



APR 01 2014

Honorable Mark Leno, Chair  
Senate Budget and Fiscal Review Committee

Attention: Mr. Mark Ibele, Staff Director (2)

Honorable Nancy Skinner, Chair  
Assembly Budget Committee

Attention: Mr. Christian Griffith, Chief Consultant (2)

**Amendment to Budget Bill Item 7300-001-0001, Support, Agricultural Labor Relations Board**

**General Counsel and Administrative Funding (Issue 100)**—It is requested that Item 7300-001-0001 be increased by \$1,993,000 and 5 positions (4 attorneys and 1 field examiner) to address additional workload due to increased caseload responsibilities. This includes two, one-time augmentations: (1) \$250,000 to contract with the Office of State Audits and Evaluations to conduct an evaluation of workload; and (2) \$259,000 to replace five existing vehicles and add four additional vehicles to address field work and administrative travel.

The effect of my requested action is reflected on the attachment.

If you have any questions or need additional information regarding this matter, please call Mark Tollefson, Principal Program Budget Analyst, at (916) 322-2263.

MICHAEL COHEN  
Director

By:

KEELY M. BOSLER  
Chief Deputy Director

Attachment

cc: On following page

cc: Honorable Kevin de León, Chair, Senate Appropriations Committee  
Attention: Mr. Mark McKenzie, Staff Director  
Honorable Jim Nielsen, Vice Chair, Senate Budget and Fiscal Review Committee  
Attention: Mr. Seren Taylor, Staff Director  
Honorable Mike Gatto, Chair, Assembly Appropriations Committee  
Attention: Mr. Geoff Long, Chief Consultant  
Honorable Jeff Gorell, Vice Chair, Assembly Budget Committee  
Attention: Mr. Eric Swanson, Staff Director  
Honorable Jim Beall, Chair, Senate Budget and Fiscal Review Subcommittee No. 2  
Honorable Tom Daly, Chair, Assembly Budget Subcommittee No. 4  
Mr. Mac Taylor, Legislative Analyst (4)  
Mr. Craig Cornett, Senate President pro Tempore's Office (2)  
Mr. Christopher W. Woods, Assembly Speaker's Office (2)  
Ms. Deborah Gonzalez, Policy and Fiscal Director, Assembly Republican Leader's Office  
Mr. David M. Lanier, Secretary, Labor and Workforce Development Agency  
Ms. Marisa Duek, Associate Secretary, Fiscal Policy, Labor and Workforce Development Agency  
Ms. Genevieve Shiroma, Chair, Agricultural Labor Relations Board  
Ms. Sylvia Torres-Guillen, General Counsel, Agricultural Labor Relations Board

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icc: SHELTON, MONROE, TOLLEFSON, DANIEL, C/F, SUSPENSE, FILE

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DEPT: Agricultural Labor Relations Board  
 STATE OPERATIONS

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 7300-001-0001 14 14 G  
 \*\*\*ORG-REF-FUND YOA YOB\*\*

ITEM TITLE:  
 001 Budget Act appropriation

ISSUE: 100 P98: N  
 P98 ISSUE:

DATE SIGNED: APR 01 2014

ISSUE: 100 General Counsel and Administration  
 Funding

---DETAIL CHANGES---

	POS	TYPE/LANG		
Provide 5 positions and \$1.99 million General Fund (including \$1.45 million ongoing) to address increased caseload responsibilities. This includes a rebasing of the department's operating expenses and equipment.				* * * * * * * *
Proposed New Positions:				*
Attorney (Range C)	4.0	R	299,000	*
Field Examiner II	1.0	R	58,000	*
Staff Benefits			118,000	*
Operating Expenses and Equipment			1,518,000	*
TOTAL FINANCE LETTER CHANGES	5.0		1,993,000	*
TOTAL DETAIL CHANGES	5.0		1,993,000	

---SCHEDULE CHANGES---

10.00.000.000 Board Administration			498,250	*
20.00.000.000 General Counsel Administration			1,494,750	*
NET IMPACT TO 7300-001-0001			1,993,000	*
TOTAL NET IMPACT TO 7300-001-0001			1,993,000	

POSITION CHANGES FOR ISSUE NUMBER	AMOUNT	ASM CONSULTANT: ZA
REG/ON-GOING POS 5.0	357,000	SEN CONSULTANT: CBF
PART YR ADJ POS 0.0	0	DOF ANALYST: Natalie Daniel
TEMP HELP POS 0.0	0	LAO DIRECTOR: M. NEWTON
OVERTIME 0.0	0	RUN DATE: 03/20/14 17:22:04
-TOTAL- 5.0	357,000	UPDT TIME: 03/20/14 17:21:30

\* DEPT OF FINANCE LETTER

..JUUSE=F1 YOB=2014 ITEM=730000100011414

ISSUE-FROM=100 ISSUE-TO=100



STATE OF CALIFORNIA  
**Budget Change Proposal - Cover Sheet**  
 DF-46 (REV 03/13)

Fiscal Year 2014/2015	BCP No. ALRB 14-01 FL	Org. Code 7300	Department Agricultural Labor Relations Board	Priority No. 1
Program 20 General Counsel and 10 Board		Element	Component	

Proposal Title  
 Funding for the Agricultural Labor Relations Board's Office of the General Counsel and Administration

Proposal Summary  
 The Agricultural Labor Relations Board (ALRB) General Counsel requests \$1.993 million from the General Fund (including \$1.448 million ongoing) and 5 positions (4 attorneys and 1 field examiner) to address additional workload due to increased caseload responsibilities. This request includes a rebasing of the department's operating expenses and equipment.

Requires Legislation <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Code Section(s) to be Added/Amended/Repealed	
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Does this BCP contain information technology (IT) components? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <i>If yes, departmental Chief Information Officer must sign.</i>	Department CIO	Date
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For IT requests, specify the date a Special Project Report (SPR) or Feasibility Study Report (FSR) was approved by the California Technology Agency, or previously by the Department of Finance.  
 FSR       SPR      Project No.      Date:

If proposal affects another department, does other department concur with proposal?     Yes     No  
 Attach comments of affected department, signed and dated by the department director or designee.

Prepared By <i>Stelira Torres-Phillips</i>	Date <i>March 27, 2014</i>	Reviewed By <i>[Signature]</i>	Date
Department Director <i>Stelira Torres-Phillips</i>	Date <i>March 27, 2014</i>	Agency Secretary <i>[Signature]</i>	Date <i>03/28/14</i>

**Department of Finance Use Only**

Additional Review:  Capital Outlay     ITCU     FSCU     OSAE     CALSTARS     Technology Agency

CP Type:       Policy       Workload Budget per Government Code 13308.05

PPBA <i>[Signature]</i>	Date submitted to the Legislature <i>4/1/14</i>
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## Fiscal Summary

(Dollars in thousands)

BCP No. 1	Proposal Title ALRB Realignment	Program General Counsel (20) Board (10)
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Personal Services	Positions			Dollars		
	CY	BY	BY + 1	CY	BY	BY + 1
Total Salaries and Wages <sup>1</sup>		5.0	5.0		\$357	\$357
Total Staff Benefits <sup>2</sup>					118	118
<b>Total Personal Services</b>	0.0	5.0	5.0	\$0	\$475	\$475

Operating Expenses and Equipment						
General Expense					200	164
Printing					7	7
Communications					66	66
Postage					6	6
Travel-In State					134	134
Travel-Out of State					0	0
Training					35	35
Facilities Operations					-205	-205
Utilities					70	70
Consulting & Professional Services: Interdepartmental <sup>3</sup>					111	111
Consulting & Professional Services: External <sup>3</sup>					391	141
Data Center Services					-7	-7
Information Technology					81	81
Equipment <sup>3</sup>					366	107
Other/Special Items of Expense: <sup>4</sup>						
Data Processing					78	78
Departmental Services					185	185
<b>Total Operating Expenses and Equipment</b>				\$0	\$1,518	\$973
<b>Total State Operations Expenditures</b>				\$0	\$1,993	\$1,448

Fund Source	Item Number					
	Org	Ref	Fund			
General Fund	7300	001	0001		\$1,993	\$1,448
Special Funds <sup>5</sup>						
Federal Funds						
Other Funds (Specify)						
Reimbursements						

Total Local Assistance Expenditures						
				\$0	\$0	\$0
Fund Source	Item Number					
	Org	Ref	Fund			
General Fund						
Special Funds <sup>5</sup>						
Federal Funds						
Other Funds (Specify)						
Reimbursements						
<b>Grand Total, State Operations and Local Assistance</b>				\$0	\$1,993	\$1,448

<sup>1</sup> Itemize positions by classification on the Personal Services Detail worksheet.

<sup>2</sup> Provide benefit detail on the Personal Services Detail worksheet.

<sup>3</sup> Provide list on the Supplemental Information worksheet.

<sup>4</sup> Other/Special Items of Expense must be listed individually. Refer to the Uniform Codes Manual for a list of standard titles.

<sup>5</sup> Attach a Fund Condition Statement that reflects special fund or bond fund expenditures (or revenue) as proposed.



## Supplemental Information

(Dollars in thousands)

BCP No. 1	Proposal Title ALRB Realignment
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Equipment	CY	BY	BY +1
Vehicles		259	0
OE&E Realignment		107	107
<b>Total</b>	\$0	\$366	\$107

Consulting & Professional Services			
OSAE Study		250	0
OE&E Realignment		141	141
<b>Total</b>	\$0	\$391	\$141

Facility/Capital Costs			
<b>Total</b>	\$0	\$0	\$0

**One-Time/Limited-Term Costs**      Yes       No

Description	BY		BY +1		BY +2	
	Positions	Dollars	Positions	Dollars	Positions	Dollars
One-time position costs				-36		
One-time OSAE Study				-250		
One-time Vehicles				-259		
	0.0	\$0	0.0	-\$545	0.0	\$0

**Full-Year Cost Adjustment**      Yes       No

*Provide the incremental change in dollars and positions by fiscal year.*

Item Number	BY		BY +1		BY +2	
	Positions	Dollars	Positions	Dollars	Positions	Dollars
<b>Total</b>	0.0	\$0	0.0	\$0	0.0	\$0

**Future Savings**      Yes       No

*Specify fiscal year and estimated savings, including any decrease in positions.*

Item Number	BY		BY +1		BY +2	
	Positions	Dollars	Positions	Dollars	Positions	Dollars
<b>Total</b>	0.0	\$0	0.0	\$0	0.0	\$0

**A. PROPOSAL SUMMARY**

The Agricultural Labor Relations Board (ALRB) General Counsel requests \$1.993 million in funding from the General Fund (including \$1.448 million ongoing) and five (5) positions (4 attorneys and 1 field examiner) to address additional workload due to increased caseload responsibilities. This request includes a rebasing of the ALRB's operating expenses and equipment (OE&E). The ALRB has not had a budget realignment for OE&E in many years. These funds will be allocated as follows:

- \$794,000 for ongoing baseline OE&E costs. This assumes a departmental baseline operation cost of approximately \$975,000 (standard complement) and \$1.208 million (above standard complement);
- \$690,000 (including \$654,000 ongoing) for 4 attorneys and 1 field examiner to help address the budget year workload;
- A one-time augmentation of \$250,000 for an ALRB work study analysis; and
- A one-time augmentation of \$259,000 for the purchase of nine (9) new vehicles.

