices were resolved. When a farmworker, agricultural employer, or union believes that they have been harmed by an unfair labor practice, they may file a "charge" with the ALRB. The General Counsel will then investigate this charge. If, at the end of the investigation, the General Counsel has reason to believe that the law was violated, she will issue a complaint.

While thorough investigations require a significant investment of time and resources, charges were being resolved so slowly that the department lost its credibility. Some charges and complaints had languished for years and compliance investigations, literally, for decades. When the General Counsel arrived, the ALRB was plagued by a momentous backlog, namely, *eleven* 35-year old cases, *two* 20-year old cases, and a number of complaints that had lingered for

several years with little or no significant action. During her first year, the General Counsel investigated these cases to evaluate whether any relief could be obtained for the workers. Given that decades had passed and growers had either closed or filed for bankruptcy, results of this investigation required that the General Counsel file numerous motions to close these lingering 35-year-old cases including cases such as *Arakelian Farms* (1979) 4 ALRB No 53 and *Kawano Inc.* (1985) 10 ALRB No. 17, which had been open for 12,821 and 12,515 days respectively. In the past, months or years would pass without any ALRB action in a case. The General Counsel made resolving these inherited cases a priority, focusing on eliminating the backlog of cases.

These years of inaction and delay discouraged, rather than encouraged, workers to exercise their rights. Similarly, delays in dismissing non-meritorious charges or complaints frustrated unions and employers, as well as the purposes of the Act. Creating more aggressive timelines for unfair labor practice charges to be processed and investigated was the first policy change that the General Counsel made. In Table A, below, the result of the General Counsel’s more aggressive timelines is evident. The number of days it takes an unfair labor practice charge to maneuver through the investigative process has decreased significantly with improvements to the timelines increasing with each additional staff member.

Table A²

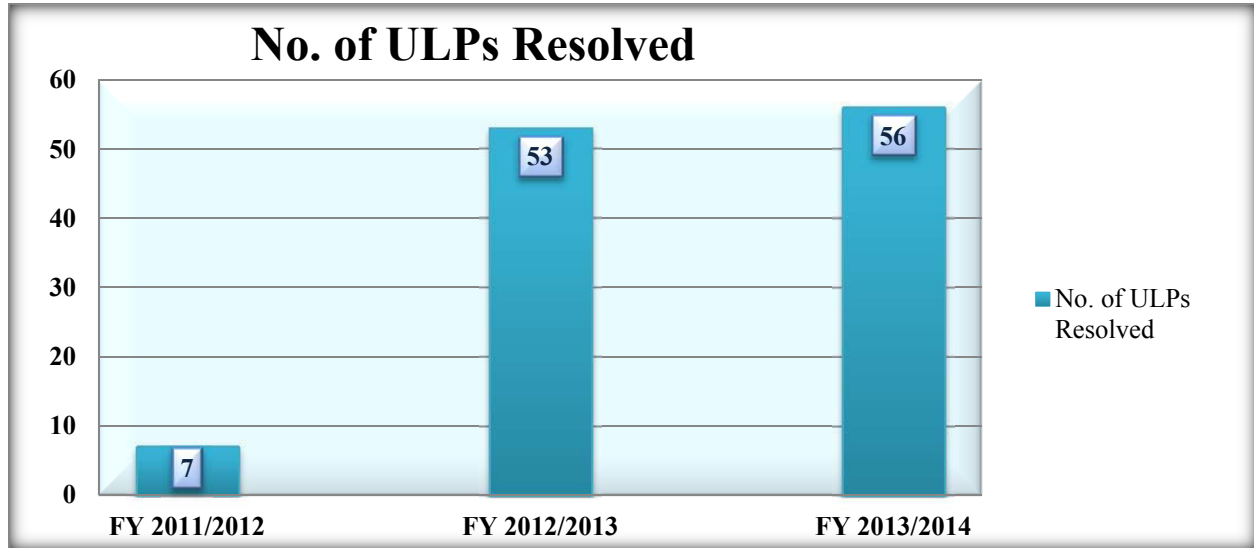


Shorter timelines and a focus on reducing the backlog have drastically increased the number of cases resolved each year. Within a typical year, over 100 new unfair labor practice charges are filed, the General Counsel’s team is working very hard to increase the number of cases resolved each year without sacrificing the thoroughness of investigation and litigation preparation. To meet the timeline goals, the General Counsel has requested additional staff increases.

² For the purposes of this chart, a charge is “resolved” when the investigation is complete.

Table B shows the increase in unfair labor practice charges that have been resolved each year for the last three years.

Table B



The General Counsel also restructured the ALRB into a more cohesive department. The ALRB consists of a headquarters in Sacramento and four regional offices in Visalia, Salinas, El Centro (currently undergoing a process of relocation to the Coachella region), and Oxnard. These regional offices are located in agricultural areas. The objective is for the ALRB to have offices that are accessible for stakeholders so that investigations can proceed more efficiently. Previously, the regional offices operated semi-independently. To standardize the unfair labor practice investigation and resolution process, the General Counsel centralized the internal reporting structure. This centralization has provided the General Counsel the ability to improve the department's methods of investigation and obtaining evidence. The General Counsel also implemented a weekly micro-level case tracking system for each region. The General Counsel can now assess case work and its progress or lack thereof, and adjust resources when and where needed to avoid backlogs.

These policy changes have resulted in greater trust in the ALRB within the agricultural community. Because the ALRB staff is working tirelessly to investigate and prosecute cases, the positive results are evident. Those whose rights have been violated witness their cases being investigated and receive redress. Similarly, those who did not violate the law see charges against them withdrawn or dismissed. This success has led to more unfair labor practices being filed, more complaints being issued, and more effective prioritization of cases. To meet the needs of the department, the General Counsel has hired new attorneys, field examiners, and secretarial staff to respond to the growing number of unfair labor practice charges filed each year and increased litigation attached thereto. However, even more staff is needed to honor our responsibility to serve farmworkers and agricultural employers in a timely manner.

Tables C and D show the positive effect of these policy changes. Table C showcases the progressively higher number of unfair labor practice charges that have been filed. Table D demonstrates the increase in the number of complaints issued by the General Counsel. This steep increase is likely a result of the more focused investigation strategy, increased program accountability, and enforcement of the law.

