

ANNUAL REPORT
of the
EDUCATIONAL EMPLOYMENT RELATIONS BOARD
to the
LEGISLATURE



1976
A YEAR OF TRANSITION

HISTORY OF THE STATE EDUCATIONAL EMPLOYMENT RELATIONS BOARD

- September 22, 1975 - SB 160 of 1975 became law (Senator Albert S. Rodda, D-Sacramento) – Chapter 961 of the statutes of 1975.
- January 23, 1976 - Governor Edmund G. Brown, Jr. appointed Reginald Alleyne, Jr. – Chairman; Jerilou H. Cossack and Dr. Raymond J. Gonzales as members of the Board.
- March 10, 11, 12 - Board held public hearings in Sacramento, San Francisco and Los Angeles on emergency rules and regulations on representation, unfair practice, public notice and impasse matters.
- March 24 - Emergency representation rules adopted to become effective April 1. Permanent rules adopted July 27.
- April 1 - Representation portion of the Act became effective. Parties began to file first requests for recognition with public school employers.
- April 1 - Board appointed Charles Cole as Executive Director.
- May 20 - Board conducts the first election under the new law in the Tamalpais Union High School District.
- June 11 - The Board held first hearing to resolve the objections and determinative challenged ballots of the Tamalpais Union High School District election.
- June 22 - Emergency unfair practice rules adopted to become effective July 1. Permanent rules adopted October 19.
- June 28 - Governor signed SB 1471 (Albert S. Rodda, D-Sacramento) which made the unfair practice provisions of the Act retroactive to April 1, 1976.
- July 1 - Board appointed William P. Smith, Jr. as General Counsel.
- July 1 - Unfair practice portion of the Act became effective.
- July 2 - First impasse declared under the Act.
- July 20 - Board issued its first decision – Tamalpais Union High School District.
- July 22 - First disputed unit hearing was held in Pittsburg Unified School District.
- October 8 - Board held first organizational security election – Windsor Elementary School District.
- October 14 - Board issued first unit determination decisions.
- October 26 - Board held first formal unfair practice hearing – San Dieguito Union High School District.

1976 STATISTICAL HIGHLIGHTS

The Board processed 834 requests for recognition in classified units, 895 requests for recognition in certificated units and 11 requests for recognition in supervisory units – a total of 1740.

The Board docketed 274 interventions in classified units and 194 interventions in certificated units – a total of 468 interventions.

Requests for recognition were filed in 920 of California's 1170 school employers.

There were 506 voluntary recognitions in classified units; 616 voluntary recognitions in certificated units and 6 voluntary recognitions in supervisory units.

The Board conducted 113 elections, including four organizational security elections.

The Board appointed mediators in 125 impasse situations. In only eight of those impasses was factfinding required.

The Board received 140 unfair practice charges between July 1 and December 31. Forty of these were resolved by December 31.

The Board scheduled 102 unit hearings and completed 54 by December 31.

THE
EDUCATIONAL EMPLOYMENT RELATIONS BOARD

REGINALD ALLEYNE, JR.
CHAIRMAN

JERILOU H. COSSACK
MEMBER

DR. RAYMOND J. GONZALES
MEMBER

CHARLES L. COLE
EXECUTIVE DIRECTOR

WILLIAM P. SMITH, JR.
GENERAL COUNSEL

J. STEPHEN BARBER
EXECUTIVE ASSISTANT
TO THE BOARD

EDUCATIONAL EMPLOYMENT RELATIONS BOARD
923 12th Street, Suite 201
Sacramento, California 95814
(916) 322-3088

February 15, 1977



Senator James R. Mills
President Pro Tempore
State Capitol
Sacramento, California 95814

Dear Senator Mills:

With the enactment of Chapter 961 of the Statutes of 1975 authored by Senator Albert S. Rodda, California became one of thirty states with collective negotiations statutes for public employees.

Pursuant to Government Code Section 3541(f), the Board submits herewith the report of its activities during the 1976 calendar year. The data collected for this report is used by the Board in its day-to-day operations as an administrative and managerial tool. The Board issues monthly statistical reports, which have provided the basis for this report.

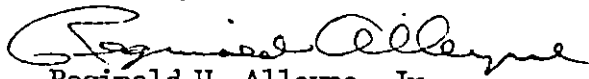
For your information the report includes a map on the back cover, which identifies the appropriate regional offices of the Board in San Francisco, Sacramento and Los Angeles and their corresponding counties. The flow charts in the appendix may be of interest since they offer visual reference to two basic aspects of the Act, the representational process and the unfair process.

The Board has been concerned with implementing both the letter and spirit of the law. All rules and regulations adopted by the Board have been adopted after soliciting and receiving both written and oral testimony by interested parties. The Board is sensitive to the consensus of support which existed at the adoption of the legislation and in furtherance of the Board's role as a neutral Board it has proposed not to recommend any changes in the law until such time as it has had an opportunity to observe all of the various portions of the Act in operation.

The Board would like to express its appreciation for the cooperation of the Governor, members of the legislature, public school employers, school employees, employee organizations and citizens of California for their patience, support and understanding in the Board's first year.

The Board and its staff welcome your inquiry and suggestions regarding the operations of our Board.

Sincerely,


Reginald H. Alleyne, Jr.
Chairman

RHA:mrc

Enclosure

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INTRODUCTION

The year 1976 has witnessed the initial activity under an innovative law which seeks to improve personnel management and employer-employee relations in the public school systems of California. It is based on the application of fundamental principles of labor relations by which the parties exercise their rights and duties in an orderly manner.

The Educational Employment Relations Board was established to serve as an impartial referee for certain employer-employee disputes in California's public schools. The unique structure of the Board was carefully designed to insure neutrality in labor disputes and acceptability to the parties and the public. For the first time in California a state labor relations board was established that had jurisdiction over public school employers, employees, and employee organizations in matters of representation and collective negotiations. There are 1,170 public school employers and approximately 450,000 public school employees subject to the Act.

The first year of operation proved to be one of transition. From the "meet and confer" process under the Winton Act, to the "meet and negotiate" process contained in the new law.

The Board appreciates the support of the parties, the public, the Legislature and the Governor.

1976 YEAR OF TRANSITION

LEGISLATIVE BACKGROUND

In 1965, the Legislature enacted the Winton Act, which dealt with employer-employee relations in school districts. The Winton Act required a public school employer to "meet and confer" with representatives of the certificated and classified employee organizations regarding various aspects of the institutional program. Agreements reached under the "meet and confer" process could not be incorporated in a written contract, were not necessarily binding, and could be modified unilaterally by the school board.

House Resolution 52 of 1972 established the Assembly Advisory Council on Public Employee Relations. This blue ribbon panel reported to the Legislature on March 15, 1973. As a result of this report, Assembly Speaker Bob Moretti introduced AB 1243 which embodied the panel's recommendations. This legislation was the first effort to enact a comprehensive public employee bargaining law in California. Assembly Bill 1243 did not receive the votes necessary to secure passage.

In 1974 Senators George Moscone and Albert Rodda introduced legislation to extend collective negotiations to public school employees. Senate Bill 400 (Senator Moscone) reached the Governor's desk where it was vetoed. Senate Bill 1857 (Senator Rodda) successfully passed several committees but did not reach the Assembly floor.

Several legislative proposals were introduced in 1975 which were designed to grant collective bargaining rights to public employees in California. Among the measures considered were Senate Bill 275 introduced by Senator Ralph C. Dills and Assembly Bill 119 authored by Assemblymen Bill Greene and Julian Dixon. The attempts to enact a comprehensive public employer-employee bargaining bill were unsuccessful.

THE NEW LAW

Senator Albert S. Rodda introduced Senate Bill (SB) 160 on January 6, 1975. After several amendments, it moved through the Senate. In the Assembly, more amendments were accepted by the author in an effort to achieve a consensus bill that would be supported by employers and employee organizations. The measure passed the Legislature on September 8, 1975, and was signed by Governor Brown on September 22nd, becoming Chapter 961 of the Statutes of 1975.

The Educational Employment Relations Board, created by the Act, is a three-member body charged with the direct supervision and regulation of collective negotiations for California public school employers and employees.

BOARD FUNCTIONS

The Board has these functions established by statute:

- to determine, through secret ballot elections, whether employees wish to be represented by an employee organization for the purpose of negotiating and, if so, which;
- to prevent and remedy unlawful acts, defined in the Act as unfair practices, by either employers or employee organizations;
- to oversee and establish impasse procedures whereby negotiations between employers and employee organizations result in agreement;
- to insure that the public is afforded sufficient information and time to register its opinion regarding negotiations;
- to monitor the financial activities of employee organizations not required to report their transactions under federal law;

- to conduct research in public education and training programs relating to public employer-employee relations.

BOARD MEMBERS

The Board has three members, each appointed by the Governor, subject to Senate confirmation. Terms of office for Board members are five years, but the statute required staggered terms for the initial appointees. The terms were drawn by lot and were for one year, three years or five years. Governor Edmund G. Brown, Jr. appointed Reginald H. Alleyne, Jr., Chairman; Jerilou H. Cossack, Member; Dr. Raymond J. Gonzales, Member.

