



**PUBLIC EMPLOYMENT  
RELATIONS BOARD**

**ANNUAL REPORT**

**to the  
LEGISLATURE**



**1991-92**

**PUBLIC EMPLOYMENT RELATIONS BOARD**

**October 15, 1992**

**1991-1992 Report  
To The Legislature**



**Pete Wilson  
Governor  
State of California**

**Deborah M. Hesse, Chairperson**

**Willard A. Shank, Member\***

**Richard L. Camilli, Member**

**David M. Caffrey, Member**

**Huston T. Carlyle, Jr., Member**

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**\*MEMBER SHANK'S TERM EXPIRED JANUARY, 1992. THIS POSITION IS VACANT.**

## **PUBLIC EMPLOYMENT RELATIONS BOARD**

### **MISSION STATEMENT**

**"TO PROMOTE THE IMPROVEMENT OF PERSONNEL MANAGEMENT AND  
EMPLOYEE/EMPLOYER RELATIONS BY ADMINISTERING THE EERA,  
DILLS ACT AND HEERA IN A MANNER CONSISTENT WITH  
LEGISLATIVE INTENT."**

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## MESSAGE FROM THE CHAIRPERSON

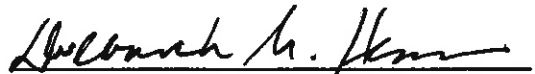
The past year was a tough one for PERB. With the state in the throes of a recession, the size of government, the size of an agency like PERB had to be reduced. PERB continued its commitment to the delivery of services to its constituents. Giving dispute resolution and representation matters the highest priority, the Board determined to preserve constituent services while reducing the organization in other program areas.

In the last two years, the PERB budget has been reduced by nearly 40%. Our complement of staff has gone from 100 employees in 1989-1990 to approximately 50 employees today. Due to the tireless efforts of PERB employees who only quit when the job is done, PERB has performed its statutory duties without a full complement of board members, legal advisors, board agents, administrative services and legal support staff for over a year.

Yet, even in the face of these reductions, PERB continues to respond to its duties with a steady performance from all of its employees. For example, the Board itself issued 72 decisions with an average turnaround time of 62 days and deliberated on 12 injunctive relief requests. Our board agents conducted hearings and issued proposed decisions on a number of Dills Act cases in less than 30 days. Board agents also finished a ballot count in large elections in just a matter of 2 or 3 hours. These examples of performance are especially noteworthy when its considered against a backdrop of substantial portion of first impression cases being handled by a leaner PERB during a statewide fiscal crisis.

In the current year, PERB will again make an adjustment due to another budget reduction. We ask for your patience, thoughts and assistance on how we can continue to effectively serve you with less resources. Help PERB meet the fiscal challenge! With the support and cooperation of our constituents and all who want to see PERB accomplish its mission, I know we can do it.

In closing, on behalf of the agency, I wish to thank all the parties for the unheralded support and confidence that you have given the agency over the last nine years. Personally, it has been my pleasure to serve you. Together, I believe we have all made a difference in California public sector labor relations.

  
CHAIRPERSON

## **B O A R D   M E M B E R S**

### **Deborah M. Hesse Board Chairperson**

**Deborah M. Hesse** is in her second five-year term as Member and Chairperson of the California Public Employment Relations Board. Mrs. Hesse took office on February 1, 1984. Mrs. Hesse is also a member and former chairperson of the California Advisory Committee to the U.S. Civil Rights Commission. She is a member of the Industrial Relations Association of Northern California. She is a member of the California Afro-American Museum Board of Directors and an officer in the National Forum for Black Public Administrators, Sacramento Chapter. She serves on several advisory boards--California Public Employee Relations (labor relations periodical), and The Institute of Labor Research Labor-Management Program.

Formerly, Mrs. Hesse was the Chief Deputy Director of the California Department of Personnel Administration. Mrs. Hesse also served as Assistant to the Director in the Governor's Office of Employee Relations. She has more than 15 years experience in the employment and labor relations field.

Mrs. Hesse has a bachelor's degree in social work and a master's degree in public administration from the California State University at Sacramento. Her term expires January 1, 1994.

### **Richard L. Camilli Board Member**

**Richard L. Camilli** was appointed as a member of the Public Employment Relations Board in November 1988. Mr. Camilli has served for over 30 years in various staff, management and executive positions in state service. Mr. Camilli received his bachelor's degree in business administration from the University of Santa Clara. His term expires January 1, 1993.

### **David M. Caffrey Board Member**

**David M. Caffrey** was appointed as a member of the Public Employment Relations Board in January 1992. From 1983 until his appointment to the Board, Mr. Caffrey served in the Governor's Office first as Governor Deukmejian's Administrative Officer and Cabinet Secretary, and in 1991 as Governor Wilson's Deputy Chief of Staff for Administration. Mr. Caffrey has had more than 20 years experience working with policy and administrative issues in State government. He graduated Phi Beta Kappa from the University of California, Berkeley, in 1970, receiving a Bachelor's Degree in English Literature. His term expires January 1, 1995.

**Huston T. Carlyle, Jr.**  
**Board Member**

**Huston T. Carlyle, Jr.** was appointed as a member of the Public Employment Relations Board in January 1991. From 1989 until his appointment to the Board Mr. Carlyle was former Governor Deukmejian's Legal Affairs Secretary. Mr. Carlyle has had broad experience practicing law and working with state and local government, including Chief of Staff for the Governor of Nebraska, Director of the Governor's Office of Planning and Research, and senior assistant city attorney for the City of Burbank. He is a former Assistant United States Attorney. His term expires January 1, 1996.

The Board, whose members are appointed by the Governor and confirmed by the Senate, is charged with the authority and responsibility to oversee the agency and to ensure its integrity, security and fairness. The five-member Board holds monthly meetings that are open to the public.



## **DUTIES AND JURISDICTION OF PERB**

### **STATUTORY AUTHORITY**

The Public Employment Relations Board was created by the provisions of the Educational Employment Relations Act (EERA) of 1976 (Government Code section 3540, et seq.). This statute was authored by State Senator Albert S. Rodda, and established collective bargaining in California's public schools K-14. Collective bargaining was established in state government by the State Employer-Employee Relations Act of 1978, known as the Ralph C. Dills Act (Dills Act) (Government Code section 3512, et seq.). In 1979, coverage was extended to higher education under the provisions of the Higher Education Employer-Employee Relations Act (HEERA) authored by Assemblyman Howard Berman (Government Code section 3560, et seq.).

