

ONTARGET

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CFFA PRESIDENT & DIRECTOR OF TRADE MEET WITH CHINESE CONSULATE GENERAL



On September 14th CFFA President Ian LeMay and Director of Trade Caroline Stringer met with the Consulate General of the Peoples Republic of China in Bakersfield. They discussed the ongoing trade issues between the United States and China and the need to find solutions that work for both countries.

CFFA would like to thank **Munger Brothers** for hosting this meeting.

For additional information, please contact Director of Trade, Caroline Stringer (cstringer@cafreshfruit.com).

CFFA PARTNERS IN ALLIANCE FOR FOOD AND FARMING PRODUCE TOUR



The Alliance for Food and Farming (AFF) held its fifth annual Produce Farm Tour September 12th to September 15th in the San Joaquin Valley. During the tour, participants got to visit citrus, peach, plum, nectarine and table grapes production and packing facilities.

AFF's goal is to provide nutrition communicators and social media influencers a firsthand look at how farmers

grow safe and nutritious foods.

CFFA was a sponsor of the Produce Farm Tour and would like to thank Association members **Family Tree Farms, HMC Farms, and Jasmine Vineyards** for hosting the group at their facilities.



For more information, please contact Ian LeMay (ilemay@cafreshfruit.com).

AG LEADERSHIP ALUMNI REUNION SET FOR OCTOBER 7TH



The California Ag Leadership Program is hosting an Alumni Conference and Celebration Dinner on October 7th and October 8th at the DoubleTree Fresno Convention Center.

All program alumni are invited to connect for a learning and networking event to celebrate 52 years of the California Ag Leadership Program.

Sponsorship opportunities are available. For additional information or to register, please visit (<https://www.agleaders-events.org/alumni-conference>).

NLRB PROPOSES SIGNIFICANT CHANGE TO JOINT-EMPLOYER STATUS RULE

On September 6th, the National Labor Relations Board (Board) released a "notice of proposed rulemaking" proposing to redefine and increase findings of joint-employer status for linked-employer entities. This rule is set to rescind and replace the more employer-friendly 2020 final rule and greatly expands the scope and factors the Board will consider when determining joint-employer status within the meaning of the National Labor Relations Act (Act). The proposed rule reestablishes the pre-2020 standard for joint-employer status where any control, either direct or indirect and either exercised or reserved, may make an entity a joint-employer.

When determining joint-employer status, the earlier Trump-era 2020 rule, titled "Joint Employer Status Under the National Labor Relations Act" requires "substantial direct or immediate control" over "essential terms and conditions of [the] employer." Any indirect or reserved control is immaterial unless substantial control is first established. It also requires that any control must also have a "regular or continuous consequential effect" and not a "sporadic or an isolated effect." Lastly, this rule limited the Board's discretion by providing an exhaustive list of essential terms and conditions of employment that included "wages, benefits, hours of work, hiring, discharge, discipline, supervision, and direction."

The new proposed rule relaxes the requirements significantly and would deem linked entities as joint employers even if an entity's control is only "reserved" or "indirect," as long as the entities "share or co-determine" essential job terms. The rule defines share or co-determine to mean "possess the authority to control (whether directly, indirectly, or both) or to exercise (directly, indirectly, or both) one or more of the employees' essential terms and conditions of employment." The rule

adds the following to the list of essential terms and conditions of employment: control over workplace health and safety, assignments, work rules and directions governing the manner, means or methods of work performance. According to the proposed rule, this list is non-exhaustive, which means the Board may exercise arbitrary discretion in determining joint-employer status.

The Board will accept comments on the proposed rule until November 7, 2022. The Board will then accept replies to its comments until November 21, 2022, until it makes its final rule.

What This Means for Employers:

Although, this proposed rule is subject to potential revisions before it becomes effective, this is a significant move by the Board as joint-employer status can have profound consequences for employers, including that joint-employers may be required to bargain with a union which represents jointly employed workers or may be subject to joint and several liability for unfair labor practices committed by the other employer.

The goal of this article is to provide employers with current labor and employment law information. The contents should neither be interpreted as, nor construed as legal advice or opinion. The reader should consult with Barsamian & Moody at (559) 248-2360 for individual responses to questions or concerns regarding any given situation.

MEET AND GREET WITH CALIFORNIA ASSEMBLY CANDIDATE JASMEET BAINS ON SEPTEMBER 21ST



Join CFFA and FruitPAC for lunch with State Assembly candidate Dr. Jasmeet Bains at the American Slavonic Social Hall in Delano on Wednesday, September 21st at 12 p.m. Dr. Bains is running for the open Assembly District 35 seat in Kern County.

For additional information or if you are unable to attend but would like to contribute to Dr. Bains' campaign, please contact Director of Government

and Public Policy Adam Borchard (aborchard@cafreshfruit.com).

PICKTRACE SEEKING RESEARCH INFORMATION

CFFA member PickTrace has been conducting labor management research for growers to find solutions to ease labor concerns for table grape, berry, citrus and tree fruit commodities.

PickTrace product researcher Cody Bishop and founder, Harrison Steed are looking to meet with Association members in person or virtually to learn about how their businesses make their data driven decisions. They are looking to conduct this research September 7th through October 5th.

At the end of their research period, PickTrace will host a gathering to present their findings to growers. Understanding how the fresh fruit industry uses data to make decisions could significantly help establish best practices for Association members.

If you are interested to have them onsite or meet virtually, please reach out to cody.bishop@picktrace.com.



LIMITED TICKETS REMAIN FOR CFFA'S HARVEST EVENT

California Fresh Fruit Association PAC would like to invite you to join us for our 43rd Annual Harvest Event, taking place from 6-9 p.m. on Friday, October 21st at the Vintage Press Restaurant (216 N. Willis, Visalia).

Less than 44 numbers remain! Be sure to register for the event to get the chance to win one of many great prizes, including the \$5,000 grand prize!

Ticket cost is \$300 and includes dinner for two and one Reverse Drawing number. Ticket cost for one Reverse Drawing number is \$200. All proceeds benefit the Association's political action committee, FruitPAC.

You may also register, sponsor, & pay for the harvest event online! Simply use the following link (<http://events.constantcontact.com/register/event?llr=tcp4z4dab&oei=dk=a07ej8wfmag3e5e1af8>) to reserve your ticket number & pay with a credit card via PayPal (you do NOT need to have a PayPal account in order to use this option).

Sponsorship Opportunities: Our Associate Members may also use our online registration to become event sponsors! The cost of a Silver Sponsorship is \$1,000 and includes two dinners & one number. The cost of a Gold Sponsorship is \$1,500 and includes four dinners & two numbers.

Both Sponsorship levels will also receive promotional consideration before, during, & after the event, in the form of recognition in OnTarget, our Harvest Event program, Annual Report & more! We hope that you will support this very important event.

For more information, please contact Adam Borchard (aborchard@cafreshfruit.com) or Allyson Calderon (acalderon@cafreshfruit.com).

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