

OPEN SHOP GAZETTE

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On September 15, 2015, Republican Presidential Candidate Scott Walker took on the unions again. Walker called for eliminating unions for employees of the federal government, making all workplaces right-to-work unless individual states vote otherwise and scrapping the federal agency that oversees unfair labor practices.

Tom Reardon, president of the National Treasury Employees Union which represents 150,000 federal workers (yes, one hundred fifty thousand federal employees) stated that Walker was declaring war on middle-class workers. Hillary Clinton accused him of bullying union members.

Walker also declared that "Collective bargaining is not a right, it is an expensive entitlement."

On September 21, 2015, Scott Walker withdrew from the presidential race because it has become "to nasty" when in fact he had been struggling to generate money to continue his campaign.

I am aware that the next article does not deal with any issue that involves the construction industry; however, it represents how the State of California treats unions. This article was printed in *The Orange County Register* on Sunday, September 27, 2015 and was written by Margaret Mire, a Contributing Writer.

"The California Agricultural Labor Relations Board was created as part of the California Agricultural Labor Relations Act, which codified collective bargaining for California farm workers in 1975. CALRA proponents thought a state law was needed because agricultural had been excluded from the National Labor Relations Act of 1935.

The ALRB website offers short bios of each board member: Most notable is Chairman William Gould, whose bio states that he previously served as assistant general counsel for the United Auto Workers.

Yes, he was literally a union advocate. So there clearly is a huge structural problem with the process for appointing board members.

How does the process work? Gov. Jerry Brown selects the people he wants on the board and they are approved by the State Senate.

But how can California trust the process if the politicians who both appoint and approve the board members are supported by union money, as so many California legislators and statewide officeholders are?

Indeed, the CALRA was tainted from the beginning. In March 2013, the Governor's Office proclaimed March 31 as (the United Farm Workers co-founder) "Cesar Chavez Day" in California. The announcement read: "Cesar Chavez and the UFW played an instrumental role in the passage of the California Agricultural Labor Relations Act. ...I (Jerry Brown) ask all Californians to join me in continuing to build on his (Chavez's) dream."

So, given that the godfather of the UFW helped create this law, no wonder the whole process is slanted toward the union's interests.

For example, in September 2013, workers at Fresno-based Gerawan Farming decided they no longer wanted the UFW to represent them in their workplace. They followed the rules and gathered enough signatures for a union decertification election.

They cast their votes that November, but unfortunately for these farmworkers, we still do not know the election results. And now it appears we may never know.

Why? Because the UFW filed unfair labor practice charges with the ALRB, claiming the tree-fruit company had intimidated the workers into ousting the union. The board sequestered the ballots pending an ALRB hearing on the charges.

Administrative law judge Mark Soble presided over ALRB

hearings on the UFW – Gerawan matter, the longest and most expensive labor hearing in California history. And, on Sept. 17, Soble announced his ruling in favor of the UFW and the ALRB.

One upside to the whole Gerawan – UFW mess is that it has brought the crooked nature of the ALRB into light. Recently, the state 5th District Court of Appeal declared unconstitutional the ALRB’s power to unilaterally force union contracts on workers and businesses. The court said, “The ... statute violates equal-protection principles and constitutes an improper delegation of legislative authority.”

Even Gov. Brown knows things have gotten out of hand. Last year, he vetoed union-backed Senate Bill 25, which would have sped up mediations to the detriment of farm owners, saying: “Both contract enforcements and election disputes should be dealt with so the process is balanced and fair.”

From its origins, to its appointee process, to its ability to function as an impartial arbitrator, there is no question the ALRB has a strong bias against business. And putting agriculture – one of California’s most important industries – in the hands of one union can only undermine the industry and the state’s economy.”

Open Shop Council Meeting

Robert R. Roginson

Ogletree, Deakins, Nash, Smoak & Stewart, P.C.

“Creating a Closed Market: Significant Developments in California’s Prevailing Wage and Apprenticeship Requirements”

California has significantly revamped its prevailing wage and apprenticeship enforcement program. In this presentation, Robert Roginson will describe the requirements of California’s new Public Works Registration Program and provide insight and analysis as to what these new requirements mean for prime contractors and subcontractors. Mr. Roginson will also discuss several other significant developments and changes in California’s prevailing wage and apprenticeship requirements, including new legislation, and provide practical guidance on steps contractors can take to ensure compliance with California prevailing wage requirements.

Thursday, October 22, 2015 | 3:30pm—5:00pm

Meeting Room: Plumeria

Omni Rancho Las Palmas Resort

41-000 Bob Hope Drive | Rancho Mirage, CA 92270