Table C

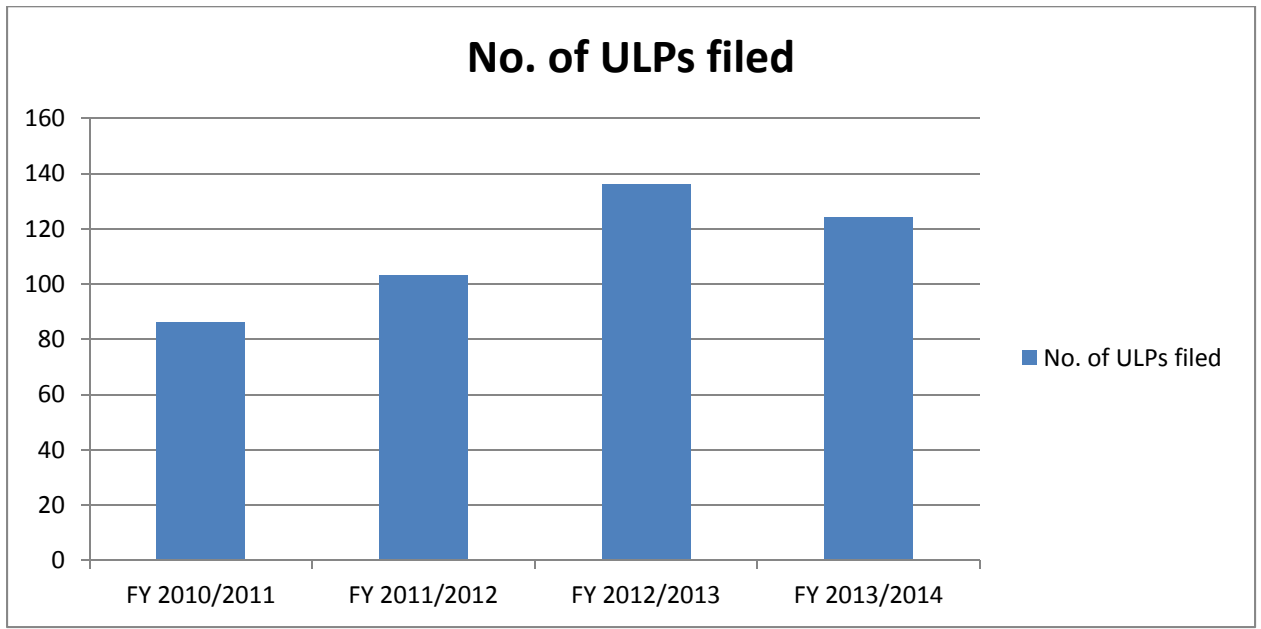
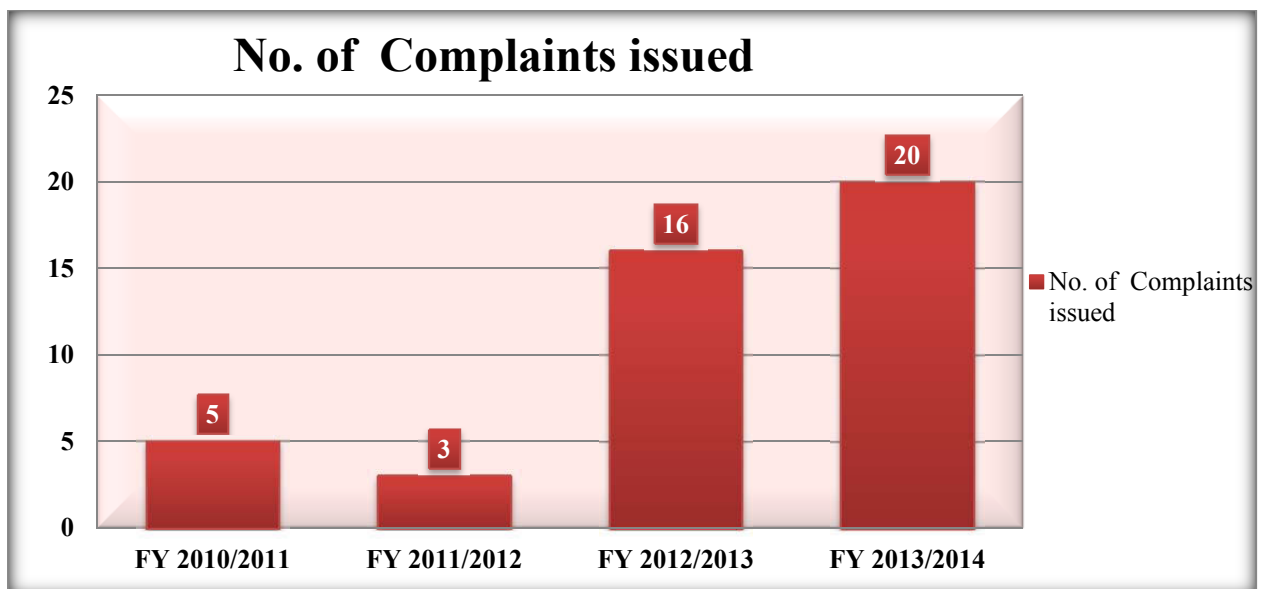


Table D



Significant Increase in Time Devoted to Preparation for Hearings

When a complaint is filed, the next phase in the administrative process is a hearing. ALRB hearings are essentially bench trials that occur in slightly less formal settings. The General Counsel uses her nearly twenty years of experience as a federal public defender together with the Regional Directors to prepare and manage trial teams in anticipation of hearings. This preparation process demands hundreds of hours of work, even for shorter hearings. In addition to preparing witnesses and conducting the hearing itself, attorneys prepare and file written pleadings that require extensive research and careful editing. Table E, below, demonstrates the increase in pleadings filed by the ALRB. Hearings can last anywhere from a few days to several months. Attorneys in the Visalia Regional Office recently litigated one case that involved a six-month hearing. These massive efforts are necessary to protect farmworkers and vindicate their rights. Through their testimony, farmworkers expose the abuse that they have experienced. Workers have been interrogated, threatened, and fired in response to their concerted efforts to improve their working conditions.

