

Setting the Record Straight: A Response to “Shepherds of the FLOC”

Tina Vasquez, The Assembly, October 13, 2023

Issued by the Board of Directors of the Farm Labor Organizing Committee, AFL-CIO

On October 13, 2023, *The Assembly* published an article by Tina Vasquez titled “Shepherds of the FLOC.” The article has been widely circulated and has caused significant harm to the Farm Labor Organizing Committee (FLOC), to the farmworkers we represent and to individuals who have dedicated their lives to this cause.

We write not from anger, but from obligation — to the truth, to our members, and to the record of an organization that has spent nearly six decades fighting for the rights of farmworkers. The article presented one side of an internal dispute as though it were the whole story. Assumptions were not questioned. Facts were not verified. Background checks on sources were not conducted. The result is a piece that misinforms readers and undermines the only union in the United States fighting for H-2A workers, the only union without the legal protections afforded to other labor organizations.

What follows is the other side — documented, verifiable and supported by official records.

What FLOC has built

The Farm Labor Organizing Committee was founded in 1967 by Baldemar Velasquez, the son of migrant farmworkers from Texas. His family migrated to the Midwest each year to plant, weed and harvest crops, traveling in trucks and old cars and often living in barns and converted chicken coops. The family settled in Ohio, where Velasquez continued working in the fields through high school. In 1969, he became the first member of his family to graduate from college. At the age of 20, he founded FLOC, driven by the injustices his family and other farmworkers endured. His work has been recognized with a MacArthur Fellowship, an Águila Azteca Award from the Government of Mexico, multiple honorary doctorates and election to the AFL-CIO Executive Council in 2009 and just re-elected on June 8 of this year.

Today, FLOC is a farmworker labor union committed to holding large corporations responsible for their supply chains. In 2004, after a nine-year organizing effort that included a six-year boycott of Mt. Olive Pickle Company, FLOC won a collective bargaining agreement (CBA) with the North Carolina Growers Association (NCGA), the nation’s largest user of the H-2A program. Mt. Olive Pickle Company brokered the

multiparty agreement, which now covers over 9,000 workers annually across more than 600 joint employers.

The agreement provides unprecedented protections: the right of return to employment; a seniority system based on performance and years worked; the right to appeal unjust warnings and firings; protection from employer retaliation; the elimination of wage theft; the right of transfer between employers without losing visa status, providing continuity of employment in the event of crop failure or natural disaster; a seven-day grievance response requirement with no retaliation; and an independent arbitration commission mirroring the federal National Labor Relations Board (NLRB). The Commission is the “Dunlop Agricultural Commission”. The commission is chaired by Wilma Liebman, appointed to the NLRB by President Clinton, reappointed by President George W. Bush and named chair by President Obama. It also includes Sara Fox, a former NLRB member and special representative for international labor affairs at the State Department under Obama, as well as Fred Alvarez, a former Equal Employment Opportunity Commission (EEOC) commissioner and assistant secretary of labor under the Reagan administration. Each year, FLOC processes over 1,000 worker cases through this system, ranging from assistance at the U.S. consulate in Mexico to wages, firings and discipline appeals.

FLOC’s organizing does not stop at the border. Throughout the winter months, FLOC organizers and rank-and-file members tour Mexico, educating farmworkers about labor rights and the FLOC union contract. Each March, leaders come together for training to discuss the CBA’s grievance procedure and seniority system, new H-2A regulations, union benefits and finances and how to strengthen internal procedures.

This cross-border work has come at an extraordinary cost. In 2007, FLOC staff member Santiago Rafael Cruz was assassinated in our office in Monterrey, Mexico, killed in retaliation for changing the financial procedures that had allowed recruiters to exploit workers through inflated visa fees and bribes. FLOC filed a complaint with the Inter-American Commission on Human Rights, which declared it a political crime and required the Mexican government to extend protective measures to FLOC’s president and staff, which remain in effect today. The oversight and reforms that followed eliminated the bribery pipeline.

FLOC has also been at the forefront of documenting the conditions farmworkers face. While the NCGA contract has helped end many abuses in the H-2A program, many of North Carolina’s agricultural workforce remain undocumented and denied basic labor rights. Many continue to face deplorable living and working conditions. In 2008, President Velasquez moved into a labor camp for seven days, working a six-day week in the tobacco fields alongside farmworkers and facing the same conditions they endure. In 2011, FLOC and Oxfam produced a joint study on field and labor camp conditions with over 100 farmworkers interviewed, exposing the human rights violations in the tobacco industry.

Beyond the NCGA, FLOC has created an organizing model based on supply chain strategy. After an eight-year strike involving 2,000 workers and a seven-year boycott, it

won a historic agreement covering workers on Ohio tomato and cucumber farms that sell to Campbell's Soup. It is currently organizing against British American Tobacco to defend workers' rights throughout the South. Internationally, FLOC's president serves on the International Union of Food Workers Federation (IUF) as a leader in the agricultural workers trade group and holds various leadership positions representing tobacco workers worldwide. At the annual meeting of the global executive committee, FLOC introduced an Emergency Resolution on Immigration Reform calling for expanded labor rights for temporary visa workers and an end to the use of H-2A and H-2B visas for trafficking by independent farm labor contractors. The resolution was adopted by the executive board.

