



OnTarget

VOL. 39 – NO. 4

FEBRUARY 19, 2021

7647 N. FRESNO STREET | SUITE 103 | FRESNO, CA 93720 | PHONE 559.226.6330 | FAX 559.222.8326 | www.CAFreshFruit.com



CFFA APPLAUDS THE LAUNCH OF OPTUMSERVE SITE FOR COVID-19 VACCINATIONS

CFFA was pleased with the announcement from Governor Gavin Newsom on February 10th regarding the launch of the OptumServe site at Reedley College to provide COVID-19 vaccinations to citizens in the Central Valley. This news is welcomed relief for rural communities and essential workers in the food and agriculture sector, as the San Joaquin Valley region has dealt with a shortage of vaccine availability for these valuable employees.

President Ian LeMay stated, “California agriculture has been an “essential” business throughout the entire COVID-19 pandemic, continuing to supply the nation and world with a safe and healthy food supply. Despite challenges constantly being thrown at it, the agriculture industry continues to adapt to meet this moment. The increase of COVID-19 vaccinations at the OptumServe site at Reedley College is a good step forward for members of our industry and rural communities. The road to get beyond COVID-19 has been long for us all, announcements like this are welcomed and give us a glimpse of hope for our future.”

The OptumServe site will begin distributing COVID-19 vaccines today. For more information, please visit <https://www.reedleycollege.edu/news/2021/covid-vaccination-site-information.html>.

50TH ANNUAL GOLF TOURNAMENT JUST TWO WEEKS AWAY!



The California Fresh Fruit Association is set to hold its 50th Annual Golf Tournament on Friday, March 5th.

Join friends and industry colleagues at the Kings River Golf & Country Club in Kingsburg, where the day will

begin with breakfast burritos and salsa, served outside from 8:15-10:15 a.m. At 10:30 a.m., four-person teams, chosen by blind draw, will tee off with a Shotgun Start, in a one best netball, four-man shamble format.

Participants will receive an individual tournament gift and will have the opportunity to win team, "Closest-to-Hole" prizes, Hole-in-One Vehicle, and cash prizes.

You can register for the tournament online by clicking <http://events.constantcontact.com/register/event?llr=tcpx4zdab&oeidk=a07eheqlcl956115c81>.

If you'd prefer to print out a registration or sponsorship form and send it into the CFFA Office, the registration form can be found here: <https://files.constantcontact.com/35cbbf3f001/bd506488-4adf-4023-af43-e480fa76111a.pdf> and the sponsorship form can be found here <https://files.constantcontact.com/35cbbf3f001/dc368c70-d222-42b6-aebc-dc04e05109b8.pdf>.

Due to COVID-19 there is a wavier form that must be filed out and sent to our office. Please visit: <https://files.constantcontact.com/35cbbf3f001/7eeb0ec3-d502-4fce-b41f-c72fc7c81d53.pdf>

We hope you'll plan to join us!

TRACTOR SAFETY TRAINING SET FOR MARCH 25TH

CFFA has partnered with Zenith to present a virtual tractor safety training in English and Spanish on Thursday March 25th. The webinar is meant for tractor operators, safety coordinators, managers and owners to provide information for operation safety and compliance.

The Spanish session will be held from 8:30 to 10 a.m. and the English session will be held from 1:30 to 3 p.m. For more information and to register, please see attached flyer.

For any questions, please contact Jessica Neal at (559) 449-4836 or jneal@thezenith.com.

JOIN THE ALLIANCE FOR FOOD AND FARMING TODAY



The Alliance for Food and Farming (AFF) is a non-profit organization that was formed in 1989 which a mission to deliver credible information to consumers about the safety of all fruits and vegetables.

AFF has developed the “Safe Fruits and Veggies” campaign focused on diminishing the impact campaigns such as the Environmental Working Group’s “Dirty Dozen” list. Additionally, AFF helps keep members informed with daily media monitoring with a wide range of relevant articles and coverage that can impact their business or organization.

CFFA is a proud partner of AFF. President Ian LeMay currently serves at the Vice-Chair of the Board of Directors and Director of Member Services & Communications Courtney Razor serves on the Communications Committee. For more information on the Alliance for Food and Farming, please visit <https://foodandfarming.info/wp-content/uploads/2021/02/AFF-Supports-Flyer-11-18-b.pdf>.

2021/2022 MEMBERSHIP UPDATES



In mid-December, Association members received an email notice from CFFA staff, requesting any updates or changes to your company for the 2021/22 Membership Roster.

If you have any, please make sure to return them to CFFA by Friday, February 12th. If you have no changes, please let us know via email/phone, so that we can take your company off our reminders list.

If you are the primary contact and did not receive a request via e-mail or post, please contact Allyson Calderon (acalderon@cafreshfruit.com) to request a copy of your company's change form.