This proposal is submitted in an effort to better align ALRB's resources with recent business model changes. Since September 2011 and the appointment of General Counsel Sylvia Torres-Guillén, the business practices have changed as follows:

- Pairing attorneys and field investigators to allow legal expertise to be available early in the investigation process and to allow investigators to offer support during a case's litigation process;
- Filing temporary restraining orders and preliminary injunctions in Superior Court;
- Issuing investigative and post-complaint subpoenas and enforcing these subpoenas in Superior Court;
- Responding to unanticipated worker strikes by sending staff to assist workers and unions in peaceful resolutions, including conducting 48-hour "strike" elections as needed;
- Immediately assigning staff to investigate and offer education on rights and obligations when Notices of Intent to Take Access (NAs) and Notices of Intent to Organize (NOs) are filed;
- Shifting resources to include a stronger presence in regional office locations, including the addition of the Oxnard Regional Office in April 2012;
- Addressing, investigating, litigating and closing old compliance cases and old investigation cases, thus changing the age of the Agency's backlogged cases from 35+ years to approximately two (2) years or less;
- Raising awareness of rights afforded under the Agricultural Labor Relations Act (Act). This involves traveling to speak and provide information at various community events where farm workers, unions, and employers are present. In fiscal year 2010/11, and 2011/12, ALRB participated in 23, and 55 outreach events, respectively.

These changes to the General Counsel's business model have led to more thorough and timely investigations of charges and have enabled the ALRB to make great strides towards fulfilling its mission of ensuring peace and justice in California's agricultural fields. However, current staffing levels are inadequate to meet an increased public need for ALRB services and additional staff is critical.

The workload and level of complexity of cases before the ALRB has also increased. In the last two and half years, the General Counsel has also seen a dramatic and sustained increase of case work responsibilities and has had to work through extensive inherited backlog. The General Counsel does not



have the internal resources to timely investigate and prosecute complex cases while moving forward with the backlog and new cases. Failure to fund the ALRB General Counsel's requested OE&E expenses and positions will result in harmful delay, excess backlog and would negatively impact the farm worker community. The requested increases in positions and operational expenses will enable the ALRB General Counsel to carry out her mandate, uphold the law and protect farm workers.

## **B. BACKGROUND/HISTORY**

The Agricultural Labor Relations Act was signed into law by Governor Jerry Brown in 1975 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 their agents, in the designation of such representatives or in self organization or in other concerted activities for the purpose of the collective bargaining or other mutual aid or protection.*

Lab. Code § 1140.2. Consistent with this purpose, the ALRB's role is to ensure peace and justice in the fields by providing stability in agricultural labor relations by implementing, protecting, and enforcing the rights and responsibilities of employers, employees and unions in their relations with each other. *Id.* Farm workers play a critical role in building and maintaining California's \$43.5 billion dollar agricultural economy, doing some of the most difficult, dangerous, and important work in the state. The ALRB has the important task of protecting farm workers.

The Act established a two-part Agency: the General Counsel and the Board. The General Counsel is the chief prosecutor of all violations of the Act, with the responsibility to process, investigate, prosecute and resolve unfair labor practice charges. She has been responsible for all of the ALRB's remedial efforts and has been the compliance officer for the ALRB. The General Counsel has also been responsible for managing and leading regional staff to ensure that the agency conducts free and fair elections for farm workers, has led the ALRB's proactive public outreach efforts and the development of outreach materials and has been responsible for supervising administration duties for the ALRB. The Board serves as the judicial arm of the Agency.

In September 2011, Governor Brown appointed Sylvia Torres-Guillén as ALRB General Counsel and provided her with a mandate to ensure that the ALRB was a fully functioning, efficient and responsive agency to all of its stakeholders. To that end, she conducted broad and deep consultations to evaluate stakeholder need and to gauge the ALRB's responsiveness and commitment to meeting those needs. In meetings and conversations held across the state and across the diverse stakeholder community, as well as with ALRB personnel, all stakeholders expressed the need for increased accountability, timely investigation and enforcement, outreach, and greater professionalism, generally. Previously, cases languished in storage boxes and filing cabinets for years, if not decades. Recognizing the need to revitalize the agency, the General Counsel implemented significant policy changes, developed and delivered state-wide personnel training, and raised the ALRB's expectations. The improvements resulted in a striking increase in the demand for ALRB services and marked need for more infrastructural support.

The ALRB's current staffing levels are inadequate and present a barrier to the ALRB's ability to accomplish the aforementioned mission. Understaffing threatens to destroy any trust the agency has

earned in the last two and a half years, thus undermining the agency's ability to protect farm workers, enforce the law and prosecute violators. An increase of five additional staff members will not undo decades of consistent cuts to funding and positions, but it will help the General Counsel continue to make progress towards meeting the Agency mission and avoid returning to the days of decades old backlogged cases.

**Resource History**  
*(Dollars in thousands)*

<b>Program Budget</b>	<b>2008/09</b>	<b>2009/10</b>	<b>2010/11</b>	<b>2011/12</b>	<b>2012/13</b>
Authorized Expenditures	5,148	5,189	5,024	5,116	5,490
Actual Expenditures	4,574	4,315	4,393	5,055	5,460
Revenues					
Authorized Positions	38.5	38.5	37.0	37.5	41.5
Filled Positions	31.3	34.2	32.9	32.8	36.7
Vacancies	7.2	4.3	4.1	4.7	4.8

**C. STATE LEVEL CONSIDERATIONS**

California outpaces all other states in the nation as the largest food and agricultural economy, representing 11.6% of the United States total agricultural economy in 2011. See <http://www.cdfa.ca.gov/statistics/pdfs/2013/AgStatsOverview.pdf>. The most recent figures from California's Agricultural Statistics Review for 2012/13 show that California's agricultural production is up to an extraordinary \$43.5 billion dollars. There are an estimated 800,000 farm workers during the low-point winter months and 1.2 million farm workers during peak employment in the summer months. See <http://www.cirsinc.org/index.php/rural-california-report/entry/farm-labor-in-california-.html>. Given the importance of agriculture to California and the nation's economy, the public at large has an interest in ensuring the ALRB continues to meet its statutory mandate to ensure peace and justice in the fields and stability in labor relations. California is the only state in the country that protects farm workers through a carefully drafted agricultural labor relations law designed to encourage farm workers to exercise their right to freedom of association to improve their working conditions. California is the only state in the country that has a law akin to the National Labor Relations Act, which extends the same, and at times stronger, protections to farm workers. If farm workers do not feel that they can speak up about working conditions without retaliation, they could be subjected to unfettered abuse or even deadly working conditions.

**D. JUSTIFICATION**

**1. Operating Expenses and Equipment (OE&E)**

The ALRB General Counsel requests \$794,000 ongoing for ALRB operational expenses and equipment. The ALRB also requests adding a total of \$459,000 above the standard complement in OE&E (including \$259,000 for fleet vehicles and \$250,000 for a work study). See Attachment A. This addition would establish ALRB at a new baseline operations amount and allow the department to manage ongoing costs of business.

The ALRB has not had a realignment of its OE&E budget in many years and this has forced the agency to absorb costs associated with increased OE&E expenses. The ALRB has had to work within its budgetary

constraints by shifting resources from personal services dollars to cover increases in OE&E. Funding above the standard complement is now necessary because the ALRB's past year OE&E expenditures indicate that standard complement rates fall short in the following line items: training, travel, general expenses, internal and external consulting contracts, departmental services, consolidated data centers, information technology and equipment. A generic costing of ALRB's current positions under the comparable Department of Justice costing methodology indicates that current staff should maintain a standard complement of approximately \$975,000. This assumes ongoing OE&E rates at \$41,470, \$13,840, \$9,500, \$18,990, and \$22,930 for attorney, administrative, technical, legal analyst, and IT analyst general position categories. See Attachment B.

The revitalization of the agency and additional workload has resulted in corresponding additional needs in various areas of the OE&E budget. Some of these increased costs were temporarily offset by redirecting personal services dollars to OE&E, and for other expenses the ALRB simply had to go without basics. The following are some examples of expenses that will be covered by this augmentation to the OE&E budget:

- **Training:** Workforce training and development for ALRB employees to access outside training opportunities and develop the knowledge, skills and abilities necessary for effective investigation and advocacy.
- **Travel:** Travel expenses which have increased significantly in the past two and half years due to an increased workload and extensive efforts to serve California's farm workers.
- **General Expense:** The ALRB's current legal resources that are severely limited, outdated, well below the industry standard and need to be replaced.
- **Contracts:** The ALRB's internal departmental services contracts and external consulting contracts which have increased significantly due to more complex litigation, increased hearing costs and costs associated with pending lawsuits filed against the Board and its Board members.
- **Printing:** The ALRB has recently updated its decades-old outreach materials and funding is needed to print and distribute these materials.
- **Information Technology:** The ALRB's servers and network infrastructure are past their industry standard lifecycle and must be upgraded. This funding ensures a laptop and IT equipment refresh program, IT training and increased IT costs incurred due to state mandates requiring the agency to connect to California Government Enterprise Network and transition to the state wide email system Microsoft Outlook.

## **2. Personal Services and Related Work Study**

The ALRB General Counsel requests \$690,000 (including \$654,000 ongoing) for four (4) attorneys and one (1) field examiner<sup>1</sup> and \$250,000 above the standard complement (one-time) for an ALRB work study analysis. See Attachment C for position costing detail. Attachment D is a current organizational

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<sup>1</sup> In 2012, the ALRB General Counsel paid field examiners \$57,028 in overtime pay, or the equivalent of an additional field examiner position. The entry-level salary for a Field Examiner II position is \$52,800.

chart for the Office of the General Counsel and Attachment E is an “after” proposed organizational chart that reflects where the requested five positions will be based.

a. 4 Attorneys and 1 Field Examiner Positions

This proposal requests four attorneys and one field examiner. These additional five positions will help the ALRB address an increased workload over the last two and half years, the backlog of cases, and the significant workload caused by intense litigation in numerous complex cases involving one of California’s largest growers, Gerawan Farming, Inc. The ALRB General Counsel does not have the staff to fully and timely investigate and prosecute complex cases like Gerawan internally at a standard the General Counsel recognizes is necessary and as required by our governing Regulations, without shutting down much of the other work conducted by the agency. Cal. Code Regs. §20335(c).

i. Additional Positions are Necessary to Respond to Increased Need for ALRB Services

In the last two years, the General Counsel has seen a dramatic upswing in the number of farm workers accessing the ALRB’s services. The number of unfair labor practice (ULP) charges filed by stakeholders has increased over the last few years as follows: a 20% increase from fiscal 2010/11 to 2011/12 and a 32% increase from fiscal 2011/12 to 2012/13. This represents a 57% increase in charges filed over the course of two fiscal years. In the first half of this 2013/14 fiscal year, the number of ULP charges was already at 85 charges. Halfway through this year, the ALRB was on pace to seeing a **100%** increase in ULP charges filed over the course of three fiscal years.