### **DUTIES**

PERB is the quasi-judicial agency established to administer these statutes and adjudicate disputes that arise under them. The Board is empowered to: (1) conduct secret ballot elections to determine whether or not employees wish to have an employee organization exclusively represent them at the bargaining table; (2) prevent and remedy unfair practices, whether committed by employers or employee organizations; (3) break impasses that may arise at the bargaining table by establishing procedures to resolve such disputes; (4) ensure that the public receives accurate information and has

time to register its opinion regarding negotiations; (5) interpret and protect the rights and responsibilities of employers, employees and employee organizations under the Acts; (6) monitor the financial activities of employee organizations; (7) conduct research, perform public education and conduct training programs related to public sector employer-employee relations.

### **JURISDICTION**

Approximately 855,640 public sector employees and 1,185 employers are included under the jurisdiction of these three Acts. The majority of these employees (645,587+) work for California's public school system from pre-kindergarten through, and including the Community College system (K-14). The remainder of the employees covered are employed by the State of California (121,708) or the University of California, the California State University, and the Hastings College of Law (88,345). Municipal, county, and local special district employers and employees are not subject to PERB jurisdiction, but rather are covered under the Meyers-Milias-Brown Act.

### **ORGANIZATION OF PERB**

PERB is headquartered in Sacramento with regional offices in Los Angeles, Sacramento and San Francisco. The major organizational elements of the agency consist of the Board, the Division of Administrative Law, the General

Counsel, the Division of Representation and the Division of Administrative Services. All Divisions report directly to the Executive Director. On injunctive relief requests and litigation matters, the General Counsel reports to the Board currently, the Executive Director position is vacant.

The Board is composed of five members appointed by the Governor and subject to confirmation by the State Senate. In addition to the overall responsibility for administering the EERA, the Ralph C. Dills Act and HEERA, the Board itself acts as an appellate body to hear challenges to proposed decisions that were issued by the board agents. During most of fiscal year 1991-1992 the Board operated with four members. There were 65 appeals to the Board that were docketed in fiscal year 1991-1992. In the 1991-1992 reporting year, 72 Board decisions were issued in a median of 39 days. Only 4 or 6% of those decisions were appealed to the State Appellate Courts. One case was appealed to the Supreme Court. In addition to the decisions issued, the Board reviewed and deliberated on 12 injunctive relief requests. Currently, there are 32 appeals pending before the Board.

Directed by Chief Administrative Law Judge, Gary Gallery, the Division of Administrative Law houses PERB's administrative Law Judges (ALJ). The ALJs hold informal settlement conferences on the unfair practice cases. If no agreement is reached, another ALJ conducts a formal hearing and maintains a record.

The ALJ issues a proposed decision of written findings of fact and legal conclusions that are binding on the parties if no appeal is filed. If a party disagrees with the proposed decision, an appeal may be filed with the Board itself. The Board issues a decision and if the parties still disagree, the case may be appealed to the State Appellate Courts. On occasion, ALJ's also conduct hearings on representational matters.

In the fiscal year 1991-1992, 50 proposed decisions on unfair practice complaints were issued by the ALJs. There were 15 cases (31%) appealed to the Board and 33 (69%) became final without an appeal being filed.

The General Counsel is the Board's chief legal officer. The position is currently vacant. The General Counsel also oversees the agency's charge processing and litigation functions.

In litigation during 1991-1992, PERB opened 19 new court files and received 18 requests for injunctive relief.

Robert G. Thompson has served as Deputy General Counsel since 1988. Mr. Thompson directs charge processing at PERB. In fiscal year 1991-1992, there were 599 unfair practice charges filed. See page 26.

The Division of Representation has representatives in each regional office which include a regional director, labor relations specialists, and support staff. The Deputy General Counsel, Robert Thompson, has also served as Acting Chief of Representation

during 1991-1992. PERB's Regional Directors are Anita Martinez (San Francisco), Les Chisholm (Sacramento) and Roger Smith (Acting, Los Angeles). The division is responsible for handling a broad range of representational matters, including bargaining unit configurations, unit modification requests, certification and decertification elections, and elections to approve or rescind organizational security arrangements. The Division of Representation also handles public notice complaints, requests to certify negotiation disputes to mediation, factfinding, and allegations of noncompliance with PERB orders.

Directed by Assistant Executive Director, Theodore Hynson, the **Division of Administrative Services** provides the support services of the PERB, such as business services, personnel, accounting, information technology, mail and duplicating. This division also coordinates training, and arranges and conducts meetings, many of which are held as forums designed to facilitate communication between employers and employees. It also maintains liaison with the Legislature and the Executive branch of state government.

In keeping with State of California guidelines, PERB maintains an affirmative action policy as a means of achieving equal employment opportunities. PERB's policy prohibits discrimination based on age, race, sex, color, religion, national origin, political affiliation, ancestry, marital status, sexual orientation or disability. PERB employs

approximately 50 persons throughout the State, including permanent personnel, temporary employees like law students, retired annuitants and election officials.

## PERB ACTIVITIES

### REPRESENTATION

The representation process normally begins when a petition is filed by an employee organization to represent classifications of employees which reflect an internal and occupational community of interest. If only one employee organization petition is filed and the parties agree on the unit description, the employer may either grant voluntary recognition or ask for a representation election. If more than one employee organization is competing for representational rights of the same unit, an election is mandatory.

If either the employer or an employee organization dispute the appropriateness of a unit or the employment status of individuals within the unit, a Board agent convenes a settlement conference to assist the parties in resolving the dispute. The Board has historically stressed voluntary settlements and has consistently and effectively offered the assistance of Board agents to work with the parties toward agreement on unit configurations.

If the dispute cannot be settled voluntarily, a Board agent will conduct a formal investigation and/or hearing and issue a written determination which is appealable to the Board itself. This decision sets forth the appropriate bargaining unit, or modification of that unit, and is based upon application of statutory unit determination criteria and appropriate case

law to the facts obtained in the investigation or hearing.

Once an initial bargaining unit has been established and an exclusive representative has been chosen, another employee organization or group of employees may try to decertify the incumbent representative by filing a decertification petition with PERB. Such a petition is dismissed if filed within 12 months of the date of voluntary recognition by the employer or certification by PERB of the incumbent exclusive representative. As of June 30, 1992, there were 2,296 bargaining units within PERB's jurisdiction.