In a recent ULP case, the General Counsel staff investigated and brought a complaint against an employer after a charge was filed detailing pervasive and severe sexual harassment to which she had been subjected by her supervisor in the fields. The case involved inappropriate sexual statements, physical touching, and exposure of genitalia by her supervisor. The worker was terminated after speaking out about the behaviors on behalf of herself and her co-workers. The assigned team took the case to hearing (the first of its kind seeking ALRA protection for violations involving sexual harassment in the department's history) and then briefed the novel legal issues before the ALJ and then the Board. At the end of the litigation, the General Counsel succeeded in obtaining a valuable precedential ruling that an employer's offer of reinstatement to a worker that had experienced the kind of onerous working conditions involved in that case would be invalid absent assurances from the employer that steps would be taken to change the underlying issues – in this case, assurances that the worker would no longer be subjected to the pervasive sexual harassment that existed when she was discharged.

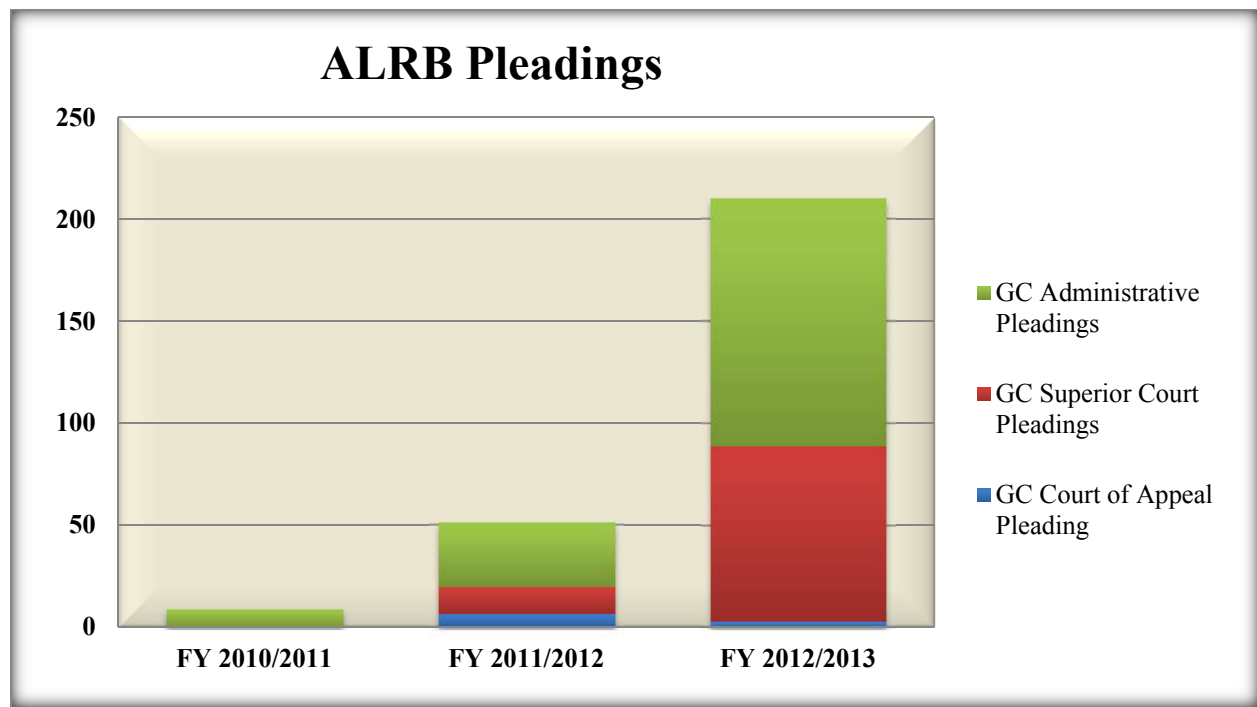
To illustrate the election work being done by the department, the General Counsel staff recently concluded a six month hearing in Fresno in the Gerawan Farming matter. This lengthy hearing, which began on September 29, 2014, involved the testimony of 130 witnesses over a period of six months – one of the longest hearings in the department's history (if not the longest). Given the complexity and magnitude of the hearing, the General Counsel spent a significant amount of time managing and preparing her trial team for hearing. The case required a significant commitment and hard work by the Gerawan trial team and by ALRB attorneys state-wide. Throughout the hearing, the General Counsel team put forth substantial evidence demonstrating that Gerawan Farming had illegally initiated and assisted in signature gathering during the decertification petition and decertification campaign and gave preferential access to employees circulating decertification petitions during work time. The ALRA was enacted in 1975 to protect this right of agricultural employees to freedom of association and to select or reject a collective

bargaining representative free from employer interference. Although the hearing has closed, a decision has not yet been issued and will still require months of additional briefing and litigation by the General Counsel’s team of attorneys and staff, first to the Administrative Law Judge, and then likely to the Board of the ALRB.

Although Gerawan represented a significant amount of the department workload during the previous two fiscal years, the most commonly filed charges being investigated and prosecuted by ALRB staff state-wide involve protected concerted activity by small groups of workers. Often these workers file charges against employers where there is no union presence at all. However, the department also sees charges filed by workers that have union representation, and choose to file a charge with the ALRB.³