The number of complaints issued by the General Counsel has also increased significantly. In the 2011/12 fiscal year, the number of ULP charges that led to a complaint nearly doubled. As set forth in the workload history chart below, there has been a **160%** increase in two years in the number of ULP charges that led to complaints. Furthermore, number of complaints has also increased over the last few years as follows: a 100% increase from the fiscal year 2011/12 to 2012/13 and given the current numbers are on track to have a 160% increase from the fiscal year 2012/13 to 2013/14. This represents a **420%** increase in complaints over the course of two fiscal years.

**Workload History**

<b>Workload Measure</b>	<b>2010/2011</b>	<b>2011/2012</b>	<b>2012/2013</b>	<b>2013/2014 (through Dec.2013)</b>
ULP Charges	86	103	136	85
Administrative Hearings	3	2	5	3
Complaints Issued	5	5	10	13
Charges to Complaint	10	19	26	19

ii. Background on the Gerawan Farming Inc. Cases

In October 2013, there was a sudden explosion of activity involving Gerawan farm workers with the filing of two petitions to decertify the union. The representation election involved approximately 2,600 Gerawan farm workers and was one of the largest representation elections conducted in ALRB history. The election required participation from the entire agency, drew intense media scrutiny of the ALRB, and involved multiple protests of hundreds of farm workers at ALRB offices. Thus far, Gerawan has already consumed extensive ALRB resources, including over 3,200 staff hours to conduct a

representation election and to conduct preliminary investigations, and involves serious fraud and employer assistance issues as well as over 60 unfair labor practice charges.

Investigating these 60 ULP charges will require extensive investigations, hearing preparation, and post hearing briefing. This includes home visits to farm workers, interviews with foremen and other Gerawan agents and multiple administrative hearings.<sup>2</sup> See Attachment F. Gerawan will, in all likelihood, take at least 3-4 years to complete. The General Counsel faces well-funded opposing counsel in this case. Additional resources to fund Gerawan litigation are critical. The General Counsel cannot and will not shut down the entire agency to litigate one case. If additional funding for positions is not approved, the General Counsel will not be able to move forward in litigating the Gerawan cases.

iii. Resources Required for Complex Litigation Cases Including Gerawan Farming, Inc.

The ALRB has seen an increase in recent years in the complexity of cases brought before the agency. In a recent comparable case to Gerawan, involving a decertification election at D'Arrigo Bros. of CA, another large grower, involving only six (6) ULP charges that were far less egregious, the ALRB was similarly unable to internally handle parts of the case, namely, the post-hearing briefing associated with D'Arrigo. The General Counsel received assistance from the California Department of Human Resources to complete the necessary post-hearing briefing for D'Arrigo. For the D'Arrigo briefing alone, CalHR required ten (10) attorneys, that is more attorneys than the General Counsel had in the entire agency, four (4) paralegals and six (6) law clerks to prepare the briefing, expending a total of 2,883.5 hours on the case at a total cost of \$468,498.

D'Arrigo and Gerawan are comparable, but Gerawan is significantly more complex because it involves a significantly higher number of ULP charges, much more serious allegations of employer misconduct and fraud. The ALRB does not have the resources to litigate Gerawan and the General Counsel has already dedicated significant staff resources to this case in 2013. If CalHR were to handle the Gerawan case, it would easily be at a cost of anywhere from \$2 to 2.5 million dollars, and while they may be able to handle the briefing, they lack the expertise to investigate the charges.

b. ALRB Work Load Study

The ALRB's 2014/15 caseload projections justify four (4) attorneys and one (1) field examiner positions. As part of her revitalization of the ALRB, the General Counsel requests funds for a work study to help the agency collect data about its processes and quantify workload needs for fiscal year 2015/16 and beyond. The ALRB would participate in a one-time workload study this summer and early fall so that ongoing caseload estimates can be evaluated. The Department of Finance's Office of State Audits and Evaluations will work with the ALRB General Counsel to conduct a work load study in coordination with the Department of Finance budget staff and the ALRB, with the sole purpose of providing support to the ALRB's effort to gather additional data to address the ALRB's needs. This collaboration will be funded from a one-time above standard complement augmentation of \$250,000. The data from the work load study will be used in future years to request additional resources consistent with the anticipated needs of the agency.

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<sup>2</sup> ALRB administrative hearings are akin to civil bench trials and differ significantly from hearings before administrative law judges at sister state agencies. For example, whereas the duration of a hearing before an ALJ at the Labor Commissioner may be limited to a few hours, ALRB hearings before our ALJs typically last anywhere from a few days to a few weeks, and include comprehensive direct and cross examinations, pre-hearing motions, and an opening statement and closing argument.



### 3. Fleet Vehicles

The ALRB General Counsel is requesting \$259,000 in one-time above standard complement to replace five (5) existing vehicles and add four (4) new vehicles to our departmental fleet. The prior existing fleet vehicles are outside their normal useful life and four have already been surveyed and sent to auction because repair costs exceed their value. See Attachment G. The remaining vehicle is over 12 years old, suffers from frequent breakdowns, poor cargo space and cannot travel well in agricultural fields.

The ALRB General Counsel has seen a significant increase in mission-critical travel within the last two and a half years. During that time, the five vehicles have been insufficient and the agency has had to supplement the existing fleet with car rentals and personal mileage reimbursements. In the last two and half years, the ALRB has already spent \$39,733 in car rentals and personal mileage reimbursements in the last two years as a temporary solution to the lack of reliable fleet vehicles. Whereas the fleet of five vehicles may have been enough in prior years where they were given minimum use (as demonstrated by the low mileage in September 2011 in Attachment H), that is not the case today.<sup>3</sup>

The General Counsel has developed a fleet acquisition plan for the Department of General Services to obtain nine fleet vehicles; five replacement vehicles and four additional vehicles. DGS conducted an official review of the ALRB's fleet acquisition plan and informed us that our packet was strong and that all the necessary components were there. Final approval by DGS requires proof of funding for the purchase of the additional vehicles. (See Management Memo 13-02 regarding State Fleet Annual Acquisition Plan which requires that "an authorized budget change proposal (BCP) or Governor's budget line item must be attached to substantiate any increase in staffing or workload corresponding with the request for additional vehicles.")

#### a. Fleet Vehicles are Necessary to Perform Mission Critical Tasks

Fleet vehicles are essential to the ALRB for a multitude of reasons. The migratory nature of agriculture means that farm workers travel throughout the state to follow crops and work. The ALRB needs reliable, cost-effective vehicles to travel to where farm workers and stakeholders are located.

Farm workers represent some of the most economically disadvantaged people in the country. Based on the National Center for Farmworker Health's September 2012 Report and the U.S. Department of Labor's most recent National Agricultural Workers Survey, the average individual income for farm workers is between \$12,500 to \$14,999, the average total family income ranged from \$17,500 to \$19,999 and 23% of all farm workers had total family incomes that were below the federal poverty

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<sup>3</sup> As an example, it is fairly common for the Visalia Regional Office to simultaneously send several attorney/field examiner teams to conduct investigation or participate in outreach, noticing, or hearings. On any given day, one Visalia team is scheduled to conduct interviews in Fresno, a second Visalia team is scheduled to conduct another set of interviews in a different location in Fresno, a third Visalia team is scheduled to conduct interviews in Delano and the Visalia Regional Director is scheduled to participate in a hearing in San Marcos. This situation is not an anomaly in the regional offices.

Having safe and well-maintained state vehicles is necessary for the ALRB to work efficiently and effectively. Renting vehicles consumes a significant amount of time and expense, particularly when larger vehicles are needed, and personal vehicles are not always completely reliable. The General Counsel also regularly travels to the regions to provide support and training for staff, hearings and elections. Fuel-efficient vehicles would allow the ALRB to conduct necessary travel at a reduced cost to the state. There is also an added value to using official state vehicles recognizable as such, especially when travelling to the fields and worksites.

guidelines. <http://www.ncfh.org/docs/fs-Migrant%20Demographics.pdf>. Thus, travelling to regional offices to obtain services represents a significant financial burden on farm workers. Many farm workers do not have a car or cannot afford to travel to our regional offices. The agency must travel to them to ensure they are able to exercise their rights under the Act.

Representation elections and investigations in the agricultural setting require an ALRB fleet mix of fuel efficient cars, SUVs, and trucks. SUVs and trucks must have either 4x4 or All-Wheel Drive capability to maneuver in field conditions. Cargo space is needed to transport mobile workstations, case file boxes, evidence, election equipment, and outreach materials. Staff must mobilize quickly in the election setting and most elections, depending on the allegations in the petition, take place within either two or seven days from the date a representation petition is filed. Regional staff must respond quickly and identify locations for these elections to take place. They must also work out transportation logistics, such as coordinating transportation of bulky election equipment such as voting booths, 6-foot tables and chairs to each voting site. These elections usually take place on the grower's property in an open dirt field in order to increase accessibility and ensure high voter turnout. During elections, the ALRB also has the added responsibility of transporting farm workers who serve as election observers because they must remain with the ballot box until the votes are counted. The ALRB needs reliable vehicles that address these concerns. A sports utility vehicle would allow the ALRB to have the space to transport the farm workers, staff and small cargo. A crew cab truck with all-wheel drive that can navigate these conditions and allow our staff to access voting sites would also be an essential part of our fleet.

Travelling in agricultural fields occurs year round and on a regular basis at the ALRB, and is not limited to the summer harvest months. For example, while the agency may only see 3-5 elections each year, in 2013 there were 60 Notices of Intent to Take Access (NA) or Notices of Intent to Organize (NO) filed by unions. The ALRB had to do significant travel in agricultural fields for the elections and staff also had to reach out to the farm workers and the growers and travel as necessary for outreach related to the NAs and NOs. In addition, larger SUV and crew cab trucks are required year round to do compliance checks related to settlement agreements and Board Orders.<sup>4</sup>

b. Purchasing Replacement Vehicles v. Leasing Vehicles

The ALRB is basing the vehicle selections upon DGS's 2013 Mandatory Statewide Contract for Fleet Vehicles. A cost comparison between outright purchasing and leasing revealed that outright purchasing is the most cost-effective approach over a 5 to 10-year life span of a vehicle. See Attachment H. There is a 13% to 348% cost savings under the purchase option. *Id.* In raw dollars, the savings range from \$3,835 to \$124,340. *Id.*

Fuel-efficient cars are required to travel to farm workers and between regional offices as discussed *supra*. The ALRB is interested in the following: (1) three Ford Fusion Hybrids 2L (\$24,443), one for Salinas, Visalia and Sacramento for an estimated aggregate cost of \$80,652<sup>5</sup> with the five-year service plan; (2) Four fuel efficient E85 Chevrolet Tahoes 5.3L (\$29,595), one for Salinas, Visalia, Oxnard and El

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<sup>4</sup> A compliance check entails staff travelling to an agricultural work site, typically fields, while employees are working. Locating the fields is challenging since they do not have standard addresses that can be inputted into a GPS navigation program. Instead, we usually only have an intersection and (through trial and error) try to locate the field, locate the farm workers, and find the bathrooms. These compliance checks occur regularly and throughout the year and all require larger trucks to navigate agricultural fields.

<sup>5</sup> This aggregate amount is reflected in ALRB fleet acquisition plan submitted to DGS and includes taxes and a \$335 five-year service plan per vehicle.

