

President's Newsletter



Vol. 1 No. 56
January 22, 1979

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



PRESIDENT'S OFFICE

UFW Fills Two Vacancies On National Executive Board

The National Executive Board of the United Farm Workers of America last month filled two vacancies on the nine member panel that governs the union.

I announced at the union's La Paz headquarters in Keene, California that the Executive Board voted to appoint Brother *Frank Ortiz* second vice president and Brother *David Martinez* executive board member.

The Executive Board acted on the appointments after it accepted the resignations of former Second Vice President *Eliseo Medina* and former Executive Board Member *Mack Lyons*. Both men resigned for personal reasons.

In a statement, I said the National Executive Board has accepted the resignations of Brothers *Medina* and *Lyons* with deep regret. The UFW owes both men a deep debt of gratitude for their years of personal sacrifice and service to the farm workers. Both men hailed from the fields—Brother *Medina* from Delano and Brother *Lyons* from Lamont. Both made major contributions to the progress the union has achieved for its members in California and Florida.

Brothers *Ortiz* and *Martinez* will serve on the Executive Board until the UFW's fourth constitutional convention in summer, 1979, when convention delegates, elected by the union's membership, will conduct elections to permanently fill the two vacancies.

UFW national officers are elected to four year terms. The nine members of the Executive Board were elected at the union's 1977 convention in Fresno.

Brother *Ortiz*, 47, a top union contract administration official, was born in Brawley, Calif. and began life as a migrant farm worker at age 5. He joined the UFW in 1962 and has served on the union's boycott campaigns and as a director of UFW contract administration activities in California and Arizona. He currently directs contract administration for the union nationwide.

Brother *Martinez*, 32, a former union negotiator, was born in San Juan, Texas and spent his childhood as a farm worker in Texas and the midwest. He joined the UFW in 1973, served on the boycott in Detroit and

Chicago, and was a UFW negotiator in 1976 and 1977. He currently directs the farm workers' school for negotiators at the La Paz headquarters.

The National Executive Board consists of a president, a secretary-treasurer, three vice presidents and four executive board members.

In addition to naming the two new national officers, the Executive Board also announced the approval of 10 UFW national representatives, a new designation within the union created to honor brothers and sisters who have distinguished themselves for many years in the service of the movement.

The national representatives include Sisters *Barbara Macri* and *Ruth Shy*, and Brothers *Jose Luna*, *Stephan Roberson*, *Oscar Mondragon*, *Bobby de la Cruz*, *Larry Tramutt*, *Ben Maddock*, *Art Rodriguez*, and *Scott Washburn*.

National representatives of the union shall be nominated by the president and approved by the Executive Board.

UFW In Top 20 Largest Unions

The United Farm Workers has moved onto the list of the top 20 largest California unions for the first time, up from 31st in July, 1975, according to statistics released late last year by the California Department of Industrial Relations.

The UFW is ranked 19th on the list behind the Musicians Union, which is 18th, and in front of the Letter Carriers, which is 20th. The Teamsters Union still boasts the largest union membership in the state.

The 20 top unions account for 73 percent of the state's union members, the DIR said in a report entitled "Union Labor in California, 1977". The report was prepared by the DIR's Division of Labor Statistics and Research in San Francisco, which is one of eight major programs administered by the state agency that works to protect California workers.

The largest relative increase in union membership between 1975 and 1977, 39.3 percent, occurred in agriculture, the report stated. "Union enrollment in agriculture," the report said, "continued to advance with 11,400 more members in July, 1977, an increase of 60.1 percent from July, 1975. This expansion can be attributed to the organizing gains and union election

successes among the state's farm workers."

The report included figures on union membership up to July, 1977.

COLLECTIVE BARGAINING

Settlements

Valdora Produce Company

On September 1, 1978, a grievance was filed against Valdora Produce Company in Coachella for violations of contract Article 29 (Reporting and Standby Time). The violation occurred when Valdora sent 27 orange pickers home for two days in a row after they had reported for work.

At the second step grievance meeting the grievance was resolved when the company agreed to pay the workers four hours show up time for the two days.

Credit for the settlement goes to Brothers *Gonzalo Fragoza*, *Eliseo Ramos*, *Felix Hurtado Garibay*, and *Augustin Mendoza*. They were assisted by Father *Joe Tobin*, UFW field representative.

Sun-Harvest, Huron

We recently settled a grievance with Sun-Harvest in Huron. The grievance resulted from the company's discharge of three irrigators: Brothers *Alfonso Vasquez*, *Victor Resendez* and *Jaime Alcalá*. Sun-Harvest agreed to reinstate these workers with full seniority and one week back wages.

Credit for the settlement goes to Ranch Committee President *Jose Esparza*, Sister *Maria Camacho*, Brother *Alberto Pena*, Sisters *Juana Aguilar*, *Josefa S. Perez* and *Carmen Febres*, and Brother *Regmigio Regalado*. They were assisted by UFW Field Representative *Arturo Mendoza*.

Watanabe Ranch

A grievance was recently settled with Watanabe Ranch in Oxnard when the company agreed to pay Brother *Rafael Medina* \$350.00 in back pay and benefits.

The company had violated Article 8 (Discipline and Discharge) of the contract by firing Brother *Medina* for smoking while harvesting tomatoes. A few days after the discharge Watanabe agreed to reinstate the worker but the issue of back pay was still unsettled. On November 13, 1978, the company agreed to pay back pay and benefits.

