

Hi, this is Chris Micheli with the Sacramento governmental relations firm of Aprea & Micheli and an adjunct professor at McGeorge School of Law. Today's podcast is on the ALRB, the Agricultural Labor Relations Board. And California's Agricultural Labor Relations Board was created back in 1975. They describe it as being created to ensure peace in the fields of California by guaranteeing justice for all agricultural workers and stability in agricultural labor relations. Among its duties, the ALRB provides orderly processes for protecting, implementing, and enforcing rights and responsibilities of employees, employers, and labor organizations.

Labor Code Division 2, which covers employment regulation and supervision, part 3.5 which covers agricultural labor relations, Chapter 1 which covers general provisions and definitions, specifically Section 1140, provides that this part is the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975. And Section 1140.2 actually sets forth some important legislative findings and declarations to understand the Agricultural Labor Relations Act, where it says, "It's 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 interference, restraint, or coercion of employers of labor or 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."

And for this purpose, this part is adopted to provide for collective bargaining rights for agricultural employees. Now, as I mentioned, Part 3.5 covers agricultural labor relations. And Chapter 2 is specifically on the ALRB, the board itself, which is contained in Sections 1141 through 1151.6. There are also articles in this part on the organization of the board, its investigatory powers, the rights of agricultural employees, unfair labor practices, the regulation of secondary boycotts, sections dealing with labor representatives and elections, the prevention of unfair labor practices, judicial review and enforcement, contract dispute resolution and lawsuits involving employers and labor organizations.

Now Section 1141 specifically of the Labor Code creates in the Labor and Workforce Development Agency the ALRB. The board itself consists of five members and the ALRB members are appointed by the governor and confirmed by the Senate. They each have five-year staggered terms and the governor designates one of those five members to serve as the chair.

Now, any member may be removed by the governor upon notice and hearing for only two reasons, neglect of duty or malfeasance in office, but for no other cause. Under Section 1142, the principal office of the board is in Sacramento, but the board may meet and exercise any or all of its powers at any other place in California. It can also establish offices as it has done in other cities that it deems necessary. And Section 1142.5 of the Labor Code requires the board to maintain at its principal office a telephone line staffed 24 hours a day, seven days a week to provide interested persons with information concerning their rights and responsibilities and to be able to refer individuals to any appropriate agency or entity to render advice or deal with any situations that might arise out of agricultural labor disputes.

Now the Labor Code requires the ALRB at the close of each fiscal year, which is June 30th to make a report in writing to the legislature, as well as the governor, that details the cases that the board heard, the decisions that they rendered, the name, salaries and duties of all the employees and officers that the board employs or that they supervise, as well as an accounting of all the monies that they have dispersed. Section 1144 provides authority to adopt rules and regulations as may be necessary by the board itself. And the Section 1145 provides that the ALRB may appoint an executive secretary and attorneys, hearing officers, administrative law officers and other employees that it may need or find necessary for performing their duties.

And then Section 1148 actually requires the ALRB to follow any precedents of the National Labor Relations Act as amended. And then finally, Section 1149 specifies that there's a general council of the board who's appointed by the governor and is confirmed by the Senate for a four-year term. And the general council has the power to appoint attorneys and assistants and other employees that are necessary for the proper exercise of his or her duties under the act.

So that is a brief overview of the California Agricultural Labor Relations Board. Thanks for joining today's podcast.