



OFFICE OF THE CITY ATTORNEY  
Long Beach, California

C-3

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April 21, 2015

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

RECOMMENDATION:

Adopt Resolution of the City Council of the City of Long Beach in Support of the Farm Workers at Gerawan Farming and the Right to Unionize.

DISCUSSION

Pursuant to your request of March 24, 2015, this office has prepared and submits the above-described resolution for your consideration.

SUGGESTED ACTION:

Approve recommendation.

Very truly yours,

CHARLES PARKIN, City Attorney

JCP:abc A15-00650  
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RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF LONG BEACH IN SUPPORT OF THE FARM  
WORKERS AT GERAWAN FARMING AND THE RIGHT TO  
UNIONIZE

WHEREAS, Gerawan Farming markets fruit under its Prima brand  
employing farm workers in the San Joaquin Valley; and

WHEREAS, the City Council supports efforts to provide the farmworkers  
with the very best working conditions, benefits, the highest wages, and the options to  
make their own informed decisions concerning their workplace; and

WHEREAS, all farmworkers deserve the same rights as workers in other  
industries to vote on whether or not to be represented by a union, to vote on whether or  
not to ratify a contract; and

WHEREAS, the City Council of the City of Long Beach recognizes and  
appreciates the hard work of farm labor that puts food on the Nation's tables.

NOW, THEREFORE, the City Council of the City of Long Beach resolves as  
follows:

Section 1. The Long Beach City Council strongly supports efforts to  
provide the farmworkers with the very best working conditions, benefits, the highest  
wages, and the options to make their own informed decisions concerning their workplace.  
Further, the Long Beach City Council recognizes and appreciates the hard work of the  
dedicated farm workers and supports their rights for union representation.

Section 2. This resolution shall take effect immediately upon its adoption  
by the City Council, and the City Clerk shall certify the vote adopting this resolution.

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OFFICE OF THE CITY ATTORNEY  
CHARLES PARKIN, City Attorney  
333 West Ocean Boulevard, 11th Floor  
Long Beach, CA 90802-4664

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I hereby certify that the foregoing resolution was adopted by the City Council of the City of Long Beach at its meeting of \_\_\_\_\_, 2015, by the following vote:

Ayes: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

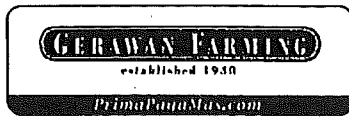
Noes: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

Absent: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
City Clerk



Gerawan Farming, Inc.  
7108 N. Fresno St., Suite 450  
Fresno, CA 93720

[www.gerawan.com](http://www.gerawan.com)  
email: [djg@gerawan.com](mailto:djg@gerawan.com)

March 31, 2015

Long Beach City Council  
City of Long Beach

*RE: Resolution to Support Gerawan Farmworkers' Right to Choose*

To the members of the Long Beach City Council:

The majority of Gerawan employees petitioned for an election to decertify the UFW, and thousands of our employees have gone on strike to protest UFW's attempts to force a government-created "contract" on them against their will. (Among other things, the so-called contract would prohibit the employees from continuing to strike to protest UFW.)

**The United Farm Workers completely abandoned our employees for nearly twenty years. During that absence, UFW never once contacted us, never filed unfair labor practice charges, never made inquiries on behalf of our employees, never filed a grievance, did not take access to our fields to visit the employees, made no attempt to negotiate a contract, and never proposed economic terms for a collective bargaining agreement.** Given those facts, the outrageous statements made by some at your council were offensive and false.

**Our employees have earned the industry's highest wages since long before the UFW's sudden return in late 2012.** So, shortly after UFW's return, our employees successfully petitioned for an election to decertify the UFW. The UFW has fought against our employees' efforts to choose, even though UFW has not stood for election in nearly a quarter century, and only a few of our current employees worked here back then.

The so-called contract UFW wants imposed is actually a government-written order that we and our employees are challenging in court. The UFW wants to force it on our employees against their will, even though the employees knew the terms and conditions of it when they voted in their November 2013 election. Most of the employees were never told by the UFW that it was seeking to impose a contract on them which would require them to pay three percent of their pre-tax earnings to the union, or to lose their jobs.

There is a serious question as to whether the UFW may legitimately claim to represent our employees, or to bind them to a so-called contract which the employees cannot ratify and were not allowed to be involved with when it was created. As the Superior Court held, "[n]early every aspect of their work lives could be dictated by the collective bargaining agreement: wages, hours, breaks, meal periods, grievances, supervision etc. [The

worker's] interest is not adequately represented by the UFW, which [the worker] does not affirm as his representative and which has done nothing for him in 20 years."