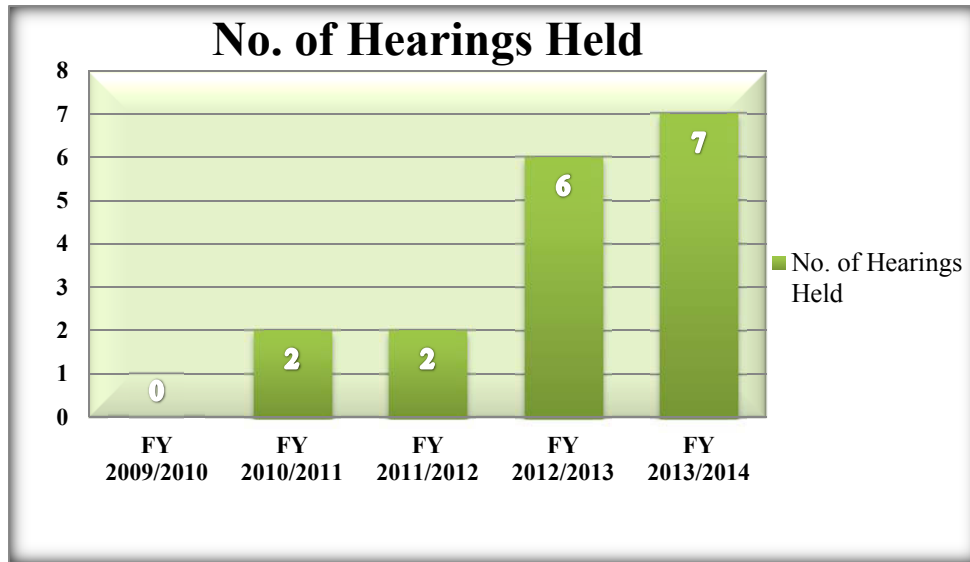
Because the Office of the General Counsel has demonstrated a commitment to litigate deserving complaints, the General Counsel is in a better bargaining position when employers seek a settlement. This willingness to devote the necessary time and resources into properly litigating workers’ claims is a testament to the Office of the General Counsel’s commitment to protecting the rights of farmworkers.

Table E



³ Charging parties that file charges with the ALRB at businesses that have certified union representation often recognize the value of pursuing claims against employers in multiple venues. Moreover the ALRB administrative process is distinct from the union’s grievance process in that workers filing charges with the ALRB are recognizing that they have an independent ability to seek resolution of issues through vindication of public rights that are protected under the ALRA.

Table F



Effective use of TROs and Investigative Subpoena Enforcement Actions to Provide Farmworkers with Immediate Relief

In addition to the General Counsel’s efforts to increase the efficiency of investigations and prosecutions, she has introduced and dramatically increased the use of temporary restraining orders and subpoenas. These tools, neglected for nearly three decades, have been resurrected to increase efficiency and to better protect victims of unfair labor practices. While the increase in staff, the changes in the team’s approach, and the General Counsel’s improvements have made the ALRB process move more quickly for workers and employers in the agricultural sector, the wait caused by even a swift investigation can result in hardship. Moreover, the staff is not sufficient to ensure every case is handled as quickly as the General Counsel would want. To help alleviate the immediate harms faced by such parties, the General Counsel has sought injunctive relief to immediately remedy serious violations of the law. Injunctive Relief has been a top priority for the General Counsel.

1. Injunctive Relief Applications

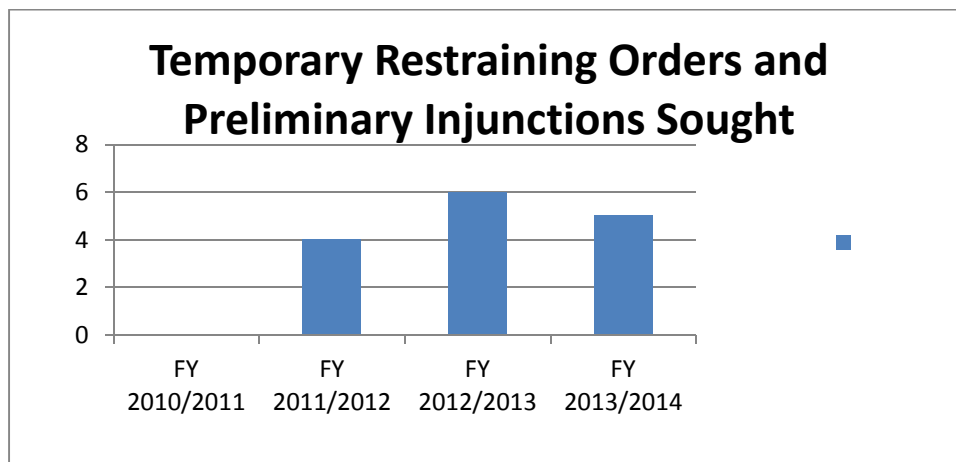
The General Counsel will seek a Temporary Restraining Order (TRO) when it is the most effective way to protect the person or entity that has filed a charge. TROs are temporary orders from a superior court judge that can be used to protect parties from harm during the investigation and litigation process. For example, a TRO might be sought when employees have been fired or harassed because they complained about working conditions, or where a union or employer is trying to illegally influence an election. When a TRO is granted, terminated employees can return to work under safe conditions and all efforts can be made to attempt to ensure elections proceed fairly. When the TRO expires, the General Counsel can seek a permanent injunction to ensure that the protection continues until the case has been resolved. Since the General Counsel

revived the use of TROs, the success rate in securing injunctive relief has been extremely high. TROs allow the ALRB to act swiftly to protect farmworkers from immediate physical or financial harm.

Additionally, TRO actions increase worker trust in ALRB processes because, when successful, workers experience first-hand the immediate effects stemming from our efforts. Moreover, in many cases, employers' counsel who initially refuse to comply with the law, are brought back to the bargaining table by the potential that the General Counsel's staff is contemplating bringing a TRO action. As one worker, named Dalia, stated to staff following a successful action for injunctive relief, "le voy a decir a mis compañeros que Ustedes si están aquí para protegernos" ("I am going to tell my fellow workers that you really are here to protect us").

Table G, below, showcases the General Counsel's revival of TROs and Preliminary Injunctions.

Table G



Charged parties are now aware of the General Counsel's policy of pursuing TROs in all cases of employer recalcitrance in quickly remedying improper actions, particularly in cases where there is a failure to willingly reinstate workers. This knowledge often results in voluntary compliance. To avoid having to defend against a TRO in Superior Court, employers agree to rehire discriminatorily terminated employees. In such situations, workers can be rehired so quickly that they do not even miss a day of work. Such quick action is the best result for all parties involved. Workers return to their jobs vindicated and with little or no wages lost and employers avoid the costs of litigation and potential liability for backpay. As an added benefit, other workers are able to see that charges lodged with the ALRB will be addressed swiftly and effectively. The General Counsel considers the swift return of workers to their jobs to be the best possible result to a charge of discriminatory termination.