Centro for an aggregate amount for four SUVs is \$129,961<sup>6</sup> with the five-year service plan; and (3) two Dodge Rams 1500 3.6L (\$21,816), one for Salinas and Visalia for an aggregate amount of \$48,209<sup>7</sup> with the five-year service plans. This would include crew-cab trucks with an after-market camper shell (\$1,500) to transport large cargo to other Regional Offices, conduct investigations of medium to large farms and conduct elections, as discussed *supra*. The funding approval would allow the ALRB to continue its mission-critical work in the fields by purchasing safe and reliable vehicles.

	Base Cost	Service Plan	Sub-Total Per Car	# Vehicles	Sub-Total Per Type	Tax (8.5%)	Total per Car
Fusion	\$24,443	\$335	\$24,778	3	\$74,334	\$6,318.39	\$80,652
Tahoe	\$29,595	\$350	\$29,945	4	\$119,780	\$10,181.30	\$129,961
Ram	\$21,816	\$400	\$22,216	2	\$44,432	\$3,776.72	\$48,209
<b>Total</b>							<b>\$258,822</b>

**E. OUTCOMES AND ACCOUNTABILITY**

This proposal will allow the ALRB to carry out its statutory duties to encourage and protect the rights of farm workers. With the current resources, even working at maximum levels, the ALRB cannot but barely scratch the surface of the violations of the Act that occur or even be aware of all of them. The sheer size of the agricultural workforce in the State we are charged with serving, coupled with the great geographical service area, has been and remains a challenging factor to the ALRB's ability to address their needs and redress the conduct which violates their rights. The ALRB has operated as much as it can with the philosophy of do what you can with what you have; and now, to do what it needs, the ALRB requires additional resources. Funding for five positions will provide critical resources to ensure the ALRB can aggressively litigate the increased number of cases, continue to eliminate the backlog and timely litigate the Gerawan cases. The additional funding will also allow the General Counsel to comply with state technology mandates, provide staff reliable sources of transportation and provide staff with basic legal tools and other operating expenses and equipment. With this much needed additional staffing and additional funding the ALRB will be equipped to move successfully forward to help more farm workers it is charged to protect.

<sup>6</sup> This aggregate amount is reflected in ALRB fleet acquisition plan submitted to DGS and includes taxes and a \$350 five-year service plan per vehicle.

<sup>7</sup> This aggregate amount is reflected in ALRB fleet acquisition plan submitted to DGS and includes taxes and a \$400 five-year service plan per vehicle.

**F. ANALYSIS OF ALL FEASIBLE ALTERNATIVES**

**1. Do Nothing**

- a. Pros: None.
- b. Cons: This alternative will negatively impact the farm worker community and jeopardize the ALRB's ability to uphold the Act. The ALRB General Counsel will not be able to internally litigate all of her cases, including Gerawan; there will be prolonged delays in investigating, litigating and briefing the increased case load; farm workers and stakeholders will become more frustrated with delays, there will be additional protests at the offices and the ALRB's tremendous progress on backlog achieved in two and a half years will be undone. There will also be attrition, as staff will leave the ALRB due to the unsustainable and mounting workload. The outdated IT infrastructure will leave the ALRB staff with weak resources that interfere with the necessary progress; and the ALRB will pay more to conduct mission critical case work travel.

**2. Refer Work to Outside Agencies**

- a. Pros: An alternative to the ALRB's current excessive workload problem is to contract out to other agencies like CalHR to research, write and file some of the more complex cases. The investigation and litigation of the Gerawan case and other large cases could probably not be handled by the Attorney General's Office, CalHR or another outside agency because they lack expertise. This alternative would enable a more manageable case work load to the current ALRB staff that is in severe need of added support, but it would be at a higher cost to the State of California.
- b. Cons: The cost to the State of California to handle the Gerawan case would be at a significantly higher cost and would not alleviate the structural problems of understaffing and unsustainable workloads. Current CalHR and the Attorney General's Office rates for attorneys and paralegals are much higher than funding additional positions at the ALRB. This alternative would not address the operational problems addressed in this proposal, such as funding for OE&E to ensure the correct standard complement.

**3. Approve the Proposal**

- a. Pros: Approval of the proposal would allow the ALRB to continue serving the farm worker community in a fast, efficient and effective manner, as well as provide much needed OE&E and necessary relief for current ALRB staff. Current ALRB staff will receive the critical assistance needed to complete the backlog and current workload the agency is facing. Additional positions will allow the ALRB to be more efficient in working through the increase case work and to effectively investigate, litigate and brief Gerawan Farming. Furthermore, the new fleet vehicles would provide a cost effective and safe means for travel for the ALRB staff and funding for the relocation would make the ALRB more accessible to the farm worker community.

**G. IMPLEMENTATION PLAN**

Begin the hiring process for July 2014.

**H. SUPPLEMENTAL INFORMATION**

None

**I. RECOMMENDATION**

Approve an increase of \$1.993 million, including \$1.448 million ongoing, as follows.

- Approve an increase of \$690,000 (including \$654,000 ongoing) for 4 attorneys and 1 field examiner to help address budget year workload.
- Approve an increase of \$794,000 for ongoing baseline OE&E costs. This assumes a departmental baseline operation cost of approximately \$975,000 (standard complement) and \$1.208 million (above standard complement).
- Approve a one-time augmentation of \$250,000 for an ALRB work study analysis
- Approve a one-time augmentation of \$259,000 to purchase 9 new vehicles.

<b>PROPOSED ALRB BUDGET (2014-15)</b>	
SALARIES & WAGES NEW POSITIONS	356,580
STAFF BENEFITS NEW POSITIONS	117,671
<b>TOTAL PERSONAL SERVICES</b>	<b>474,251</b>
OE&E ABOVE STND COMP (ONGOING)	794,000
VEHICLES (ONE-TIME)	259,000
WORK STUDY (ONE-TIME)	250,000
OE&E NEW POSITIONS (ONGOING)	179,720
OE&E NEW POSITIONS (ONE-TIME)	35,570
<b>TOTAL OE&amp;E</b>	<b>1,518,290</b>
<b>TOTAL STATE OPERATIONS</b>	<b>1,992,541</b>



ALRB

Summary of Spring Finance Letter Costs

Attachment A

A	B	C	D	E	F	G
	TOTAL OE&E Needed for Existing Positions Based on AG Costing Model and 12-13 Expenditures	Current OE&E in ALRB Budget	New OE&E Needed for Existing Positions (B-C)	One Times for OSAE Study and Fleet Vehicles	Costs for 5 New Positions	TOTAL (D+E+F)
<b>STANDARD COMPLEMENT</b>						
GENERAL EXPENSE:						
Office Exp. Supplies					4,000	4,000
One-Time					36,000	36,000
Legal Research/Update					20,000	20,000
Bar Dues					2,000	2,000
Personal Computer					7,000	7,000
<b>TOTAL GENERAL EXPENSE</b>	<b>181,000</b>	<b>50,000</b>	<b>131,000</b>	<b>0</b>	<b>69,000</b>	<b>200,000</b>
PRINTING	15,000	10,000	5,000	2,000	2,000	7,000
COMMUNICATION	100,000	50,000	50,000	16,000	16,000	66,000
POSTAGE	10,000	5,000	5,000	1,000	1,000	6,000
TRAVEL IN STATE	192,000	73,000	119,000	15,000	15,000	134,000
TRAINING	39,000	8,000	31,000	4,000	4,000	35,000
FACILITIES OPERATIONS	357,000	596,000	-239,000	0	34,000	-205,000
UTILITIES	79,000	9,000	70,000	70,000	70,000	140,000
CONSULTANT/PROF SVS (INT)	304,000	257,000	47,000	0	64,000	111,000
CONSULTANT/PROF SVS (EXT)	312,000	171,000	141,000	250,000	0	391,000
DEPARTMENTAL SERVICES	285,000	100,000	185,000	0	0	185,000
CONSOLIDATED DATA CENTERS	33,000	40,000	-7,000	0	0	-7,000
INFORMATION TECHNOLOGY	91,000	10,000	81,000	0	0	81,000
EQUIPMENT	117,000	10,000	107,000	259,000	0	366,000
DATA PROCESSING	68,000	0	68,000	0	10,000	78,000
<b>TOTAL OE&amp;E (STANDARD COMP)</b>	<b>2,183,000</b>	<b>1,389,000</b>	<b>794,000</b>	<b>509,000</b>	<b>215,000</b>	<b>1,518,000</b>
<b>PROPOSED ALRB BUDGET (2014-15)</b>						
SALARIES & WAGES				0	357,000	357,000
STAFF BENEFITS				0	118,000	118,000
<b>TOTAL PERSONAL SERVICES</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>475,000</b>	<b>475,000</b>
OE&E ABOVE STND COMP			794,000	0	0	794,000
VEHICLES (ONE-TIME)				259,000	0	259,000
OSAE (ONE-TIME)				250,000	0	250,000
OE&E POSITIONS (ONGOING)				0	179,000	179,000
OE&E POSITIONS (ONE-TIME)				0	36,000	36,000
<b>TOTAL OE&amp;E</b>	<b>0</b>	<b>0</b>	<b>794,000</b>	<b>509,000</b>	<b>215,000</b>	<b>1,518,000</b>
<b>TOTAL STATE OPERATIONS</b>	<b>0</b>	<b>0</b>	<b>794,000</b>	<b>509,000</b>	<b>690,000</b>	<b>1,993,000</b>

OE&E Detail

Total Budget Summary

Detail for Columns B-D is included in Attachment B.

Detail for Column F is included in Attachment C.

Standard Complement Costings to Calculate OE&E Need for Existing Positions Based on DOJ Costing Model