Reginald Alleyne, Jr. is on leave from UCLA, where he has taught since 1969 in the School of Law. He received his B.S. in Chemistry from Tufts University in 1954, his LL.B. from Howard University in 1959, and his LL.M. from Columbia University in 1969. He has served as a labor arbitrator, as a member of the Los Angeles County Employee Relations Commission, as a mediator for New York Public Employee Relations Board, and as an attorney for the National Labor Relations Board. He has the five-year term.

Jerilou H. Cossack graduated from UCLA with a M.S. in Labor Relations. In 1968 she worked as an assistant to the President of the Engineers and Scientists Guild at Lockheed. In 1969 she joined the National Labor Relations Board, Los Angeles office, as a field examiner. Later, she became a supervising examiner overseeing the investigation of unfair labor practice charges and representation matters. Her tenure on the Board is for three years.

Dr. Raymond J. Gonzales served as State Assemblyman from Kern County. As a legislator, he was vice-chairman and chairman of the Education Committee. Prior to holding public office, he was a professor at Bakersfield Community College and California State College at Bakersfield. He received his B.A. from San Francisco State University, his M.A. from the University of the Americas in Mexico City, and his Ph.D. in Latin American Studies from University of Southern California. He has the one-year appointment.

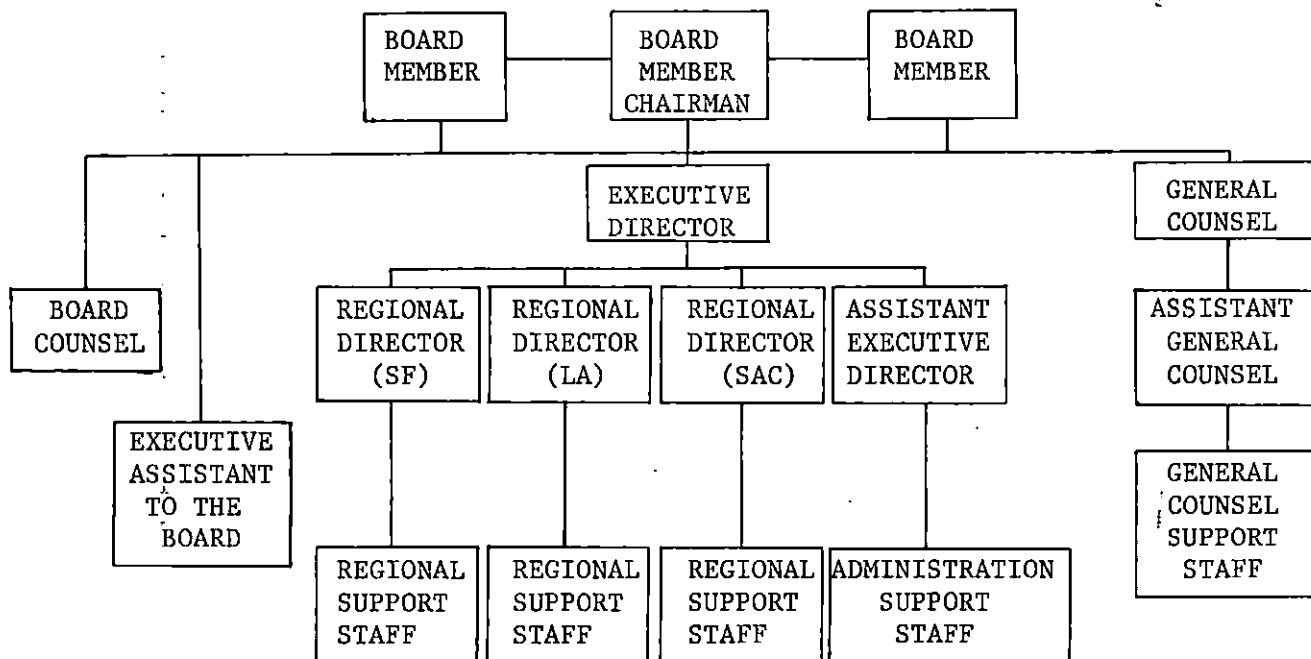
IMPLEMENTATION

The Act provided for implementation in orderly stages. These included:

- hiring a staff of persons knowledgeable in the fields of education, employer-employee relations, and state government administration;
- issuing regulations by April 1, 1976, so the parties affected by the law would have a clear understanding of the proceedings in representation matters;
- determining the fiscal resources needed to implement the Act and drafting a budget for inclusion in the 1976-77 budget.

A. SELECTING THE STAFF

Educational Employment Relations Board
Organization Chart
Table I



The Board faced the task of implementing a new law with professional requirements heretofore unknown in California. Personnel requirements were unique and necessitated new civil service classifications and recruitment from both inside and outside state government. With the cooperation and assistance of the State Personnel Board and the Department of Finance, new job classes were created to meet the special professional environment of employer-employee negotiations. Recruitment and testing began immediately, and the Board was able to create a skeleton staff to assist in the early developmental stages.

The Board created a structural distinction between responsibilities of the Executive Director and the General Counsel. However, they are related since they address different aspects of the same Board functions.

Unlike counsel of other state agencies, the Board's General Counsel is able to bring suit to enforce the Board's orders. The General Counsel may become involved in whatever litigation may arise. The staff of the General Counsel also provides the Board with legal advice on matters relating to the Board's operation.

The support staff of the Board includes 66 full-time permanent positions and 24 temporary positions which are located throughout the state. The Executive Director is the chief administrative officer of the Board and is responsible for all representation matters, elections, personnel, budget and staff coordination. The General Counsel supervises the hearings in disputed cases, coordinates the processing of unfair practice charges and represents the Board in matters involving litigation.

Charles L. Cole was appointed the first Executive Director to the Educational Employment Relations Board on April 1, 1976. He came to the Board from the California State Employees Association, where he was responsible for conducting research on matters concerning labor relations and employee salary and fringe benefits issues. He also served as senior consultant in the California State Assembly

for the committee on Public Employment and Retirement. He received his B.A. from the University of California at Riverside.

William P. Smith was appointed General Counsel to the Educational Employment Relations Board on July 1, 1976. He has a unique blend of labor law experience that developed from representing both labor and management at the negotiating table. He received his B.A. from Sacramento State College and is a graduate of the Stanford University Law School. He served as a member and first president of the County Board of Education in Sacramento County and as a member of the Board of Trustees, Los Rios Community College District. He was director of governmental relations and legal counsel to the Faculty Association of California Community Colleges.

As a new state agency, the Educational Employment Relations Board was presented with a unique opportunity: the chance to achieve sex and ethnic balance in its work force through the initial hiring process. The Board seized this opportunity and embarked on a vigorous affirmative action program. While not all positions have been filled, the following table reflects our status as of December 31, 1976:

ETHNIC AND SEX COMPOSITION OF EERB STAFF

Table II

Category	Total Budgeted		Number Vacant		White		Black		Spanish Speaking		Asian		Male		Female	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Board-Admin- istration	10	100	0	0	6	60	1	10	2	20	1	10	8	80	2	20
Attorneys	19	100	4	21	10	53	3	16	2	10	0	0	12	63	3	16
Labor relations specialists	9	100	0	0	6	67	1	11	2	22	0	0	4	44	5	56
Clerical	31	100	7	22	14	45	3	10	5	16	2	6	1	3	23	97
TOTAL	69	100	11	16	36	52	8	11	11	16	3	4	25	36	33	48
Labor force reference*						76		6		14		2				
*SOURCE: State Personnel Board																

Through focused recruitment and a strong affirmative action stand, the Board has been able to meet or exceed, with few exceptions, the labor force figures for each of the major ethnic groups in California. This has been accomplished using civil service procedures and without a lessening of the high standards the Board established for its employees. The Board is continuing to work toward a fully integrated work force.

B. ISSUING REGULATIONS

The Educational Employment Relations Board was created during a period when both the Legislature and the public desired greater involvement in the business of government. This philosophy is reflected in specific sections of the Act. The newly appointed Board members, sensing these new attitudes toward government, provided for public involvement in the rule-making process which was beyond the minimum required by state law.

Since some consider government regulations as excess red tape, while others view them as an essential part of due process, the Board decided to include all affected parties in the drafting of regulations. As a result, the Board scheduled three public hearings to receive comment on the proposed regulations. These hearings were held in Sacramento, Los Angeles, and San Francisco. Existing state law did not require the Board to hold its hearings before the regulations were issued in emergency form. The Board, however, desired the views of all interested parties and mailed notices of the hearings to over 1500 persons who had asked to be advised of Board activities. Public response was significant with over 150 persons testifying and over 300 written statements filed.

The discussion draft included regulations on representation, unfair practice, public notice, and impasse functions. The relative

merits of procedural versus substantive rule-making were discussed at length. At the conclusion of the hearings, the Board and staff produced emergency procedural regulations on the representation process of the Act. These regulations emphasized the importance of decision-making by the parties at the local level. They became effective on April 1, 1976.

C. THE BUDGET

The law went into effect at the mid-point of the fiscal year. As a result, the Board identified its fiscal needs for the first six months of operation while at the same time developed its budget for the forthcoming fiscal year. With the advice and assistance of the Department of Finance, General Services, the Legislative Analyst and the Legislative fiscal committees, a budget of \$3,031,184 was submitted and approved.