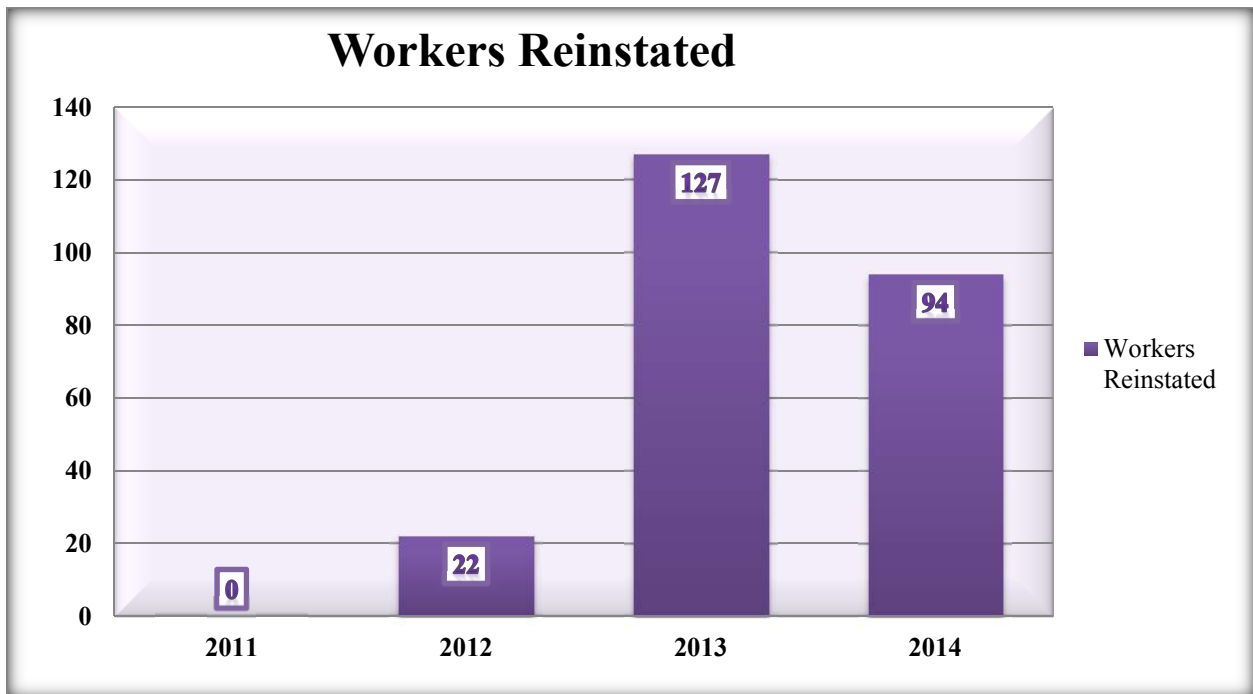
To effectively utilize this tool, the General Counsel and Regional Directors have outlined procedures for staff to ensure that TROs are prioritized, evaluated, and processed in an expedient fashion. Specifically, from the moment a new charge is assigned to an attorney/field examiner

team, every charge requires a preliminary assessment of whether injunctive relief is necessary and appropriate. In cases where the assigned team determines a potential need for a TRO, the team meets first with the Regional Director and then with the General Counsel to examine whether the evidence and law support an application to the Superior Court. Before applying for injunctive relief, the team seeks voluntary compliance from the charged party. If no settlement is forthcoming, with the General Counsel’s approval, the team proceeds to prepare to file a TRO. At every stage, the General Counsel and Regional Directors are closely involved in preparations, including assisting staff with pleadings and hearing arguments for the Superior Court.

Since the General Counsel’s appointment, many hundreds of hours have been dedicated to TROs by Regional Staff. This has been particularly challenging given the limited number of regional staff the department has state-wide – just 12 regional attorneys – with primary responsibility for the investigation and prosecution of all ALRB charges filed. Given the small numbers of regional staff, TRO litigation requires a substantial amount of resources. However, the resources expended for TRO litigation are justified by its benefits, including: (1) immediate relief for affected workers; (2) a narrowing of the issues to be tried in a full hearing; (3) enhanced worker confidence in the ALRB; and (4) increased voluntary compliance by charged parties .

Table H, below, shows the hundreds of workers who have been offered reinstatement due to the dedicated work of the General Counsel’s team.

Table H



2. Subpoena Enforcement Actions

Subpoena enforcement actions are another tool that had been neglected in the General Counsel's office. Pursuant to Section 20217 of the ALRB's regulations, during the investigation process, the General Counsel may issue and serve subpoenas requiring production of any materials relevant to the investigation. The ALRB's investigative team may issue a subpoena against an employer or a union to obtain documents related to the charge. Previously, the ALRB made only informal requests for documents. Parties routinely ignored these investigative requests with little or no consequence, as the ALRB's investigative subpoena powers went unused.

The General Counsel has enacted procedures to ensure enforcement orders are sought in superior court to require parties to respond to ALRB subpoenas. This pursuit of information has resulted not only in the receipt of documents in cases where there are enforcement orders, but also in voluntary compliance by recipients of subpoenas who know that the General Counsel will seek judicial enforcement. Now when the General Counsel requests documents, parties respond in a timelier manner to avoid superior court enforcement proceedings. Use of the investigative subpoena and subpoena enforcement actions support informed and impartial decision-making by ensuring the General Counsel obtains all the necessary information to determine whether a charge has sufficient factual support to proceed to complaint. The General Counsel envisions that use of this powerful tool will continue to result in the faster production of critical information to assist in conducting responsible and comprehensive investigations.

Training and Preparation to Conduct Timely, Free and Fair Elections for Farmworkers

In addition to investigating and prosecuting unfair labor practices, the General Counsel is involved in managing the ALRB regional offices to ensure that certification and decertification elections are conducted fairly and properly. When farmworkers want to be represented by a union or want to remove a union that represents them, they must file a petition with the ALRB. Once a petition for election is filed, an election must be held within seven days. If a majority of workers are on strike, an election is mandated to happen within 48 hours of the election petition's filing. Regional offices are responsible for conducting these elections. These timelines are extremely short given the extensive preparations that hosting an election requires. Recently, after being ordered to do so by the Board, a non-strike election was held within only two and a half days. On that occasion, nearly every General Counsel employee participated in the effort to ensure that the election was conducted properly and on time. The General Counsel has proactively worked to ensure that her staff is prepared to conduct these elections fairly and expeditiously. Staff training sessions have addressed the issues that arise prior to, during, and after elections. This preparation is essential given the interests at stake. Farmworkers must be able to exercise their rights to vote for union certification or decertification in an orderly and neutral election. Further, they must be able to exercise those rights in an environment free from coercion, interrogation, and other unfair labor practices. Given the preparation her staff has

engaged in, the General Counsel has every expectation that they will capably carry out all election-related duties and address any situation that may arise.