COURT FINDS OWNERS LIABLE FOR WAGE & HOUR JUDGEMENT

In the case of *Koa v. Joy Holiday* (2020) 58 Cal. App. 5th 1999, the employee was working as a non-exempt "office manager" earning a salary of \$2,500 per month. The company and employee agreed that he would work a minimum of 20 hours per week. In reality, Mr. Kao worked approximately 50 hours per week and was not compensated for any overtime that he worked.

When a non-exempt employee is paid a salary, the employee is still entitled to overtime wages for all overtime hours worked. In this case, the employee worked under a Wage Order that mandates overtime is earned after eight (8) hours of work in a workday and after forty (40) hours in a workweek. Here, the employee worked approximately 10 hours of overtime each workweek without any overtime compensation. Additionally, Mr. Kao was not placed on the company's payroll and never received itemized check stubs. The court determined that the employee was underpaid by over \$100,000 during the two years he worked for the company. The employee was awarded an additional \$381,000 in interest, attorneys' fees and costs. Finally, the court held that the employer, a corporation, was jointly and severally liable with the principal owners under the alter ego doctrine of liability. The owners appealed.

One of the main reasons company owners incorporate a business is for protection against personal liability. This protection is limited, however, when the shareholders fail to treat the corporation as a separate entity. In this case, the court considered the following factors to determine whether the individuals were alter egos of the corporation: commingling of funds and other assets; the treatment by an individual of the assets of the corporation as his own; the failure to maintain adequate corporate records; sole ownership of all of the stock in a corporation by the members of a single family; the use of a corporation as a mere shell, instrumentality or conduit for a single venture or the business of an individual; the concealment of personal business activities; the use of the corporate entity to procure labor, services or merchandise for another person or entity; and the use of a corporation as a subterfuge of illegal transactions.

The individual defendants' activities involved a number of these factors, which created a "unity of interest." Specifically, they used corporate assets to pay their personal residential rent and used personal funds to pay the employee's salary. This behavior was sufficient to find that there was evidence of the failure to treat the corporation as a separate entity, thus, there was no separation between the company and the shareholders of the company. The court affirmed the ruling and ordered the defendants to pay the judgment.

What This Means for Employers:

When a corporation is used by the shareholders to violate the employment rights of its workers, a court might ignore the legal entity structure to allow a plaintiff to reach the personal assets of the individual shareholders. In order to avoid personal liability for a judgment against the corporate entity, owners must be careful to avoid making mistakes such as commingling personal funds with business funds, only permitting family members to be shareholders, and allowing the shareholders to treat the corporation's assets as their own. Contact **Barsamian & Moody** for assistance in avoiding personal liability in wage and hour cases.

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.

APPLICATIONS AVAILABLE FOR AG LEADERSHIP CLASS 51



Applications are now being accepted for Class 51 of the California Agricultural Leadership Program (CALP). Applicants should be mid-career growers,

farmers, ranchers, agricultural professionals and/or individuals working in allied businesses and organizations who are emerging leaders in agriculture. Phase one of the two-part application process is due no later than April 26, 2021.

The Ag Leadership Program, operated by the California Agricultural Leadership Foundation is considered to be one of the premier leadership development experiences in the United States. More than 1,300 men and women have participated in the program and are influential leaders and active volunteers in agriculture, communities, government, business, and other areas.

Detailed program information and the phase one application are available online at <https://www.agleaders.org/programs/california-agricultural-leadership-program/calp-apply/>.

FRESNO STATE & TEXAS A&M AG SKILLS SURVEY

Fresno State has partnered with staff and faculty from Texas A&M and is excited to announce the development of a new program called the Agricultural Career Readiness Skills for the 21st Century (ACRS21) Certificate Pathway. The program is designed to assist students in developing soft skills and career readiness practices to become better prepared for careers in the agricultural industry after college.

The pathway development team has created a transferable certificate pathway for students, starting in high school, continuing through community college and university levels. The certificate program will allow students to document experiential learning activities, such as job shadowing, team participation, and leadership development.

The leadership team is asking for industry feedback through a short skills survey to identify which technical and/or soft skills are currently needed or desired in your agricultural operation.

To complete the survey, please visit (https://fresnostate.co1.qualtrics.com/jfe/form/SV_6S95UoMvj40I1Y9)



CFFA BOARD OF DIRECTORS MEETING SET FOR MARCH 16TH

The California Fresh Fruit Association's Board of Directors meeting is scheduled for Tuesday, March 16th. The meeting will begin at 9 a.m. and will be held in Fresno. Inquiries & RSVPs regarding the upcoming meeting should be directed to Courtney Razor at crazor@cafreshfruit.com.