



WILLIAM B. GOULD IV
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January 13, 2017

Governor Jerry Brown
c/o State Capitol, Suite 1173
Sacramento, CA 95814

Dear Governor Brown,

I write to advise you that I am resigning as Chairman of the Agricultural Labor Relations Board, effective no later than 5:00 PM Wednesday, February 22, 2017. It has been my honor to serve at the Board these past three years and I am appreciative of the fact that you saw fit to reach out and appoint me in 2014.

I have welcomed this assignment because of my commitment to the principles of the Agricultural Labor Relations Act of 1975 and my awareness that the enactment of this statute was your first major achievement as Governor. As you know- and as I noted to Marty Morgenstern right after I was contacted about this job in late 2013- the Agricultural Labor Relations Act is a dream statute that remedied many of the long noted deficiencies of the National Labor Relation Act.

But, as we have discussed, it is my view that the Act is now irrelevant to farmworkers, in particular, because for the most part, they are not aware of the provisions, procedures, and rights contained in the law. In a number of speeches on both coasts of the United States and in our conversations, I have pointed out that only one representation petition has been filed during the 34 months of my Chairmanship. More than 99% of the agricultural workforce (a group disproportionately plagued by homelessness, diabetes, and lack of health insurance¹) appears to be unrepresented and the instances of unfair labor practice charges and invocation of the Mandatory Mediation and Conciliation Act (MMC) are few and far between.

¹ Thomas Fuller, *In a California Valley, Healthy Food Everywhere but on the Table*, N.Y. TIMES, Nov. 23, 2016, at A13 & A25.





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To partially address this, I have promoted a proposed rule that would publicize the Act's features on grower property during nonworking time, albeit on a limited basis and thus make the statute known to workers (as well as management) in the field- an important yet modest first step, given (1) the fact that many indigenous farmworkers in California do not speak or are not fluent in Spanish or English and others, both indigenous and Spanish speaking, are not literate in either language and (2) there is no union organizing which might make workers aware of the statute. Regrettably, though the Board adopted the proposed rule 14 months ago for worker education after extensive hearings in Fresno, Salinas, and Santa Maria, the rule has languished in the bowels of state bureaucracy for the past 14 months. My view is that this long delay is substantially attributable to the fact that the ALRB, unlike the NLRB, is not a standalone, independent administrative agency.²

I have other ideas about the agency and the statute, about which I would like to chat with you prior to my departure from Sacramento.

Finally, I want to bring to your attention the fine work of a number of senior officials who have been at it at the ALRB for three and a half decades, J. Antonio Barbosa, Executive Secretary; Annuitant Tom Sobel, retired Administrative Law Judge; and Eduardo Blanco, Special Legal Advisor to the Chairman. I hope that you are able to recognize them officially³, as they move toward their final months or years of work at the Board. In this way, I think they can be a greater inspiration to the aspiring younger people and those who are yet to come.

² Thus, I agree with Commissioner Richard R. Terzian as noted in dissent in the April 2002 Little Hoover Commission report, *Only the Beginning: The Proposed Labor & Workforce Development Agency* that the reorganization of 15 years ago advocated by the Little Hoover Commission report was inconsistent with the principle of independence.

³ President Clinton gave my Chief Counsel Bill Stewart the President's Award for Distinguished Federal Civilian Service when he retired in 1997, the first and only time that this prestigious award has been given to an NLRB staffer in its 82-year history. I would love to see something like this done for these gentlemen- particularly Mr. Barbosa- the heart and soul of the agency about whom I wrote to you on July 10, 2015- before he retires this year.



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Again, many thanks for this opportunity. I have especially enjoyed our conversations in which you both challenged and stimulated me.

Best wishes in the remainder of your gubernatorial term.

A handwritten signature in cursive script that reads "William B. Gould IV". The signature is written in black ink and is positioned above the printed name.

William B. Gould IV