During the past three fiscal years the majority of ALRB cases have involved protected concerted activity ULP charges. Election activity has constituted a proportionately small part of ALRB workload illustrated by the following table representing the number of actual elections conducted in the past three fiscal years:

	FY 2011/2012	FY 2012-2013	FY 2013-2014
Employer:	Eckhart Seed Co.	Gargiulo, Inc.	C&T Enterprises
Union:	Teamsters Local 890	UFW	Teamsters Local 948
Type:	Representation	Representation/Strike Election	Representation
Employer:	George Amaral Ranches, Inc.	Corralitos Farms	Dole Berry North
Union:	UFW	UFW	UFW
Type:	Representation/Strike Election	Representation	Decertification
Employer:			Gerawan Farming, Inc.
Union:			UFW
Type:			Decertification

*As of April 2015, no elections have been held during FY 2014-2015.

Expanding Access for Farmworker Communities – The Oxnard Regional Office Model

The General Counsel traveled the state in the first months after her appointment. She met and spoke with agricultural employers, labor leaders, farmworkers, academics, community groups, and governmental officials about how the ALRB could better serve its stakeholders, especially farmworkers. This process allowed the General Counsel to identify the need to expand the ALRB’s presence throughout the state. To that end, in February 2012, she decided to reopen the Oxnard Regional office which had been closed due to budget cuts in 2002.

Oxnard is in a vital agricultural area. Its annual peak harvest sees the presence of 25,000 farmworkers. Between 20 to 25 percent of Oxnard area farmworkers do not speak Spanish; rather they speak indigenous languages like Mixteco, Triqui, and Zapoteco. Because of these dynamics, it is an area that requires specialized knowledge and which would benefit from a permanent ALRB presence. With the support of Labor Secretary Marty Morgenstern and the Board, the General Counsel opened the doors of the Oxnard Regional office to farmworkers and

California's agricultural community in April 2012. Since it opened, hundreds of workers have been protected and served by the Oxnard office.

The Oxnard Regional office has already been extremely active in the community. Despite being the smallest regional office, it has conducted the second highest number of outreach events. It has educated farmworkers, supervisors, and agricultural employers in the area about their legal rights and responsibilities. Given this proactive approach and the size of the community, the General Counsel is confident that a presence in Oxnard will continue to serve a valuable purpose in effectuating the mission and vision of the ALRB. The location of the Oxnard office also demonstrates to the entire agricultural industry that the State of California recognizes the importance of agriculture in Ventura County. The office provides services to an area that encompasses San Diego and Santa Maria. This coverage relieves the Visalia and Salinas regional offices of the burden of investigating unfair labor practices that occurred six hours away. This results in increased investigative efficiency and decreased costs. The location of ALRB offices in close proximity to farmworkers' workplaces also enhances farmworker confidence that their issues and concerns will be addressed locally and expeditiously. The Oxnard Regional office will be a local and statewide resource in the ALRB's mission to enforce the law and ensure peace in the fields.

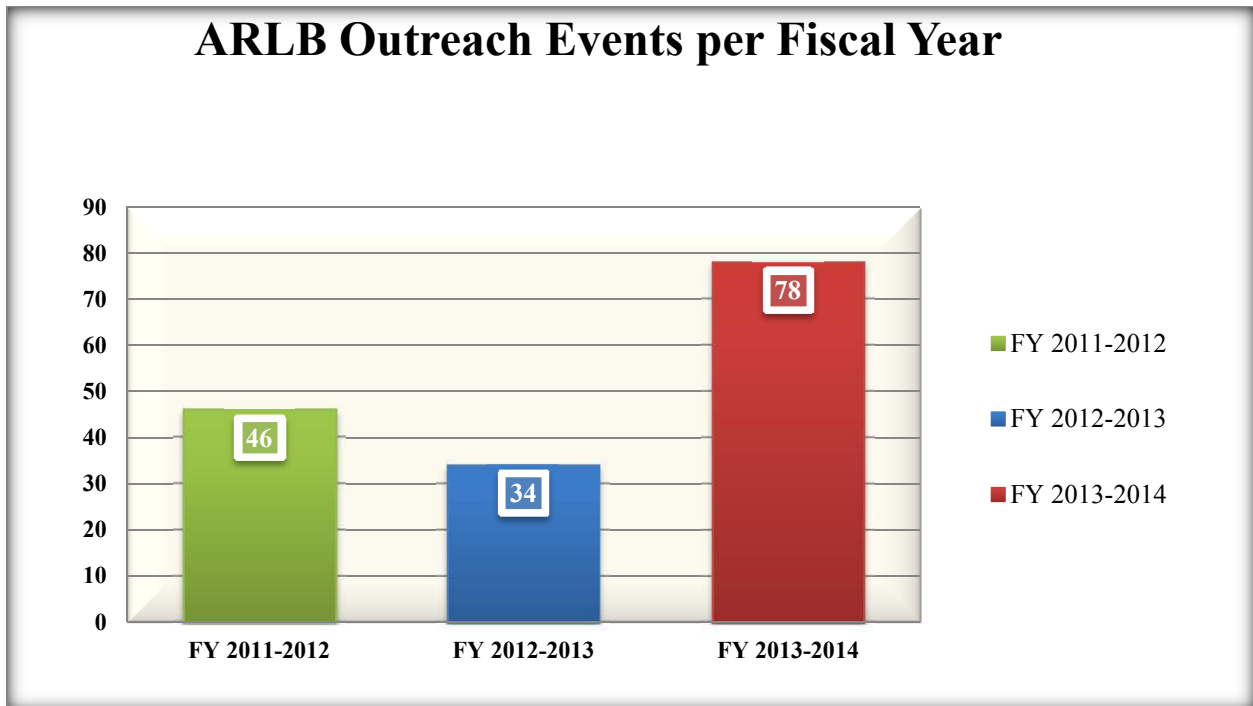
As set forth in more detail in the section on the General Counsel's vision for new offices, the successes of the Oxnard office will serve as a model for the ALRB in the future. Specifically, bringing the ALRB staff closer to farmworker communities in order to expand access has proven effective and necessary for serving a population of workers that do not have ready access to resources, including funds for long distance travel or internet access, that would otherwise permit workers to seek out ALRB assistance in our existing offices.

