

President's Newsletter

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



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AGRICULTURAL LABOR RELATIONS BOARD

Workers Win at Limoneira

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.

Limoneira, which employs 300 workers, is the largest single-owned citrus operation in the world. This brings the number of Ventura County citrus workers who'll be under union contract to 2000.

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*.



UFW photo

In the spirit of celebration triggered by all the recent election victories, 2000 citrus workers marched in Oxnard Sunday, April 23.

Egg City Workers vote for UFW

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.

A three day election held in the Oxnard area, Los Angeles and Calexico in mid-April, was actually a re-voting for 200 workers, many of them strikers, whose challenged ballots were stolen last fall before they were counted. About 160 of the workers showed up for the reballoting.

Much of the credit for the large turnout goes to the persistent efforts of Brother *Samuel Salgado*, one of the Egg City strikers who for the last three years has kept close contact with the strikers, many who had moved to other areas. After the ballots were stolen Brother *Salgado* traveled throughout California and Mexico to get affidavits from the strikers declaring they voted for the UFW in the first election. If the affidavits had been accepted by the ALRB, the union would have been certified several months ago.

Egg City, located in Moorpark near Oxnard, employs 300 year round workers.

UFW Wins 83% of Farm Labor Elections

The union has won 83% of the elections in which we par-

ticipated since the Agricultural Labor Relations Board began conducting balloting again in December, 1976, the Associated Press, a national news service, reported recently.

The AP contrasted our percentage of election victories with figures from the National Labor Relations Board where industrial unions won only 46% of the representation elections they conducted in 1977.

The AFL-CIO and the entire labor movement is pushing hard for enactment of legislation to reform the operation of the NLRB. Anti-union employers have used loopholes in the labor law to get away with gross violations of workers rights. The labor-backed legislation, now before the U.S. Senate, will correct many of these injustices.

The day the wire service story appeared, the question of UFW election victories was raised in a meeting we attended with the editorial board of the *San Francisco Examiner*. It is not that we are such good organizers, we told the newspaper. It's that the workers want the union.

We are meeting with the editorial boards of some of California's major daily newspapers to discuss attempts by grower organizations to destroy the Agricultural Labor Relations Act with crippling amendments in Sacramento.

LEGAL

Victory in Arizona's Farm Law Battle

A three judge federal panel in Arizona handed the union a major victory declaring the state's farm labor law unconstitutional in its entirety.

The U.S. District Court in Phoenix, in a ruling announced on April 20, declared the Arizona Agricultural Employment Relations Act violates the equal protection and due process provisions of the U.S. Constitution and prohibited the state of Arizona from enforcing the statute.

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.

Organizing Now Possible

We said in a statement that the decision is a vindication of the farm workers' six year struggle for the right to have a union in Arizona. With the decision we can begin the process of organization in the state. The ruling does more than establish the right to have a union; it removes an implacable barrier to organization in the fields of Arizona.

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 petition for elections and thus ensure that voting will take place during the off season when only a small minority of steady employees will cast ballots.

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 run-off 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.

CITIZENSHIP PARTICIPATION DEPARTMENT

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. Saxon*, 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

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

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