



OnTarget

VOL. 39 – NO. 13

JUNE 25, 2021

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



U.S. SUPREME COURT DECLARES ACCESS TO FARMS BY UNION ORGANIZERS UNCONSTITUTIONAL



The California Fresh Fruit Association is pleased with the U.S. Supreme Court's decision in *Cedar Point Nursery v. Hassid*. On June 23rd, the Court held that under California's Agricultural Labor Relations Act (ALRA), access by union organizers to come onto the private property of farmers and landowners to promote the union violates the Fifth Amendment of the U.S. Constitution.

According to Chief Justice John Roberts, who authored the opinion, "unlike a mere trespass, the regulation grants a formal entitlement to physically invade the growers' land. Unlike a law enforcement search, no traditional background principle of property law requires the growers to admit union organizers onto their premises. And unlike standard health and safety inspections, the access regulation is not germane to any benefit provided to agricultural employers or any risk posed to the public."

CFFA President Ian LeMay said, "This ruling involving Cedar Point Nursery and CFFA member **Fowler Packing Company** protects the constitutional rights of agricultural employers and brings the ALRA access rule into alignment with the National Labor Relations Act. For 45 years, California's farmers have seen their property rights ignored by the Agricultural Labor Relations Board by allowing organizers onto their property. No other industry in the United States, including California, has had to allow union organizers onto their property in a similar manner. We appreciate both Fowler Packing and Cedar Point's efforts in leading the fight to restore the same property rights that are enjoyed by all other industries in the United States, to California farmers."

The Association would also like to acknowledge member **Sagaser, Watkins & Wieland, P.C.** and the Pacific Legal Foundation for their work on this case. For more information, contact President Ian LeMay (ilemay@cafreshfruit.com).

EMPLOYER MASK VERIFICATION AND ATTESTATION FORM

On June 17th, Cal/OSHA Consultation readopted its changes to the COVID-19 Emergency Temporary Standard (ETS). Governor Gavin Newsom signed an executive order that made the amendments effective immediately.

The ETS changes state that employees who are fully vaccinated against COVID-19 are no longer required to wear face coverings in the workplace, except for in certain situations. Employees who are not vaccinated must continue to wear a mask while at work.

In order for businesses to comply with these rules, employees who do not wish to wear a mask at work must either provide proof that they are fully vaccinated or sign an attestation form.

**Please note, employees are not required to inform their employers of their vaccination status.*

CFFA has provided a sample letter attached that an employer can use as a template.

Mask Attestation Letter and Form – English

Mask Attestation Letter and Form – Spanish

For more information on the revised Emergency Temporary Standard, visit (<https://www.dir.ca.gov/dosh/coronavirus/ETS.html>).

CAL/OSHA ANNOUNCES WEBINARS ON COVID-19 REGULATIONS FOR EMPLOYERS AND SUPERVISORS



The Cal/OSHA Emergency Temporary Standards for COVID-19 was updated on June 17th and became effective immediately through an executive order signed by Governor Newsom.

Cal/OSHA Consultation has announced that it will host a series of free, two-hour webinars on the updated changes to the ETS for employers and their supervisors.

Please see below dates and registration information:

- Friday, June 25th, 1 p.m. to 3 p.m. – visit (https://dir-ca.gov.zoom.us/webinar/register/WN_GR9nuYBmQXOkAqiOF04kZw) to register
- Tuesday, June 29th, 1 p.m. to 3 p.m. – visit (https://dir-ca.gov.zoom.us/webinar/register/WN_nqbzBXfUSVGpAmoMoYSI4A) to register
- Thursday, July 1st, 9 a.m. to 11 a.m. – visit (https://dir-ca.gov.zoom.us/webinar/register/WN_QyNMfslotQKfrvA055xUeA) to register

To view the revised ETS, please visit (<https://www.dir.ca.gov/oshsb/documents/Jun172021-COVID-19-Prevention-Emergency-txtbrdconsider-Readoption.pdf>)

For more information, contact Adam Borchard (aborchard@cafreshfruit.com).

UPDATED EMERGENCY TEMPORARY STANDARDS FAQ'S

Cal/OSHA has updated their Frequently Asked Questions on the newest revisions to the Emergency Temporary Standard. A common question asked is whether businesses could allow employees to self-attest as to their vaccination status. The FAQs confirm that self-attestation is sufficient, but employers will have to document each employee's status

if they want to go without a mask. Please see the article above for a sample template of the self-attestation form.

To view the Cal/OSHA FAQ document please visit (<https://www.dir.ca.gov/dosh/coronavirus/COVID19FAQs.pdf>).