### ELECTIONS

A primary function of PERB is to conduct representation and organizational security elections. PERB conducts initial representation elections in all cases in which the employer has not granted voluntary recognition. PERB also conducts decertification elections when a rival employee organization or group of employees obtains sufficient signatures to call for an election to remove the incumbent. The choice of "No Representation" appears on the ballot in every election.

In the 1991-1992 reporting period, PERB conducted a total of 56 elections (and one runoff) covering approximately 54,360 employees. Twelve of these elections were to determine which employee organization, if any, would

represent the employees of a particular negotiating unit. Of these, 11 elections resulted in the selection of an exclusive representative and one in the selection of "No Representation."

The Board conducted 26 decertification elections (and one runoff). Of these: 14 resulted in retention of the incumbent organization, 7 resulted in the selection of another employee organization as the exclusive representative, 1 result requires a runoff election and 4 are pending election objection challenges. Two unit modification elections, and one amendment certification election were also conducted by the Board.

Organizational security elections occur in order for employees to approve (under the EERA) or rescind (under the EERA and Ralph C. Dills Act) an organizational security or a fair share fee arrangement. Organizational security election procedures are similar to those followed in representation elections. The Board conducted a total of 15 approval elections in the 1991-1992 reporting period. Fourteen elections resulted in the ratification or retention of the organizational security provisions, and one resulted in organizational security being voted down.

Election procedures are contained in PERB regulations (section 32700 et seq.). The Board agent or the representative of a party to the election may challenge the voting eligibility of any person who casts a ballot. In

addition, parties to the election may file objections to the conduct of the election. Challenged ballots and objections are resolved through procedures detailed in PERB regulations.

#### **IMPASSE RESOLUTION**

PERB assists the parties in reaching negotiated agreements through mediation under all three statutes, and then through factfinding under EERA and HEERA, should it be necessary. If the parties are unable to reach an agreement during negotiations, either party may declare an impasse. At that time, a Board agent contacts both parties to determine if they have reached a point in their negotiations where their differences are so substantial or prolonged that further meetings without the assistance of a mediator would be futile.

In cases where there is no agreement of the parties in regard to the existence of an impasse, a Board agent seeks information that helps the Board determine if mediation would be appropriate. Once it is determined that an impasse exists, the State Mediation and Conciliation Service (SMCS) of the Department of Industrial Relations is contacted to assign a mediator. During the 1991-1992, 337 impasse declarations were filed with PERB. Approximately 80 percent of all such disputes closed during 1991-1992 were settled by the mediator, resulting in the need for appointment of a factfinding panel in only 20 percent of all impasse cases.

In the event settlement is not reached during mediation, either party (under EERA or HEERA) may request the implementation of factfinding procedures. If the mediator agrees that factfinding is appropriate, PERB provides a list of neutral factfinders from which parties select an individual to chair the tripartite panel. If the dispute is not settled during factfinding, the panel is required to make findings of fact and recommend terms of settlement. These recommendations are advisory only. Under EERA, the public school employer is required to make the report public within ten days after its issuance. Under HEERA, publication is discretionary. Both laws provide that mediation can continue after the factfinding process has been completed.

#### **FINANCIAL REPORTS**

The law requires recognized or certified employee organizations to file with PERB an annual financial report of income and expenditures. Organizations who have negotiated a fair share fee arrangement have additional filing requirements. Complaints alleging noncompliance with these requirements may be filed with PERB. PERB may take action to bring the organization into compliance.

#### **BARGAINING AGREEMENTS**

PERB regulations require that employers file, with PERB regional offices, a copy of collective bargaining agreements or amendments to those agreements (contracts)

within 60 days of the date of execution. These contracts are maintained on file as public records in regional offices.

#### **ADVISORY COMMITTEE**

The Advisory Committee to the Public Employment Relations Board was organized in 1980 to assist PERB in the review of its regulations as required by AB 1111. The Advisory Committee consists of over 150 people from throughout California representing employers, employee organizations, law firms, negotiators, professional consultants, the public and scholars. Although the regulation revision has long been completed, the Advisory Committee continues to assist the Board in its search for creative ways in which its professional staff can cooperate with parties to promote the peaceful resolution of disputes and contribute to greater stability in employer-employee relations. This dialogue has aided PERB in reducing case processing time by such improvements as the substitution of less costly investigations in certain public notice cases, the stimulation of innovative research projects of value to the parties, and the suggestion and preparation of further regulatory changes.

A member of the Board attends Advisory Committee meetings. This direct participation with the Advisory Committee ensures communication between the Board and its constituents.

## UNFAIR PRACTICES

An employer, employee organization, or employee may file a charge with PERB alleging that an employer or employee organization has committed an unfair practice. Examples of unlawful employer conduct are: coercive questioning of employees regarding their union activity; disciplining or threatening employees for participating in union activities, or promising benefits to employees if they refuse to participate in union activity. Examples of unlawful employee organization conduct are: threatening employees if they refuse to join the union, disciplining a member for filing an unfair practice charge against the union, or an exclusive representative's failure to represent bargaining unit members fairly in the employment relationship with the employer.

In fiscal year 1991-1992, there were 599 unfair practice charges filed. After the charge is filed, a Board agent evaluates the charge and the underlying facts to determine whether a prima facie case of an unfair practice has been established. A charging party establishes a prima facie case by alleging sufficient facts to permit a reasonable inference that a violation of the EERA, Dills Act, or HEERA exists.

If the Board agent determines that the charge fails to state a prima facie case, the Board agent issues a warning letter notifying the charging party of the deficiencies. If the

charge is neither amended nor withdrawn, the Board agent will dismiss it. The charging party may appeal the dismissal to the Board itself.

Evaluations by Board agents have been successful in minimizing the issuance of formal complaints in cases involving spurious charges. This has resulted in a savings of time and resources for PERB and the parties. During this fiscal year, evaluations or investigations were completed in 475 cases. Of these cases, 231 were withdrawn or dismissed at the investigation stage.

If the Board agent determines that a charge, in whole or in part, constitutes a prima facie case, a complaint is issued. During this fiscal year, 168 complaints, 15 complaints/partial dismissals, and 61 complaints/partial withdrawals were issued. Once a complaint is issued, the respondent is given an opportunity to file an answer to the complaint.

An ALJ or another Board agent is assigned to the case and calls the parties together for an informal settlement conference. There were 220 days of settlement conferences in fiscal year 1991-1992. These conferences are scheduled to be held within 30 days of the date the complaint issued. At the informal conference, the parties are free to discuss the case in confidence with the ALJ. If settlement is not reached, a formal hearing is scheduled. During this fiscal year, 153

cases were closed as result of settlement following issuance of the complaint.

