STATE OF CALIFORNIA EDMUND G. BROWN, JR., *Governor*

AGRICULTURAL LABOR RELATIONS BOARD
VISALIA REGIONAL OFFICE
1642 W WALNUT AVE
VISALIA, CA 93277
PHONE: (559) 627-0995
FAX: (559) 627-0985

Sent via certified mail

September 16, 2015

Ron Barsamian, Esq.
Barsamian & Moody
1141 W. Shaw Ave., Suite 104
Fresno, CA 93711

Re: 2013-CL-008-VIS (*United Farm Workers of America*)

Dear Barsamian:

I am writing to inform you that after investing the above-referenced charge, we have determined that the charge should be dismissed. This charge cannot proceed to complaint because there is no reasonable cause to believe that an unfair labor practice has been committed (Cal. Code Regs. Tit. 8 § 20218).

After a thorough investigation, our assessment is that there is no evidence that the United Farm Workers of America restrained or coerced Gerawan employees in the exercise of their Section 1152 rights when Gerawan employees asked for permission to circulate a pro-union petition during work hours in their crews, and were denied their request by their crew bosses. This type of activity appears to have been condoned by the Board in *D'Arrigo Bros.* (2013) 39 ALRB No. 4 at 14.

If you disagree with this decision, you can request that the Acting General Counsel review it. If he agrees with you, he can instruct me to change my decision in this case. To request review, you must write to the General Counsel of the Agricultural Labor Relations Board, located at 1325 J Street, Suite 1900, Sacramento, California, 95814, within ten (10) days of service of this notice. The rules for seeking review are found in the California Code of Regulations, Title 8, section 20219.

If you have questions regarding this matter, please do not hesitate to call this office.

Sincerely,

Delia Martinez

Delia Martinez
Acting Regional Director

cc: United Farm Workers of America

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§ 20219. Review of Dismissals.

Within 10 days of the date of service of a dismissal, the charging party may file a request with the general counsel for review of the decision dismissing the charge. The request for review shall specifically state all reasons why the decision should be reviewed. If the charge was dismissed for lack of evidence, the charging party may provide additional evidence in support of the charge accompanied by a showing of the reasons why such evidence was not previously presented to the regional director. If the charge was dismissed for failure to legally constitute an unfair labor practice, the charging party shall provide legal authority in support of its position that the evidence constitutes an unfair labor practice. The request for review and all supporting documents shall be served upon the charged party and the regional director as provided in section 20166. Within 10 days from the filing of such request, the charged party may file a statement in opposition with service on the charging party as provided in Section 20166. Extensions of time to file a request for review or a statement in opposition may be requested in accordance with section 20192, except that such requests shall be directed to and ruled upon by the General Counsel.

The general counsel may request an oral presentation from the parties. The general counsel may affirm the decision of the regional director, remand for further consideration or evidence, or issue a complaint.

Note: Authority cited: Section 1144, Labor Code. Reference: Sections 1149, 1151.4(a), 1160.2 and 1160.5, Labor Code.

HISTORY

1. Amendment filed 3-14-78; effective thirtieth day thereafter (Register 78, No. 11).

2. Editorial correction adding NOTE filed 2-16-83 (Register 83, No. 8).

3. Amendment of section filed 9-20-91; operative 10-21-91 (Register 92, No. 4).

4. Amendment of first paragraph and Note filed 7-8-99; operative 8-7-99 (Register 99, No. 28).

This database is current through 11/28/14 Register 2014, No. 48

8 CCR § 20219, 8 CA ADC § 20219

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