THE PUBLIC MEETING PROCESS

Early in the Board's development, the public meeting became an important administrative and managerial feature. The Board has developed a broad interpretation of California's open-meeting laws. While some of the Board's work requires executive sessions, the Board adopted rules which are very much in line with both the spirit and letter of the open-meeting laws. Executive sessions are strictly limited to case deliberations and specific personnel matters. All other business of the Board is conducted at the weekly public session.

Three types of public meetings are set forth in the rules: regular meetings, special meetings and emergency meetings. A seven-day posting period of public notice for agenda items is required for regular meetings, with 24 hours required for special meetings. All meetings are in Sacramento unless otherwise specified by Board action. All executive sessions on personnel matters

must be held following a regular or special meeting. Regular meetings are held each Tuesday at 10:00 a.m. and continue through the day if necessary. Two members constitute a quorum, and a majority vote requires the concurrence of two members present and voting.

Case deliberations are exempt from the open-meetings policy. Matters considered in case deliberations include the following:

- deliberations and decisions on representation cases and unfair practice cases following open hearings;
- appeals from disputed representation and unfair practice cases;
- appeals from the dismissal of unfair practice charges;
- approval of petitions for consent elections and appeals for dismissal of such petitions;
- appeals of challenged-ballot determinations and objections to elections;
- receipt of legal advice relative to enforcement of Board, Regional Director or hearing officer decisions or litigation.

The public's right to speak before the Board is guaranteed in the Board's rules of order. A special time may be set aside at each meeting for public statements. In addition, the chairman may recognize individuals in the audience who wish to speak on specific topics under consideration.

HOW CASES ARE PROCESSED

A. BY THE BOARD

The Board, after careful examination of established public

employment relations boards and the National Labor Relations Board, structured the decision-making process around procedural rules. The rules set forth how to initiate both representation matters and unfair practice charges, as well as guiding respondents in such actions. In both kinds of cases, the initial action is precipitated by the parties' exercise of their rights under the Act.

As a quasi-judicial board that oversees an important area of administrative law, the Board serves as an appellate body for all decisions made by its staff regarding representation and unfair practice matters. As an appellate body, the Board deliberates only on the specific factual situations presented in a case before it and issues a written decision.

A dispute or appeal typically comes to the Board in the form of a case file containing a transcript of testimony before a hearing officer, and a hearing officer's proposed decision in the matter. Because of the precedential nature of the early cases, the Board rendered decisions in the first instance rather than on appeal.

Once received by the Board, the case materials are prepared for case deliberations. The Board members are assisted in the deliberation process by counsel. During deliberations, the Board discusses the issues, the arguments and the evidence.

Following the deliberations, a draft is prepared and circulated among the members. Concurring or dissenting opinions, if any, are prepared and the decision is then sent to the parties.

Another method of receiving a case is through administrative appeal. Decisions of the Board's Regional Directors and Executive Director are appealable to the Board. These administrative appeals are handled less formally but with no less consideration than the hearing officers' decisions received on appeal.

Where employees propose to have an exclusive representative, the composition of the negotiating unit is the cornerstone of the relationship. If the employee organization and the employer cannot agree on an appropriate negotiating unit, the Board must determine the appropriateness of the unit or units proposed. The statutory guidelines for unit determination are set forth in the Act. The relevance and weight to be accorded each of the factors when applied to an actual case before the Board required great care. The Board must decide whether a proposed unit complies with the letter and spirit of the Act while also providing a solid foundation for long term stability in the negotiating relationship.

To accomplish this, units must provide both an adequate community of interest among the employees to maximize unity and minimize conflict and also provide the employer with an efficient management structure. To aid in this goal, the law provides that "supervisors" must not be in a unit represented by the same organization as the employees they supervise. In addition, employees who meet the statutory definition of management or confidential must be excluded from the unit.

By December 31, 1976, the Board had issued landmark decisions giving guidelines on several aspects of these issues. These involved:

- separation of classified employees into units based on groupings of office/technical/business services as distinguished from operations/support classifications and separate from these, units for para-professionals such as instructional aides;
- inclusions, when certain criteria are met, of teachers and secondary counselors in a single unit;
- determination of management and confidential status of employees in numerous factual situations;

- similar decisions regarding the definition of supervisory status;
- rulings concerning the grounds for objections to the conduct of elections and the criteria that must be met to set aside the results of an election;
- the factors which support inclusion or exclusion from single unit of the following: full-time teachers, part-time teachers, short-term and long-term substitutes, and summer school teachers.

B. BY THE GENERAL COUNSEL

The General Counsel is the attorney to both the Board and the Executive Director. By authority granted in the statute, the General Counsel represents the Board in court when it is a party to litigation or otherwise has an interest in the suit.

A primary function of the General Counsel is supervision of all hearings. Hearings are held to resolve questions concerning appropriate units, unfair practice charges and objections to the conduct of elections. In the case of unit determinations and election issues, the hearings may be conducted by non-attorney staff as well as attorneys. Hearings on unfair practice charges, however, are conducted only by attorneys on the General Counsel's staff.

Under Board rules, an employer, an employee organization, or an employee may file a charge alleging an unfair practice. Upon receipt, the charge is docketed, assigned a case number and screened to see that it states a prima facie case. If it is in proper form, a copy is served on the party alleged to have committed the unlawful act. The respondent then files an answer to the charge.

If it is determined that the charge fails to state a prima facie case, the charging party is informed of the determinations and, where possible, told of amendments that might be made to correct

the defects. If the charge is neither amended nor withdrawn, the General Counsel may dismiss the charge. The charging party then has a right to appeal the decision to the Board.

When the answer has been received, a hearing officer calls the parties together for an informal conference. At this time efforts are made to settle the matter by mutual agreement. At the informal conference, the parties are free to discuss the case in confidence with the hearing officer. No record is made since the primary purpose is to achieve a voluntary settlement. If it becomes apparent that voluntary settlement is unlikely, a formal hearing is scheduled. In some cases, the parties may indicate a mutual desire to defer the formal hearing until they have had further opportunity to negotiate on the issues.

If a formal hearing is conducted, it is typically in the community where the employer, employees and interested public are located. If this arrangement is not mutually desirable, the hearing will be held at one of the regional offices or in other state facilities.

Unless the parties object, the hearing officer assigned to conduct the formal hearing may be the same person who conducted the earlier informal conference. The hearing officer rules on motions, takes sworn testimony, and receives evidence. The parties may represent themselves or be represented by either legal counsel or other agents.

Upon conclusion, the hearing officer may request that legal briefs be submitted or the parties may request permission to submit briefs. The hearing officer then studies the transcript and other evidence submitted, considers the applicable law, and issues a recommended decision.

After receipt of the recommended decision, any party to the proceedings may file a Statement of Exceptions with the Board. Opportunity is provided for the submission of briefs in support

of the exceptions and there may be oral argument. This method provides any party with the opportunity to appeal the recommended decision before it would otherwise become effective. The Board, after hearing the exceptions, may affirm the decision, modify in whole or in part, reverse, or send the matter back to the hearing officer for receipt of additional testimony and evidence.

C. BY THE REGIONAL OFFICE

For the convenience of the parties, the Board has created three geographical regions with offices in San Francisco, Sacramento and Los Angeles. To minimize the parties' costs, the board conducts hearings at the school facilities whenever possible.

Under supervision of the Executive Director, the regional directors have been delegated all decision-making authority relating to the representation process. This includes processing of representation cases, including showing-of-interest issues, proof of majority issues, consent elections, directed elections, decertification elections, and organizational security elections. If such a decision is appealed, the Executive Director will review and may modify the decision.

A party initiates a representation case by filing copies of the request for recognition with the appropriate regional office. Upon the filing of a notice of an employer decision, the matter is evaluated to determine whether all Board requirements have been met. If so, and no unit dispute exists, arrangements are made to conduct the election.

If a unit dispute exists, the Regional Director will assign a staff representative to conduct a settlement conference with the parties. Following the conference, if no settlement is accomplished, the Regional Director certifies the case to the General Counsel for a formal representation hearing.

If a settlement is reached in the hearing, or an election is

requested, the hearing officer refers the case back to the Regional Director. The Regional Director then determines the date, hours, number and location of polling sites, and other terms and conditions of the election. In a disputed case, once the Board has determined the appropriate unit, the Regional Director is directed to conduct an election.

During an election, a board officer or an observer of any party may challenge the eligibility of any person to cast a ballot. These challenged ballots are set aside and, if they are sufficient in number to affect the results of the election, a hearing will be held on the challenged ballots. At the hearing, witnesses may be called and cross examined and other evidence may be introduced into the record. A transcript is made of such testimony and evidence.

The appointment of mediators and factfinders is one of the most important functions performed at the regional level. Their purpose is to assist the parties in resolving impasses arising from contract negotiations. Either an employer or the exclusive representative may declare that an impasse has been reached between the parties on matters within the scope of negotiations and may request the Board to appoint a mediator. If the Board determines that an impasse exists, a mediator must be appointed within five working days.

