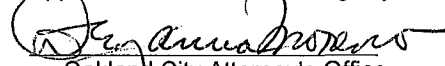


FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2015 APR 10 AM 3:10

Approved as to Form and Legality

  
Oakland City Attorney's Office

## OAKLAND CITY COUNCIL

Resolution No. \_\_\_\_\_ C.M.S.

INTRODUCED BY COUNCILMEMBER GUILLEN

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### RESOLUTION CALLING UPON GERAWAN FARMING TO MEET BASIC STANDARDS OF FAIR CONDUCT AND IMMEDIATELY IMPLEMENT THE UNION CONTRACT ISSUED BY THE NEUTRAL MEDIATOR AND THE STATE OF CALIFORNIA

**Whereas**, Gerawan Farming, one of the nation's largest grape and tree fruit producers with 5,000 employees that sells through its Prima label, has engaged in persistent and egregious anti-labor conduct that exemplifies the agricultural industry's defiance of farm workers' rights to organize and negotiate union contracts; and

**Whereas**, since Gerawan farm workers voted for the United Farm Workers of America ("UFW") in a state-conducted secret-ballot election in 1990, in the last major organizing drive under Cesar Chavez's leadership, the Gerawans have thwarted repeated worker efforts to negotiate a union contract; 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 ordered that the three-year union contract be immediately implemented; and

**Whereas**, since workers requested the state mediator, the ALRB general counsel or chief prosecutor has filed five complaints 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 work week, 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 unco-erced" election is "impossible"; now therefore be it

**Resolved:** That the City Council of Oakland calls upon the Gerawans to meet basic standards of fair conduct, including refraining from hindering workers' efforts to organize, bargaining in bad faith, and intimidating employees in their attempts to exercise employee rights, and to immediately implement the union contract issued by the neutral mediator and the state of California; and be it

**Further Resolved:** That the City Council of Oakland forward copies of this resolution to Gerawan Farming, the Governor of California and the members of the state Agricultural Labor Relations Board.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES -        BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB,  
                  KAPLAN, REID AND PRESIDENT GIBSON MCELHANEY

NOES –  
ABSENT –  
ABSTENTION –

ATTEST:

\_\_\_\_\_  
LATONDA SIMMONS  
City Clerk and Clerk of the Council of  
the City of Oakland, California