

# ALRB judge rules against Gerawan Farming in dispute with UFW

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After six months of testimony from more than 100 witnesses, an administrative law judge has ruled against Reedley-based Gerawan Farming Co. and its workers' efforts to get rid of the United Farm Workers union.

Judge Mark R. Soble, citing employer's unlawful support and assistance, recommended that a 2013 worker election aimed at ousting the union be set aside and that the petition to decertify, or remove, the union be dismissed.

"This decision reinforces what we have been saying all along," said Armando Elenes, national vice president of the UFW. "We want Gerawan to obey the law."

Soble's decision, issued Thursday, came as a blow to the Gerawan workers who have been fighting for two years to drive the union out of the company. The anti-union workers have argued that most of them weren't employed by the company when the UFW won the right to represent Gerawan workers nearly 20 years ago.

At issue during the hearing was whether Gerawan, one of the largest fresh fruit growers in the state, had committed any unfair labor practices as part of the decertification campaign.

In his [192-page decision](#), Soble made it clear he believed the company broke the law when it knowingly aided anti-union workers with its petition. Among the violations: Gerawan allowed work-time signature gathering and gave one of the effort's leaders a "virtual sabbatical" to run the decertification campaign.

The campaign's leader, Silvia Lopez, also received an unlawful \$20,000 donation from the Fresno-based California Fresh Fruit Association, a farmer advocacy group that Gerawan belongs to. The money was used to pay for food and buses to transport about 400 Gerawan workers to Sacramento for a rally. Also, anti-union workers were accused of blocking the entrance to a work site as a way to gather signatures for the petition.

"Given the totality of these circumstances, and especially in tandem, the unlawful actions of the California Fresh Fruit Association, Gerawan Farming and Silvia Lopez make it impossible to know if the signatures collected represent the worker's true sentiments," Soble wrote in his decision. "Similarly, the misconduct created an environment which would have made it impossible for true employee free choice when it came time to vote."

Dan Gerawan, a co-owner of the company, was disappointed at Soble's decision, calling it wrong and undemocratic.

"Thousands of our employees were told by the ALRB they had the right to vote as they wanted," Gerawan said. "To now say their votes won't be counted is wrong and disrespectful to workers and their right of free choice."

Ron Barsamian, one of Gerawan's attorney's, said the company intends to appeal the judge's ruling by filing what is known as an exception. The company will also ask the state Agricultural Labor Relations Board for a reversal of the judge's decision.

"The employees want the ballots counted. So does Gerawan. The UFW wants the ballots destroyed. So does the General Counsel of the Board," Barsamian said. "We believe the only right, just, and fair outcome is for the board to summarily reject the administrative law judge's recommendations, and count the votes."

California Fresh Fruit Association President Barry Bedwell denies that his organization violated the law when it agreed to pay for buses, food and T-shirts. Bedwell said he was not attempting to influence other employees.

“Gerawan has been a member of our association for years. So have scores of other farmers in our state,” Bedwell said. “The association’s support for the workers’ desire to exercise their First Amendment rights was not done at the behest of Gerawan Farming, but in response to the views of other association members, who have no involvement in this election, but who felt there was an important issue of having the employees’ voices heard by the board and by members of the California Legislature.”

Assemblyman Jim Patterson, R-Fresno, a supporter of the Gerawan workers, said Soble’s decision sends a clear message that the ALRB doesn’t think farmworkers are capable of deciding for themselves whether they want union representation.

“If this ruling is not reversed by the Ag Labor Board, it will be a perpetual stain on their honor,” Patterson said. “These workers deserve to have their votes counted and their voices heard. I will continue to support them and Gerawan Farming as they continue to stand up for what’s right.”

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