Corresponds to Attachment A

A B C D E F G H I J K L M N O

	Administrator & Analyst	17	Attorney	15	Legal Analyst	2	Techn Classes	6	IT/Computer Analyst	1	Total Standard Complement Needed for Existing Staff	Total OE&E Need Based on Standard Complement and Actual 12-13 Expenditures	Current OE&E	Shortfall
		(B*17)		(D*15)	(F*2)	(H*6)	(J*1)	(L*1)	(N*1)	(O*1)	(C+E+G+I+K)	(M)	(N)	(N-O)
<b>STANDARD COMPLEMENT</b>														
GENERAL EXPENSE:														
Office Exp. Supplies	740	12,560	850	12,750	890	750	780	4,500	780	780	32,390	32,390	0	32,390
Legal Research/Update		0	5,000	75,000	2,500	0	0	0	0	0	80,000	80,000	0	80,000
Bar Dues		0	480	7,200	0	0	0	0	0	0	7,200	7,200	0	7,200
Personal Computer	1,500	25,500	1,500	22,500	1,500	1,500	1,500	9,000	1,500	1,500	61,500	61,500	0	61,500
<b>TOTAL GENERAL EXPENSE</b>	<b>2,240</b>	<b>38,060</b>	<b>7,830</b>	<b>117,450</b>	<b>4,890</b>	<b>9,780</b>	<b>2,280</b>	<b>13,500</b>	<b>2,280</b>	<b>2,280</b>	<b>181,090</b>	<b>181,090</b>	<b>50,000</b>	<b>131,090</b>
PRINTING	300	5,100	440	6,600	490	300	300	1,800	300	300	14,780	14,780	10,000	4,780
COMMUNICATION	2,200	37,400	3,500	52,500	1,800	700	2,200	4,200	2,200	2,200	99,900	99,900	50,000	49,900
POSTAGE	250	4,250	250	3,750	250	250	250	1,500	250	250	10,250	10,250	5,000	5,250
TRAVEL IN STATE	2,400	40,800	3,200	48,000	2,360	0	3,000	0	3,000	3,000	96,520	96,520	73,000	119,020
TRAINING	950	16,150	700	10,500	2,000	500	5,000	3,000	5,000	5,000	38,650	38,650	8,000	30,650
FACILITIES OPERATIONS	3,500	59,500	7,700	115,500	5,100	3,500	3,400	21,000	3,400	3,400	209,600	356,600	596,000	-239,400
CONSULTANT/PROF SVS (INT)	0	0	15,850	237,750	100	200	0	0	0	0	237,950	382,950	9,000	373,950
CONSULTANT/PROF SVS (EXT)	0	0	0	0	0	0	0	0	0	0	0	312,000	257,000	55,000
DEPARTMENTAL SERVICES	0	0	0	0	0	0	0	0	0	0	0	285,000	171,000	114,000
CONSOLIDATED DATA CENTERS	0	0	0	0	0	0	0	0	0	0	0	33,000	100,000	-67,000
INFORMATION TECHNOLOGY	0	0	0	0	0	0	0	0	0	0	0	91,000	40,000	51,000
EQUIPMENT	0	0	0	0	0	0	0	0	0	0	0	99,000	10,000	89,000
DATA PROCESSING	2,000	34,000	2,000	30,000	2,000	2,000	6,500	12,000	6,500	6,500	86,500	86,500	10,000	76,500
<b>TOTAL OE&amp;E (STANDARD COMP)</b>	<b>13,840</b>	<b>235,280</b>	<b>41,470</b>	<b>622,050</b>	<b>18,990</b>	<b>37,980</b>	<b>9,500</b>	<b>57,000</b>	<b>22,930</b>	<b>22,930</b>	<b>975,240</b>	<b>2,182,740</b>	<b>1,389,000</b>	<b>793,740</b>

OE&E Detail

Corresponds to OE&E on Attachment A

A	B	C	D	E	F	G
	Administrator & Analyst	1	Attorney	4	ALRB TOTAL	COMMENTS
		(B*1)		(D*4)	(C+E)	
<b>STANDARD COMPLEMENT</b>						
<b>GENERAL EXPENSE:</b>						
Office Exp. Supplies	740	740	850	3,400	4,140	
One-Time	7,370	7,370	7,050	28,200	35,570	Note: One-Time set up costs are included for new positions
Legal Research/Update	0	0	5,000	20,000	20,000	
Bar Dues	0	0	480	1,920	1,920	
Personal Computer	1,500	1,500	1,500	6,000	7,500	
<b>TOTAL GENERAL EXPENSE</b>	<b>9,610</b>	<b>9,610</b>	<b>14,880</b>	<b>59,520</b>	<b>69,130</b>	
PRINTING	300	300	440	1,760	2,060	
COMMUNICATION	2,200	2,200	3,500	14,000	16,200	
POSTAGE	250	250	250	1,000	1,250	
TRAVEL IN STATE	2,400	2,400	3,200	12,800	15,200	
TRAINING	950	950	700	2,800	3,750	
FACILITIES OPERATIONS	3,500	3,500	7,700	30,800	34,300	
CONSULTANT/PROF SVS (INT)	0	0	15,850	63,400	63,400	
CONSULTANT/PROF SVS (EXT)	0	0	0	0	0	
DEPARTMENTAL SERVICES	0	0	0	0	0	
CONSOLIDATED DATA CENTERS	0	0	0	0	0	
INFORMATION TECHNOLOGY	0	0	0	0	0	
EQUIPMENT	0	0	0	0	0	
DATA PROCESSING	2,000	2,000	2,000	8,000	10,000	
<b>TOTAL OE&amp;E (STANDARD COMP)</b>	<b>21,210</b>	<b>21,210</b>	<b>48,520</b>	<b>194,080</b>	<b>215,290</b>	

OE&E Detail

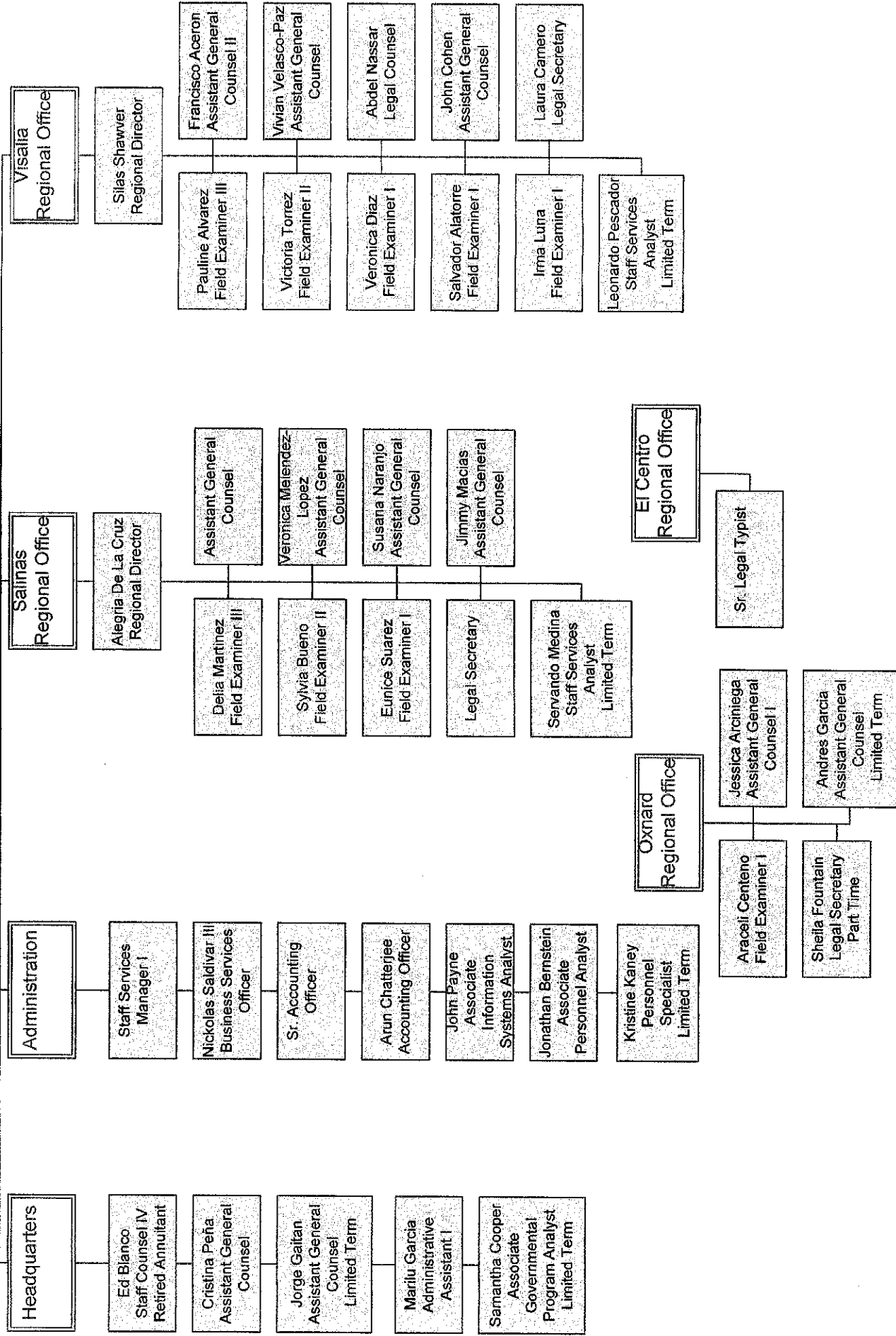
Summary of Total Costs for New Positions

<b>PROPOSED ALRB BUDGET (2014-15)</b>						
SALARIES & WAGES	4,851	4,851	6,216	24,864	356,580	Calculates salaries at midstep
STAFF BENEFITS					117,671	33% benefit rate
<b>TOTAL PERSONAL SERVICES</b>					<b>474,251</b>	
OE&E POSITIONS (ONGOING)					179,720	
OE&E POSITIONS (ONE-TIME)					35,570	Row 11 is broken out separately
<b>TOTAL OE&amp;E</b>					<b>215,290</b>	
<b>TOTAL STATE OPERATIONS</b>					<b>689,541</b>	

