

Gerawan-UFW Chronology
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May 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.

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; Gerawan is later ordered to pay all the laid-off workers lost wages with interest.

A run-off election is held between the two top vote getters (Gerawan and the UFW), but some ballots are challenged. The ALRB makes a decision on which of the challenged ballots should be counted, resulting in UFW election victory.

July 8, 1992 - After rejecting lengthy legal challenges to the election results by Gerawan, ALRB certifies the UFW as the Gerawan employees' union representative.

July 21, 1992 - Cesar Chavez sends a letter to Gerawan requesting negotiations. A month later Gerawan agrees to negotiate, but then never makes a legal contract proposal.

November 1992— Gerawan reverses its position and files a petition with the NLRB asking to determine that Gerawan's packinghouse workers ineligible to be represented by the UFW under California's farm labor law. NLRB 1993 decision agrees with Gerawan.

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

November 22, 1994— UFW Central Valley Regional Manager Tanis Ybarra submits the comprehensive bargaining proposal, based on work with elected union negotiating committee and other Gerawan workers, to Gerawan and proposes ground rules for the negotiations. 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—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.

January 1, 2003 - 2002 UFW-sponsored Mandatory Mediation law goes into effect; it 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 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.

January 1, 2012 — Another law, SB 126, 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].”

August 15, 2013— A second complaint is filed by ALRB general counsel accusing Gerawan supervisors of illegally circulating petitions to decertify the UFW. Later, this complaint is amended to accuse 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.

September 18, 2013— The first illegal petition for a decertification election is filed at Gerawan, with the unlawful assistance of Gerawan crew bosses. 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 ALRB board (amounting to a union contract) that is appealed by Gerawan.**

October 25, 2013—Gov Brown’s appointees to the ALRB board promote further delay by sending the mediator’s decision back to him to revise six very minor issues. No decertification petition would have been permitted once the ALRB board had implemented the union contract.

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

October 30, 2013— A third complaint is filed by the 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 also taken credit for a “significant” pay hike for its workers without mentioning the UFW or that the raise was “negotiated with the union.”

October 31, 2013— The ALRB regional director dismisses the second decertification petition at Gerawan. 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 dismissal of the second decertification election and order the election held anyway. 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 in retaliation for supporting the UFW.

April 4, 2014 — 4th Complaint filed by State of CA against Gerawan Farming 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.

August 12, 2014 — Anti-Union and far right Republican group, Center for Worker Freedom, launches a billboard campaign against UFW along Highway 99 near Delano.

FOLLOWING UPDATE PREPARED BY NFWM

September 29, 2014 – ALRB Administrative Law Judge Mark R. Soble began hearings of sworn testimony on sweeping indictments from state prosecutors charging Gerawan Farming with multiple, serious and repeated violations of the law aimed at preventing the UFW from ever representing its employees under a union contract and at decertifying the UFW; hearings conclude after 104 days of testimony by 130 witnesses.

May 14, 2015 – Following Gerawan sponsored lawsuit, three Republican-appointed judges of the 5th District Court of Appeal in Fresno throw out the state’s landmark Mandatory Mediation law. (The 3rd District Court of Appeals in Sacramento upheld the same law in 2006, and the state Supreme Court rejected a request from growers to overturn that ruling.)

August 2015 - CA Supreme Court unanimously votes to hear the UFW's and ALRB's appeals of the 5th District decision.

September 18, 2015 – ALRB Administrative Law Judge Soble issues a 192-page decision concluding that “the unlawful actions” of a major statewide grower association, Gerawan Farming and decertification petitioner Silvia Lopez “created an environment which would have made it impossible for true employee choice when it [came] time to vote” on whether to get rid of the United Farm Workers. The judge sets aside the Nov. 5, 2013 Gerawan decertification election and dismissed the decertification petition.

National Farm Worker Ministry – Chronology of Support since 2011

2011 Multiple activities in support of CA SB 104, the Fair Treatment for Farm Workers, which would have allowed workers to organize by using the option of a majority sign-up method of voting to counter growers unlawfully interfering with organizing campaigns through intimidation.

- NFWM ED Virginia Nesmith sends letter to Gov. Jerry Brown calling on him to sign SB 104; followed by calls to him from Californians, organized by NFWM Board members Suzanne Darweesh and John Freeseemann.
- Lucy Boutte, NFWM California Organizer, organized extensively for church support for the farm workers advocating for the bill in Sacramento, including: recruiting church bell ringing in several CA cities to show solidarity with farm workers when SB104 was presented to the Governor; organizing a series of prayer vigils, “farm worker in the pulpit/masses” in Sacramento during the 12 day campaign; recruiting volunteers who provided meals for 200 workers, leading legislative visits and arranging meetings with the UFW and religious leaders.
- In June, Gov Brown vetoes SB 104. In August, UFW begins a 197-mile march up the Central Valley to Sacramento in protest of the veto. NFWM provided support for the marchers. Midway through the march, Gov. Brown announced his own proposal, SB126, which gave farm workers greater protections in organizing disputes with growers, including ALRB certifying a union when it determines that grower misconduct affected an election's outcome.

2013

- Lucy Boutte, NFWM California Organizer, worked with the UFW in the Fresno area, via Catholic parishes predominantly, to educate and engage workers for Gerawan UFW campaign.
- September: circulated UFW petition to Gerawan calling for implementation of contract.

2014

- January - NFWM board semi-annual meeting at La Paz, group met with Gerawan workers and Armando Elenas (UFW VP) to learn about situation at Gerawan; workers shared their struggles.
- June - NFWM sends letter to Dan Gerawan signed by 21 Board representatives calling for Gerawan to “immediately implement the Gerawan workers’ union contract lawfully issued by the neutral state mediator and approved by the state farm labor board.”; National Council of Churches (NCC) sends letter at request of former ED, Virginia Nesmith; June - Joint NFWM & NCC press release re the letters to Gerawan.
- June - Carolyn Jaramillo organized a Loretto call-in day to Gerawan headquarters. Loretto called to speak with CEO Dan Gerawan every hour on the hour for 10 straight hours.
- Sent out several eblast action alerts throughout the spring and summer, including one on July 1, ... “As religious leaders across the country join together to tell Dan Gerawan, owner of Gerawan Farming, Inc., to follow the law...”, which seemed to prompt Gerawan calls to NFWM.
- July – NFWM ED Lindsay Comstock receives several irate calls from Dan Gerawan. She wrote a blog about it. <http://nfwm.org/2014/07/3-m-call-dan-gerawan/>
- October - Assisted UFW with turn-out for LA City Council “resolution to tell Gerawan Farming to obey the law and implement a contract with its workers.” Thanks to Suzanne Darweesh!

Spring 2015

- As City Council campaign continued, created flyers & assisted with turn-out. Large demonstration in March at San Francisco City Hall. Bro Mark Schroeder (former NFWM president) spoke and brought other Franciscan Brothers. Carolyn Jaramillo (board member) brought several people and our long-time supporter Kathie Franger. Also in May in Washington, D.C City Council action and vote.

Present: While we wait on the ruling from the CA Supreme Court re the Mandatory Mediation Law, NFWM met in Fresno to impress on Gerawan Farming that we are paying attention and remain steadfast in our call to the company to implement the workers’ contract.