Vasquez's article makes no mention of these achievements. Instead, it cites 280 Department of Labor investigations in 2020 alongside language about trafficking, modern-day slavery and wage theft **without noting that most of those cases involve independent farm labor contractors, not farms under the FLOC/NCGA agreement. No evidence is presented that such abuses occur under the CBA. By omitting FLOC's record and placing these accusations adjacent to its discussion of the union, the article creates a deeply misleading picture of the organization it purports to examine.**

The article also implies that FLOC was indifferent to farmworker deaths in 2023. In fact, the most prominent death cited — that of José Arturo González Mendoza — occurred on a farm under FLOC's union contract. FLOC acted immediately: making sure of filing of a workers' compensation case, contacting the family and offering an attorney, making three visits to assure workers that no retaliation would occur and to cooperate with OSHA investigators, (no one was retaliated against) and ensuring the employer covered funeral costs and the transport of the body home. FLOC withheld public comment pending the autopsy results, which determined that González Mendoza died of a heart attack, not heat stroke. The other deaths cited in the article were similarly unrelated to heat: one was a heart attack in bed, one a suicide and one an automobile accident. The opposition used these deaths to stage a rally demanding heat stress regulations — a campaign built on a premise that the medical evidence does not support.

What readers were not told

A responsible journalist verifies the background and credibility of sources, particularly when those sources are making serious accusations against an organization. Vasquez appears not to have done so.

Eli Porras Carmona

The article opens with Porras Carmona's complaints about FLOC. What readers are not told is that he was once a promising activist in the union, and in 2013, President Velasquez included him on his slate for a board seat, along with Leticia Zavala and Justin Flores, the very individuals who now lead the dissident faction. He was removed from the board in 2017 through a motion from Zavala, seconded by Flores, for non-participation and for disparaging the union. Contrary to his claim in the article that he

stopped paying dues in 2022, he had not paid dues since 2017. He was later recruited by Zavala and Flores to support their anti-FLOC campaign.

Juan Hernandez Vega

Vega is presented as a frustrated worker denied timely entry to the United States. In fact, he had historically entered as a “preferred” worker with a set arrival date around June. In 2022, he submitted a request to change his status to “active,” believing it would allow him earlier entry. FLOC had advised against this because “active” workers have to come in under the seniority system and Juan had only 5 years seniority, as after the pandemic, job losses meant stiffer competition and many workers with higher seniority deserved priority placement. What the article does not disclose is that Vega was recruited by Zavala and Flores to join a group grievance timed to secure allies before the September 2022 FLOC convention vote.

Most revealing is a letter Justin Flores wrote to the Dunlop Commission, the arbitrating body under the CBA. In it, Flores stated: “To the extent another worker needs to be bumped in order for this to happen, neither I nor the 6 workers will support any grievance or complaint about that change in date for that/those worker(s).” In other words, Flores explicitly asked that the seniority rights of other workers be violated to benefit his political allies.

The accusations that IOF followers are “targeted” have no merit as those quoted in the article continue to return based on their worker status and seniority. Luis Zamora who ran on the IOF slate in the OLMS supervised elections in 2024 continued to come as prescribed in the CBA and crossed in February of this year, Juan Hernandez Vega prominently quoted in the article is due to cross in August of this year as his normal crossing date based on his preferred status. Martin Perez who is prominently pictured on their facebook pages crossed in March of this year. All according to the CBA guarantees.

Threats against undocumented farmworkers: the official record

The article’s most troubling omission concerns the conduct of Leticia Zavala and Maria Mejia toward undocumented FLOC members. Vasquez presents Zavala sympathetically and frames the defamation lawsuit they filed against two undocumented single mothers as an act of aggression by FLOC. The official record tells a very different story.

Following their terminations from FLOC, both Zavala and Mejia filed for unemployment benefits. FLOC contested the claims to ensure an official record of their unethical conduct. The cases proceeded through multiple hearings before the North Carolina Department of Commerce, Division of Employment Security, with testimony and recorded evidence from both sides.

In the case of Zavala (Appeals Docket No. 22-LA-038207), Appeals Referee Milford K. Kirby found seven written reprimands over the claimant’s final year of employment,

documenting a pattern of insubordination and public disrespect in the workplace. The referee concluded that Zavala was discharged for misconduct related to work and disqualified from unemployment benefits.

In the case of Mejia (Higher Authority Decision No. 23-HA-001832), the North Carolina Board of Review issued an even more detailed ruling. The board found that on September 3, 2022, Mejia and Zavala visited FLOC members in the Martinsville, Virginia area. They presented themselves as appearing on behalf of FLOC without disclosing that Zavala was a presidential candidate. They discouraged members from paying union dues, calling them a “scam.” They stated that they intended to ask the Department of Labor and the Justice Department to investigate if they believed the election outcome was fraudulent.