If a mediator cannot settle the controversy within 15 days and declares that factfinding is appropriate, either party may request that their differences be submitted to a tripartite factfinding panel. Each party then selects a person to serve as its member, and the Board selects a person to chair the factfinding committee. The cost of the person chairing the panel is borne by the Board.

Any administrative decision in representation matters may be appealed directly to the Board. Such an appeal must be filed with the Executive Director within ten calendar days after service of the actions for which review is sought. This year, the Board reviewed appeals from administrative decisions such as showing-of-interest problems, specific provisions of consent election agreements, and

a wide variety of other representation matters. The Board has been extremely conscious of the need to continually review staff activities to insure uniform implementation of policy.

This concludes the Educational Employment Relations Board's first Annual Report to the Legislature.

The narrative, statistics, and glossary contained herein and the policies described are for the purposes of this report only. This publication does not modify, amend, or supercede any regularly published and or adopted rules, regulations, case records, or case decisions of the Educational Employment Relations Board.

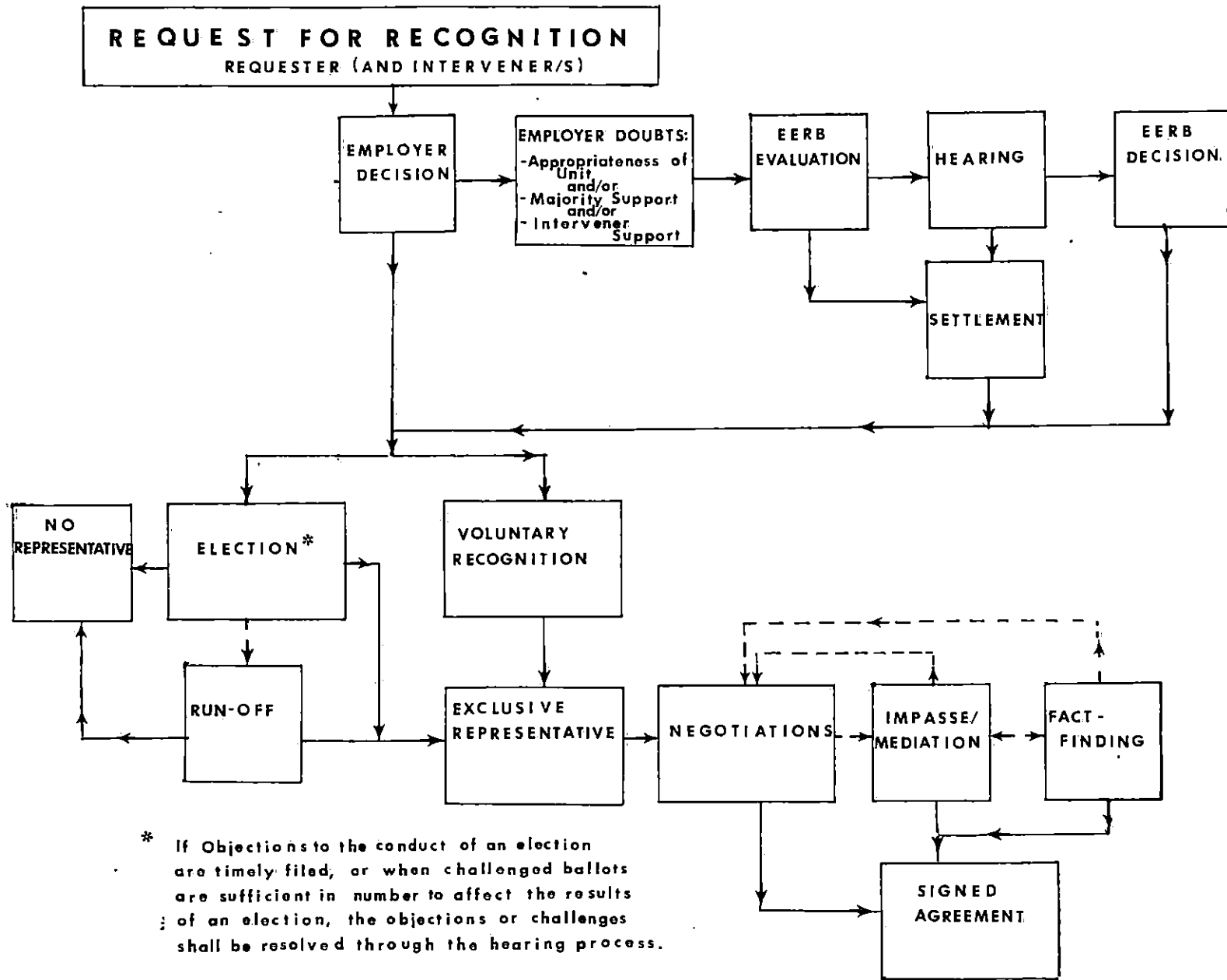
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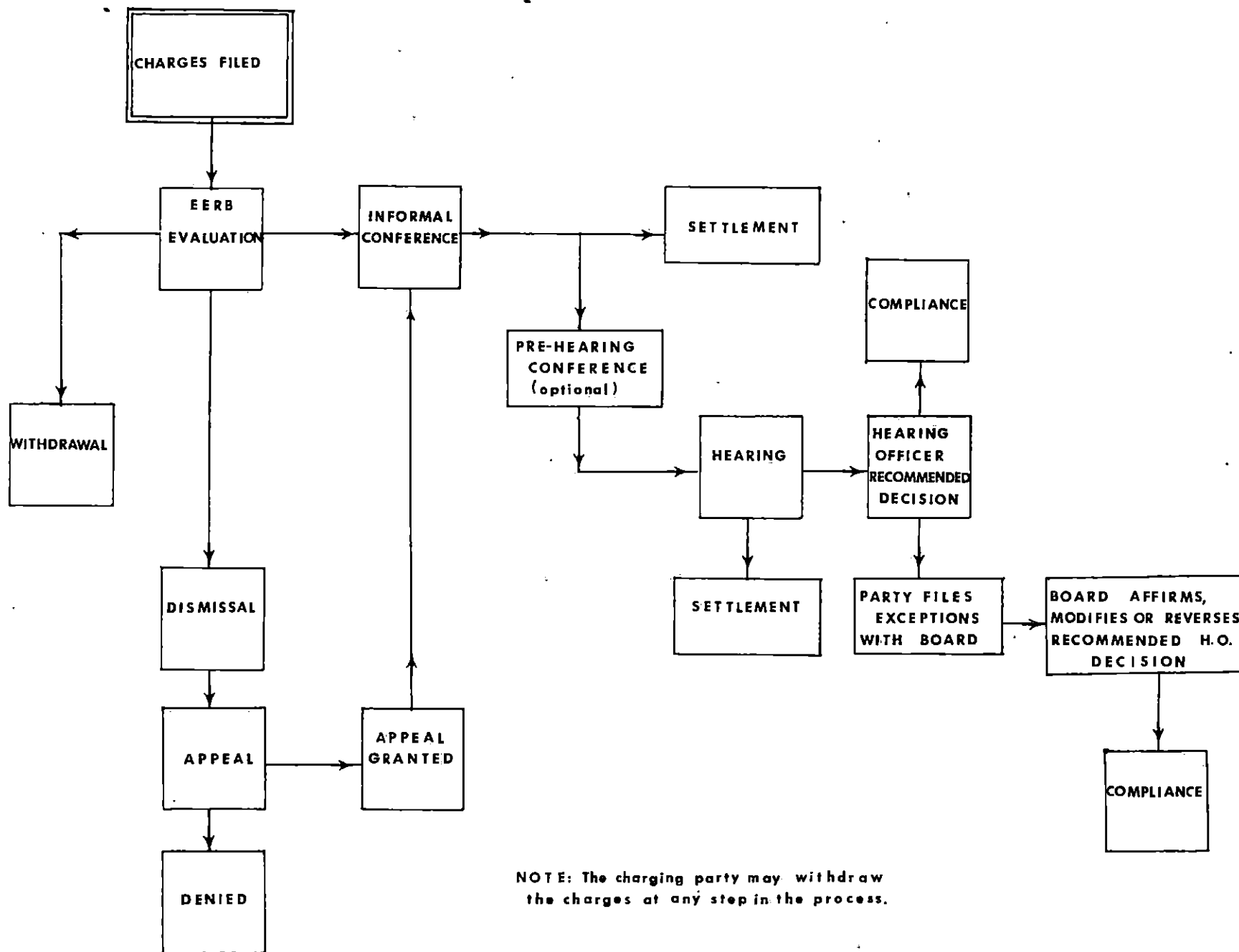
STATISTICAL SUMMARY FOR THE 1976 CALENDAR YEAR