Expanding Outreach to Farmworker Communities, Stakeholders and Department Partners

Education is one of the key components of the General Counsel's vision for an engaged stakeholder community. Education is a vital component to promoting compliance with the law. The more outreach events the ALRB attends, the more likely agricultural workers will know their rights and report violations and the more likely that unions and agricultural employers will have the information necessary to avoid violations. The ALRB's outreach efforts go beyond farmworkers to partner with agricultural employers, supervisors, and unions to educate them on their rights and responsibilities under the Act. The General Counsel took the lead in developing and articulating a clear message for the ALRB outreach program. With the assistance of the Regents of the University of California, Berkeley's Labor Occupational Health Program, and the support of Labor Secretary Marty Morgenstern, the General Counsel was able to update outdated outreach materials and disseminate them among the diverse agricultural stakeholders in California. The General Counsel would particularly like to thank renowned Chicano artist Malaquias Montoya for having generously donated his eloquent depiction of farmworkers in the

fields for use in our outreach materials. Along with the updated outreach materials, the General Counsel and her team have traveled throughout California speaking at myriad agricultural events reaching thousands of farmworkers, employers, and other stakeholders. Table I, below, depicts how the ALRB has increased the number of outreach events it attends over the last three years, reaching more than 20,000 farmworkers, agricultural employers, and stakeholders.

Table I



Additionally, the General Counsel has proactively sought out ways of engaging with the historically underserved indigenous worker communities in California. In May 2012, for example, the General Counsel hired the department’s first Mixteco-speaking field examiner to assist in the investigation of charges filed by, and outreach to, Mixteco speakers - she has been a great asset to the Department and has played a fantastic role in engaging with indigenous communities.

In evaluating charges, and specifically through interviews with charged parties and FLC staff during the course of investigations, we found that a significant problem giving rise to charges was a general lack of awareness on the part of supervisors in the fields regarding the rights of workers under the ALRA. In an effort to remedy this general lack of awareness and in the hopes of reducing unfair labor practice occurrences in the fields, the General Counsel took two important steps: (1) she increased ALRB outreach efforts for agricultural supervisors; and (2) she added the requirement that supervisory trainings be conducted as a critical remedy in all settlements.

One of the most positive partnerships that the General Counsel has cultivated is with AgSafe. AgSafe is made up of and serves one of the largest networks of farmers, farm labor contractors, packers, shippers, and processors in California. It provides agricultural employers and their employees with the education and resources needed to prevent injuries, illnesses, and fatalities. To reach its goal, AgSafe provides training to thousands of agricultural employers, supervisors, and farmworkers about the safety and health hazards impacting this industry. The General Counsel has partnered with AgSafe to ensure employers have the information and expertise necessary to avoid violations of the law. The General Counsel and her staff have presented, in Spanish and in English, at monthly trainings to foremen and supervisors throughout the state regarding agricultural employers' rights and responsibilities under the Act. English language trainings tend to draw more mid to high-level supervisors (including human resources managers). Spanish language trainings tend to involve more first-level supervisors.

This mutually beneficial partnership with AgSafe provides a strong foundation from which to build future relationships with other agricultural outreach programs to reach all people within the agricultural community.

The General Counsel has also been building partnerships with other state and federal agencies to ensure that workers have access to agencies that may not have representatives in rural areas, as is the ALRB. Regional office staff members are on the ground in the fields with farmworkers. They are well placed to observe and discover legal violations that should be reported to state and federal agencies to ensure that California and U.S. laws are respected and followed. The General Counsel is working with members of the United States Department of Justice, Department of Labor, the Equal Employment Opportunity Commission, the Department of Fair Employment and Housing, the Department of Labor Standards Enforcement, Cal/OSHA, and other agencies to facilitate the referral and investigation of such violations and to increase the scope and scale of the ALRB's outreach efforts.

Partnerships with other State and Federal agencies is key to ensuring that workers receive the benefits of all of the protections they are entitled to. For this reason, ALRB staff work closely with other departments and agencies that enforce worker protections. For example, we have worked closely with DFEH staff in cases that implicate both a ULP under the ALRA, as well as a discrimination claim under DFEH's purview. These joint efforts are valuable in reducing the costs of litigation to the State and in ensuring that employers quickly correct practices that violate State and Federal laws. The General Counsel ensures that workers receive the full extent of State and Federal protections by encouraging staff to issue spot during intakes. Where referrals are appropriate, ALRB staff provide workers with assistance in connecting directly with appropriate State and Federal authorities. It is one primary goal of the General Counsel to ensure that the marginalized and largely Spanish and indigenous language-speaking farmworker community feel empowered to seek protection when their rights are violated.

In addition to trainings, the General Counsel has underscored the importance of noticing as an opportunity to conduct outreach to workers about both the rights that have been violated by their employer, and also, to be prepared to answer questions about all worker rights protected under the ALRA. Our staff make every effort to convey to workers being noticed that if they have any questions about their rights, they should feel empowered to call our offices at any time. It is the policy of the General Counsel that staff make ALRB services available to workers wherever they may be. With this in mind, under the General Counsel, ALRB staff make themselves available to workers after hours, on weekends, and wherever they are located throughout the State.

Vision for New Offices to Effectively Serve the Farmworker Community

While Oxnard has increased the ability of the ALRB to protect farmworkers where they live and work, the General Counsel is acutely aware of the absolute size of the state and vastness of its agricultural areas. As we evaluate the need for an increased ALRB presence and accessibility for farmworkers in the desert region specifically, the General Counsel envisions opening a new ALRB office in the Coachella area. She initiated a request to the Board in February 2013 and awaits a Board vote on opening that office. The General Counsel has been working with independent stakeholders in Coachella and Mecca to serve the community. She intends to make her staff available to the community by setting up visiting office hours in Coachella and Mecca to operate bi-monthly intake and outreach. She has been able to do so by developing relationships with partners that serve the community in that region.