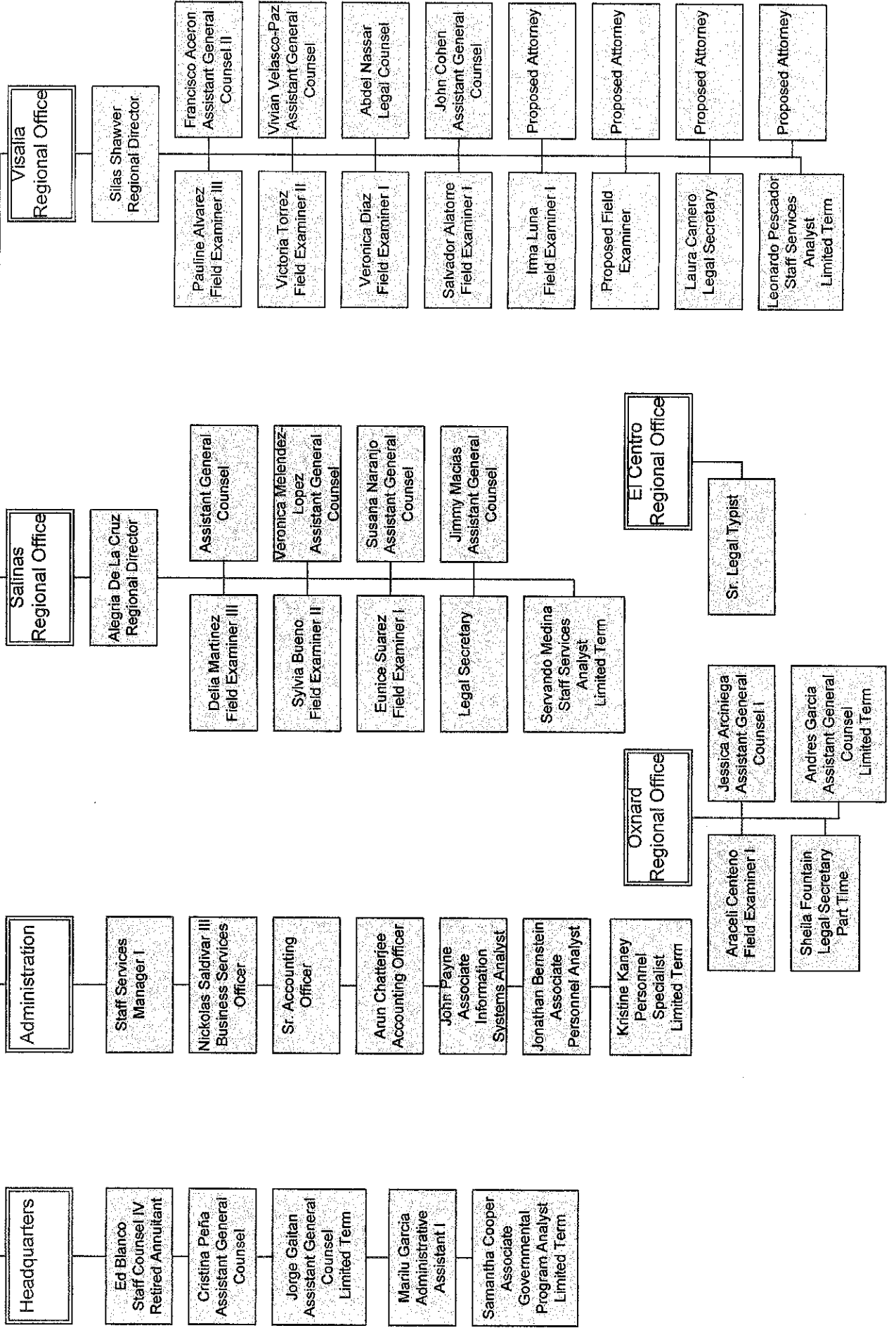
Total Budget Summary



Sylvia Torres-Guillén  
General Counsel



Sylvia Torres-Guillén  
General Counsel





## ALRB Projections for Unstaffed Workload

Note: Projections do not include Elections

Attorney Work Flow Steps	2013-14			2014-15		
	Number Anticipated	Average Hours per Activity	Total Hours Projected for Anticipated Activity	Number Anticipated	Average Hours per Activity	Total Hours Projected for Anticipated Activity
Docketed Charges	70			25		
Witness Identifications/Initial Contacts	70	4.0	280.0	25	4.0	100.0
Witness Interviews	200	3.0	600.0	300	3.0	900.0
Investigations	3	672.0	2016.0	3	672.0	2016.0
Legal Analysis and Recommendation	3	313.0	939.0	3	313.0	939.0
Meetings to Determine Action/Appropriate Remedy	70	5.0	350.0	25	5.0	125.0
Formal Complaint Filings with Board	4	8.0	32.0	6	8.0	48.0
Formal Hearing Requests	4	1.0	4.0	6	1.0	6.0
Pre-Hearing Conferences	4	16.0	64.0	8	16.0	128.0
Formal Exhibit and Witness Filings	0	0.0	0.0	4	30.0	120.0
Hearings (Hearing/Witness Prep and Hearing Time )	2	240.0	480.0	4	2035.0	8140.0
Post-Brief Hearing Submittals (4 Briefs)	0	0.0	0.0	4	100.0	400.0
Written Decision Preparations	0	0.0	0.0	0	0.0	0.0
Appeals	0	0.0	0.0	2	44.0	88.0
<b>Total</b>			<b>4765.0</b>			<b>13010.0</b>

Field Examiner Work Flow Steps	2013-14			2014-15		
	Number Anticipated	Average Hours per Activity	Total Hours Projected for Anticipated Activity	Number Anticipated	Average Hours per Activity	Total Hours Projected for Anticipated Activity
Docketed Charges	70			25		
Witness Identifications/Initial Contacts	70	4.0	280.0	25	4.0	100.0
Witness Interviews	200	3.0	600.0	200	3.0	600.0
Investigations	3	290.0	870.0	3	290.0	870.0
Legal Analysis and Recommendation	0	0.0	0.0	0	0.0	0.0
Meetings to Determine Action/Appropriate Remedy	70	2.0	140.0	25	2.0	50.0
Formal Complaint Filings with Board	4	4.0	16.0	3	4.0	12.0
Formal Hearing Requests	0	0.0	0.0	0	0.0	0.0
Pre-Hearing Conferences	4	4.0	16.0	4	4.0	16.0
Formal Exhibit and Witness Filings	0	0.0	0.0	2	103.0	206.0
Hearings (Hearing/Witness Prep and Hearing Time )	0	0.0	0.0	2	925.0	1850.0
Post-Brief Hearing Submittals (4 Briefs)	0	0.0	0.0	2	16.0	32.0
Written Decision Preparations	0	0.0	0.0	0	0.0	0.0
Appeals	0	0.0	0.0	1	16.0	16.0
<b>Total</b>			<b>1922.0</b>			<b>3752.0</b>

**Attachment G**

Fleet Vehicle Maintenance Costs				
	Mileage as of Sept 2011	FY 2012/ 2013	July to Sept 2013	Kelly Blue Book Value (Fair Condition as of 10/13/2013)
Visalia Econoline	16,957 miles	\$641	\$0	\$6,365 (Odometer: 30,442)
Salinas Taurus	68,326 miles	\$2,802	Surveyed on 2/25/14 (Odometer 95,660)	\$1,582
Oxnard Taurus	101,432 miles	\$471	Surveyed on 3/11/14 (Odometer 123,767)	\$909
Salinas Taurus	69,646 miles	\$1,250	Surveyed on 8/9/13 (Odometer 99,276)	\$1,375
Visalia Taurus	80,145 miles	\$674	Surveyed on 6/3/13 (Odometer 113,569)	\$1,375
	<b>Total</b>	<b>\$5,838</b>	<b>\$981</b>	
Note: On average, each vehicle is driven 15,000 miles per year.				



Price Comparison Between Outright Purchase and Weekly Lease						
<b>Outright Purchase</b>						
Vehicle Type	Estimated Cost*	5-Year Service Plan (One-time Cost)*	Estimated 5-Year Maintenance†	Estimated 5-Year TOTAL	Estimated 10-Year Maintenance†	Estimated 10-Year TOTAL
Car	\$24,443	\$335	\$5,000	\$29,778	\$10,000	\$34,778
Truck	\$21,816	\$400	\$6,750	\$28,966	\$13,500	\$35,716
SUV	\$29,595	\$350	\$5,500	\$35,445	\$11,000	\$40,945
*Estimates are based on the average 2013 Contract pricing for the specified vehicle class						
† Estimated Service & Maintenance Costs taken from True Cost to Own figures from Edmunds.com						
<b>Weekly Lease</b>						
Vehicle Type	Average Cost Short Term (DGS/Enterprise)*	Estimated Annual Lease Cost	Estimated 5-Year TOTAL	Estimated 10-Year TOTAL		
Car	\$129	\$6,723	\$33,613	\$67,226		
Truck	\$308	\$16,006	\$80,028	\$160,056		
SUV	\$231	\$12,004	\$60,021	\$120,042		
*Estimates are based on the average 2013 Contract pricing for the specified vehicle class per week						
<b>Cost Savings</b>						
Vehicle Type	Estimated 5-Year Cost Savings (Raw Dollars)	Estimated 5-Year Cost Savings (Percentage)	Estimated 10-Year Cost Savings (Raw Dollars)	Estimated 10-Year Cost Savings (Percentage)		
Car	\$3,834	13%	\$32,448	93%		
Truck	\$81,062	176%	\$124,340	348%		
SUV	\$24,576	69%	\$79,097	193%		

STATE OF CALIFORNIA  
**Budget Change Proposal - Cover Sheet**  
 DF-46 (REV 09/14)

Fiscal Year 2015-16	Business Unit 7300	Department Agricultural Labor Relations Board	Priority No. 1
Budget Request Name 7300-001-BCP-DP-2015-GB		Program 6050, 6055, 9900	Subprogram

Budget Request Description  
 Board and General Counsel Program Support

Budget Request Summary

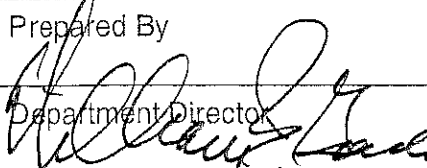
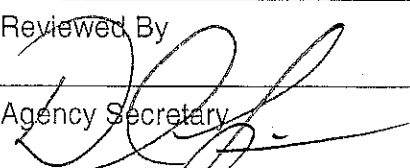
The Agricultural Labor Relations Board requests approximately \$1.6 million General Fund and 13 positions to support and expand ALRB services to farmworkers, improve the timeliness of hearings, and increase efficiency and accountability.

Requires Legislation <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Code Section(s) to be Added/Amended/Repealed	
Does this BCP contain information technology (IT) components? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <i>If yes, departmental Chief Information Officer must sign.</i>	Department CIO	Date

For IT requests, specify the date a Special Project Report (SPR) or Feasibility Study Report (FSR) was approved by the Department of Technology, or previously by the Department of Finance.

FSR     SPR    Project No.    Date:

If proposal affects another department, does other department concur with proposal?     Yes     No  
*Attach comments of affected department, signed and dated by the department director or designee.*

Prepared By 	Date 1/7/15	Reviewed By 	Date 1.7.15
Department Director	Date	Agency Secretary	Date

**Department of Finance Use Only**

Additional Review	<input type="checkbox"/> Capital Outlay	<input type="checkbox"/> IT/CU	<input type="checkbox"/> FSCU	<input type="checkbox"/> OSAE	<input type="checkbox"/> CALSTARS	<input type="checkbox"/> Dept. of Technology
BCP Type	<input type="checkbox"/> Policy	<input type="checkbox"/> Workload Budget per Government Code 13308.05				
PPBA	ORIGINAL SIGNED		Date submitted to the Legislature			

DELIVERED JAN 09 2015

Fiscal Year 2015-16	Business Unit	Department Agricultural Labor Relations Board	Priority No.
Budget Request Name		Program	Subprogram

Budget Request Description

**Budget Request Summary**

The Agricultural Labor Relations Board requests approximately \$1.6 million General Fund and 13 positions to support and expand ALRB services to farmworkers, improve the timeliness of hearings, and increase efficiency and accountability.

Requires Legislation <input type="checkbox"/> Yes <input type="checkbox"/> No	Code Section(s) to be Added/Amended/Repealed	
Does this BCP contain information technology (IT) components? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>If yes, departmental Chief Information Officer must sign.</i>	Department CIO	Date

For IT requests, specify the date a Special Project Report (SPR) or Feasibility Study Report (FSR) was approved by the Department of Technology, or previously by the Department of Finance.

FSR       SPR      Project No.      Date:

If proposal affects another department, does other department concur with proposal?     Yes     No  
*Attach comments of affected department, signed and dated by the department director or designee.*

Prepared By <i>Sylvia Torres-Guillen</i>	Date <i>1/6/15</i>	Reviewed By	Date
Department Director <i>Sylvia Torres-Guillen</i>	Date <i>1/6/15</i>	Agency Secretary	Date

**Department of Finance Use Only**

Additional Review:  Capital Outlay     ITCU     FSCU     OSAE     CALSTARS     Dept. of Technology

BCP Type:       Policy       Workload Budget per Government Code 13308.05

PPBA	Date submitted to the Legislature
------	-----------------------------------

## Analysis of Problem

### A. Budget Request Summary

The Agricultural Labor Relations Board (ALRB) requests a total of \$1,627,000 General Fund, including \$874,000 for the General Counsel Program and \$583,000 for the Board Program. Specifically, the request includes 9 positions for the General Counsel Program to support and expand ALRB services in northern California and the desert region, and 3 positions for the Board Program to hold evidentiary hearings and adjudicate disputes. Additionally, to increase efficiency and improve operations, the request includes funding of \$170,000 for a Chief of Administration to support the operations of the Board and General Counsel.

### B. Background/History

The Agricultural Labor Relations Act (Act) was signed into law by Governor Jerry Brown in 1975 to “encourage and protect the rights of agricultural employees to full freedom of association, self-organization ... and to be free from interference, restraint, or coercion” (Labor Code § 1140.2). Consistent with this purpose, the ALRB’s role is to ensure peace and justice in the fields by providing stability in agricultural labor relations by implementing, protecting, and enforcing the rights and responsibilities of employers, employees and unions in their relations with each other.