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.

REDISTRICTING WEBINAR SET FOR JUNE 30TH

The California Fresh Fruit Association is hosting an educational outreach presentation by the California Redistricting Commission (CRC) on California's decennial redistricting process on Wednesday, June 30th at 10 a.m. Every 10 years, after the federal government publishes its updated census information, California must redraw the boundaries of its Congressional, State Senate, State Assembly, and State Board of Equalization districts, so the districts correctly reflect the state's population and ensure equal and fair representation for all Californians. The CRC is the 14-member commission tasked with this important constitutional responsibility.

Currently, the CRC is holding meetings throughout the state to gather input from community and interest groups and organizations, including businesses. The CRC presentation will give an overview of the redistricting process and information on how the process will affect the local, state, and federal political landscape.

CFFA is pleased to help promote the 2020 California redistricting process. To register for the June 30th presentation, please visit (<https://events.r20.constantcontact.com/register/eventReg?oeidk=a07ei6h47we51ac3c95&oseq=&c=&ch=>).

For more information, contact Director of Government and Public Policy Adam Borchard (aborchard@cafreshfruit.com).



CFFA TO HOST A CRISIS COMMUNICATIONS SEMINAR ON JULY 21ST

Join CFFA and crisis communication expert Amy Philpott for a free member luncheon focusing on crisis communications on Wednesday, July 21st, at the Vintage Press Restaurant in Visalia.

The seminar will be an interactive discussion focusing on the importance of crisis planning and how companies that take the time to do it are better prepared to manage a food safety or public relations crisis.

Amy will talk about how crisis planning and communications have changed as a result of the COVID-19 pandemic along with what produce companies can do to follow FDA's recall communication guidance.

Registration is required to participate. To register, please visit (<http://events.constantcontact.com/register/event?llr=tcpx4zdab&oeidk=a07ei6h834p845ab64c>).

REMINDER TO REVIEW HEAT ILLNESS PREVENTION PLAN

With summer officially here, CFFA is reminding members to pay close attention to the state's heat illness prevention requirements. Employees must have access to water and shade as close to their worksite as policy.

For a complete overview on California heat illness requirements, please visit <https://www.dir.ca.gov/DOSH/HeatIllnessInfo.html>. For more information, contact Director of Government and Public Policy, Adam Borchard (aborchard@cafreshfruit.com).

CAL POLY FUEL CONSUMPTION/COST RESEARCH STUDY



CAL POLY

Researchers at Cal Poly San Luis Obispo are examining maintenance and repair costs as well as fuel efficiency of tractors. Agribusiness professors Drs. Michael McCullough and Lynn Hamilton have developed a brief (10 minute) questionnaire regarding operating and maintenance time and rates for agricultural tractors. The information will supplement data collected from tractor service providers in California and tractor technical specifications obtained from the University of Nebraska Tractor Test Lab.

No personal or identifying questions are asked and all responses collected are anonymous. To complete the survey please, visit (https://calpolycafes.col.qualtrics.com/jfe/form/SV_3w9nVHgJg7fjEyQ).

POMEGRANATE CROP INSURANCE LISTENING SESSION ON JUNE 29TH

AgriLogic CONSULTING LLC

Pomegranate Crop Insurance Listening Session

Join in-person or online

An opportunity to provide feedback and learn about the new risk management tool being developed for California growers.

June 29th, 2021
10 A.M. PDT

Meeting location:
The California Fresh Fruit Association
7647 N. Fresno St., Suite 103
Fresno, CA 93720

Click [HERE](#) to join the meeting online.

For questions, email Madilyn at mnunez@agrillogic.com
913-333-4385

AgriLogic Consulting, LLC is hosting a Pomegranate Crop Insurance Listening Session on June 29th at 10 a.m.

The seminar will provide the opportunity for attendees to learn about the new risk management tool being developed for California growers.

Attendees can participate in person or online. The in-person session will take place at the California Fresh Fruit Association office, 7647 N. Fresno St., Ste. 103, Fresno, CA 93720.

To participate online, visit (<https://zoom.us/j/94203618235?pwd=eVB1SFhndDVwKzJwb2dQMXU4ais4UT09#success>). For questions or additional information, contact Madilyn Nunez at mnunez@agrillogic.com or (913) 333-4385.

OFFICE CLOSED JULY 5TH

The office of the California Fresh Fruit Association will be closed on Monday, July 5th, in observance of Independence Day. The Association wishes you & yours a safe & happy holiday.

