

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



IN THE MATTER OF:)	
)	Case Nos.
UNIT DETERMINATION FOR PRINTING)	SF-RR-1002 et al.
TRADES EMPLOYEES OF THE UNIVERSITY OF)	
CALIFORNIA PURSUANT TO CHAPTER 744)	PERB Decision No. 243b-H
OF THE STATUTES OF 1978 (HIGHER)	
EDUCATION EMPLOYER-EMPLOYEE)	
RELATIONS ACT))	March 25, 1983
_____)	

Appearances; Stewart Weinberg, Attorney (Van Bourg, Allen, Weinberg & Roger) for Printing Trades Alliance; Jerrold C. Schaefer and Judith Droz Keyes, Attorneys (Corbett, Kane, Berk & Barton) and James N. Odle, Associate Counsel for the Regents of the University of California.

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

DECISION

On September 30, 1982, the Public Employment Relations Board (PERB or Board) issued a decision¹ under the Higher Education Employer-Employee Relations Act (HEERA)² creating a

¹Unit Determination for Printing Trades Employees of the University of California Pursuant to Chapter 744 of Statutes of 1978 (Higher Education Employer-Employee Relations Act) (9/30/82) PERB Decision No. 243-H. See also the decision concerning requests for reconsideration and judicial review, Unit Determination for Printing Trades Employees of the University of California Pursuant to Chapter 744 of the Statutes of 1978 (Higher Education Employer-Employee Relations Act) (2/4/83) PERB Decision No. 243a-H.

²The HEERA is codified at Government Code section 3560 et seq. All statutory references are to the Government Code unless otherwise specified.

bargaining unit of printing trades employees at the University of California (UC). Pending that decision, exclusionary issues were raised by the parties with respect to the alleged managerial or supervisory status of employees in the printing trades unit.³ These issues have been resolved by stipulations between the parties.

The stipulations provide that the following classifications should be excluded from the printing trades unit as managerial or supervisory: compositor supervisor (8801), prepress technician supervisor (8812), edition bookbinder supervisor (8836) and press operator supervisor (8870). The stipulations also provide that employees Libby Cook and Irene Smith in the classification of senior bookbinder (8844) should be excluded from the unit as supervisory.

The Board has held that it will approve a stipulation in a unit determination matter when the stipulation does not contravene the Act or established Board policies. Centinela Valley Union High School District (8/7/78) PERB Decision No. 62. A review of the record reveals that it is adequate to

3subsection 3562(1) of HEERA provides:

"Managerial employee" means any employee having significant responsibilities for formulating or administering policies and programs. No employee or group of employees shall be deemed to be managerial employees solely because the employee or group of employees participate in decisions with respect to courses, curriculum, personnel and other matters of educational policy. A

support the stipulations. Therefore, the stipulations are approved by the Board.⁴

department chair or head of a similar academic unit or program who performs the foregoing duties primarily on behalf of the members of the academic unit or program shall not be deemed a managerial employee solely because of such duties.

Section 3580.3 of HEERA provides:

"Supervisory employee" means any individual, regardless of the job description or title, having authority, in the interest of the employer to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them, or to adjust their grievances, or effectively to recommend such action, if, in connection with the foregoing, the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment. With respect to faculty or academic employees, any department chair, head of a similar academic unit or program, or other employee who performs the foregoing duties primarily in the interest of and on behalf of the members of the academic department, unit or program, shall not be deemed a supervisory employee solely because of such duties; provided, that with respect to the University of California and Hastings College of the Law, there shall be a rebuttable presumption that such an individual appointed by the employer to an indefinite term shall be deemed to be a supervisor. Employees whose duties are substantially similar to those of their subordinates shall not be considered to be supervisory employees.

Managerial employees are excluded from coverage under HEERA in subsection 3562(f). Supervisory employees have limited rights as set forth in section 3580 et seq.

⁴The Board does not specifically designate these classifications and employees as managerial or supervisory.

No other exclusionary issues remain to be decided by the Board in the printing trades unit.

ORDER

Upon the foregoing Decision and the entire record in this case, the Public Employment Relations Board ORDERS that:

(1) The following classifications are excluded from the Printing Trades Unit as managerial or supervisory according to the stipulations of the parties and based upon the factual record in this proceeding:

<u>Classification</u>	<u>Class Code</u>
Compositor Supervisor	8801
Prepress Technician Supervisor	8812
Edition Bookbinder Supervisor	8836
Press Operator Supervisor	8870

In the State Employer-Employee Relations Act, Phase III, Unit Determination Proceeding (10/18/79) PERB Order No. Ad-79-S, the Board stated that it:

. . . views the focus of the Phase III unit determination proceedings to be a determination of those rank and file employees who are to be included in the designated appropriate units. However, the burden is on the . . . party which may seek to exclude employees from units because of alleged managerial, supervisory or confidential status—to affirmatively justify their exclusion. This can be done by showing evidence of actual job requirements which would disqualify the subject employees from placement in representation units irrespective of which exclusionary category those employees may fit.

Thus, the Board approves only the exclusion of the classifications and employees from the unit and not the specific bases for the exclusions.

(2) Libby Cook and Irene Smith, incumbents in the classification of Senior Bookbinder (Class Code 8844), are excluded from the Printing Trades Unit as supervisory according to the stipulations of the parties and based upon the factual record in this proceeding.

(3) Any technical errors in this Order shall be presented to the director of representation who shall take appropriate action thereon in accordance with this Decision.

By the Board