

President's Newsletter



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



COLLECTIVE BARGAINING

Second Olive Contract Signed in Delano Area

The UFW signed their second contract in the olives when the union signed with Padula Farms on September 19, 1978.

Padula Farms, one of the larger olive ranches in the Delano area, employs about 250 workers during their one month peak season.

The contract was signed after more than a year of negotiations which began on February 8, 1977. A tentative agreement was reached on August 19, three days before a scheduled ALRB hearing began on UFW charges the company was bargaining in bad faith. The contract was signed one month after the agreement was reached.

The contract includes a base rate of \$3.50 for pickers and \$3.65 for tractor drivers and swamper. These wages represent a 65 cent increase over last year's wages. The contract also includes the Robert F. Kennedy Medical Plan, the Martin Luther King, Jr., Farm Worker Fund, the Citizenship Participation Day Fund and the Juan de la Cruz Pension Plan. The contract will last for one year.

Brothers *Pedro Duran*, *Juan Munis*, *Raymundo Villegas*, *Antonio Villegas* and *Espiridion Villegas* from the Padula Negotiating Committee negotiated the contract with the assistance of Brother *Ken Schroeder* from the UFW Delano field office.

Our other olive contract in the Delano area is with Nick Rodriguez farm, which was signed in March, 1977.

Agreement Ends Month Long San Diego Nursery Strike

A month long strike was settled on October 5 when workers at Neidens Hillside Floral nursery in Leucadia, San Diego County, ratified an agreement that they reached with the company.

Neidens Hillside Floral, which is also known as Takara International, was the site of a UFW election victory in 1975, and workers had been struggling to negotiate a contract with the company ever since negotiations began in June, 1977. The 67 workers at Neidens walked out on strike 15 months

later, when bargaining broke down due to bad faith bargaining on the part of the company.

The recent agreement includes a base wage rate of \$3.30 an hour, a 65 cent increase over the former wage. It also includes paid vacations, six paid holidays, the Robert F. Kennedy Medical Plan and the Martin Luther King, Jr. Farm Worker Fund.

Workers on the negotiating committee who worked so hard to get the agreement are Brothers *Fidel Arroyo*, *Adolfo Avila*, *Alfonso Avila*, Sister *Angela Macias* and Brother *Hector Sanchez*. They were assisted by Brother *Michael Heumann*, UFW negotiator. Those workers on the strike committee, who kept the spirit alive and the workers together during the strike despite scabs and company efforts to break the strike are Sisters *Amalia Canberos*, *Adela Hernandez* and Brothers *Miguel Lara*, *Salvador Lara*, *Agustin Mendez*, *Rogelio Reyes* and *Miguel Rodriguez*. The strikers were assisted by Brother *Patricio Rodriguez*, UFW staff from La Paz.

Settlements

Abatti - Calexico

Six grievances that were set for arbitration were settled the day of the hearing with the Abatti Company, thanks to the hard work of the ranch committee, *Hilario Corral*, president, *Rosa Briseño*, secretary, and *Berta Briseño*, *Angel Carrillo* and *Raymundo Palacios*.

The many charges stemmed from various company violations of the contract, such as not paying the correct percentage of vacation pay, laying off ranch committee member Brother *Raymundo Palacios* out of seniority order and the company's refusal to advise the workers of their obligation to join the union as stated in the UFW agreement. We also charged the company with refusing to provide us with the seniority and workers' lists provided for in the contract.

To settle the grievances, the company agreed to pay 4% vacation pay to the workers with four or more years of seniority. The company will pay about \$14,000 to some 130 workers entitled to this benefit. The company also agreed to reinstate Brother *Palacios* with his full seniority rights.

In addition, the company agreed to advise workers that they have to join the union, pay all dues owed and stay current with the union or face

discharge. Under the UFW contract with Abatti, union membership is a condition of employment and each worker is required to become a member of the union and to remain in good standing. The company will also provide a list of workers to the union and a procedure was devised by which a seniority list will be prepared for the union's use.

The brothers and sisters on the ranch committee were assisted in their work by Brother *Victor Gonzalez* from the UFW field office in Calexico and the UFW arbitration division.

Tanaka - Oxnard

Four union grievances and one company grievance at the Tanaka Ranch in Oxnard were resolved when the company agreed to drop its grievances against the union and also agreed to pay 38 workers a total of \$433.64 for work which they had done but had not been paid for.

In addition to this, the company agreed to pay a total of \$3662.82 to the union. This sum represents money that was deducted from the workers' pay checks last June and July, but never reported to the UFW. This money covers back dues for those two months and also covers company contributions to benefits included in the UFW contract, the Robert F. Kennedy Medical Plan, the Martin Luther King Farm Worker Fund, and the Juan de la Cruz Pension Plan.

Brothers *Julian Ramirez*, former crew steward, and *Teodoro Diaz*, former field representative at Tanaka, assisted Sister *Barbara Macri* in settling these grievances.

