

STATE OF CALIFORNIA
 DECISION OF THE
 PUBLIC EMPLOYMENT RELATIONS BOARD



IN THE MATTER OF:)	
)	
UNIT DETERMINATION FOR SKILLED)	Case Nos.
CRAFTS EMPLOYEES OF THE)	SF-RR-1002-H et al.
UNIVERSITY OF CALIFORNIA)	
PURSUANT TO CHAPTER 744 OF)	Request for Reconsideration
THE STATUTES OF 1978 (HIGHER)	PERB Decision No. 242c-H
EDUCATION EMPLOYER-EMPLOYEE)	
RELATIONS ACT))	PERB Decision No. 242d-H
_____.)	August 15, 1984

Appearances: Lawrence Rozenweig, Attorney (Levy & Goldman) for International Union of Operating Engineers, Local 501; Susan C. Barton and Jerrold C. Schaefer, Attorneys (Corbett, Kane, Berk & Barton) and James N. Odle, Attorney for the Regents of the University of California.

Before Hesse, Chairperson; Tovar, Jaeger, Morgenstern and Burt, Members.

DECISION

International Union of Operating Engineers, Local 501 (Local 501) requests that the Public Employment Relations Board (PERB or Board) reconsider its determination, reached in PERB Decision No. 242c-H, that the job classification of assistant chief operating engineer should be excluded from Unit 6, the representational unit of skilled crafts employees at the University of California's Los Angeles campus. After due consideration, the Board denies that request.

DISCUSSION

Local 501 does not dispute the Board's factual finding that employees in the assistant chief operating engineer

classification exercise authority which in most circumstances would be considered demonstrative of supervisory status. It argues, however, that these employees possess such authority only because the University of California does not presently employ anyone in the classification of chief operating engineer. Were the University to fill this position at the top of the personnel series for operating engineers, maintains Local 501, the supervisory authority presently exercised by the assistant chiefs would be assumed by their new superior.

Local 501 does not indicate how long the position of chief operating engineer has remained vacant, or whether this condition will change imminently or may fairly be considered permanent. In any event, we decline to join Local 501 in speculating as to what the supervisory authority of assistant chief operating engineers might be in the presence of a chief operating engineer. Should such circumstances come to pass, Local 501 is free to petition for a modification of the unit, as provided at section 32781 of PERB's rules and regulations.¹ For the present, our determination in PERB Decision No. 242c-H, supported as it is by the record evidence, must remain undisturbed.

¹PERB's rules and regulations are codified at California Administrative Code, title 8, section 31001 et seq.

ORDER

The request for reconsideration of PERB Decision No. 242c-H
is DENIED.

By the Board