	<u>Classified</u>	<u>Certificated</u>	<u>Supervisory</u>	<u>Total</u>
Requests for recognition:				
Number of units	834	895	11	1740
Number of districts	745	843	11	
Districts in state.....				1170
Districts w/SB 160 activity.....				920
Petitions for Interventions	274	194	0	468
Voluntary recognition:				
Number of units	506	616	6	1128
Number of districts	498	607	5	
Districts granting voluntary recognition.....				789
Disputed cases:				
Unit questioned	128	85	0	213
Majority support doubted	21	23	0	44
30% support doubted	9	6	0	15
Cases set for hearing	16	25	0	41
Hearings completed	29	25	0	54
Representation cases settled	9	10	0	19
Unfair practice charges:				
Charged against employer				113
Charged against employee organizations				27
Closed cases (withdrawn or dismissed)				40
Total unfair charges				140
Elections:				
Number of elections	34	79	0	113
(Bargaining units)				
Number of eligible voters	6,920	27,334	0	34,254
Number of votes cast	5,022	24,524	0	29,546
Impasses declared	30	95	0	125
Factfinding	1	7	0	8
Contracts on file	112	163	3	278

Representation Proceedings Flow Chart



Unfair Practice Charges Flow Chart



LIST OF ABBREVIATIONS USED IN ELECTION LOG

CA	Consent Election Agreement
CCD	Community College District
COE	County Office of Education
CFT	California Federation of Teachers AFL/CIO
CSEA	California School Employees Association
CTA	California Teachers Association
ESD	Elementary School District
JUHSD	Joint Union High School District
OS	Organizational Security Election
PEG	Professional Educators Group
RDD	Regional Director Directed Election
RO	Run Off Election
RR	Rerun Election
SD	School District (Elementary)
SEIU	Service Employees International Union AFL/CIO
UESD	Union Elementary School District
UHSD	Union High School District
USD	Unified School District

ELECTION LOG *

DATE	CASE NO.	DISTRICT	ELIGIBLE VOTERS	TOTAL NO. OF VOTES	EMPLOYEE ORG. CERTIFIED AS EXCLUSIVE REP.	OTHER EMPL. ORGANIZATIONS ON BALLOT	NO REP	CHALLENGED BALLOTS	VOID	TYPE OF ELECTION
REGION: SAN FRANCISCO - CERTIFICATED										
5/20	SR-R-32	Tamalpais UHSD	350	323	CFT-161	CTA-155	4	3	0	CA
5/25	SF-R-332	Lakeport USD	62	62	CTA-33	LFC-29	0	0	0	CA
5/26	SF-R-130	Jefferson UHSD	500	458	CFT-230	CTA-215	10	3	0	CA
6/2	SF-R-29, 121	Travis USD	170	158	CTA-97	CFT-61	2	0	0	CA
6/3	SF-R-305	Pacific Grove USD	175	145	CTA-94	CFT-51	1	0	0	CA
6/9	SF-R-141	Jefferson ESD	402	339	CTA-325	--	7	7	1	CA
6/10	SF-R-222	Pajaro Valley USD	596	570	CTA-296	CFT-255	11	8	1	CA
9/24	SF-R-149, SF-R-320	Sebastopol USD	54	54	CTA-39	PEG-0	15	0	0	CA
10/6	SF-R-158	San Benito JUHSD	77	71	CTA-53	SBFC-18	0	0	0	CA
10/8	SF-O-1	Windsor ESD	33	25	YES-21	NO-3	0	1	0	OS
10/19	SF-R-205, SF-R-282	Carmel USD	160	146	CTA-98	CFT-42	5	1	1	CA
10/21	SF-R-84	San Lorenzo USD	490	461	CTA-278	¹ ISLE-177	4	2	0	CA
10/27	SF-R-81	Forestville USD	30	28	CTA-24	--	4	0	0	CA
11/4	SF-R-35, 351	Novato USD	497	494	CFT-269	CTA-218	0	7	0	CA
11/16	SF-O-2	Antioch USD	418	303	YES-200	NO-101	0	2	1	OS
11/17	SF-R-172, 526	San Jose USD	1888	1715	CTA-1382	CFT-306	15	12	0	RDD

¹Independent San Lorenzo Educators

* List of Abbreviations on page 21

DATE	CASE NO.	DISTRICT	ELIGIBLE VOTERS	TOTAL NO. OF VOTES	EMPLOYEE ORG. CERTIFIED AS EXCLUSIVE REP.	OTHER EMPL. ORGANIZATIONS ON BALLOT	NO REP	CHALLENGED BALLOTS	VOID	TYPE OF ELECTION
11/18	SF-R-263	Laguna Salada USD	300	277	CTA-166	CFT-106	1	4	0	CA
11/19	SF-R-187	Cotati-Rohnert Park ESD	96	84	YES-73	NO-11	0	0	0	OS
12/1	SF-R-52	Twin Hills USD	27	22	YES-19	NO-3	0	0	0	OS
12/7	SF-R-91	Alameda USD	500	483	AEA-247	CFT-226	3	7	1	CA
12/8	SF-R-53	Fremont USD	1559	1412	CTA-805	CFT-575	20	12	1	CA
	SF-R-219	Fremont USD	50	47	² FCGA-41	CTA-6	1	0	0	CA
12/9	SF-R-93	Pittsburg USD	350	348	CTA-268	CFT-70	9	1	0	RDD
12/9	SF-R-25	San Ramon Valley USD	600	566	CTA-305	CFT-247	9	5	0	CA
- CLASSIFIED										
11/17	SF-R-277	Oakland USD	10	8	CSEA-5	³ OPSPOA-3	0	0	0	CA
12/9	SF-R-106	Pittsburg USD	219	111	CSEA-57	CFT-52	2	0	0	RDD
REGION: SACRAMENTO										
- CERTIFICATED										
5/24	S-R-112	Enterprise ESD	100	96	CTA-055	CFT-38	3	0	1	CA
5/27	S-R-58	Corcoran JUSD	130	122	CTA-064	CFT-56	2	0	0	CA
5/27	S-R-39	Ripon USD	60	57	CTA-035	--	22	0	0	CA
5/28	S-R-84	Exeter UHSD	53	46	CTA-045	--	1	0	0	CA
5/28	S-R-65	Exeter UESD	49	47	CTA-042	---	5	0	0	CA

²FCGA - Fremont Counseling & Guidance

³OPSPOA - Oakland Public Schools Peace Officers Association,

DATE	CASE NO.	DISTRICT	ELIGIBLE VOTERS	TOTAL NO. OF VOTES	EMPLOYEE ORG. CERTIFIED AS EXCLUSIVE REP.	OTHER EMPL. ORGANIZATIONS ON BALLOT	NO REP	CHALLENGED BALLOTS	VOID	TYPE OF ELECTION
5/28	S-R-134	Dinuba ESD	132	122	CTA-107	---	15	0	0	CA
6/1	S-R-410, 400	Shasta UHSD	250	243	CTA-192	CFT-50	1	0	0	CA
6/1	S-R-164	Lincoln USD	211	181	CTA-142	---	39	0	0	CA
6/3	S-R-385	Natomas UESD	8	8	CTA-006	---	2	0	0	CA
9/21	S-R-451	Roseville JUHSD	136	116	⁴ RSEA-97	PEG-18	1	0	0	CA
10/5	S-R-36	Stockton USD	91	81	⁵ SPPA-59	CTA-22	1	4	0	CA
10/5	S-R-38	Stockton USD	1508	1242	CTA-738	CFT-504	30	32	3	CA
10/13	S-R-390	Thermalito ESD	45		CTA-37	---	7	0	1	CA
11/3	S-R-458	Jackson USD	37	35	JUFA-24	ITA-8	3	0	0	CA
11/10	S-R-539	Lemoore UHSD	88	84	CFT-43	CTA-39	2	1	0	CA
11/17	S-R-499	Fowler USD	77	70	CTA-36	FUTA-32	2	0	0	CA
11/18	S-R-83	Madera USD	385	341	CTA-277	CFT-52	12	0	0	CA
11/22	S-R-359	Galt JUHSD	43	43	CFT-22	---	21	0	0	RDD
12/8	S-R-131	Placer COE	73	59	P.E.S.T.-3	CTA-20	0	0	0	CA
12/14	S-R-519	Siskiyou UHSD	73	71	⁶ 9 CTA-37	SUHSTO-34	0	0	0	CA
12/16	S-R-120	Red Bluff UHSD	84	77	CTA-59	CFT-17	1	0	1	CA
- CLASSIFIED										
6/2	S-R-31	San Joaquin Delta CCD	207	180	CSEA-172	---	7	1	0	CA
10/7	S-R-96	Linden USD	64	57	CSEA-38	LUCEA-17	1	1	1	CA

⁴RSEA - Roseville Secondary Education Association

⁶Siskiyou Union High School Teachers Organization

⁵SPPA - Stockton Pupil Personnel Association

DATE	CASE NO.	DISTRICT	ELIGIBLE VOTERS	TOTAL NO. OF VOTES	EMPLOYEE ORG. CERTIFIED AS EXCLUSIVE REP.	OTHER EMPL. ORGANIZATIONS ON BALLOT	NO REP	CHALLENGED BALLOTS	VOID	TYPE OF ELECTION
11/1	S-R-37	Fresno USD	375	317	SEIU-219	CSEA-66	3	29	1	CA
11/1	S-R-37	Fresno USD	264	239	CSEA-128	SEIU-80	6	25	0	CA
11/9	S-R-6	Riverdale JUHSD	29	27	SEIU-21	--	5	1	1	CA
12/6	S-R-473	Twain Harte- Long Barn SD	22	18	CSEA-10	--	6	2	0	CA
12/7	S-R-40	Riverbank ESD	39	30	RCEA-17	CSEA-13	0	0	0	CA

