



City of Long Beach
Working Together to Serve

Memorandum
Councilmember Roberto Uranga
Seventh District

Date: March 24, 2015

To: Mayor and Members of the City Council

From: Councilmember Roberto Uranga, Seventh District **R**
Vice Mayor Suja Lowenthal, Second District **SL**
Councilmember Rex Richardson, Ninth District **RR**

Subject: Resolution in Support of Farm Workers at Gerawan Farming

RECOMMENDATION:

Request the City Attorney to draft a resolution in support of the farm workers at Gerawan Farming, and right to unionize with the United Farm Workers.

BACKGROUND:

Gerawan Farming, which markets its fruits under the Prima brand, is a multi-million dollar company employing over 5,000 farm workers in the San Joaquin Valley. They have major accounts with school districts across the State and sell to retail locations, including Target and Walmart.

United Farm Workers (UFW), with the participation of a 25 member negotiating committee obtained a legally binding union contract in 1990 through the Mandatory Mediation Process of the State of California calling for improved wages, benefits and additional rights that Gerawan has refused to implement. The farm workers employed by Gerawan Farming have been attempting to unionize since 1992 in the last major organizing drive under the leadership of Cesar Chavez. This resolution is in support of their continued quest for union representation.

FISCAL IMPACT: There is no fiscal impact.

ATTACHMENT A- PROPOSED RESOLUTION LANGUAGE

WHEREAS, egregious violations of California labor laws by Gerawan Farming, one of the nation's largest grape and tree fruit producers with 5,000 employees that sells through its Prima label, symbolizes the agricultural industry's defiance of the farm workers' rights to organize and negotiate union contracts despite California's 1975 Agricultural Labor Relations Act guaranteeing those rights; and

WHEREAS, Gerawan farm workers voted for the United Farm Workers of America in a state-conducted secret-ballot election in 1990, in the last major organizing drive under Cesar Chavez's leadership, the Gerawans thwarted major worker efforts to negotiate a union contract since that time; and

WHEREAS, in 2013, Gerawan workers invoked a California law allowing neutral state-appointed mediators to decide union contracts when employers refuse to sign them, and in late 2013, the state Agricultural Labor Relations Board (ALRB) ordered that the three-year contract was to take immediate effect; and

WHEREAS, workers requested the state mediator, the ALRB general counsel has filed four complaints— tantamount to indictments—accusing the Gerawans of "illegally excluding some of its farm workers from the benefits of a [union contract]"; illegally "instigating and encouraging the gathering of signatures" on petitions to decertify the UFW; "unlawfully interrogating workers about their union activities" and "surveiling" workers; "failing to bargain in good faith with its employees' union"; "intimidating [employees] in the exercise of their right to participate in negotiations"; and failing to implement the state-issued union contract; and

WHEREAS, under contract terms set by the state mediator, not the UFW, between July of 2013 and July of 2014, most Gerawan workers would have earned approximately \$1,480 in additional money each, based on a 54-hour workweek, plus additional pay increases and benefits scheduled to take effect over the duration of the agreement; and

WHEREAS, the Gerawans' refusal to implement the union contract means its roughly 5,000 employees have not been paid many millions of dollars they are owed by the Gerawans from July 2013 to July 2014, and many millions of dollars more over the contract's duration; and

WHEREAS, the Gerawans' first attempt to decertify the UFW in September 2013 was dismissed by the ALRB regional director after a careful investigation exposed "a large number of forged signatures" and "significant unlawful assistance by the employer in the circulation of the petition," and a second petition was dismissed by the regional director who cited the outstanding recent complaints against the Gerawans for serious and repeated violations of the law so that "a free and uncoerced" election is "impossible".

NOW, THEREFORE BE IT RESOLVED, that the Long Beach City Council calls upon Gerawan to meets basic standards of conduct, including refraining from violating state or federal laws such as labor relations laws, anti-discrimination laws, and minimum wage and hour laws, and to immediately implement the union contract issued by the neutral mediator and the state of California.



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REQUEST TO ADD AGENDA ITEM

Date: March 24, 2015
To: Larry Herrera-Cabrera, City Clerk
From: Councilmember Roberto Uranga, Seventh District
Subject: Request to Add Agenda Item to Council Agenda of March 24, 2015

Pursuant to Municipal Code Section 2.03.070 [B], the City Councilmembers signing below request that the attached agenda item (due in the City Clerk Department by Friday, 12:00 Noon) be placed on the City Council agenda under New Business via the supplemental agenda.

The agenda title/recommendation for this item reads as follows:

Recommendation to request the City Attorney to draft a resolution in support of the farm workers at Gerawan Farming, and right to unionize with the United Farm Workers.

Council District	Authorizing Councilmember	Signed by
7	Roberto Uranga	
9	Rex Richardson	
2	Rigo Fontana	