

AGRICULTURAL EMPLOYMENT RELATIONS BOARD

BOARD MEETING MINUTES
December 12, 1979

1601 West Jefferson
Phoenix, Arizona

PRESENT: Jack LaSota, Joe Eddie Lopez, Becky Moon, Culver Nelson, John Norton, Sam Ramirez, Sid Woods, John Blake, Jack McManus, William Gibney, Maxine Olds, Gus Oviedo, and Jennifer Stadler, court reporter.

The meeting was called to order by Chairman Jack LaSota. A motion was made and seconded to approve the Minutes of the previous meeting held November 14, 1979. The motion passed with a unanimous vote of yes.

The first item of business was a motion made and seconded and passed unanimously to go into Executive Session for discussion of personnel matters. After establishing ground rules for the procedure of the Executive Session, Chairman LaSota stated that staff personnel, Olds, Oviedo and Gibney would be required to be present. Mrs. Olds and Mr. Oviedo later were called separately into the Executive Session.

After the Executive Session, a hearing was convened to determine if the United Farm Worker's objections to conduct affecting the Vukasovich election were timely filed. A motion was made and seconded, and passed 4 to 3 that said objections were timely. A motion was then made and seconded to set the matter over for a hearing before a Hearing Officer to be heard within ten days. Also at this hearing, Mr. Ramirez made a motion that at the conclusion of elections, the Board agent will serve a copy of the Tally of Ballots and an Affidavit of Service on each of the parties on the ballot. This motion was not voted on.

At this point, the meeting was adjourned for lunch.

Because of previous commitments, Chairman LaSota turned the meeting over to Vice-Chairman, Becky Moon, for the afternoon session.

Returning to the regular agenda, the Board's next item for discussion was establishing a policy concerning union access to agricultural employers' property for organizational purposes. A motion was made by Mr. Lopez and seconded by Mr. Ramirez. (See copy of motion attached hereto and made a part hereof.) Mr. Woods then moved the following, "As concerns access to farm property, that each question or issue involving access be raised at a time appropriate and be based on specific facts on a case by case basis." Mr. Norton seconded the motion. There was considerable discussion at this point as to the correct procedure under Robert's Rules of Order, whether a substitute motion superseded a preliminary motion and what constituted a substitute motion.

After reading Robert's Rules of Order, Vice-Chairman Moon ruled that a substitute motion could not supersede a preliminary motion. Mr.

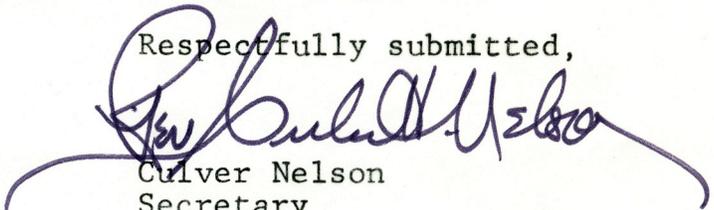
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Nelson called for appeal from the ruling of the Chair and the ruling was then overturned 3 to 2. Mr. Woods' substitute motion was then voted on and passed by a vote of 3 to 2.

Mr. Ramirez then moved the following, "When a Hearing Officer determines that access to labor organizers is to be provided, that the following conditions shall prevail: (See A, B, C, D and E of Mr. Lopez' prior motion attached hereto and made a part hereof.) The motion was seconded by Mr. Lopez and failed by a vote of 3-2.

There being no further business to come before the Board, upon motion being made and seconded, the meeting was adjourned.

Respectfully submitted,



Culver Nelson
Secretary

MEMORANDUM

TO: The Agricultural Employment Relations Board

I move the following:

That the Board (AERB) adopt as policy the right of access by union organizers to the premises of an agricultural employer for the purpose of organizing, subject to the following limitations.

A. Organizers may enter the property of an employer for a total period of 60 minutes before the start of work and 60 minutes after the completion of work to meet and talk with employees in areas in which employees congregate before and after working.

B. In addition, organizers may enter the employer's property for a total period of one hour during the working day for the purpose of meeting and talking with employees during their lunch period, at such location or locations as the employees eat their lunch. If there is an established lunch break, the one-hour period shall include such lunch break. If there is no established lunch break, the one-hour period may be at any time during the working day.

C. Access shall be limited to two organizers for each work crew on the property, provided that if there are more than 30 workers in a crew, there may be one additional organizer for every 15 additional workers.

D. Upon request organizers shall identify themselves by name and labor organization to the employer or his agent. Organizers shall also wear a badge or other designation of affiliation.

E. The right of access shall not include conduct disruptive of the employer's property or agricultural operations, including unjust to crops or machinery. Speech by itself shall not be considered disruptive conduct. Disruptive conduct by particular organizers shall not be grounds for expelling organizers not engaged in such conduct, nor for preventing future access.

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MOTIONS

MR. LOPEZ: Moved to accept minutes of previous meeting.
MR. RAMIREZ: Seconded

Unanimous vote of yes.

MR. RAMIREZ: Moved to go into executive session to discuss
agenda item number two, the personnel matters.

MR. LOPEZ: Seconded

Unanimous vote of yes.

MR. LOPEZ: Moved - (policy on the right of access)

MR. RAMIREZ: Seconded

(Never voted on)

MR. WOODS: Moved: As concerns access to farm property that
each question or issue involving access be raised
at a time appropriate and be based on specific
facts on a case by case basis.

MR. NORTON: Seconded

Yes: Mr. Woods, Mr. Norton, Dr. Nelson

No: Mr. Ramirez, Mr. Lopez

MR. WOODS: Called for appeal from the ruling of the Chair

Yes: Mr. Woods, Mr. Norton, Dr. Nelson

No: Mr. Ramirez, Mr. Lopez

MR. RAMIREZ: Moved to appeal to the Chair for discussion on
Mr. Woods' motion.

MR. LOPEZ: Seconded

Yes: Mr. Ramirez, Mr. Lopez

No: Mr. Woods, Mr. Norton, Dr. Nelson

MR. RAMIREZ: Moved: When a Hearing Officer determines that
access to labor organizers is to be provided, that
the following conditions shall prevail: (A, B, C, D, & E
of Mr. Lopez' prior motion.)

MR. LOPEZ: Seconded

Yes: Mr. Ramirez, Mr. Lopez

No: Mr. Woods, Mr. Norton, Dr. Nelson

MR. WOODS: Moved for adjournment

MR. NORTON: Seconded

Yes: Mr. Woods, Mr. Norton, Dr. Nelson

No: Mr. Ramirez, Mr. Lopez