Supporters of the UFW resolution claim that we refuse to impose the state-issued union contract on our employees, but they did not mention that the Superior Court ruled that it would not be "just and proper" to implement such a so-called "Collective Bargaining Agreement" at this time.

*"Requiring Gerawan to implement the CBA is a blatant departure from the existing status quo of no operative CBA. In particular, the CBA would invoke a long-term bar to an employee election. Such an election, however, is, at this point, a clear objective of numerous Gerawan employees."*

Our company has been a vital part of the San Joaquin Valley agricultural community for close to 80 years. Our hourly base wage is \$11 per hour, and our average wages for grape harvesters and packers in 2014 were \$16.27 and \$19.61 per hour, respectively.

Ironically, our employees would earn less under the Ag Labor Board-imposed contract. Our year-round employees would end up paying more in union dues than what they would receive in wage increases and holiday benefits combined. Thus, while the employees would incur losses, the union would pocket millions.

I invite the Board's members to visit our operations, meet our employees, and see firsthand how we run our business. We not only provide the best overall compensation in the industry – as acknowledged by a state-appointed mediator – we also offer such benefits to eligible employees as retirement pay, bonus pay, vacation, and private school tuition for employees that desire it.

While the UFW is bent on imposing contracts on employees to collect dues, we remain committed to creating a work environment where our employees are highly valued and rewarded for their efforts.

We ask that this letter be added to the record so that our objections may be heard in a public hearing. Also, please see attached Fresno County Board of Supervisors resolution.

Sincerely,



Dan Gerawan  
Co-Owner, Gerawan Farming, Inc.

Enc.

**BEFORE THE BOARD OF SUPERVISORS**  
**COUNTY OF FRESNO**  
**STATE OF CALIFORNIA**

RESOLUTION NO 13-450

IN THE MATTER OF VALLEY FARMWORKERS)  
LET YOUR VOICE BE COUNTED )

**WHEREAS**, Fresno County is the Number One Agricultural Producing County in the Nation with an agriculture production totaling more than \$6 billion in 2011; and

**WHEREAS**, Fresno County employs a workforce of tens of thousands of farmworkers whose hard work puts food on the Nation's tables; and

**WHEREAS**, Fresno County remains committed in their united efforts to provide the Valley's farmworkers with the very best working conditions, benefits, the highest wages, and the options to make their own informed decisions concerning their workplace; and

**WHEREAS**, all the workers in Fresno County deserve the same rights as workers in other industries to vote on whether or not to be represented by a union, to vote on whether or not to ratify a contract, and to vote on whether or not to decertify a union that has had no contact with them for nearly two decades; and

**WHEREAS**, as a result of their tenacity, the valley's farmworkers submitted a petition signed by some 3000 Gerawan farmworkers, and subsequently were allowed their basic civil rights to cast their votes and, on November 5, 2013, held one of the largest decertification elections in the history of Fresno County, and we urge those votes be tabulated as a continuation of this civic process, rather than be allowed to languish uncouneted.

**NOW THEREFORE, BE IT RESOLVED** that the Fresno County Board of Supervisors hereby recognizes December 3, 2013, as "Valley Farmworkers Let Your Votes Be Counted Day" in the County of Fresno.

Adopted by the Fresno County Board of Supervisors this 3rd day of December, 2013, by the following vote, to wit:

AYES:	Supervisors Perea, Larson, Borgeas, Case McNairy, Poochigian
NOES:	None
Absent:	None

  
 CHAIRMAN, BOARD OF SUPERVISORS

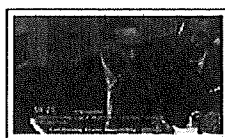
ATTEST:  
 BERNICE E. SEIDEL, Clerk  
 Board of Supervisors

By   
 Deputy

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From Arthur & Clement

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## Gerawan Employees Want Votes Counted

from Gerawan PRO 2 hours ago (NOT YET RATED)

The majority of Gerawan employees petitioned for an election to decertify the UFW. Thousands of Gerawan employees have gone on strike to protest UFW's attempts to force a government-created "contract" on them against their will. (Among other things, the so-called contract would prohibit the employees from continuing to strike to protest UFW.) The Gerawan employees have earned the industry's highest wages since long before the UFW's sudden return in late 2012.

The United Farm Workers completely abandoned the employees for nearly twenty years. During that absence, UFW never once contacted Gerawan, never filed unfair labor practice charges, never made inquiries on behalf of the employees, never filed a grievance, did not take access to the fields to visit the employees, made no attempt to negotiate a contract, and never proposed economic terms for a collective bargaining agreement. Meanwhile, the UFW lost 90% its membership and ended up with \$1 million

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