If the case proceeds to formal hearing, a different ALJ is assigned to hear it. Normally, the case is heard within 60 days of the informal conference. At the hearing, the ALJ rules on motions and takes sworn testimony and other evidence which becomes part of an administrative record.

There were 168 days of formal hearing, involving 86 cases this fiscal year. In addition, there were 65 days of representation hearings, conducted in the Division of Administrative Law. After the hearing, the ALJ then studies the record, considers the applicable law, and issues a proposed decision. A proposed decision applies precedential Board decisions to the facts of a case. In the absence of Board precedent, the ALJ decides the issue(s) by applying other relevant legal principles. Proposed decisions that are not appealed are binding only upon the parties to the case. There were 50 proposed decisions (including 2 proposed representation case decisions) issued during the fiscal year.

If a party to the case is dissatisfied with a proposed decision, it may file a statement of exceptions and supporting brief with the Board. After evaluating the case, the Board may: (1) affirm the proposed decision; (2) modify it in whole or in part; (3) reverse; or (4) send the matter back to the ALJ to take additional evidence.

Approximately 31 percent of the proposed decisions issued this fiscal year were appealed to the Board itself. An important distinction exists between (ALJ or Board agent) proposed decisions that become final and decisions of the Board itself. Proposed decisions may not be cited as precedent in other cases before the Board. Board decisions are precedential, binding not only on the parties to a particular case, but also serving as guidance for similar issues in subsequent cases. (See appendix.)

#### LITIGATION

This Board is represented in litigation by the General Counsel. The litigation responsibilities of the General Counsel include:

- defending final Board decisions or orders in unfair practice cases when aggrieved parties seek review in appellate courts;

- seeking enforcement when a party refuses to comply with a final Board decision, order or ruling, or with a subpoena issued by PERB;

- seeking appropriate interim injunctive relief against alleged unfair practices;

- defending the Board against attempts to stay its activities, such as complaints seeking to enjoin PERB hearings or elections;



submitting amicus curiae briefs and other motions, and appearing in cases in which the Board has a special interest or in cases affecting the jurisdiction of the Board.

#### LITIGATION SUMMARY

During the 1991-1992 fiscal year, PERB opened nineteen (19) new superior court, appellate court and federal district court files. Six decisions were certified for publication and five court decisions were unpublished. PERB prevailed in 10 cases.

During 1991-92, eighteen (18) requests for injunctive relief were received. Six requests were withdrawn; ten (10) requests were denied by the Board (all by letters of the General Counsel), and two requests were granted.

The following are significant cases for this fiscal year:

**Woodland Joint Unified School Dist. v. PERB/Woodland Educ. Assn., CTA/NEA**, 3rd DCA, Case No. C009620 (PERB Dec. Nos. 808 & 808a). Issue: Whether employer unlawfully retaliated against an employee; Government Code section 3543.5(a). On 12/16/91, Court filed unpublished decision, reversing PERB's Decision Nos. 808 & 808a.

**Mt. Diablo Unified School Dist. v. PERB/Mt. Diablo Educ. Assn., CTA/NEA**, Supreme Court No. S021161 (1st DCA/Div. 2, Case No. A051450) (PERB Dec. No. 844). Issue: Does EERA confer a statutory right on

the exclusive representative to file and process a grievance in its own name; and is it a mandatory subject of bargaining? On 5/4/91, 1st DCA Court denied Petition for Writ of Review. On 5/21/91, Filed Petition for Review with the Supreme Court. On 7/11/91, court filed decision to deny Petition for Review. Case closed.

**Trustees of California State University v. PERB/Statewide Univ. Police Assn.**, 5th DCA, Case No. F015083 (PERB Dec. No. 805-H, 805a-H, 805b-H). Issue: Whether PERB should give collateral estoppel effect to the final decision of the SPB. On 7/26/91, court ordered Petition for Writ of Review denied. Case closed.

**Trustees of California State University v. PERB/Statewide Univ. Police Assn. (Washington)**, 5th DCA, Case No. F015482 (PERB Dec. Nos. 845-H and 845a-H). Issue: Whether employer (CSU, Fresno) retaliated and discriminated against an employee, Government Code sections 3571(a) & (b). On 4/21/92, court filed published decision, denying Petitioner's Writ. (92 DAR 6696.) Case closed.

**Tommie R. Dees v. PERB/CSU Hayward, Bd. of Trustees CSU & Colleges**, 1st DCA/Div. 1, Case No. A053018 (PERB Dec. No. 869-H). Issue: Whether The PERB Decision dismissing alleged unlawful retaliation is proper remedy? On 11/14/91, court denied Petition. Case closed.

**Assn. of California State Attorneys and Admin. Law**

**Judges (ACSA) v. PERB/State of California (Department of Personnel Administration),** Sacto. Super. Ct. No. 367255. Issue: Petition for Writ of Mandate; Complaint for Declaratory Relief; ISSUE: Whether the Governor is required to meet and confer in good faith by making a salary proposal or counterproposal prior to the adoption by the State of its final budget for the ensuing year. On 10/31/91, Plaintiff withdrew partial Writ of Mandate.

**Association of Graduate Student Employees v. PERB/Regents of the University of California,** Supreme Court No. S027417; 1st DCA/Div. 3, Case No. A046075 (PERB Dec. No. 730-H). Issue: Status of graduate teaching and research assistants as students or employees under HEERA. DCA court published decision on 5/22/92, affirming PERB's decision (7 Cal.App.4 648a). On 8/13/92, court denied Petition for Review.

**Public Employment Relations Board (PERB) v. Department of Personnel Administration (DPA),** 3rd DCA, Case No. C011909 (Sacto. Sup. Ct. No. 91-084; ULP No. S-CE-498-S). ISSUE: Requesting DPA to produce documents and witnesses pursuant to subpoenas from the Unfair Practice Charge No. S-CE-498-S. Awaiting court's decision.

**DPA v. Sacramento Sup. Court/Cecil Greene, et al./CAPS/CAHP/CAUSE/CDFEA/CSEA/PERB Controller's,** Supreme Ct. No. S026628; 3rd DCA Case No. C012461; Sacto. Sup. Ct. No. 368903. ISSUE: Does the Governor have the authority to

impose a change in salary for represented unit employees? On 4/6/92, Court of Appeal filed decision. The Court issued Writ of Mandate to vindicate the authority delegated to petitioners with regard to health care premium contributions and denied the petition in all other respects (5 Cal.App.4th 155). On 6/25/92, Supreme Court denied Petition for Review. Remittitur received 6/30/92.