Ranch Two - Coachella

The workers at Ranch Two in Coachella have recently settled a grievance concerning a hiring violation on the part of the company. The workers charged the company with violating hiring procedures when four workers missed out on available jobs at the ranch because the company decided to do its own hiring out in the fields rather than through the union hiring hall.

The company agreed to pay the workers for the time they had missed due to its failure to follow correct hiring procedures. Credit for this settlement should go to the ranch committee at Ranch Two, especially Brother *Jesus Jimenez*, whose hard work on the case included a trip to Los Angeles to talk with the company's owner about the problem. Brother *Jimenez* is the president of the ranch committee.

Farm Labor Board Throws Out Caratan Decertification Vote

By a 3 to 2 decision, the Agricultural Labor Relations Board voided the decertification election held at M. Caratan, Inc. on September 1.

Board members *Ronald L. Ruiz*, *Herbert A. Perry* and Chairman *Gerald Brown* decided that the election was illegal because it was not filed in

keeping with the time requirements based on decisions of the National Labor Relations Board.

We had maintained that if Caratan could pressure workers into supporting a company-sponsored decertification drive only four months after a contract is signed, then every grower could at any time attempt to get rid of the union, even after a legal agreement is negotiated and a contract is signed (see Newsletter, September 25, 1978).

Growers Sabotage Election Process at Three Ranches

Efforts by olive growers to deny farm workers their rights to union representation in Tulare County resulted in a no union vote at one ranch and the withdrawal of election petitions at two other companies.

The results of an October 4 ALRB—conducted election at Montgomery Ranch was 71 no union votes and 24 for the UFW. The company imported *Tony Mendez*, a notorious anti-union "labor consultant" to help Montgomery defeat the UFW. During the election campaign the company violated the Agricultural Labor Relations Act by promising to double the workers' wages and telling employees they would not be able to find work anywhere else if they voted UFW.

The union filed for an election at Woodlake Ranch but withdrew the petition when the company began playing tricks regarding the peak season question. At first, Woodlake claimed the firm was in peak season with about 40 workers per week. Then it also stated that the company's peak was 120 workers. If the union had won the election, the company would have attempted to keep the election case tied up with legal arguments for a long time.

At Williams Ranch, the owner claimed that a custom harvester was the real employer under the ALRA. The custom harvester said that the owner was the employer for purposes of the farm labor law. Neither party would cooperate with the Agricultural Labor Relations Board by providing information that the Board could use to make a decision as to who the real employer of the company is.

The workers at the ranch decided

that which ever party the Board decided was the employer would object to the election and tie up the case for months, so the election petition was withdrawn.

LEGAL

U.S. High Court to Review Arizona Farm Labor Law

The U.S. Supreme Court will review a lower court ruling made last April that declared the Arizona Agricultural Employment Relations Act unconstitutional "in its entirety."

The high court decision to decide whether the Arizona farm labor law is constitutional or not was announced on October 10 and reported by the Associated Press.

On April 20 of this year, a three judge federal court panel in Phoenix ended a six year legal battle by the UFW when it decided that the Arizona Law violated the due process and equal protection clauses of the U.S. Constitution. Grower organizations, including the Farm Bureau, convinced the State of Arizona to appeal the ruling.

We told the press that our union will be prepared to make our arguments before the Supreme Court. UFW General Counsel *Jerry Cohen* and UFW attorney *Jim Rutkowski*, who has worked on the case since the Arizona law was passed in 1972, will present the union's argument to the high court.

The law in Arizona was pushed through the state legislature by the Farm Bureau and other right wing anti-union forces. It bans strikes and boycotts, denies most migrant farm workers the right to vote in union

representation elections and makes it a crime punishable by fine and imprisonment for a union official to negotiate on most issues of concern to the workers.

CITIZENSHIP PARTICIPATION DEPARTMENT

Farm Workers Support Burke and Dymally

On October 7, we joined ranch committee members from the Oxnard area as they presented check contributions to Congresswoman *Yvonne Brathwaite Burke* (D-Los Angeles) in support of her campaign for state attorney general.

Farm worker delegates from across the state had endorsed Congresswoman *Burke's* candidacy for attorney general at the UFW's Second Biennial Political Endorsement Conference which was sponsored by our Citizenship Participation Department in San Jose last July. The delegates at the July conference also endorsed the candidacy of Lt. Governor *Mervyn Dymally*, who is running for reelection this year. At the conference, both *Burke* and *Dymally* pledged their support of the farm workers' struggle for justice (see Newsletter, August 7, 1978).

The members of Oxnard area ranch committees represented workers from S and F Growers, Watanabe, Donlon, Akitomo, Coastal Growers, West Foods, Hiji Brothers, U.C.G., Sun Harvest, Limoneira, K.K. Ito and Akunie/Santa Clara Nurseries. Only two ranch committees were not able to be present, but checks were given to Congresswoman *Burke* on their behalf.



UFW photo

Cesar Chavez joins Oxnard farm workers in support of Congresswoman *Yvonne Brathwaite Burke's* candidacy for California attorney general.

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