Credit goes to Ranch Committee President *Silvestre Gaeta*, Vice President *Jose L. Barajas*, Secretary *Andres Farfan* and Brothers *Francisco Escalante* and *Federico Gomez*. They were helped by UFW Field Representative *Jennifer Braun* and Oxnard Field Office Director *Roberto de la Cruz*.

West Foods, Inc., Ventura

On December 12, 1978 the ranch committee at West Foods, Inc., Ven-

tura, settled four separate grievances in a single second step meeting with the company. The grievances involved the discharge of four workers—Brothers *Antonio Arteaga, Roberto Jimenez, Jesus Maldonado, and Luis Gutierrez*—for failing to return after their respective leaves of absence.

The grievances arose when the company, in each case, failed to notify a union steward or other union representative prior to the discharges, and failed to notify the union in writing 24 hours after the discharges. The company's failure to comply with the notification requirements as set forth in the contract resulted in the union being denied the opportunity to attempt to avoid the discharges before they took place, and the contractual right to timely contest the discharges after they took place.

All four workers were reinstated with full seniority. Brothers *Maldonado and Gutierrez* had still not returned from their leaves at the time of the meeting and were granted additional 30 day extensions in which to return as part of the settlement.

Credit for the settlement goes to the ranch committee at West Foods, including Brothers *Juan Medina, Ricardo Olavierrez, Edmundo Garcia and Carlos Sandoval*. They were also assisted by *Curt Ullman*, UFW field representative.

AGRICULTURAL LABOR RELATIONS BOARD

E&J Gallo Found Guilty Of 1975 Election Abuses

In one of the most stinging indictments of any grower since the California farm labor law was enacted, an administrative judge found E&J Gallo Vineyards Corp. guilty of virtually all UFW charges filed against it over three years ago.

Gallo created a "police-state atmosphere" during the campaign to influence a September 10, 1975 union election, *David C. Nevins*, an administrative law judge for the Agricultural Labor Relations Board, ruled in a 91 page decision.

Nevins in the December 6, 1978 rul-

ing, recommended that the full five member ALRB throw out the 1975 vote because of Gallo's lawlessness. "Neither the police-state atmosphere created by the omnipresent and watchful security nor Gallo's written policies which set in motion that coercive atmosphere comported with the mandates of (the law)," *Nevins* concluded.

Although the UFW was pleased that Gallo was found guilty as charged, we were very unhappy that *Nevins* did not recommend the ALRB issue a bargaining order compelling the company to negotiate with the union without having to call another election.

Gallo's conduct during the last election and its continued anti-union strategy makes it very difficult, if not impossible, to have a truly free election at the massive winery, the largest in the U.S.

The *Nevins* decision found Gallo guilty of a variety of law violations: firing pro-UFW workers, spying on workers in their homes, discriminatory access (denying UFW organizers access to workers at the same time the company permitted the Teamsters free access to Gallo property and employees), disrupting a UFW meeting where I was taunted and workers were threatened, denying UFW sympathizers access to housing, taking thousands of photos of Gallo workers speaking to UFW representatives.

Gallo Favored Teamsters

Nevins found that "the election atmosphere at the Gallo ranches favored the Teamsters Union at the expense of the UFW." He stated that Gallo posted Teamster literature on company property and farm equipment, let the Teamsters use a company park for a picnic only days before the balloting, and, in general, allowed the Teamsters to walk "in clearly favored light" during the period immediately preceding the vote.

Despite these gross violations of the law, *Nevins* did not recommend a bargaining order. In the statement issued through my La Paz office, I said that Gallo's police-state tactics have forced the union to spend thousands of dollars of treasury money in fighting the case. The Gallo farm workers have

suffered over \$1 million in economic loss due to their inability to have a union. Who is going to compensate them for their losses?

An order from the ALRB for Gallo to bargain with the union is the only equitable remedy. It is not unusual for the National Labor Relations Board to issue bargaining orders in cases like this. Without a bargaining order, Gallo would have an incentive to violate the law again in another election, realizing that the legal sanctions would be minimal.

We also announced that the union would soon resume organizing activities at Gallo. For more than three years we have been prohibited from organizing at the ranch because the case was before the board.

Recommended Remedies

Judge *Nevins* recommended that the union be granted extra access to Gallo workers, that the UFW be provided prepetition lists of workers without having to offer a showing of interest and that company officials read and post notices acknowledging that it broke the law. *Nevins* also wants the company to provide back pay and seniority for two workers fired for their UFW loyalties in 1975: Brothers *Jesus Garcia and Lorenzo Perez*.

Gallo had 20 days after December 6 to file exceptions to the decision. The ALRB itself will probably not receive the decision for review until late January, 1979 at the earliest. Gallo can appeal the ALRB decision in the courts.

The ALRB has not issued a decision on the election results, which gave the Teamsters 223 votes to 131 for the UFW among the workers employed at Gallo on Election Day. But 195 challenged ballots were cast, most of them by workers who struck Gallo in 1973 and, under the law, had a right to vote.

In October, 1975, a nationwide *Louis Harris* poll showed 11 million American adults boycotted Gallo wines.



President's Newsletter

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

Non-Profit Organization
BULK RATE
U.S. POSTAGE
PAID
Keene, Calif. 93531
Permit No. 1