Since February 2013, the General Counsel has also proposed to the Board that the Visalia Regional Office be moved to Fresno. While ALRB staff in Visalia are serving the farmworker community, the location is an impediment in a number of ways. Fresno is a more convenient and accessible location for the farmworkers that the Visalia Regional Office serves. Farmworkers often struggle to find and afford transportation; locating offices close to where farmworkers live and work is essential. If the distance between workers and a regional office is too great, they may be dissuaded from filing charges. For all time periods examined, a large majority of farmworkers who filed charges in the Visalia office lived closer to Fresno than to Visalia. For example, in fiscal year 2013-14, ninety-two percent of the charges filed in the Visalia office actually occurred closer to Fresno. In total, that year, farmworkers had to travel 4,420 miles further to file charges in Visalia instead of Fresno.

Having a location close to farmworker communities also allows ALRB investigations and prosecutions to be more efficient and cost-effective. Once a charge is filed, ALRB investigators and attorneys travel to the fields and to farmworker homes to investigate. The shorter the commute to those locations, the more quickly and affordably they can conduct interviews and investigations. After examining all the factors involved, including the cost of moving itself, the General Counsel has determined that moving the Visalia office to Fresno would best serve the needs of farmworkers and would result in higher efficiency and decreased budgetary costs for the ALRB. She is awaiting the Board's vote on this matter.

Consistent with the General Counsel's goal of bringing ALRB services closer to agricultural communities, the Governor's 2015-2016 budget includes a request for funds necessary to opening of an ALRB satellite office in Northern California, where workers, employers, and unions have long gone without convenient access to the ALRB. The General Counsel has conducted preliminary studies of the Northern California area and based on statistical information regarding the location of workers in Northern California, as well as input from partner nonprofits and Federal and State counterparts will finalize a proposal indicating the most effective location for an ALRB office in Northern California, which she currently envisions will be in Santa Rosa, CA.

The views of the General Counsel when proposing office relocations or establishment of new offices are always centered on access. Any new office or relocation of an existing office must always enhance the ability of farmworkers to meet with staff, to access ALRB services with a minimum amount of cost and travel-time, and to locate services in locations that are near other services catering to agricultural communities (and to workers in particular).

Modernization of the ALRB's Infrastructure to Support Regional Work and Access to Farmworkers

When she arrived, the General Counsel conducted a deep evaluation of the infrastructure needs of the ALRB and discovered the need for modernization. The General Counsel recognized the need for additional administrative resources and staff to enhance the level of efficiency of the ALRB.

The General Counsel's efforts resulted in significant strides throughout the regional offices and led to important and necessary improvements and efficiencies in the Administration Office's Information Technology, Human Resources, Accounting, and Business Services functions. Greater accountability, oversight, and a solution-oriented approach were fruitful and resulted in substantial cost savings, improved efficiencies, and, overall better service to the farmworker community. The General Counsel also used the opportunity of a last minute relocation of their headquarters to conduct a review and purge of duplicative and unnecessary files to minimize the department's footprint.

With her leadership, the department achieved cutting-edge IT breakthroughs, increased efficiencies, and necessary changes at the ALRB. In 2013, after diligent efforts by the General Counsel and her full time IT specialist, the ALRB was granted an exemption from the AT&T Master Service Agreement (CALNET II), the first such exemption in the State of California. This exemption will save the department approximately \$100,000 each year. Overall, under the General Counsel's leadership, the ALRB was better administered and equipped with cost effective technology.

Through her efforts in seeking additional support for the ALRB's infrastructure functioning, the General Counsel secured funds in the 2014/2015 fiscal year to replace five existing department

vehicles and add four additional vehicles to address field work and administrative travel. Additionally, during the 2011/2012 fiscal year, the General Counsel requested and provided justifications for the provision of one Associate Information Systems Analyst, one Associate Personnel Analyst, and one Accounting Officer for the ALRB administrative unit.

There remains much work to do to bring the ALRB's services in line with the standards of the 21st century. However, the General Counsel is committed to working with the ALRB's Administrative Unit, and with the Board to ensure that the ALRB moves apace with the technological advances that will enhance our ability to access workers and to enhance the effectiveness of our investigations and litigation.

Future of the ALRB

Even with the vast improvements made in the last 3 ½ years, we continue to strive toward creating a more efficient and effective ALRB. Our overarching goals are always to promote peace and justice in the agricultural fields and to ensure that the rights of farmworkers are protected. The ALRB will continue to pursue these goals by efficiently and effectively litigating cases and by striving to eliminate the backlog and to reduce investigation time even further. The General Counsel will also continue to cultivate her relationships with current agricultural stakeholders while creating new partnerships with her outreach efforts. The new energy brought by increased and talented staffing and successful investigations and prosecutions has resulted in a sea change in the perception of the department in the agricultural community. The General Counsel anticipates that even greater expansion will be necessary to serve the agricultural community with the high standards that of efficiency and effectiveness that have now been established. The General Counsel looks to continue to expand and improve the quality of service the ALRB provides to agricultural stakeholders.

During the last 3 ½ years, the ALRB's budget has nearly doubled (representing a total increase of approximately \$2.5 million for the department), the General Counsel Program staff has nearly doubled. When the General Counsel first arrived, the staff included 3 regional attorneys and that has now grown to 12.

The passage of the ALRA in California was a momentous and meaningful moment for agricultural workers in the country's largest agricultural economic sector. However, to give meaning to this statute and to the protections that it affords workers, the Act must be enforced. Farmworkers are a vulnerable community, marginalized by language barriers and by a disparity in bargaining power with their employers, many are fearful of coming forward to file charges for fear of retaliation and many more are skeptical that government will protect them from injustices. The ALRB plays a pivotal role in protecting the rights of one of California's most vulnerable populations; and, it is incumbent on California to support its mission and ensure that no person, no entity, no matter how big, be given the power to silence the voices that should be heard. We continue to stand beside them, *porque nosotros sí estamos aquí para protegerlos.*

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