

March 18, 1977

Division of Labor Standards Enforcements
225 Chester Avenue Room 208
Bakersfield, Ca. 93301

Dear Sir:

We would like to register an official complaint on behalf of all the agricultural employees of Superior Farming.

Superior Farming Company, located at 3501 Stockdale Highway, Bakersfield, Ca. is a large agricultural corporation farming over 25,000 acres in Kern County alone. It is engaged in the production of many and various crops including grapes, almonds, pistachios, walnuts, plums, peaches, figs, olives, oranges, and various row crops.

Workers at Superior must provide their own pruning sheers, saws, clippers, hoes and other necessary tools and equipment needed to perform the work. This is a violation of the Industrial Welfare Commissions' order No. 14-76. Superior is a very diversified company with crews switching from crop to crop with different types of pruning sheers and other equipment needed for each. This has resulted in extremely undue hardship on the agricultural employees of Superior, some of whom have been required to purchase six or more different pruning sheers since December costing nearly \$100.00.

We appreciate your attention in this matter and hope for quick action on our complaint.

Very truly yours,



Mark Pitt, Director

MP/gs

CC: James L. Quillin

April 5, 1977

James L. Quillan, Chief
Div. of Labor Standards Enforcement
P. O. Box 603
San Francisco, Ca. 94101

Dear Mr. Quillan:


After our conversation of today concerning Superior Farming, I received a call from Mr. Bob Puckett of your Bakersfield office. He stated to me that Superior Farming had admitted to violating order #14-76 of the Industrial Welfare Commission by not providing free of charge, the tools needed to perform the required work. Mr. Puckett stated that he was waiting to hear from the company in order to determine from them what action the company was going to take to correct the situation. Mr. Puckett also stated that it was not the normal practice of the Department to inform the charging party of the results of their complaint.

Superior Farming Company employs over 1,200 people in the Kern County area alone. Since October of 1976, it has been violating the Industrial Welfare Commission wage order. Many workers have had money deducted from their wages and others had to buy tools from the local merchants. Many of the workers no longer work at Superior. We filed a complaint against Superior to stop their illegal practices and to see that those workers who were forced to buy their tools would get all of their money refunded.

If the policy of this Division is not to inform the charging party of the results of the investigation and the action taken to correct the situation, how are we to determine if this change has been handled properly and if there is any reason to file any more complaints in the future.

Please advise me as to the position of the Division concerning this practice.

Very truly yours,



Mark R. Pitt
UFW Delano Field Office



STATE OF CALIFORNIA
AGRICULTURAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

Case No. _____

Date Filed _____

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer

MERZOIAN ENTERPRISES (Elmco Vineyards)

b. Number of Workers Employed

700

c. Address(es) of Establishment(s) Involved (street and number, city, state, and zip)

Avenue 112, Porterville, CA.

d. Employer Representative to Contact

Bob Merzoian

e. Phone Number

f. Nature of Employer's Agricultural Commodity or Commodities

Grapes

The above-named Employer has engaged in and is engaging in unfair labor practices within the meaning of the following section(s) of the Agricultural Labor Relations Act: (check the appropriate box)

Section 1153, subsection(s) ~~(a), (b), (c)~~

Section 1154.5 _____

Section 1154.6 _____

2. Basis of the Charge: Within the six months last past and especially on or about August 1, 1977, the above named employer through its agent Mosleh, (last name unknown,) by interference, harrassment, surveillance, threats, and other such acts and conduct, interfered with, restrained and coerced its employees in the exercise of their rights guarenteed in section 1152 of the Act.

3. Full Name of Party Filing Charge: UNITED FARM WORKERS OF AMERICA, AFL - CIO

(a) Address: P.O. Box 130, Delano, California 93215 / P.O. Box 1049, Salinas, California, 93901

(b) Phone Number: 725-9726

4. Full Name of National or International Organization of which it is an Affiliate: American Federation of Labor, Congress of Industrial Organization

DECLARATION

I declare under penalty of perjury that I have read the above charge and the statements herein are true to the best of my knowledge and belief.

By *Debra Miller*, Legal Department, United Farm Workers of America, Post Office Box 130, Delano, California 93215. (805) 725-9726

PROOF OF SERVICE BY MAIL

I, the undersigned, hereby declare:

I am a citizen of the United States over the age of 18. On the date shown below I mailed the within CHARGE AGAINST EMPLOYER to the employer named therein, first class mail postage prepaid, addressed as follows:

Executed at _____, California, on _____, I declare under penalty of perjury that the foregoing is true and correct.