

Gerawan-UFW chronology

May 4, 1990 — In a drive led by Cesar Chavez, the United Farm Workers of America intervenes in the Gerawan Farming Inc. union representation election—organizing workers and demonstrating enough support to get on the ballot—after another union, the Independent Union of Agricultural Workers/International Brotherhood of Painters and Allied Trades, AFL-CIO initially files for an election at the huge Fresno-based grape and tree fruit company. Gerawan insists on including its packinghouse workers in the balloting in an effort to swing the election against the unions.

May 9, 1990 — The Gerawan election is conducted by the state Agricultural Labor Relations Board. The choices on the ballot are the Independent Union of Agricultural Workers, the UFW and no union. (ALRB case 16 90-RC-2-VI) The results are:

IUAW	178
UFW	479
No Union	581
Challenged Ballots	55
Total	1,293

May 10, 1990 — The state of California (ALRB general counsel) accuses Gerawan of illegally laying off farm workers in 32 crews in order to prevent the workers from voting for the UFW, all in an effort to affect the outcome of election. Gerawan is later ordered to pay all the laid-off workers lost wages with interest to make them whole for the economic losses they suffered as a result of unlawful Gerawan's actions. (ALRB case 90-CE-15-VI)

May 15, 1990 — A run-off election is held between the two top vote getters (Gerawan and the UFW), but challenged ballots will determinative the outcome. (ALRB case 16 90-RC-2-VI) The results are:

UFW	536
No Union	374
Challenged Ballots	211
Total	1,121

June 1990 — The state of California (ALRB general counsel) accuses Gerawan of illegally firing crew boss Pedro Lopez's crew because its members are union supporters.

June 29, 1990 — The ALRB makes a decision on which of the challenged ballots should be counted, resulting in UFW election victory. (ALRB case 16 90-RC-2-VI)

July 8, 1992 — After rejecting lengthy legal challenges to the election results by

Gerawan, the ALRB certifies the UFW as the Gerawan employees' union representative.

July 21, 1992 — Cesar Chavez sends a letter to Gerawan requesting negotiations.

August 13, 1992 — Gerawan agrees to negotiate.

November 1992 — In an effort to delay bargaining for a union contract, Gerawan reverses its position and files a petition with the National Labor Relations Board Oakland office asking its regional director to determine that Gerawan's packinghouse workers were subject to the NLRB's jurisdiction and therefore ineligible to be represented by the UFW under California's farm labor law. In May 1990, Gerawan had previously insisted that the packinghouse workers were eligible to vote and should be included in the state-held election under California law. (NLRB case No. 32-RM-700).

December 30, 1992 — Gerawan is found guilty by the state of California (ALRB) of closing down six farm labor camps in retaliation for workers' support of the UFW and the company is ordered to compensate workers for their loss of housing.

March 9, 1993 — The NLRB regional director issues a decision, determining that the Gerawan packinghouse workers are commercial rather than agricultural employees and therefore ineligible to be represented by the UFW, even though Gerawan had previously argued they should be included in the vote.

April 23, 1993 — Cesar Chavez passes away.

July 6, 1994 — UFW President Arturo Rodriguez (who succeeds Cesar Chavez) sends Gerawan a letter once again requesting negotiations.

Summer and fall 1994 — UFW organizers and negotiators work with the elected union negotiating committee composed of worker leaders at the massive company and extensively consult with workers in Gerawan's many crews to re-organize the employees and involve them in formulating a complete UFW bargaining proposal.

November 22, 1994 — UFW Central Valley Regional Manager Tanis Ybarra submits the comprehensive bargaining proposal to Gerawan and proposes ground rules for the negotiations. Shortly thereafter, the UFW's Ybarra meets with the company attorney and Mike Gerawan, taking them through the union bargaining proposal. The company agrees to prepare a counter-proposal. It is never received.

Early 1995 — The union's Ybarra, UFW President Rodriguez and union executive board member Cecilia Ruiz meet with Mike Gerawan to discuss negotiations. During the meeting, Gerawan says, "I don't want the union and I don't need the union." Gerawan signals it will never sign a contract acceptable to UFW. That ends the session. No more meetings are held.

1995 - 2002 — UFW continues working with Gerawan workers to improve their working conditions, all while the ALRB stops enforcing the law and provides no support for continued organizing.

2001-2002 — UFW works with farmworkers from across the state, including Gerawan workers, for development and passage of Mandatory Mediation law. Farm workers from across the state, including Gerawan workers, march on the state capitol, urging the Governor to sign the bill into law.

January 1, 2003 — The 2002 UFW-sponsored Mandatory Mediation law goes into effect. This law permits neutral state mediators to hammer out union contracts when growers refuse to sign them.

May 2004 — The UFW launches a new campaign to re-organize Gerawan workers and opens a union office in the Fresno County town of Reedley to aide in that effort.

August 5, 2004 — A wave of nasty anti-UFW leaflets are mailed out in farm worker communities where Gerawan employees live, threatening workers with job loss if they support the union. UFW and workers believe Gerawan is responsible for the "anonymous" mailings.

2002-2006 — UFW tests out Mandatory Mediation Law and awaits courts of appeal to uphold the law in the face of grower challenges.