The board’s finding on this point is unambiguous. The decision states that Mejia “raised the specter of reporting some FLOC convention voters to U.S. federal government officials for investigation of their worker status,” and that “these statements were an implicit threat against undocumented farmworkers, and they also had a chilling effect on FLOC union members choosing whether to attend and/or vote at the convention for fear their names might be forwarded to federal government officials for further investigation.”

The board reversed the lower decision and disqualified Mejia from unemployment benefits, finding that her actions constituted misconduct connected with work.

These are findings by North Carolina state officials, based on recorded evidence and sworn testimony, after hearings at which both sides were represented by counsel. The article makes no mention of them.

The defamation lawsuit

The article states, without evidence, that two undocumented women signed letters written by President Velasquez accusing Zavala of threatening them with deportation. President Velasquez did not write those letters. The women wrote out their accounts in their own handwriting after being visited at their homes and at a business where Zavala and Mejia made and recorded threats. The handwritten statements were submitted to FLOC organizer Mario Vargas, who presented them to the president. Copies of the handwritten statements are available upon request.

The elections: two votes, two decisive outcomes

The article questions the legitimacy of the September 2022 election, writing that President Velasquez “refused to step aside from what was supposed to be his final year as president.” No evidence is provided that any such commitment was ever made, as none exists.

The article suggests the associate membership drive was a tactic to dilute the farmworker vote. In fact, all members are encouraged to update their dues before

elections, including H-2A workers. The associate membership is composed primarily of legacy fighters for farmworker rights, veterans of strikes, picket lines, marches and protests: families like the Velasquez, Cuevas, Ramirez, Alonzo and Quintero families, whose children and grandchildren continue the work their parents and grandparents began under tremendous sacrifice. These are the people who initiated, funded and helped win the NCGA contract. None of the current H-2A workers who benefit from that agreement played a part in that fight. Every victory from the Campbell Soup campaign on has been based on this organizing model.

Velasquez won the 2022 election 135-21.

Following the election, Zavala filed a complaint with the Department of Labor (DOL). FLOC agreed to a new election under rules set entirely by the DOL's Office of Labor-Management Standards (OLMS). The DOL-supervised election count took place on Sept. 26, 2024, with absentee balloting available to all eligible members and five OLMS representatives overseeing the count. A total of 242 ballots were cast; 230 were valid.

Velasquez won 210-19. His slate swept every office by similar margins.

The OLMS certification confirms the tally was "fairly and accurately conducted" and that "the secrecy of the ballots was maintained." The document was signed by OLMS staff, FLOC staff and the election observers, including Zavala and Mejia. They then released a public statement claiming the DOL had overseen a "tainted election with dozens of violations." The certification they signed says otherwise.

What is at stake

No collective bargaining agreement is perfect. But the FLOC/NCGA agreement gives farmworkers protections that exist nowhere else in this country. These protections were won through decades of organizing, sacrifice and negotiation, in the face of constant opposition from the North Carolina legislature, right-to-work advocates and those who would prefer that farm workers have no voice at all.

We welcome anyone who wishes to advocate for farm workers. We applaud all independent organizing efforts and support any genuine campaign for union contracts. Union contracts remain the most effective vehicle for structural change in agriculture — a fair day's pay for a fair day's work, not the charitable model that treats the symptoms of exploitation without addressing its causes. But advocacy requires building up — not tearing down FLOC— the only institution standing between H-2A workers and an industry that has historically treated them as disposable. Tearing down FLOC is what Zavala and IOF are doing by advocating that farm workers resign from FLOC and cease paying dues to FLOC. How can one legitimately claim as Zavala and IOF do to advocate for the best interests of H-2A workers while simultaneously seeking to undermine FLOC, the only organization representing those very same H-2A workers? The simple answer is one cannot.

We ask *The Assembly* and its readers to consider this response alongside the article. We ask that the documented evidence we reference be given the weight that official records deserve. And we ask that the next time someone writes about FLOC, they tell the whole story.

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Farm Labor Organizing Committee, AFL-CIO

Baldemar Velasquez

Mario Vargas

Mike Rizo

Cruz Diaz Montalvo

Santiago Ramirez

Sergio Sanchez

For request regarding this statement, contact: Kathy Farber at ksfarber@gmail.com

Supporting Documents Available Upon Request: Contact

- NC Division of Employment Security, Appeals Decision – Leticia Zavala (Docket No. 22-LA-038207)
- NC Board of Review, Higher Authority Decision – Maria Mejia (No. 23-HA-001832)
- Justin Flores correspondence to the Dunlop Commission
- DOL-OLMS Election Certification, September 2024 (signed by all parties, including Zavala and Mejia)
- Handwritten statements from Ruth Martinez, Cristina Mejia, and Jeremias Salas
- FLOC/Oxfam Joint Study on Conditions in NC Fields and Labor Camps (2011)