As established in the Act, the ALRB operates as two independent bodies: the Office of the General Counsel and the Office of the Board:

- The Office of the General Counsel acts as the prosecutorial branch of the agency with the responsibility to process, investigate, and prosecute unfair labor practice charges.
- The Office of the Board acts in a quasi-judicial capacity, reviews on appeal the interlocutory motions in ongoing cases, reviews the record de novo of all cases appealed to the Board, and defends the Board’s final decisions when review is sought in the Court of Appeal. The Board also promulgates regulations and policies necessary to implementing the Act and oversees the conduct of representation elections through which farmworkers can choose whether or not to be represented by a union.

The Act authorizes the Board to establish offices in other cities as it deems necessary. The ALRB exercises jurisdiction over agricultural workers and employers, providing the collective bargaining rights in California to farmworkers that were specifically exempted from the coverage of the National Labor Relations Act (NLRA) in 1935.

**Table 1: Resource History** (*Dollars in thousands*)

Program Budget	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15
Authorized Expenditures	5,189	5,024	5,016	5,490	6,007	8,297
Expenditures	4,315	4,393	5,055	5,460	5,982	8,297*
Authorized Positions	38.5	37.0	37.5	41.5	45.5	50.5
Filled Positions	34.2	32.9	32.8	36.7	43.7	50.5*

\* Estimated



## Analysis of Problem

Table 2: Workload

	2010/11	2011/12	2012/13	2013/14
ULP Charges Filed	86	108	136	125
Complaints Issued	5	3	16	20
TRO and Preliminary Injunctions Filed	0	4	6	5
Administrative Hearings	2	2	6	7
Board Decisions Issued	4	8	17	19
Admin Orders Issued	15	19	51	46
New Litigation	1	1	7	12

### C. State Level Considerations

The 800,000 California farmworkers, and farms and ranches on which they work, support a \$36.2 billion dollar per year industry in California. The industry is critical to the state economy and an important part of the national economy. California outpaces all other states in the nation as the largest food and agricultural economy, representing 11.6% of the United States total agricultural economy in 2011, and producing nearly half of all the fruit, nuts, and vegetables grown in the United States. The direct economic benefits and secondary economic benefits to the San Joaquin Valley, upper Sacramento Valley, coastal counties, and Imperial, San Bernardino, Riverside and San Diego counties are vital to these areas of the state.

In administering and enforcing the Act, the ALRB protects the rights of California farmworkers to choose whether to be represented by a union and to be free to engage in concerted activities with their fellow workers in order to improve their wages, benefits, hours, and other terms and conditions of employment. Given the importance of agriculture to California, the nation's economy, and farmworkers, the public at large benefits from the ongoing stability of labor relations in agriculture.

### D. Justification

#### Office of the General Counsel

The ALRB requests approximately \$778,000 and nine positions (2 attorneys, 2 field examiners, 1 legal secretary, 2 senior legal typists and 2 staff services analysts) for the General Counsel Program to staff two new regional offices to further increase efficiency and improve internal timelines to benefit all stakeholders. These positions will help the ALRB address current workload demands, improve the ALRB's services to underserved areas, reduce travel for investigations, and track workload data and program outcomes.

## Analysis of Problem

### a. Six Positions to Establish Two New Regional Office Locations

The ALRB seeks funding to open a Northern California and a Desert Regional Office. The new offices would be located in these communities to expand access for farmworkers and will enhance agency efficiency by reducing travel times for investigation of charges by regional attorneys and field examiners. These new offices will enable easier access to ALRB services for farmworkers.

The two new offices would be based on the model of the Oxnard Regional Office, which opened in April 2012, with proposed staffing for the new Northern California and Desert Regional Offices comparable to that of Oxnard. Specifically, the ALRB requests 3 positions (1 attorney, 1 field examiner and 1 senior legal typist) for each new office, which the ALRB believes represents the minimum staffing needed to initially establish an office. Offices are intended to be co-located within existing state facilities in those areas. The Northern California Office will be supervised and supported by the Salinas Regional Office, which has served the northern California region and has the knowledge to ensure that the ALRB's new physical presence will be effective.

The ALRB positions its offices in locations that provide the widest access possible to its stakeholders. While the goal is to locate offices in critical agricultural communities, the need for ALRB services extends beyond the office location. ALRB staff are required to travel to reach and serve stakeholders that are widely spread throughout California. ALRB investigations are often conducted in the fields because travel to the regional offices can be cost prohibitive for farmworkers. The use of fleet vehicles (versus personal mileage and/or rental vehicle use) is the most cost-effective method of conducting mission-critical work. This proposal requests one fleet vehicle in each new office. The total one-time cost for two vehicles is \$50,000.

### b. Three Positions to Staff Existing Locations

The ALRB requests 2 staff services analysts to support the Visalia and Salinas Regional Offices and to track workload data and program outcomes. The analysts will primarily be responsible for collecting and analyzing workload data and will also provide additional administrative support to each regional office. Analyst duties will include tabulation of workload data to allow management to identify resource gaps and to allow the ALRB to improve operational efficiency. The analysts will identify and capture the information that management and employees need to perform their daily tasks and manage workload, including but not limited to, activity types; activity status and dates; activity location; assigned resources; outreach efforts and locations; and generate reports for management.

The ALRB requests 1 legal secretary for the Oxnard Regional Office. Currently, that office is staffed with two attorneys, one field examiner and a part time Legal Secretary who is contracted from and shared with the Department of Industrial Relations. A full time legal secretary is necessary to format, file, and serve legal pleadings in multiple jurisdictions (including superior and appellate courts); perform complex clerical work; and coordinate and schedule court-related services for the Oxnard regional office.

### Office of the Board

In recent years, the workload faced by the Board has increased dramatically, driven in large part by additional resources received by the General Counsel and the regions to investigate and litigate ULP complaints, which are ultimately appealed to the Board. The amount of litigation in the District

## Analysis of Problem

Courts of Appeal and the Superior Courts related to Mandatory Mediation and Conciliation (MMC) has also increased. This level of activity will continue such that the Board will need 2 Administrative Law Judges (ALJs) and 1 Attorney IV position.

### a. Two Limited-Term Administrative Law Judges (ALJs) to Address Hearing Workload

Timeliness of hearings and decisions are absolutely essential given the seasonal nature of the agricultural workforce. Every case that comes before an ALJ is fact-specific and may be unique in the complexity of the law involved. ALJ decisions are multifaceted, complex, and a unique specialty in labor law. Cases can involve a few to thousands of employees, resulting in numerous legal questions within a single case. Thus, the importance of having ALJs that can focus and devote the time necessary to understand the development of law and policy under both the Act and its regulations, as well as the applicable case law of the NLRA, is critical to the mission of the ALRB.

The ALRB currently has 1.5 full time equivalent ALJs. The full-time judge is currently assigned to Gerawan Farming, Inc. 2013-RD-003-VIS; 2013-CE-027-VIS, a consolidated multiple-ULP Complaint and Election Objection matter that commenced hearing in the fall of 2014, and is expected to run through February 2015, after which the ALJ must issue a decision. The Gerawan matter is expected to occupy this ALJ's time through 2014-15 and the majority of 2015-16. The .5 ALJ is assigned to Ace Tomato Company, Inc., 93-CE-37-VIS. This case, will be heard in January through February 2015 and will occupy the ALJ's time fully through the rest of the fiscal year. For fiscal year 2015-16, the 1.5 judges will continue to be working primarily on Gerawan and Ace.

For the current fiscal year, the General Counsel has requested ten additional hearings. Based on the current pace of requests, the Board anticipates that the General Counsel is likely to request another eight hearings for a total of 18 hearings in addition to those currently scheduled for Gerawan and Ace. Based on current workload trends the Board projects the General Counsel will request 12 hearings in 2015-16 and ongoing.

The Board requests 2 ALJs to address current hearing workload. Without these additional ALJs the Board will effectively be unable to hold any additional hearings, beyond Gerawan and Ace, in 2015-16. Given the variability in the workload, at this time the positions are being requested as 2-year limited-term.

### b. One Limited-Term Attorney IV to Address Litigation Workload

In recent years, parties before the Board have become increasingly litigious and petitions for review of Board decisions have become increasingly common, significantly increasing the Board Counsel's workload. These cases often involve complex legal issues that require extensive research and briefing, case records that may be tens of thousands of pages long, and petitioning parties represented by law firms staffed with multiple attorneys. Board counsel are required to handle these matters, which must be completed within deadlines set by the courts, while simultaneously handling their regular case load of matters pending before the Board, many of which have their own deadlines set by statute.

To address the increased state and federal court litigation workload, in January 2014 the Labor and Workforce Development Agency temporarily redirected resources to provide an Attorney IV to the ALRB to oversee, coordinate, and assist Board Counsel and attorneys assigned from the Office of the Attorney General. The ALRB requests position authority and funding to establish this Attorney IV position as a 2-year limited-term position as additional workload documentation can be compiled to support the ongoing need for this position.

## Analysis of Problem

The primary responsibility of the Attorney IV will continue to be appellate work where the position will represent the Board in the most sensitive and complex matters, including: petitions for review of Board decisions, injunction, writ, or enforcement proceedings, and regulatory, jurisdictional, or statutory challenges. Additional responsibilities will include tracking and reviewing proposed legislation, and developing regulations in response to new legislation, evolving legal practices, or Board policy. The Board anticipates developing regulations in 2015 on electronic filing and other issues. The Attorney IV will also support the ALRB's Executive Secretary in coordinating Board direction on major policy and procedural issues, in legal administrative duties related to updating the election manual and providing election advice to the regions, overseeing compliance with reporting requirements of the Agricultural Employees Relief Fund, in responding to public and legislative inquiries, and providing support for Board meetings.

### Administrative Oversight

To support the operational needs of the Board and the General Counsel the ALRB requires a Chief of Administration to oversee budgeting, accounting, procurement, business services, personnel, and information technology activities. Given the recent budgetary and staff growth of the ALRB, additional high-level administrative oversight is critically needed.

#### a. One Chief of Administration to Perform Administrative Oversight

The Chief of Administration will serve as the primary liaison between the ALRB and control agencies and provide leadership to develop and implement policies and procedures over all financial and operational activities performed by the Administrative Unit.

A recent audit by the Office of State Audits and Evaluations identified the need for improved internal controls and oversight of administrative activities within the ALRB. Government Code §13402 requires departments to be responsible for the establishment and maintenance of systems of internal accounting, administrative control, and effective, independent, and objective ongoing monitoring of the internal accounting and administrative controls within their agencies. Appropriate administrative controls and monitoring ensure the safeguard of state resources, improve the accuracy and reliability of accounting data, promote operational efficiency, and ensure adherence to state laws, regulations, and administrative policies.

### **E. Outcomes and Accountability** *(Provide summary of expected outcomes associated with Budget Request.)*

This proposal will allow the ALRB to carry out its statutory duties to encourage and protect the rights of farmworkers. The additional staff will allow the ALRB to have a broader presence and reach greater numbers of agricultural workers in underserved areas, increase the efficiency and accountability of the ALRB's operations through increased tracking of workload and outcomes, conduct more investigations more quickly, and conduct more hearings and bring conclusion to violations of worker rights more quickly.