**Department of Personnel Administration v. Superior Court (California Association of Psychiatric Technicians et al.),** 3rd DCA No. C012964 (Superior Ct. No. 368903). Issue: Does the Governor have authority to implement changes in dental benefits and other terms and conditions of employment for represented employees. Received endorsed copy of Judgment Granting Peremptory Writ of Mandate on 1/7/92. On 3/9/92, DPA filed Petition for Writ of Mandate and on 3/10/92, filed Notice of Appeal to Superior Court. On 7/17/92, court filed unpublished decision, letting peremptory writ of mandate issue, directing superior court to vacate its order granting real parties in interest' application for preliminary injunction and reconsider Greene. Decision is final upon filing.

**DPA (Department of Corrections) v. PERB/California Correctional Peace Officers Association (CCPOA),** 3rd DCA No. C013403 [PERB Order No. Ad-231-S; S-CE-509-S]. ISSUE: Should the charge have been dismissed and deferred to arbitration?

Court denied Petition for Review on 5/29/92.

**Baddour v. PERB/San Diego USD,**  
Supreme Court No. S026628 (4th DCA, Div. One, No. D014884; PERB Dec. No. 885). ISSUE: Did PERB err by not giving a merit hearing collateral estoppel effect and ordering the ULP charge to be dismissed? Argument was on 4/16/92; Court filed unpublished decision on 4/30/92, Petition denied. Petition for Review filed in Supreme Court on 5/11/92. On 6/17/92, Supreme Court denied Petition. Remittitur filed 6/30/92.

## **THE PERB RESEARCH AND TRAINING PROGRAM**

### **BACKGROUND**

In the sixteen years since the passage of The Rodda Act, PERB has crafted a unique, service-oriented research program. Seeking to be of service to the parties under its jurisdiction, to be responsive to the informational needs of the public, Legislature, and press, and to be responsible in its expenditure of resources, the research projects of PERB have been modest in scope yet multifaceted in purpose and execution. The projects have been of short duration, yet susceptible to long term extension as necessary. They have addressed specific topical needs, yet offer basic behavioral data about the collective bargaining process to policymakers and academicians; and they have encouraged the mutual participation of the parties in the development and direction of the collective bargaining process.

### **LEGISLATIVE DIRECTION**

Although major reductions in PERB's 1991-1992 budget have necessitated a moratorium in research and training efforts, the statutes which are administered by the PERB clearly authorize the agency to conduct research. The Educational Employment Relations Act provides in Government Code section 3541.3(f) that PERB has the authority to conduct research and studies "relating to employee-employer relations, including the collection, analysis, and making available

of data relating to wages, benefits, and employment practices in public and private employment, and when it appears necessary in its judgment to the accomplishment of the purposes of this Chapter, recommend legislation."

### **RESEARCH: DESIGNING AND IMPLEMENTING PROJECTS OF MANAGEABLE PROPORTIONS**

PERB initiates research studies in an effort to improve the practice of collective bargaining in the public sector and to provide the Legislature and public with a more complete picture of that practice. PERB's research program is designed to complete small, focused projects through the use of research consultants and inter-agency agreements. Section 3541.3(f) of the Government Code states: "The board may enter into contracts to develop and maintain research and training programs designed to assist public employers and employee organizations in the discharge of their mutual responsibilities under this chapter."

### **SELECTING RESEARCH EFFORTS**

Two major elements have influenced the establishment of research priorities. First, the statute instructs that PERB focus on reports and studies "necessary to the accomplishment of the purposes of the collective bargaining acts." A prime consideration has been to make information

available to the parties that would assist the collective bargaining process.

PERB, with the help of its Advisory Committee, identifies research needs that support the parties in conducting bargaining. The second element influencing the choice of research projects is that of fiscal resources available to PERB for research purposes. The 1991-1992 budget did not allow PERB to engage in research activity.

#### **REQUEST FOR INFORMATION**

Legislators and their staff, the Executive Branch of state government, the press, academicians, the public, and organizations representing labor and management frequently request information about the collective bargaining process.

PERB continues to collect a wealth of information regarding collective bargaining. Examples of information routinely collected by PERB include: negotiated agreements, factfinding reports, unfair practice filings, as well as the agency's internal management information system regarding case processing.

Specific legislative enactments which have funded the individual research projects of the agency have emphasized PERB's legislative mandate to conduct research and collect data on the bargaining process. For example, in the past PERB had been instructed by the Legislature to gather basic data with regard to health benefit expenditures. The Legislature also instructed

PERB to collect information regarding the implementation of the provision of the Hart-Hughes School Reform Act (SB 813) which authorized employers to negotiate discipline short of dismissal for certificated employees.

#### **FACTFINDING REPORTS**

Reports of the tripartite factfinding panels utilized in the impasse procedures of EERA and HEERA are filed with PERB. Factfinding reports to parties and the public are on a subscription basis.

#### **UNFAIR PRACTICE AND FILINGS**

PERB's unfair practice charges constitute another source of information on the collective bargaining process and the relationships between parties within PERB's jurisdiction. PERB decisions on unfair practice filings are indexed, and the index is available to the parties and the public commercially, or by subscription from PERB.

#### **SUMMARY**

In developing its research and training goals, PERB has relied heavily upon the expressed need of its immediate constituents - the parties under its jurisdiction as well as the public, administration, and the Legislature. As a result, these goals, when reduced to specific statements of expectation, are to . . .

encourage and conduct high quality research in labor-management relations;

provide a forum for the discussion of labor

relations problems and their solutions;

assist the PERB in rendering improved services to the parties, the public and the executive, legislative, and judicial branches of government;

improve employer-employee relationships in the public sector and promote the peaceful resolution of employer-employee and labor-management disputes; and

develop the public's interest in labor relations, and to aid labor, management, and the public in obtaining a better understanding of their respective responsibilities under the laws administered by PERB.

