

# President's Newsletter

Office of the President  
United Farm Workers of America, AFL-CIO  
La Paz, Keene, California 93531



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## PRESIDENT'S OFFICE

### Supreme Court OK's Expansion of H-2 Program

In a move that could threaten union organizing efforts, the U.S. Supreme Court refused to consider farm workers' appeal of a lower court decision permitting temporary foreign workers under the government's so-called H-2 program to replace domestic farm workers.

The H-2 program permits workers from outside the U.S. to be imported to work on American farms if no domestic workers are available for jobs. It also states that if domestic workers do not accept conditions of work set by the Department of Labor, growers may obtain workers imported from outside the country. Thus, H-2 workers could be used as strikebreakers by growers who refuse union members' demands for better wages and working conditions.

Even a workers' demand that their employer recognize the union as bargaining agent could be viewed as a violation of the H-2 regulations because recognition of the union would be a condition above those required by the DOL. Thus, the federal government could allow use of H-2 workers under circumstances that could undermine the union's ability to organize.

For years, the use of temporary foreign workers was restricted to Florida and Eastern states. In June, 1977, President Carter permitted the importation of over 800 temporary foreign workers from Mexico for jobs in Presidio, Texas onion fields.

When Secretary of Labor Ray Marshall visited the UFW's constitutional convention last August in Fresno, he remarked to reporters from the *Fresno Bee* that the H-2 program might be increased to a level of 100,000 foreign workers in U.S. jobs, a five-fold increase over the current level.

The 1977 Fresno convention voted to strongly oppose any expansion of the H-2 program or reimposition of the infamous Bracero program of the 1950's and 1960's.

The union's legal department filed a "friend of the court" brief with the Supreme Court supporting the East Coast Puerto Rican farm workers who sought to overturn the H-2 restriction on domestic workers demanding conditions above the DOL-set level.

### We Demand Bargaining Order at Giumarra Hearing

We told an ALRB hearing on May 31, that we cannot have a fair election at Giumarra Vineyards Corp. and that the only equitable remedy is for the ALRB to order the company to bargain with the UFW.

We began our testimony by tracing the history of the UFW's involvement with the giant Edison-based vineyard firm since 1965, when it was one of the first targets of the Delano Grape Strike.

A massive complaint issued against Giumarra on February 7 by the ALRB accuses the company of instituting a policy of refusing to hire 1973 strikers and pro-UFW workers, and firing, harrasing, and physically attacking Giumarra workers who formed the core of the UFW leadership at the ranch.

Our testimony supported the contentions of the state and the UFW that the company's discriminatory hiring policy and its coercion of union leaders among the workers in 1977 denied Giumarra workers the chance to express their wishes freely. Giumarra has had two elections where it has broken the law,

we told reporters after the hearing. We are concerned that employers like Giumarra can break the law and be rewarded for it. We feel Giumarra, on two occasions, has created a climate not conducive to free elections (an election in 1975 and again in 1977). We see an employer rewarded for its lawlessness. Giumarra must be stopped before it becomes a model for other growers to follow.

The bargaining order has been an appropriate remedy where the National Labor Relations Board finds the union lost the election because the employer broke the law in such a way that it was impossible to have a free election.

Giumarra has a vicious anti-union attitude. It knows how to break the law. It will not permit its workers to vote freely.

We may have to involve Giumarra in another boycott if we don't get the bargaining order from the ALRB. The board has yet to decide on the bargaining order issue.

UFW attorney, Glenn Rothner and legal worker Carol Schaumberg are handling the case for the union.

## COLLECTIVE BARGAINING

### Three Northern California Growers Sign

The union has signed three contracts in Northern California, including agreements with two Napa Valley vineyard firms and our first contract with an Alameda County grower.

In late May, the UFW signed agreements with Trefethen Vineyards and St. Regis Napa Vineyards, both companies headquartered in Napa, California. According to chief negotiator Jim Drake, the Trefethen contract covers 30 year round workers and contains the highest wages and fringe benefits of any UFW contract in the state. General labor wages began at \$3.80 per hour on June 1, 1978, an increase of 25¢ per hour over the previous rate. The pact features a \$4.00 hourly rate for pruning and \$5.80 per hour for pruning on a piece rate. Four per cent of workers' gross income goes for vacation pay after the first year of service to the company. That rate goes to 6% after two years with the firm.

The contract also provides the usual 16-1/2¢ per hour to the Robert F. Kennedy Farm Workers Medical Plan, 5¢ to the Martin Luther King Fund and 10¢ per hour to Juan de la Cruz Pension Fund.

The St. Regis Napa Vineyards contract also covers 30 year round workers and provides for a \$3.80 general labor wage, an increase of 30¢ over the pre-contract level. Vacation pay consists of 2% of workers wages after one year's service and 4% after two years with the company.

### Perry's Plants

On June 1, we attended the signing ceremony in Fremont with workers and officials of Perry's Plants, American Gardens, a nursery in Alameda County employing 100 year round workers. It is our first contract with a grower in Alameda or Marin counties. Under the agreement, general labor wages go from a pre-contract level of \$3.00 per hour to \$3.45 per hour the first year with 20¢ increases in the second and third years of the contract.

Truck driver wages go from \$3.00 before the union to 4.35 per hour. After twelve months of seniority, the wages go to \$5.10 per hour. Planters received an immediate 8% increase in the piece rate and 6.5% increase in the second and third years of the agreement.