REGION: LOS ANGELES
- CERTIFICATED

5/3	LA-R-64	Fillmore USD	135	120	CTA-085	PEG-2	33	0	0	CA
5/25	LA-R-71	Fullerton JUHSD	661	633	CTA-342	CFT-279	10	2	0	CA
6/4	LA-R-279	Lancaster ESD	279	263	CTA-202	PEG-1	60	0	0	CA
6/7	LA-R-181	Lemon Grove ESD	147	138	CTA-134	--	4	0	0	CA
6/9	LA-R-697	Rosemead ESD	111	98	CTA-055	--	43	0	1	CA
6/10	LA-R-707	El Monte ESD	447	388	CTA-338	--	50	0	0	CA
6/11	LA-R-51	S. Pasadena USD	183	172	CTA-144	--	27	1	0	CA
6/16	LA-R-61	Wiseburn ESD	85	82	CTA-050	--	32	0	0	CA
6/17	LA-R-263	Glendale USD	990	897	CTA-654	--	229	14	0	CA
6/17	LA-R-324	Glendale USD	45	32	GSSA-30		2	0	0	CA
9/24	LA-R-573	Westmorland UESD	21	20	CTA-18	--	2	0	0	CA
9/30	LA-R-60	Santa Monica USD	726	679	CTA-615	--	64	0	3	CA
10/1	LA-R-161	Los Alamitos SD	156	146	CTA-94	CFT-52	0	0	1	CA
10/4	LA-R-709	Chula Vista City SD	593	382	CVCEO-218	CSEA-154	9	1	0	CA

⁷ GSSA - Glendale Support Service Association

⁸ CVCEO - Chula Vista Classified Employee Organization

DATE	CASE NO.	DISTRICT	ELIGIBLE VOTERS	TOTAL NO. OF VOTES	EMPLOYEE ORG. CERTIFIED AS EXCLUSIVE REP.	OTHER EMPL. ORGANIZATIONS ON BALLOT	NO REP	CHALLENGED BALLOTS	VOID	TYPE OF ELECTION
10/12	LA-R-663	Adelanto SD	51	49	CTA-26	PEG-23	0	0	0	CA
10/14	LA-R-80	Newport-Mesa USD	1278	1208	CTA-629	CFT-537	30	12	0	CA
10/19	LA-R-244	Santa Ana USD	1325	1191	CTA-829	USSA-343	18	1	0	CA
10/20	LA-R-275	Goleta USD	306	274	CTA-151	CFT-112	7	4	0	CA
10/21	LA-R-370, 421	So. Bay UHSD	278	267	runoff	CFT-124, ¹⁰ SBST-21 ¹¹ BCST-118	3	1	0	CA
10/26 -27	LA-R-35	El Camino CCD	767	673	CFT-319	CTA-200	77	1	0	CA
10/29	LA-R-99	San Pasqual USD	41	37	PEG-22	CTA-15	0	0	0	CA
11/3	LA-R-681	Maricopa USD	27	25	CTA-20	--	5	0	1	CA
11/4	LA-R-62	Riverside USD	1103	967	CTA-737	CFT-201	28	1	0	CA
11/9	LA-R-374	Glendora USD	354	314	CTA-235	CFT-73	5	1	0	CA
11/10	LA-R-298	Simi Valley USD	989	827	CTA-634	CFT-160	29	4	1	CA
11/15	LA-R-734	Mt. San Jacinto CCD	39	36	CTA-24	--	12	0	0	CA
11/16	LA-R-539	Santa Paula SD	134	136	CFT-78 runoff	CTA-54	0	4	0	CA
11/17	LA-R-370	So. Bay UHSD	264	270		¹¹ BCST-139, CFT-130	0	1	1	RO
	LA-R-421				CTA-529					
11/29	LA-R-431	Palos Verdes Peninsula USD	803	642	CTA-326	CFT-103	10	0	2	CA
11/30	LA-R-428	Rowland USD	668	613		CFT-275	12	0	0	CA
	LA-R-484									
12/7	LA-R-37	Chino USD	512	478	CTA-243	CFT-230	4	1	3	CA
	LA-R-66				CFT-296					
12/6	LA-R-109	Poway USD	610	565		CTA-261	4	4	0	CA

⁹USSA - Unit Staff of Santa Ana

¹¹BCST - Beach Cities Secondary Teachers

¹⁰SBST - South Bay Secondary Teachers

DATE	CASE NO.	DISTRICT	ELIGIBLE VOTERS	TOTAL NO. OF VOTES	EMPLOYEE ORG. CERTIFIED AS EXCLUSIVE REP.	OTHER EMPL. ORGANIZATIONS ON BALLOT	NO REP	CHALLENGED BALLOTS	VOID	TYPE OF ELECTION
12/9	LA-R-605	Brawley SD	144	129	12 CTA-101	PEG-28	0	0	1	CA
12/13	LA-R-191	Orange USD	45	41	OUC-28	CTA-12	1	0	0	CA
- CLASSIFIED										
6/3	LA-R-145	Fillmore USD	127	110	CSEA-103	--	7	0	0	CA
6/7	LA-R-506	Lemon Grove ESD	152	123	CSEA-119	--	2	2	0	CA
6/9	LA-R-136	Rosemead ESD	65	55	CSEA-050	--	5	0	0	CA
6/10	LA-R-137	El Monte ESD	395	344	CSEA-326	--	14	4	0	CA
6/11	LA-R-239	S. Pasadena USD	109	78	CSEA-068	--	9	1	0	CA
6/16	LA-R-332	Wiseburn ESD	79	70	runoff	13 WCEA-34 CSEA-29	7	0	0	CA RO
10/18	LA-R-449	Bakersfield City ESD	341	192	CSEA-160	SEIU-20	4	8	0	CA
10/18	LA-R-449	Bakersfield City ESD	315	272	CSEA-191	SEIU-53	7	21	0	CA
10/18	LA-R-449	Bakersfield City ESD	160	146	CSEA-79	SEIU-61	3	3	1	CA
10/19	LA-R-343	Santa Ana USD	912	483	CSEA-448	--	32	3	0	CA
10/29	LA-R-73	San Pasqual USD	44	45	14 CEGSPVUSD-29	CSEA-16	0	0	0	CA
11/3	LA-R-457	Maricopa USD	21	21	Retail Clks-16	CSEA-5	0	0	0	CA
11/17	LA-R-238	San Marino USD	74	67	CSEA-41	--	26	0	0	CA
11/18	LA-R-733	Sweetwater CCD	147	121	CSEA-113	--	7	1	0	CA
11/23	LA-R-677	Orange COE	197	125	CSEA-98	--	30	5	2	CA
12/1	LA-R-16, 17 LA-R-173	San Diego CCD	130	86	SEIU-67	15 SDCEA-16	1	2	0	RDD

¹²OUC - Orange Unified Counselor

¹³WCEA - Wiseburn Classified Employees Association

¹⁴CEGSPVUSD - Classified Employees Group of
San Pasqual Valley USD

¹⁵SDCEA - San Diego Classified Employees Association

DATE	CASE NO.	DISTRICT	ELIGIBLE VOTERS	TOTAL NO. OF VOTES	EMPLOYEE ORG. CERTIFIED AS EXCLUSIVE REP.	OTHER EMPL. ORGANIZATIONS ON BALLOT	NO REP	CHALLENGED BALLOTS	VOID	TYPE OF ELECTION
12/1	LA-R-16, 17 LA-R-173	San Diego CCD	383	278	runoff	¹⁵ SDCEA-120 SEIU-109	19	30	0	RDD
12/1	LA-R-12, 17 LA-R-173	San Diego CCD	25	16	SEIU-13	¹⁵ SDCEA-2	1	0	0	RDD
12/1	LA-R-16, 17 LA-R-173	San Diego CCD	33	22	SEIU-16	¹⁵ SDCEA-6	0	0	0	RDD
12/3	LA-R-521	Grossmont USD	119	106	CSEA-79	SEIU-20	1	6	0	CA
12/3	LA-R-521	Grossmont USD	535	352	CSEA-239	SEIU-111	2	0	1	CA
12/3	LA-R-521	Grossmont USD	143	125	SEIU-77	CSEA-46	2	0	0	CA
12/7	LA-R-332	Wiseburn ESD	74	64	CSEA-33	¹³ WCEA-31	0	0	0	CA
12/8	LA-R-595	ABC USD	1073	717	CSEA-402	AFSCME-263	30	22	1	CA
12/16	LA-R-757	San Diego USD	38	17	¹⁶ SDCSPOA-17	--	0	0	0	CA

¹⁶ SDCSPOA - San Diego City Schools Peace Officers Association

GLOSSARY OF EDUCATIONAL LABOR RELATIONS TERMS

Agency Shop. An organizational security arrangement that may require the employee to join or pay a service fee to the exclusive representative of the negotiating unit as a condition of employment.

Arbitration. A method of settling a labor-management dispute by having an impartial third party hold a formal hearing, take testimony, and render a decision. The most common types of arbitration are grievance and interest arbitration.