## CASE DIGEST

### ADMINISTRATIVE APPEAL DECISIONS

California Correctional Peace  
Officers Association and State  
of California (Department of  
Corrections) (4/9/92)  
PERB Order No. Ad-231

The Board affirmed ALJ's denial of Corrections' motion to dismiss based upon deferral to arbitration. Under Lake Elsinore School District (1987) PERB Decision No. 646, State of California (California Department of Forestry and Fire Protection (1989) PERB Decision No. 734-S, and State of California (Department of Parks and Recreation) (1990) PERB Decision Nos. 810-S and 810a-S, the Board finds that the parties' collective bargaining agreement does not contain grievance machinery which covers the matter at issue. The CBA contained a section mirroring section 3519(a) of the Dills Act. The allegation in the complaint in this case alleged a violation of 3519(b) of the Dills Act. There was nothing in the CBA which mirrored a section (b) violation, i.e., making it a violation of the agreement to interfere with the Association's rights granted to it by the Dills Act. Furthermore, an arbitrator would have no jurisdiction to decide an alleged deprivation of the Association's rights granted to it by the Dills Act because there was nothing in the contract which provided for such.

### REPRESENTATION AND UNFAIR PRACTICE CHARGE DECISIONS

Annette M. Deglow v. Los Rios  
College Federation of Teachers,  
CFT/AFT, Local 2279 (8/14/92)  
PERB Decision No. 896

Board affirmed board agent's dismissal of Annette M. Deglow's unfair practice charge that the Los Rios College Federation of Teachers violated section 3543.6(b) of EERA and its duty of fair representation under section 3544.9 of EERA, as enforced under section 3543.6(b). Deglow alleges the Federation failed to notify all of the bargaining unit members of an upcoming agency fee election and breached an oral contract where in the Federation agreed to provide flyers and mailings regarding the election. The Board agent properly concluded that PERB caselaw does not require an employee organization to publicize an agency fee election to all bargaining unit members. With regard to the alleged oral contract, the Board agent correctly cited section 3541.5(b) of EERA which prohibits the Board from enforcing agreements between the parties.

State of California (Department  
of Personnel Administration) v.  
Professional Engineers in  
California Government (9/13/91)  
PERB Decision No. 900-S

Board affirmed the board agent's dismissal of a charge by DPA that the Association violated its duty to bargain in

good faith by insisting on negotiating and reaching agreement on ground rules/released time prior to discussing proposals on substantive issues. Board adopted regional attorney's analysis on totality of circumstances test. With regard to the per se test, the Board found that a citation to Stockton Unified School District (1980) PERB Dec. No. 143 was insufficient explanation. The Board found that there was no refusal by the Association to meet and negotiate because released time is a mandatory subject of bargaining and there is no allegation that the Association refused to negotiate this issue. Further, because the issue of released time is a mandatory subject of bargaining, PECG's insistence upon negotiations on that issue does not constitute a per se violation under the theory that a party who insists to impasse on a nonmandatory subject of bargaining as a condition of settlement of mandatory subject of bargaining engages in a per se violation.

**Baldwin Park Education Association, CTA/NEA v. Baldwin Park Unified School District**  
**(9/24/91) PERB Decision No. 903**

Board affirmed the proposed decision which dismissed the Baldwin Park Education Association's allegations that the Baldwin Park Unified School District violated EERA by insisting to impasse on a proposal for advisory arbitration. Board found that the statutory language of EERA section 3543.2(a), and its references to sections 3548.5, 3548.6, 3548.7, and 3548.8,

does not require binding arbitration. Additionally, in Anaheim City School District (1983) PERB Decision No. 364, the Board expressly held that advisory arbitration is a mandatory subject of bargaining. In reaching its conclusions, the Board rejected the ALJ's reliance on the modified Anaheim test. The Board noted that the modified Anaheim test had never been adopted by more than one Board member, had been rejected by the Court of Appeal, and had been expressly rejected in two subsequent Board decisions.

**Willits Teachers Association, CTA/NEA v. Willits Unified School District**  
**(12/5/91) PERB Decision No. 912**

Board affirmed the proposed decision holding that District violated EERA section 3543.4(a), (b) and (c) by unilaterally implementing a change in policy regarding granting released time for negotiations. In this case, the only contract provision regarding released time concerned grievances. The District's past practice was to grant released time on a regular basis for employees involved in negotiations and also to attend committee meetings to discuss faculty meetings and for the purpose of working out other work-related solutions. A dispute arose out of a disagreement between the parties regarding Appendix B of the parties' collective bargaining agreement (CBA). An unfair practice charge resulted, and an informal settlement conference was scheduled. The Association's chief negotiator requested released time to attend the



settlement conference. Released time was originally granted but then was revoked. The Association's negotiator used a personal necessity day to attend the conference. At the conference, the PERB ALJ acted as mediator, taking proposals regarding Appendix B of the CBA back and forth between the parties, who ultimately agreed on an interpretation of that section. The Association filed a charge claiming that released time was unlawfully denied. The ALJ found that this case was unique regarding its facts and circumstances and found that the District changed its policy in granting released time by failing to grant released time to the union negotiator to attend the settlement conference. It was further found that the District knew or should have known that negotiations would result from the conference, as the underlying charge in that case concerned only the interpretation of a section of the CBA.

Jeanette G. Gilligan v. Monterey County Office of Education (12/31/91)  
PERB Decision No. 913

The Board affirmed the proposed decision which dismissed charging party's allegation that the Monterey County Office of Education violated the Educational Employment Relations Act section 3543.5(a) by taking adverse action against charging party by issuing her a Notice of Intent to Dismiss. Board stated that Board agent may not take as conclusive ex parte statements regarding unfair practice charge allegations. Except for

this limitation, the Board agent has the authority to conduct an investigation to determine whether the unfair practice charge allegations state a prima facie case.

International Union of Operating Engineers, Local 39 v. State of California (Department of Personnel Administration) (1/2/92)  
PERB Decision No. 916-S

Board affirmed Board agent's partial dismissal of Association's charge that State of California, Department of Personnel Administration failed to bargain in good faith in violation of Dills Act section 3519(b) and (c) when it made a final offer after being informed that the Board had issued a complaint against DPA based on failure to provide information.

Travis Unified Teachers Association v. Travis Unified School District (1/3/92)  
PERB Decision No. 917

The Board affirmed the proposed decision in which the ALJ found that the District violated EERA section 3543.5(b), (c) and (e), when it insisted up to and through impasse that the Association agree to a provision that would deny it the right to file grievances in its own name.