### **F. Analysis of All Feasible Alternatives**

#### 1. Do Nothing

a. Pro: No additional General Fund resource would be required.

b. Con: This alternative will negatively impact the farmworker community and jeopardize the ALRB's ability to uphold the Act. The ALRB will not be able to sustain the increased workload

## Analysis of Problem

and there will be increasing delays in investigating, prosecuting charges, and issuing hearing decisions. Such delays will have a deleterious effect on agricultural labor relations.

### 2. Refer Work to Outside Agencies

- a. Pro: Referring work to outside agencies will not increase staffing at the ALRB.
- b. Con: Individuals not familiar with the Act will require additional time and effort to investigate, litigate, and hear cases, and the increased cost would need to be reflected in the ALRB budget. This alternative also does not bring ALRB services to remote agricultural regions.

### 3. Approve the Proposal

- a. Pro: Approval of the proposal would expand ALRB services to farmworkers in the northern and southern parts of California that currently lack access. New regional offices and additional staff will allow the ALRB to be more efficient in working through increased case work and litigation, cut down on travel time and costs associated with investigations and hearings, and issue decisions in a timely manner.
- b. Con: Increased cost from the General Fund.

## G. Implementation Plan

Begin the hiring process as soon as possible.

## H. Supplemental Information

None.

## I. Implementation Plan

Approve as requested, a total of 13 positions and \$1,627,000 General Fund in 2015-16 and \$1,577,000 in 2016-17 to support and expand ALRB services to farmworkers, to improve the timeliness of hearings, and to increase efficiency and accountability.

**Agricultural Labor by Region (2012)**

Region	ALRB Office	Number of Farms	Number of Hired Farm Laborers	% of Hired Farm Laborers
San Joaquin Valley	Visalia/Fresno	13,022	199,938	42.4%
South Coast	Oxnard	6,686	88,143	18.7%
Central Coast	Salinas	2,222	66,556	14.1%
Sacramento Valley	Northern CA	6,135	54,219	11.5%
North Coast	Northern CA	3,938	36,106	7.7%
Desert	Desert Region	2,042	26,458	5.6%
Total			471,420	100%

Source: U.S. Department of Agriculture Census, 2012

California Agricultural Regions by County:

SAN JOAQUIN VALLEY: Alpine , Amador, Calaveras, Fresno, Inyo, Kern, Kings, Madera, Mariposa, Merced, Mono, San Joaquin, Stanislaus, Tulare, Tuolumne

SOUTH COAST: Los Angeles, Orange, San Diego, San Luis Obispo, Santa Barbara , Ventura

CENTRAL COAST: Alameda, Contra Costa, Monterey, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz

SACRAMENTO VALLEY: Butte, Colusa, El Dorado, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Siskiyou, Solano, Sutter, Tehama, Yolo, Yuba

NORTH COAST: Del Norte , Humboldt, Lake, Marin, Mendocino, Napa, Sonoma, Trinity

DESERT: Imperial , Riverside, San Bernardino



**DUTY STATEMENT****Chief, Division of Administrative Services****Agricultural Labor Relations Board****Career Executive Assignment (CEA)  
Level B**

Under the direction of the Secretary of the Labor and Workforce Development Agency (LWDA) the Chief, Division of Administrative Services is responsible for providing leadership and oversight to the statewide support services within the ALRB. This includes planning, organizing and direction the functions of Fiscal Services, Business Services, Human Resources, Information Technology and Policy Development and Management. These responsibilities have a direct impact on the formulation of departmental fiscal policies, executive decision making, program effectiveness and quality of services provided to the public. Plan, organize, and direct the work of multidisciplinary professional and administrative staff; analyze administrative policies, organization, procedures and practices; integrate the activities of a diverse program to attain common goals; gain the confidence and support of top level administrators and advise them on a wide range of administrative matters; develop cooperative working relationships with representatives of all levels of government, the public, and the Legislature and the two branches with ALRB; analyze complex problems and recommend effective courses of action; and prepare and review reports; and effectively contribute to the department's or agency's Equal Employment Opportunity objectives

**Essential Functions/Typical Duties**

Performs high level administrative and major policy-influencing functions effectively, including knowledge of the regulations, laws, rules and statute application/promulgation processes, and develop and maintain positive cooperative relationships with a wide variety of customers and stakeholders.

Establishes departmental policies, procedures, and processes to manage the administrative operations of the ALRB; including an executive's role for contributing to and achieving an equal employment opportunity workplace

Formulates departmental rules, regulations, and policies and procedures for areas under the Chief's span of control. Executes, signs, and approves orders, notices, and all administrative documents on behalf of the ALRB Chairman and General Counsel and as delegated by LWDA.

Confers with ALRB Chairman and General Counsel and all executive levels of management within the ALRB and officials of other governmental agencies in the delivery of departmental support services programs.

Provides advice and consultation to the ALRB Chairman and General Counsel and all executive levels of management on policy and programmatic issues which impact the administrative services and resources of the ALRB.

Represents the department with the Legislature, Department of Finance, and other control agencies as they impact the financial and administrative operations of the ALRB.

Plans, organizes, and directs multidisciplinary staff. Responsible for analyzing complex program issues at an executive level to recommend, develop, and implement effective courses of action; make independent, sound, ethical decisions regarding highly sensitive matters; and maintain confidentiality using collaborative, evidence-based processes.

Responsible for knowledge of principles, practices, and trends in public administration, organization, and management techniques of organizing, program development and evaluation; methods of administrative problem solving; principles and practices of policy formulation and development.

Communicates effectively at the executive level of the ALRB and with Agency Secretary and Undersecretaries, Legislators, community leaders, advocate groups, unions and other entities.

## BCP Fiscal Detail Sheet

BCP Title: Hearing Resources and Regional Office Expansion

DP Name: 7300-001-BCP-DP-2015-GB

### Budget Request Summary

	FY15					
	CY	BY	BY+1	BY+2*	BY+3*	BY+4*
Positions - Permanent	0.0	10.0	10.0	10.0	10.0	10.0
Positions - Temporary	0.0	3.0	3.0	-	-	-
<b>Total Positions</b>	<b>0.0</b>	<b>13.0</b>	<b>13.0</b>	<b>10.0</b>	<b>10.0</b>	<b>10.0</b>
Salaries and Wages						
Earnings - Permanent	0	888	888	556	556	556
<b>Total Salaries and Wages</b>	<b>\$0</b>	<b>\$888</b>	<b>\$888</b>	<b>\$556</b>	<b>\$556</b>	<b>\$556</b>
Total Staff Benefits	0	381	381	255	255	255
<b>Total Personal Services</b>	<b>\$0</b>	<b>\$1,269</b>	<b>\$1,269</b>	<b>\$811</b>	<b>\$811</b>	<b>\$811</b>
Operating Expenses and Equipment						
5301 - General Expense	0	86	86	56	86	86
5302 - Printing	0	5	5	5	5	5
5304 - Communications	0	31	31	21	31	31
5320 - Travel: In-State	0	27	27	18	27	27
5322 - Training	0	18	18	15	18	18
5324 - Facilities Operation	0	118	118	94	118	118
5340 - Consulting and Professional Services -	0	80	80	32	80	80
5342 - Departmental Services	0	-57	-57	-57	-57	-57
5362 - Capital Asset Purchases - Equipment	0	50	0	0	0	0
<b>Total Operating Expenses and Equipment</b>	<b>\$0</b>	<b>\$358</b>	<b>\$308</b>	<b>\$184</b>	<b>\$184</b>	<b>\$184</b>
<b>Total Budget Request</b>	<b>\$0</b>	<b>\$1,627</b>	<b>\$1,577</b>	<b>\$995</b>	<b>\$995</b>	<b>\$995</b>

### Fund Summary

Fund Source - State Operations						
0001 - General Fund	0	1,627	1,577	995	995	995
<b>Total State Operations Expenditures</b>	<b>\$0</b>	<b>\$1,627</b>	<b>\$1,577</b>	<b>\$995</b>	<b>\$995</b>	<b>\$995</b>
<b>Total All Funds</b>	<b>\$0</b>	<b>\$1,627</b>	<b>\$1,577</b>	<b>\$995</b>	<b>\$995</b>	<b>\$995</b>

### Program Summary

Program Funding						
6050 - Board Administration	0	650	650	68	68	68
6055 - General Counsel Administration	0	977	927	927	927	927
9900100 - Administration	0	170	170	170	170	170
9900200 - Administration - Distributed	0	-170	-170	-170	-170	-170
<b>Total All Programs</b>	<b>\$0</b>	<b>\$1,627</b>	<b>\$1,577</b>	<b>\$995</b>	<b>\$995</b>	<b>\$995</b>

## Personal Services Details

Positions	Salary Information			CY	BY	BY+1	BY+2*	BY+3*	BY+4*
	Min.	Mid	Max						
1282 - Legal Secty				0.0	1.0	1.0	1.0	1.0	1.0
3224 - Sr Legal Typist				0.0	2.0	2.0	2.0	2.0	2.0
5157 - Staff Svcs Analyst (Gen)				0.0	2.0	2.0	2.0	2.0	2.0
5778 - Atty				0.0	2.0	2.0	2.0	2.0	2.0
5780 - Atty IV (LT Term Exp. 06-30-2017)				0.0	1.0	1.0	-	-	-
6073 - Hearing Officer II (LT Term Exp. 06-30-				0.0	2.0	2.0	-	-	-
7500 - - C.E.A. - B				0.0	1.0	1.0	1.0	1.0	1.0
9518 - Fid Examiner I				0.0	2.0	2.0	2.0	2.0	2.0
<b>Total Positions</b>				<b>0.0</b>	<b>13.0</b>	<b>13.0</b>	<b>10.0</b>	<b>10.0</b>	<b>10.0</b>
Salaries and Wages	CY	BY	BY+1	BY+2*	BY+3*	BY+4*			
1282 - Legal Secty	0	44	44	44	44	44			
3224 - Sr Legal Typist	0	73	73	73	73	73			
5157 - Staff Svcs Analyst (Gen)	0	89	89	89	89	89			
5778 - Atty	0	150	150	150	150	150			
5780 - Atty IV (LT Term Exp. 06-30-2017)	0	116	116	-	-	-			
6073 - Hearing Officer II (LT Term Exp. 06-30-	0	216	216	-	-	-			
7500 - - C.E.A. - B	0	113	113	113	113	113			
9518 - Fid Examiner I	0	87	87	87	87	87			
<b>Total Salaries and Wages</b>	<b>\$0</b>	<b>\$888</b>	<b>\$888</b>	<b>\$556</b>	<b>\$556</b>	<b>\$556</b>			
Staff Benefits									
5150350 - Health and Welfare Insurance	0	381	381	255	255	255			
<b>Total Staff Benefits</b>	<b>\$0</b>	<b>\$381</b>	<b>\$381</b>	<b>\$255</b>	<b>\$255</b>	<b>\$255</b>			
<b>Total Personal Services</b>	<b>\$0</b>	<b>\$1,269</b>	<b>\$1,269</b>	<b>\$811</b>	<b>\$811</b>	<b>\$811</b>			

\*Data by Classification not available at this time.