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Via Email Only (*Santiago.Avila-Gomez@alrb.ca.gov*)

Victoria Hassid, Board Chair
Isadore Hall III, Board Member
Barry Broad, Board Member
Ralph Lightstone, Board Member
Cinthia N. Flores, Board Member
Agricultural Labor Relations Board
1325 J Street, Suite 1900
Sacramento, California 95814-2944

RE: Wonderful Nurseries LLC (2023-RM-002-VIS)
Proof of UFW's Misconduct During Majority Support Petition

Dear Board Chair and Board Members:

This letter concerns the Majority Support Petition election process that is currently underway at Wonderful Nurseries LLC.

Wonderful Nurseries LLC is lodging 45 declarations with the Regional Director from employees that have personally been subjected to deceptive, coercive, and manipulative behavior by UFW organizers in this election. We have redacted the names of the employees who have provided these declarations for reasons explained below. The declarations provide evidence that the UFW is committing fraud by conditioning the receipt of federal and state grant monies on the signing of a union authorization card. This is a clear misrepresentation of the eligibility requirements for receipt of such federal and state aid. More importantly, it interferes with the rights of farmworkers under the Act by coercing them into joining the UFW in exchange for grants of taxpayer funds earmarked for essential workforces during the COVID epidemic and flood relief.

The declarations that we are providing the Board also provide evidence that many of the farmworkers did not know what they were signing and/or never intended

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their signature to constitute a vote. During the Board's rulemaking process for the implementing regulations, this issue was raised numerous times, which led to the Board proposing regulations for future authorization cards to clearly state that the act of signing an authorization card would constitute a vote for the union under the new election procedures. As you know, the proposed regulations were approved in October 2023, before the first majority support petition under the new law was filed. The present case is now the third majority support petition to be filed under the new law which took effect in January 2023 for which no regulations have been implemented.

We have redacted the names on the declarations we are submitting to the Regional Director because we cannot trust her to maintain the privacy of the farmworkers. During the election process in *DMB Packing Corp. (2023-RC-001-VIS)*, the Regional Director disclosed to the employer the names of individual farmworkers who provided declarations to the UFW, which the UFW lodged with the Region in support of its petition. The actual declarations were provided to the employer without any request having been made by the employer. This was a serious breach of the confidentiality guaranteed farmworkers under the Act. In fact, during the hearing in that matter, the employer agreed with the UFW in its objection to the Regional Director's conduct.

Frankly, we do not wish to have that happen again in this case, or in any other case, regardless of which party is submitting declarations or any other information which identifies farmworkers who are utilizing the Board's processes and exercising their rights under the Act. We are alerting the Board to this so that you are aware of the existence of the declarations and their substance, but also so that the Board can see the need for the Board take whatever administrative steps are necessary to ensure farmworkers' names are protected once the names are disclosed so that a proper investigation into the UFW's misconduct can occur.

Moreover, Wonderful Nurseries LLC is requesting that the Board exercise its authority to make an administrative determination at the conclusion of the five-day initial tally period that the UFW has not provided proof of majority support. Section 1156.37 clearly gives the Board this authority, and the additional 30 days that will be gained by such determination is necessary to allow for a proper investigation into the UFW's misconduct. Toward that end, it is also worth noting that we are filing an unfair labor practice charge against the UFW because of its misconduct thus far in this election.

We appreciate your attention and consideration of these matters.

Respectfully,

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A handwritten signature in blue ink, consisting of a stylized 'R' followed by a horizontal line extending to the right.

Ronald H. Barsamian

CC: Regional Director Yesenia De Luna (Yesenia.DeLuna@alrb.ca.gov)