Arbitration Clause. A provision in the collective agreement stipulating that those disputes which arise when the contract is being applied or interpreted are subject to arbitration. It may be broad enough to include "any dispute," or it may be confined by the parties to specific areas or issues.

Assessed Valuation per Average Daily Attendance (AV/ADA). The generally accepted measure of a school district's local wealth.

Authorization Card. Statement signed by employees designating an employee organization as authorized to act as their agent in collective negotiations. An employee's signature on an authorization card does not necessarily mean that he is a member of or has applied for membership in the employee organization.

Average Daily Attendance (ADA). A unit of measurement based upon a formula for measuring the full-time equivalent of pupil school attendance. Most school apportionments are based on ADA. In practice, ADA approximates 97 percent of actual enrollment. An example of an ADA calculation for a regular full-time elementary pupil would be to divide the number of days of attendance by the number of days school was taught in the regular schools.

Basic Aid. The state's guarantee of a minimum amount of state money for each unit of ADA of the preceding year to be apportioned

to every district in the state regardless of its wealth. Currently this consist of \$125 per ADA, \$120 of which is guaranteed by the Constitution and \$5 of which is provided for in the Education Code.

Budget Document. A written statement translating the educational plan or programs into costs, usually for one future fiscal year, and estimating income by sources to meet these costs.

Business Agent. Generally, a full-time paid employee or official of a local employee organization whose duties include day-to-day dealing with employers and employees, adjustment of grievances, enforcement of agreements, and similar activities.

California State Concilation Service. A division within the Department of Industrial Relations which provides mediators to parties at impasse under the Act with the objective of achieving settlements.

Categorical Aid Programs. Special education programs including early childhood education, mentally and physically exceptional children, mentally gifted minors, educationally disadvantaged youth program, and bilingual education.

Certificated Service. All employees required by law to possess credentials issued by the State Department of Education and the positions which are limited to those who possess such credentials.

Certified Organization or Certified Employee Organization. An organization which has been certified by the EERB as the exclusive representative of the public school employees in an appropriate unit after a proceeding under Article 5 (commencing with Section 3544) of the Act.

Challenged Ballot. A vote questioned by one of the parties or the EERB in a representation election. Common practice is to resolve the challenges and open and count the challenged ballots only if the number of challenged ballots is sufficient to affect the outcome of the election. If the unresolved challenged ballots can effect the out-come of the election, the EERB will schedule a hearing and rule on which

challenged ballots if any should be counted.

Check-off. An arrangement whereby an employer deducts from the pay of employee organization members in a negotiating unit membership dues and assessments. In some jurisdictions, the public employee union is required to pay a fee for this service.

Classified Service. Every position not defined by the Education Code as a position requiring certification qualifications and not specifically exempted from the classified service, according to the provisions of Section 13581 or 13712 shall be classified as required by those sections and shall be a part of the classified service. (Education Code Section 13581 establishes the classified service in districts not incorporating the merit system. Education Code Section 13712 establishes the classified service in those districts incorporating the merit system.)

Closed Shop. A provision in a collective bargaining agreement under which the employer may hire only union members and retain only union members in good standing. The closed shop is illegal under federal law for industries and businesses engaged in interstate commerce. The Closed Shop is not a permissible form of organizational security under the Act. (See Union Shop).

Coalition (Coordinated) Bargaining. A practice in which the employer deals with a number of employee organizations or the joint or cooperative efforts by a group of employee organizations to negotiate contracts with the employer. In coalition bargaining, the employee organizations usually sit together at the bargaining table to negotiate one agreement or a set of identical agreements. In coordinated bargaining, the employee organizations often negotiate simultaneously at different locations attempting to refrain from settlement until all are ready to settle on substantially the same terms.

Collective Negotiations. A method of bilateral decision making in which the employer and the exclusive representative of the employees determine the wages, hours and terms and conditions of employment of all employees in a negotiating unit. The negotiations normally result

in a written agreement.

Community of Interest. A factor to be considered along with the extent to which employees belong to the same employee organization, and the effect of the size of the unit on efficient operation of the school district, in determining whether employees should be grouped together as an appropriate negotiating unit.

Company Union. Historically, in the private sector, a term used to describe a labor organization which is organized, financed, or dominated by the employer, usually with the purpose of preventing the formation of a legitimate organization controlled by and representing the employees.

Computational Tax Rate. A tax that is applied to a district's assessed valuation to determine the required contribution toward its foundation program. In most districts this is not the actual tax rate.

Conciliation. See mediation.

Consent Election Agreement. A document executed by the parties and approved by the EERB Regional Director in a case pursuant to which an EERB election is conducted to determine by majority vote of the employees in an undisputed appropriate unit which, if any employee organization will serve as the exclusive representative of the employees.

Contract Bar. The principle that an existing agreement between an employer and an exclusive representative bar a representation effort sought by another employee organization attempting to unseat the incumbent exclusive representative. Such contract bars may have a maximum duration of three years under the Act.

Decertification. The process whereby the employees of a negotiating unit seek to remove an incumbent recognized or certified exclusive representative.

District Aid. The district's contribution to the foundation program partnership, generally computed by multiplying the district's

assessed valuation by a certain computational tax rate, not necessarily the tax rate actually levied.

Educational Employment Relations Board. A three member board appointed by the Governor and confirmed by the Senate to administer the Act.

Efficiency of Operation. A factor to be considered in determining whether employees should be grouped together in an appropriate negotiating unit.

"Employee or Public School Employee". As defined in the Act. Any person employed by any public school employer except persons elected by popular vote, persons appointed by the Governor of this state, management employees and confidential employees.

Employee Organization. Any organization which includes employees of a public school employer and which has as one of its primary purposes representing such employees in their relations with that public school employer. "Employee organization" shall also include any person such an organization authorized to act on its behalf.

"Employer or Public School Employer". As defined in the Act. The governing board of a school district, a school district, a county board of education, or a county superintendent of schools.

Equalization Aid. An additional state contribution to the foundation program of a district if the total of state basic aid and district aid fail to total the amount of the district's foundation program.

Established Practices of Employees. A factor to be considered in determining whether employees should be grouped together as an appropriate negotiating unit.

Escalator Clause. A clause in a negotiating agreement that ties wage rates to the cost of living during the period of the agreement.

Escape Period. A period of time during which employees may

resign from an employee organization and not be obliged to pay continued membership dues under maintenance-of-membership organizational security agreements. (See Maintenance-of-membership).

Exclusive Negotiating Rights. The right and obligation of an employee organization designated as majority representative to negotiate collectively for all employees, including non-members, in the negotiating unit.

Exclusive Representative. The employee organization recognized or certified as the exclusive negotiating representative of certificated or classified employees in an appropriate unit of public school employment.

Fact-finding. The culmination of the Impasse Procedures, Article 9, of the Act. A tripartite panel with the chairperson appointed and paid for by the EERB considers several specifically enumerated facts and makes findings of fact and recommendations of terms of settlement to a negotiating agreement. Such recommendations are advisory only and may be adopted or rejected in whole or in part by the parties.

Foundation Program. A statutory amount per ADA, representing a partnership of state and local resources in guaranteeing "a minimum acceptable level of school support" for each pupil in the state. It is a device by which individual district equalization aid is determined. It is not used in measuring special program reimbursements.

Good Faith Negotiating. The requirement that the parties negotiate at reasonable times with a willingness to reach an agreement on contract terms.

General Purpose Tax Rate. The district's tax rate which will be used to compute the revenue limit.

Hearing Officer. An agent of the Educational Employment Relations Board appointed to conduct a hearing under the Board's rules and regulations.

Impasse. The point in negotiations over matters within the scope of representation at which the differences in position between the parties are so substantial or prolonged that future meetings would be futile.

Injunction. A court order restraining individuals or groups from committing acts which the court determines may do irreparable harm. There are several types of injunctions: temporary restraining orders, issued for a limited time prior to a hearing on the issue of the need for a preliminary injunction pending the trial of the case in chief; a preliminary injunction sometimes is continued in effect thereafter pending the completion of the trial of the case. A permanent injunction may be ordered after all the issues have been heard on the merits in the case in chief, and as part of the remedial judgment.

Jurisdictional Dispute. Conflict between two or more employee organizations over the organization of a particular establishment or whether a certain type of work should be performed by members of one organization or another.

Labor-Management Relations Act, 1947 (Taft-Hartley Amendments). Federal law amending the National Labor Relations Act (Wagner Act), 1935, which among other changes defined and prohibited specified unfair labor practices. It preserved the guarantee of the right of workers to organize and bargain collectively with their employers, or to refrain from such activities, and retained the definition of unfair labor practices as applied to employers, but added certain unfair labor practices as applied to unions.

Labor-Management Reporting and Disclosure Act (Landrum-Griffin Act). The federal statute, passed in 1959, designed to insure internal union democracy. It contains a "bill of rights" for union members, regulations governing trusteeships and election of union officers, and requirements for financial reports to the U. S. Department of Labor.