2005 — With the help of Gerawan workers and other workers across the state, UFW urges Governor Schwarzenegger to sign emergency heat regulations requiring growers like Gerawan to provide shade and cool water to employees.

January 1, 2012 — Another law takes affect that is crafted in 2011 by Governor Jerry Brown creating new remedies for workers when their employers break the law during union organizing or election campaigns.

October 12, 2012 — The UFW sends another request for negotiations to Gerawan.

January 17 - July 29, 2013 — Despite numerous negotiating sessions, Gerawan refuses to agree to a collective bargaining agreement with the union .

March 29, 2013 — The UFW files for Mandatory Mediation under provisions of the 2002 binding mediation law.

May 17, 2013 — The first new complaint—tantamount to an indictment—is filed by the state of California (ALRB general counsel) against Gerawan because the company illegally proposes to exclude some of its farm workers from the protections of a union contract because they are supplied by farm labor contractors and because Gerawan is “insisting that the UFW agree to an unlawful contract proposal that contravenes the purposes of the [law],” according to the complaint. (ALRB case 2013-CE-10-VIS)

August 15, 2013 — A second complaint is filed by the state of California (ALRB general counsel), accusing Gerawan supervisors of illegally circulating petitions to decertify the UFW. California and national labor laws make it patently illegal for an employer to have any involvement in a campaign by its workers to decertify the union. (ALRB case 2013-CE-27-VIS)

September 18, 2013 — The first illegal petition for a decertification election is filed at Gerawan, with the unlawful assistance of Gerawan crew bosses.

September 25, 2013 — The ALRB regional director dismisses the Gerawan decertification petition after a thorough investigation reveals widespread forgery, illegal company support for the decertification drive and because the petition does not contain enough worker signatures to qualify for an election.

September 28, 2013 — The neutral state mediator issues an official report to the three-member ALRB board (amounting to a union contract) that is appealed by Gerawan.

October 25, 2013 — The second complaint filed by the state of California (ALRB general counsel) against Gerawan is amended. It now accuses Gerawan of “instigating and encouraging the gathering of signatures for a decertification petition,” having supervisors circulate petitions and telling workers to sign them, “unlawfully interrogating workers about their union activities,” threatening employees with job loss if they support the UFW, and “surveiling” its workers. It also states that an attorney for some of Gerawan’s farm labor contractors—and therefore an agent of Gerawan—illegally represents the petitioner and other workers behind the decertification effort. (ALRB case 2013-CE-27-VIS)

October 25, 2013 — Despite having the authority to issue a final ruling, Governor Brown’s appointees to the three-member ALRB board promote further delay by sending the mediator’s decision back to him in order for him to revise six very minor issues that are quickly and easily resolved. No decertification petition would have been permitted once the ALRB board had implemented the union contract.

October 25, 2013 — The ALRB’s delay in implementing the mediator’s decision allows time for a second illegal Gerawan decertification petition to be filed, the first one having been dismissed the previous month.

October 30, 2013 — A third complaint is filed by the state of California (ALRB general counsel) against Gerawan, accusing the company of “failing to bargain in good faith with its employees’ union,” “impeding its employees ability to communicate with their union” and “failing to provide relevant and accurate employee information” to the UFW so it can communicate with union members. Gerawan has “intimidat[ed] [its employees] in the exercise of their right to participate in negotiations,” the complaint states. Gerawan has also taken credit for a “significant” pay hike for its workers without mentioning the UFW

or that the raise was “negotiated with the union,” according to the complaint. (ALRB cases 2012-CE-41; 2012-CE-47; 2013-CE-07; 2013-CE-09; 2013-CE-25)

October 31, 2013 — The ALRB regional director dismisses the second decertification petition at Gerawan, citing the outstanding three complaints issued against the company over repeated multiple violations of the law in the last five months. The regional director states that it is “impossible” to conduct a free and fair election given Gerawan’s lawbreaking.

November 1, 2013 — In an unprecedented action, the governor’s three appointees on the ALRB board ignore California law and quickly vacate the regional director’s dismissal of the second decertification election and order the election held anyway despite numerous blatant violations of the law by Gerawan and Gerawan crew boss involvement in the request for the election. The ballots are impounded and not counted so that the Board can investigate the extent of Gerawan’s violations of the ALRA.

November 19, 2013 — The Gerawan workers’ long-awaited union contract is finalized by the ALRB, but the company refuses to implement it in violation of the law.

December 23, 2013 — The UFW files unfair labor practice charges with the ALRB over Gerawan’s failure to recall a number of worker leaders, including members of the union negotiating committee, in retaliation for their support of the UFW and for engaging in union activities protected by California law.

April 4, 2014 — 4th Complaint filed by State of California against Gerawan Farming (2014-CE-003) for Bad Faith Bargaining and Unlawful Restraint and Interference by illegally refusing to implement the legally binding contract ordered by the neutral mediator and approved by the ALRB.

April 9, 2014 — ALRB General Counsel takes Gerawan to court for violating the law and refusing to implement the collective bargaining agreement ordered by the State of California.

Prepared by the United Farm Workers of America, April 2014.