

## Gerawan Farming takes labor case to 5th District Court of Appeal in Fresno

By Robert  
Rodriguez



Dan Gerawan, owner of Gerawan Farming, one of the largest farming operations in the central San Joaquin Valley, in an editorial board meeting at The Fresno Bee in Fresno, California on April 13, 2015.

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Gerawan Farming, one of the San Joaquin Valley's leading tree fruit and grape growers, is headed to the 5th District Court of Appeal Tuesday as part of a longstanding labor dispute with the United Farm Workers union.

Gerawan and the union have been at odds for more than two years after the union attempted to negotiate an employee contract, 18 years after winning a worker election. The conflict has sparked a decertification election led by anti-union workers, charges of unfair labor practices against the grower, and a six-month administrative law judge hearing to determine if the ballots collected in the decertification election should be counted.

The administrative hearing was held in Fresno and involved 130 witnesses. It concluded last month and a decision is expected by late May.

On Tuesday, Gerawan takes its fight to the 5th District Court of Appeal. The company alleges that the state process known as mandatory mediation and conciliation is unconstitutional. Gerawan and the union were required to go

through the process where a third-party arbitrator decided the terms of the contract.

Gerawan said the process is flawed because it does not give the employees the right to vote on the contract. The company's lawyers will argue that the process is unconstitutional.

"This is a serious situation," Dan Gerawan, who runs the family company, said during an editorial board meeting at The Bee. "Our hope is that the 5th District Court of Appeal will bring some sanity to this."

UFW officials said they are confident that the court will deny Gerawan's appeal.

"The growers have already challenged this process and they have lost," said Armando Elenes, the UFW's national vice president. "This is all just an unnecessary delay."

Contact Robert Rodriguez: [brodriguez@fresnobee.com](mailto:brodriguez@fresnobee.com), (559) 441-6327 or [@FresnoBeeBob](https://twitter.com/FresnoBeeBob) on Twitter.