Califor...Workers Win at Limoneira

Rodriguez and Sister Garcia

The third election to be held recently at an Oxnard area citrus company was won by the workers at Limoneira. The results of the April 21 election were: UFW, 191; no union, 83. The campaign began with a small group of workers organizing all the Limoneira workers in two weeks. Brothers Genaro Larios, Juan Larios, Jesus Ignacio Larios, Emilio Garcia and Rutilio Lozano were among the organizing committee members who did an outstanding job throughout the election campaign. They were assisted by UFW organizers, Brothers Frank Ortiz, Lupe Murgia, Scott Washburn, Artie Rodriguez and Sister Barbara Macri.

After a wait of nearly three years to find out the results of an election, the workers at Julius Goldman's Egg City poultry ranch claimed their victory: UFW, 245; Teamsters Union, 202; challenged ballots, 17, no union, 1.

The decision ended a six year legal battle by the UFW and a long and hard fought struggle by the farm workers for the right to have a union in this right-to-work state. The union filed its lawsuit challenging the law in 1972, shortly after the Act was steamrolled through the Arizona legislature by the Farm Bureau and other right wing, anti-union forces.

Our special congratulations go to UFW attorneys Jim Rutkowski, Mike McCrory and their colleagues from the Legal Department who worked tirelessly over the last six years for this great victory. The law denies most migrant farm workers the right to vote in union representation elections, bans strikes and boycotts, and makes it a crime for the union to raise crucial issues in collective bargaining.

Enactment of the farm labor law prompted my 24 day fast in 1972 and a UFW-led campaign to recall former Republican Governor Jack Williams who refused to meet with farm worker representatives before the statute was signed into law. Unlike California's landmark Agricultural Labor Relations Act, the Arizona statute does not require that union elections take place when 50% or more of the peak work force is employed. Arizona also does not require that elections take place within seven days after a legitimate election is filed with the state farm labor board.

We Testify Against Law

Since agriculture is a highly seasonal industry featuring a largely migrant work force, the only way to guarantee that the majority of farm workers will vote in union elections is by requiring balloting only during the peak employment period. Otherwise, we told the court in testimony in January, 1977, a minority of workers will determine the representation issue for the majority.

The Arizona law does not feature either the peak employment or seven day election requirement. In Arizona, growers may challenge the validity of the union elections, requiring balloting only during the peak employment period. Otherwise, we told the court in testimony in January, 1977, a minority of workers will determine the representation issue for the majority.
Citing peak employment seasons in grapes, lettuce, citrus and green onions—crops comprising 90% of Arizona’s agricultural industry—we testified in court that it would be very difficult, if not impossible, to hold elections on the majority of farms. Using the UFW’s experience, it takes from three to six weeks to gather enough authorization cards (and votes) for the union to file an election petition. Taking into account the pre-election procedures outlined in the Arizona law, experts on the performance of the National Labor Relations Act said it would take an additional eleven weeks before the election is actually held. No harvest in Arizona lasts that long. Thus most Arizona farm workers would not be able to vote in union elections.

True Unions Were Impossible

The federal court, in its decision, found Arizona election process was a violation of due process of law. But even if we were able to win an election under Arizona law, the prohibitions on collective bargaining make it impossible for farm workers to have a true union. Farm labor unions in Arizona were forbidden from bargaining on a host of “management rights” subjects. The union could not negotiate a grievance procedure covering firings and suspensions, successor clause, seniority system or hiring hall. Farm unions also may not bargain on the issue of mechanization or the question of pesticide protection.

Why do farm workers need a union if they cannot bargain on these critical issues? How can you have a union if you cannot even grieve if a worker is fired unjustly? Farm unions in Arizona are relegated to functioning as employment agencies. Any union leader who tries to negotiate on these so-called management rights is subject to up to one year imprisonment and/or a $5,000 fine.

Law Bans Strikes, Boycotts

The Arizona statute also prevents farm worker strikes by enabling growers to automatically procure 10 day cooling off periods in the event of a walkout. Given the highly seasonal nature of Arizona agriculture, such restraining orders would effectively prevent strikes as the harvest will have ended and most workers will have moved on to other jobs by the time the ten days are over. The law also prohibits passing out leaflets and engaging in oral communication in support of a union-sponsored boycott. The UFW contended that violated the First Amendment protection of freedom of speech.

The law’s election procedure allows decertification of a union at any time, regardless of a legal existing contract, and provides that a “no union” choice be on the ballot in all runoff elections, even if “no union” came in third in the first election.

In order for a worker to vote in a ranch election, the law requires that he be employed at that ranch during the previous calendar year. Since the labor work force is transient and constantly changing, only a small percentage of the workers would qualify to vote under the Act.

Mechanization Bill Withdrawn

Assemblyman Art Torres (D- Los Angeles) has withdrawn mechanization legislation, AB 2856, supported by the UFW in favor of an independent blue ribbon committee which he urged Governor Brown to appoint to study the impact of University of California research on farm workers. Brother Torres joined with us in renewing a plea for the governor to name the blue ribbon panel. We issued a statement from our La Paz headquarters urging the governor to move quickly to appoint the committee. Both parties, we said—the UFW and the University of California—have agreed to support the idea of the blue ribbon committee. The study is needed as a first step so progress can be made in finding solutions for farm workers and others adversely affected by state-financed mechanization research. It is up to the governor to act now so we can move ahead on this critical issue.

We also announced publically that U.C. President David S. Saxom, on behalf of the U.C. Board of Regents, supports the idea of the blue ribbon panel appointed by the governor (see Newsletter, March 27, 1978).

“On February 16,” Brother Torres said, “the farm workers called on Governor Brown to appoint an independent committee to study the impact of U.C. mechanization research and development. Such an independent determination of the facts is urgently needed because of the deep disagreement between the union and the university on the impact of its research.”

We contend that tens of thousands of California farm workers will lose their jobs as a result of farm machinery developed through university research programs; U.C. claims little, if any, impact on the workers. Brother Torres’ AB 2856 is similar to legislation introduced by the lawmaker and backed by the union last year. The bill would require social and employment impact statements before public funds are used to research, develop or implement labor displacing farm machinery. The Torres bill would also establish a Farm Worker Mechanization Fund to assist farm workers who lose their jobs as a result of machines.

RFK MEDICAL PLAN

If I am the only UFW member in my family will my wife and family remain eligible for Kennedy Plan benefits after my death or do they end when I die?

After your death your family remains eligible for Plan benefits until they are no longer eligible because going back 3, 6 or 9 months there are no longer enough hours to provide eligibility.

OFFICIAL NOTICES

Latest Elections

Limoneria/Oxnard/citrus/UFW, 191; no union, 83.
American Food/San Ysidro/strawberries/UFW, 205; no union, 13, challenged ballots, 9.