Leap-Frogging. A practice in which one in a group of several unions dealing with the same employer refuses to settle until it receives better wages or benefits than have been settled on with the

other unions. The rivalry between unions will cause them to "leap-frog" each others' agreements, placing the employer in an unfavorable position. See Whipsawing; Coalition Bargaining.

Limited Term. A term used in the Education Code to designate employment for periods not to exceed six months, or employment during the authorized absence of a permanent employee.

Maintenance of Membership. A form of organizational security whereby employees who are union members on a specified date and those who elect to become members after that date are required to remain members in good standing as a condition of employment during the term of the contract.

Management Employee. Any employee in a position having significant responsibilities for formulating district policies or administering district programs. Management positions shall be designated by the public school employer subject to review by the Educational Employment Relations Board.

Mediation. Usually used interchangeably with conciliation to mean an attempt by a third party, usually a government official, to bring together the two sides in a dispute. The mediator has no power to force a settlement but can offer compromise solutions.

Under the Act, either party may ask for the Educational Employment Relations Board to appoint a mediator for the purpose of assisting them in reconciling their differences and resolving the controversy on mutually agreeable terms. The mediator shall meet with the parties, either jointly or separately, and take other steps as he may deem appropriate in order to persuade the parties to resolve their differences. The cost of the mediator shall be borne by the Board.

The parties may also agree upon their own mediation procedure. In such a case, the costs shall be borne equally by the parties. Under the Act, mediation is the first step when impasse has been reached.

Meeting and Negotiating. Meeting, conferring, negotiating and discussing by the exclusive representative and the public school employer in a good faith effort to reach agreement on matters within the scope of representation and execution, if requested by either party, of a written document incorporating any agreements reached.

Memorandum of Understanding. A written agreement between the public agency and a public employee organization setting forth agreed to terms and conditions of employment.

Merit System. A system of public personnel administration, supervised by an autonomous politically neutral board or commission, which has statutory authority to establish regulations to insure that persons are selected, retained, and advanced in the public service solely on their demonstration of merit and fitness in a fair, impartial, competitive examination and that all personnel movements are based on relative competence.

Multi-Employer Bargaining. Collective bargaining that covers more than one employer in a given industry or region. Multi-employer bargaining is relatively common in the private sector and takes various forms such as: Industry-wide bargaining, which results in a single master agreement negotiated between an employer association and one or more unions representing workers throughout the entire industry; Regional bargaining, between a union and representatives of an industry in a given region; Area-wide bargaining, between a union and industry representatives on a local or city level.

National Labor Relations Act, (Wagner Act) 1935. Basic federal act guaranteeing private sector workers the right to organize and bargain collectively through representatives of their own choosing.

National Labor Relations Board (NLRB). Five member board created by the National Labor Relations Act whose functions are to define appropriate bargaining units, to hold elections, to determine whether a majority of workers want to be represented by a specific union or no union, to certify unions to represent employees, to interpret and apply the act's provisions prohibiting certain employer and union

unfair labor practices, and otherwise to administer the provisions of the act.

Necessary Small Schools. Elementary schools of less than 101 ADA and operating two or more schools, and high schools of less than 301 ADA which meet a specified test of remoteness and inaccessibility. Also includes elementary schools of less than 101 ADA in districts which operate only one school without meeting the test of remoteness and inaccessibility. Special foundation programs are provided for these schools.

Negotiating Agent. An employee organization certified by the Educational Employment Relations Board, or voluntarily recognized by the employer, as the exclusive representative of all the employees in an appropriate unit for purpose of collective negotiating.

Negotiating Unit. Shortened form of "Unit Appropriate for Collective Negotiating." A group of employees recognized by the employer or group of employers, or certified by the Educational Employment Relations Board as appropriate for representation by an employee organization for purposes of collective negotiations. See Community of interest, established practices of employees, and efficiency of operation.

Neutral. Any disinterested third party who intervenes into negotiation disputes in order to facilitate settlement.

Organizational Security Agreement. The Act provides for the following:

(1) An arrangement pursuant to which a public school employee may decide whether or not to join an employee organization, but which requires him, as a condition of continued employment, if he does join, to maintain his membership in good standing for the duration of the written agreement. However, no such arrangement shall deprive the employee of the right to terminate his obligation to the employee organization within a period of 30 days following the expiration of a written agreement; or

(2) An arrangement that requires an employee as a condition of continued employment, either to join the recognized or certified employee organization, or to pay the organization a service fee in an amount not to exceed the standard initiation fee, periodic dues, and general assessments of such organization for the duration of the agreement, or a period of three years from the effective date of such agreement, whichever comes first.

Override Tax. A tax in addition to the maximum statutory tax rate of a district as set by the Legislature, the imposition of which must be approved by the voters within a school district.

Permissive Override Tax. A tax levied at the discretion of the school board for a limited number of authorized purposes as set forth in statute. This tax is levied without voter approval, i.e., community service tax, meals for needy students, children's centers, capital outlay tax.

Personnel Commission. A three member body appointed in accordance with the Education Code provisions and responsible for administering the merit system provisions of the Education Code as they apply to classified employees.

Public School Employee. See Employee. (This glossary)

Public School Employer. See employer. (This glossary)

Public Law 874 Funds. Funds received by school districts from the federal government because of the "impact" on the district of federally connected school children whose parents either live on or work on federal property, or both.

Proof of Majority Support. In order for an employee organization to establish itself as a majority petitioner it must document majority support of proposed negotiating unit in the form of: current dues deductions authorizations, notarized membership lists, or membership cards, or petitions designating the organization as the exclusive representative of the employees.

Recognized Organization. An employee organization which has been recognized by an employer as the exclusive representative in an appropriate unit pursuant to Article 5 of the Act. (Commencing with Section 3544).

Reopener Clause. A provision in a collective bargaining agreement which states the times and circumstances under which certain parts of the agreement, usually wages, can be renegotiated before the agreement expires.

Re-Run Election. When substantiated objections to the improper conduct of an election is upheld by the EERB. A new election will be ordered.

Restricted. Positions whose incumbents must be from low-income groups or from designated geographical areas or who have mental handicaps or meet other specified criteria and who are not entitled to employment permanency.

Revenue Limit. The maximum amount of dollars that a district may receive annually for general education purposes from state and local sources.

Run-Off Election. Second election conducted when no party wins a majority of the valid votes cast in the first elections. The run-off is between the two contenders receiving the most votes in the first election.

Shift Differential. A wage differential or bonus paid to employees who work on shifts other than the regular day shifts.

Showing Of Interest. Support that union must demonstrate, usually be signed authorization cards, by employees in proposed bargaining unit before an election will be held. Most common requirement is showing of interest among 30 percent of unit employees.

Slippage. Increases in assessed valuation increase the local district's ability to provide local funding. When this occurs, districts replace state equalization aid with local property tax

revenues.

State School Fund. A special fund created by the Constitution which is a vehicle through which most of the state support for the public schools is provided. Over 99 percent of its revenue is derived from transfers from the State General Fund and the balance (or about \$3.5 million per year) is derived from income from investments in the School Land Fund and the Unclaimed Property Fund. The Constitution provides that the State School Fund shall be apportioned in its entirety each fiscal year.

Special Education. The general terms used to describe educational and instructional activities carried on for physically handicapped, mentally retarded and severely mentally retarded minors.

Squeeze Factor. School district spending above the foundation program do not receive the entire inflation adjustment that districts below foundation program levels receive. They go through a factoring process by taking the quotient of the prior year's foundation program over the prior year's revenue limit and multiplying by the inflation factor. The effects of this manipulation causes high wealth districts' revenue limits to grow at a slower rate than low wealth districts' revenue limit.

Supervisory Employee. Any employee, regardless of job description, having authority in the interest of the employer to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or the responsibility to assign work to and direct them, or to adjust their grievances, or effectively recommend such action, if in connection with the foregoing functions, the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgement.

Tax Override. Override taxes are available to school districts on an optional basis for specific and limited purposes. Some of the purposes are: children's centers, community recreation, state building loan repayment, and construction.

Unclassified Service. Part-time playground positions, full-time day students employed part-time, apprentices, and professional experts and community representatives employed in consulting or advisory capacities on a temporary basis for a specific project.

Unification Bonus. A special incentive increase in the foundation program designed to encourage school districts to unify, which is equivalent to \$20 times the total ADA in either a unified district or in a district voting in favor of unification in an unsuccessful election. The product is added to the district's foundation program.

Union Security. Protection of union status by provisions in a collective bargaining agreement establishing closed shop, union shop, agency shop, or preferential hiring and maintenance of membership. Analogous to organizational security arrangements define in Section 3546 of the Act.

Union Shop. Provision in a collective bargaining agreement that requires all employees to become members of the union within a specific time after hiring or after the provision is negotiated, and to remain members of the union as a condition of employment. The union shop is permitted by federal law and is prohibited in states with "right-to-work" laws. No analogous provision in the Act.

Unit. Shortened form of "unit appropriate for collective negotiating." See negotiating unit, community of interest, established practices of employees efficiency of operation.

Whipsawing. The union tactic of negotiating with one employer at a time using each negotiated gain as a pattern or base from which to negotiate equal or better terms of settlement with the next employer. See Leap-Frogging.

Regional Office Jurisdictions