All three contracts will last three years. The UFW won ALRB conducted elections at the two Napa companies in September, 1977. We won an election at Perry's Plants in November, 1975.

Our congratulations go to Brother Drake and the negotiating committees at the companies.

### Contracts Signed With Two More Big Growers

Two more California growers have reached agreements with the UFW. They include S & F Growers Association, a citrus employer in Ventura County, and Encinitas Floral, a San Diego County nursery.

June 1st we signed a three year contract with S & F, a harvesting association that employs 300 workers ten months of the year. Under the agreement the piece rate for lemon pickers will increase from 52 cents a box to 58 cents, a 13% increase. Checkers' hourly wages climb from a previous rate \$3.50 per hour to \$4.03 per hour, and pruners' wages go from \$3.25 per hour to \$3.64. All of the wages and piece rates will in-

crease 5% each year in the second and third years of the contract.

The contract also calls for the usual benefits under RFK Medical Plan, MLK Fund, Pension Fund and CPD.

The union won an election at the ranch in March, 1977: UFW: 238; no union: 63. We were certified bargaining agent in June 1977. Brother *Ben Maddock* was the union's chief negotiator.

On June 6, we signed a three year contract with Encinitas Floral, a northern San Diego County nursery which employs 130 year round farm workers and 52 seasonal employees.

Under the contract, wages for general greenhouse workers will be set at \$3.30 per hour and rise to \$3.60 per hour by the third year of the contract. Wages were \$2.75 per hour before negotiations with the union began. However, 20% of the Encinitas workers will be covered under one of six higher wage levels that pay from \$3.45 to \$4.40 per hour.

The contract provides for the standard employer contributions to RFK, MLK and CPD. In addition to the contract benefits, the employer agreed to pay each worker a \$50 bonus as a sign of good faith because negotiations took so long.

The UFW won an election at the nursery on October 8, 1975. The results were, UFW: 159; no union: 51; challenged ballots: 18. The union chief negotiator was Brother *Crosby Milne*.

## ORGANIZING

### Oxnard

The sixth election victory in the Oxnard area this season was celebrated by the workers at L & O, a citrus company also known as Santa Paula Growers. The results of the election were UFW: 162; no union: 14; challenged ballots: 7 and void: 1.

The organizing committee handled the entire two week campaign, and from the start had the workers coming to them to sign the authorization cards instead of vice-versa. The committee consisted of President, *Carlos Baltazar*; Secretary, *Orencio Contreras*; Treasurer, *Alfredo Lopez*; *Gustavo Lemos* and *Rodrigo Hernandez*.

After the election the workers persuaded the company manager not to file objections to the election, a process which could delay certification by months.

### Imperial Valley

A 48-hour expedited election at California Canteloupe, an Imperial Valley melon company, was victorious for the workers: UFW—60 and no union—6.

It was one of several elections in recent months to use the special ALRA provision which allows for an expedited election when 50% or more of the workers at a ranch walk out on strike demanding union representation.

After the election the workers demanded an immediate certification. The company sent a telegram to the ALRB asking for certification as soon as possible.

Organizing was led by Brother *Manuel Chavez*.

## NATIONAL FARM WORKER MINISTRY

### Florida Farm Workers, Supporters Express Unity

Walk-a-thons in commemoration of Farm Worker Week were held in six cities in Florida on May 6th. Over 350 workers from areas of Apopka, Avon Park, Ft. Pierce and Winter Haven joined 750 supporters from the religious communities, labor and the cities in a 10 mile walk through major cities in Florida. Waving flags and banners and singing union songs, the walkers physical presence was a visible testimony to the solidarity of the workers under contract with the Coca-Cola Company and the UFW supporters in Florida. The walk, organized by the National Farm Worker Ministry, raised a total of \$16,000.

On May 9th, workers from the Avon Park field office and Ranch Committee members from the field offices in Apopka, Ft. Pierce and Winter Haven hosted a dinner for 50 of the participants in the National Farm Worker Ministry's annual board meeting, held in Avon Park, Florida. Ministry people from all over the country listened to reports from the Ranch Committee presidents on activities in their areas.

### RFK MEDICAL PLAN

*What are the advantages in farm workers administering their own medical plan?*

The Kennedy Plan is a cooperative plan. That means there is no outside money involved, as in many medical plans which are administered by a third party. Our plan is financed by the 16 1/2 cents an hour per worker that the growers must pay into when they sign a union contract. Its financial resources are devoted completely to the farm worker and do not go into an insurance company's profits. The benefits were selected and voted upon by the Union membership. The healthy provide support for the sick. Because the Union administers the plan, claims problems can be solved quickly and fairly. A cooperative plan puts responsibility on its members, too, because any abuses of the program affect the farm worker directly and are not absorbed by an outside insurance company. That is, if doctors or hospitals abuse the program with overcharges, unnecessary services and other forms of cheating, Union members suffer the consequences. Members who discover such cheating have the responsibility to report it to the Union to protect the benefits for themselves and their children.

## OFFICIAL NOTICES

### Latest Elections

California Canteloupe/Imperial Valley/canteloupe/UFW: 60; no union: 6.

### New Contracts

St. Regis Napa Vineyard/Napa/wine grapes/June 1

Trefethen Vineyards/Napa/wine grapes/June 1

Perry's Plants/Fremont/nursery/June 1

S and F/Fillmore/lemons/June 1

Encinitas Floral/Encinitas/nursery/June 6

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*Lydia T.*