Sylvan District Educators Association, CTA/NEA v. Sylvan Union Elementary School District (1/7/92)  
PERB Decision No. 919

Board found no violation by District where complaint alleged solely the failure to negotiate the effects of its

decision and association failed to make a bargaining demand. Board determines it has jurisdiction to decide only the effects portion of the case (as opposed to the decision) and applies relevant PERB case law. Although it is found that the District failed to give notice to the Association regarding its decision, the Association did receive actual notice from its members and therefore the failure of the District to give notice is of no legal import. Once it received actual notice, the Association's failure to request to bargain the effects of the decision are fatal to its claim, as the Board has held that the Association's demand to bargain is a part of its prima facie case. Complaint dismissed.

**California Union of Safety Employees v. State of California (Office of Lieutenant Governor) (1/14/92)**  
**PERB Decision No. 920-S**

Board summarily affirms dismissal of charge that Office of Lt. Governor violated section 3519(d) of the Dills Act by unlawfully supporting an employee organization during a decertification effort, where Lieutenant Governor sent congratulatory letter to Association organizer with primary responsibility in a decertification effort against CAUSE. Board denies DPA's request for attorneys' fees in defending this matter. Although Board found CAUSE's appeal to be without merit, there was no allegation that this case was frivolous, vexatious, dilatory, pursued in bad faith, or otherwise an abuse of process.

**California Department of Forestry Employees' Association, Local 2881, IAFF v. State of California (Department of Personnel Administration) (1/22/92)**  
**PERB Decision No. 921-S**

The Board affirmed a Board agent's dismissal that the State of California (Department of Personnel Administration) violated section 3519(b) and (c) and section 3523 of the Dills Act. The Board also determined that public notice complaints under the Dills Act should be processed as unfair practice complaints.

**The Regents of the University of California v. University Council-American Federation of Teachers (2/7/92)**  
**PERB Decision No. 922-H**

The Board affirmed the proposed decision dismissing the charge that University Council-American Federation of Teachers violated section 3571.1(c) of HEERA by unilaterally rescinding a settlement agreement with the charging party. The Board also determined that a refusal to withdraw unfair practice charges is not a mandatory subject of bargaining under HEERA.

**Association of California State Attorneys and Administrative Law Judges, Professional Engineers in California Government, and California Association of Professional Scientists v. State of California, Governor Pete Wilson (4/13/92)**  
**PERB Decision No. 927-S**

Board summarily affirmed Board agent's dismissal of

Association's charge that State of California, Governor Pete Wilson, violated sections 3516.5 and 3519(b) and (c) of the Dills Act by failing to provide charging parties notice and opportunity to bargain prior to proposing an initiative measure to the Attorney General and announcing it to the people of the State of California.

International Union of Operating Engineers, Local 39 v. State of California (Department of Personnel Administration) (4/20/92) PERB Decision No. 928-S

Board summarily affirms Board agent's dismissal of Association's charge that State of California (Department of Personnel Administration) violated sections 3516.5 and 3519(a), (b) and (c) of the Dills Act by failing to provide charging parties notice and opportunity to bargain prior to proposing an initiative measure to the Attorney General and announcing it to the people of the State of California.

Elcie Winston, Jr. v. Association of California State Attorneys (5/14/92) PERB Decision No. 931-S

Board affirmed Board agent's dismissal of an unfair practice charge alleging a breach of the duty of fair representation. Pursuant to PERB Regulation 32635, Board did not consider facts raised for the first time on appeal. With regard to the charging party's assertion that the Board agent told him that he "had one year to file," the Board found that the statement did not clearly refer to the filing of an unfair practice

charge and did not excuse the charging party's responsibility to timely file his unfair practice charge. Even assuming the charging party was misinformed, the factual allegations do not state a prima facie violation of section 3519.5 of the Dills Act.

State of California (Department of Personnel Administration) v. California State Employees' Association (5/15/92) PERB Decision No. 933-S

The Board denied a CSEA unit modification petition to transfer 12 classifications from Unit 1 to Unit 11. The Board found that although the placement may not be perfect, the evidence available did not offer sufficient rationale for disturbing the unit placement originally determined to be appropriate by the Board. Although parties had agreed to exclude classifications from a bargaining unit, stipulation was no longer in effect and the classifications were deemed to be part of the bargaining unit the Board initially placed them. Thus, party requesting unit modification has the burden to demonstrate that one bargaining unit is more appropriate than another bargaining unit.

Gordon Busch v. Ocean View Teachers Association (6/1/92) PERB Decision No. 943

Board affirmed Board agent's dismissal of public notice complaint. Complaint alleged that: (1) the Association's initial proposals were not sufficiently developed for the public to comprehend; (2) the Association and school district

may have negotiated in an executive session before the public was afforded an opportunity to express itself; and (3) "PERB should consider Government Code section 54950 in addition to section 3547 in making its ruling." Board found that the Association's oral clarification of its initial proposals at a subsequent public board meeting cured any defects or insufficiencies in its initial proposals. In PERB cases involving subsequent clarification of initial proposals, Board found there is no requirement that the public school employer amend its initial proposals. The Board found the Association's argument that its reliance on "collaborative bargaining" equitably estops PERB from finding a public notice violation was without merit. Regardless of whether "collaborative bargaining" was advocated by PERB, the parties' use of a new or different bargaining technique does not excuse the parties from the statutory requirements set forth in EERA.

1991-1992 REQUEST FOR INJUNCTIVE RELIEF

IR#	CASE NAME	CASE NO.	ALLEGATION	FILED	DISPOSITION DATE
318	CCPOA v. DPA Panel No. 20	S-CE-511-S	Charging Party seeks I.R. addressing DPA's deduction of increased health care premiums from employees' pay-checks.	8/1/91	Denied w/o prejudice to renewal by GC. 8/7/91.
319	GILLIGAN v. CSEA	SF-CO-378	Charging Party seeks I.R. to ensure grievance and termination appeal time lines are not forfeited.	8/26/91	Denied w/o prejudice to renewal by GC. 8/30/91.
320	L.A. City & Co. Employees Union v. L.A. USD	LA-CE-3137	Seeks I.R. to enjoin the Dist. from unilaterally implementing any form of salary reduction and/or employee furlough until the impasse procedures have been exhausted.	10/30/91	Withdrew 10/30/91.
321	CSEA & its Yolo Co. Chapter No. 639 v. Yolo Co. Office of Ed.	S-CE-1461	CSEA seeks an I.R. against Yolo Co. Employer for harassing and engaging in acts of reprisals against a CSEA union officer for exercising rights guaranteed under the EERA.	11/27/91	Denied w/o prejudice by GC letter on 12/9/91.
322	ACSA, CAPS, & PECG v. State of Calif.	S-CE-553-S	Charging Party seeks I.R. to direct the Governor to withdraw the public emp. aspect of an initiative proposal and to refrain from processing or publicly advocating said initiative.	12/23/91	Denied w/o prejudice by letter on 1/2/92. Rec'd Motion for Reconsideration of Decision not to Seek I.R.

<u>IR#</u>	<u>CASE NAME</u>	<u>CASE NO.</u>	<u>ALLEGATION</u>	<u>FILED</u>	<u>DISPOSITION DATE</u>
323	CAPT v. State of Calif.	S-CE-560-S	Charging Party seeks I.R. against Governor from unilaterally implementing changes in terms & conditions of employment and refusing to meet and confer in good faith.	1/7/92	Charging Party withdrew request w/o prejudice on 1/9/92.
324	LA Co. Bldg. & Const. Trades Co. v. LA USD	LA-CE-3147	Charging Party seeks I.R. against District from refusing to meet and confer in good faith.	N/A	Charging Party withdrew incomplete I.R.
325	CSEA v. State of Calif. (DPA)	S-CE-561-S	CSEA seeks I.R. against DPA and EDD limiting enforcement of a policy restricting the wearing of union T-shirts, etc. and the censoring of strike literature.	1/7/92	Denied w/o prejudice by letter on 1/15/92.
326	UAPD v. DPA, et al.	SF-CE-96-S SF-CE-104-S(am)	UAPD seeks I.R. against state's unilateral implementation of new terms and conditions of employment.	3/9/92	UAPD withdrew I.R. on 3/23/92.
327	CSEA, CAUSE, CDFEA & AFSCME v. DPA	S-CE-579-S	Unions charge the state employer with failure to participate in the mediation process in good faith and with unlawful implementation of terms and conditions of employment.	03/10/92	Denied w/o prejudice by letter on 3/24/92.
328	CAUSE v. DPA	S-CE-586-S	CAUSE requests I.R. to restrain DPA from continuing to deduct dues from Unit 7 employees for POBA.	3/24/92	CAUSE withdrew request for I.R. on 3/27/92.

IR#	CASE NAME	CASE NO.	ALLEGATION	FILED	DISPOSITION DATE
329	UAPD v. DPA, et al.	SF-CE-96- S & SF-CE-104- S	UAPD alleges that the state unlawfully implemented terms & conditions of employment because it failed to meet and confer in good faith.	3/26/92	I.R. granted on 4/8/92. 4/27/92 UAPD requested PERB to withdraw the I.R. case. 4/28/92 request granted. Court hearing set 4/30/92, taken off calendar.
330	CAUSE v. DPA	S-CE-586-S	CAUSE requests I.R. to restrain DPA from continuing to deduct dues from Unit 7 employees from POBA.		I.R. granted on 4/23/92. Court granted preliminary injunction on 5/19/92.
331	United Faculty of Grossmont-Cuyamaca CCD v. Grossmont-Cuyamaca CCD	LA-CE-3184	United Faculty charges the District with unilaterally changing a contractual policy on sabbatical leave.	4/27/92	Denied w/o prejudice by letter on 5/12/92.
332	Covina Unified Ed. Assoc., CTA/NEA v. Covina Valley USD	LA-CE-3177	Association charges that the District refused to participate in good faith in the impasse procedure.	5/19/92	Denied w/o prejudice by letter on 5/26/92.
333	Covina Unified Ed. Assoc., CTA/NEA v. Covina Valley USD	LA-CE-3177	Association charged that the District had refused to participate in good faith in the impasse procedure.	6/8/92	Denied w/o prejudice by letter on 6/15/92.
334	Corona-Norco Teachers Association, CTA/NEA v. Corona-Norco USD	LA-CE-3200	Association charged that District intended to repudiate the collective bargaining agreement by unilaterally instituting changes in policies.	6/12/92	Withdrawn 6/25/92

<u>IR#</u>	<u>CASE NAME</u>	<u>CASE NO.</u>	<u>ALLEGATION</u>	<u>FILED</u>	<u>DISPOSITION DATE</u>
335	Cathy R. Hackett, et al. v. CSEA	S-CO-124	Hackett, et al. sought an I.R. to enjoin CSEA from suspending their membership and to stop CSEA from preventing them from discharging their duties as elected members of BUNC.	6/30/92	Denied w/o prejudice by letter on 7/7/92.
336	Fremont UDTA v. Fremont USD (Panel No. 7 (DMC/HTC/RLC) (JWS/RGT/DNG)	SF-CE-1572	Association alleges that District unilaterally implemented a new seniority policy.	7/2/92	Denied w/o prejudice by letter on 7/16/92.



INJUNCTIVE RELIEF REQUESTS

	<u>1987-88</u>	<u>1988-89</u>	<u>1989-90</u>	<u>1990-91</u>	<u>Average 1987-91</u>	<u>1991-92</u>
Total Fiscal Year	13	21	8	11	13.25	18

LITIGATION ACTIVITY

	<u>1987-88</u>	<u>1988-89</u>	<u>1989-90</u>	<u>1990-91</u>	<u>1991-92</u>
New Cases	4	11	18	19	33
Closures	8	3	14	15	41
Briefs/Motions/ Pleadings	19	39	60	32	71

UNFAIR PRACTICE CHARGES

1991 - 1992

CHARGES FILED:

ACTIVITY BY LOCATION

	<u>Total</u>
Sacramento	221
San Francisco	151
Los Angeles	<u>227</u>
Total	599

Comparison With Previous Years:

	<u>1987/88</u>	<u>1988/89</u>	<u>1989/90</u>	<u>1990/91</u>	<u>Average 1987-91</u>	<u>1991-</u>
Total	600	412	475	437	481	599

TOTAL CHARGE DISPOSITIONS:

Comparison with Previous Years

	<u>1987-88</u>	<u>1988-89</u>	<u>1989-90</u>	<u>1990-91</u>	<u>Average 1987-91</u>	<u>1991-</u>
1st Quarter	144	139	92	109	121	98
2nd Quarter	203	118	115	95	132.75	154
3rd Quarter	128	87	133	152	125	117
4th Quarter	<u>129</u>	<u>83</u>	<u>160</u>	<u>101</u>	<u>118.25</u>	<u>107</u>
Total	604	427	500	457	497	476

Ratios (amounts in parentheses are percentages)

	<u>1987-88</u>	<u>1988-89</u>	<u>1989-90</u>	<u>1990-91</u>	<u>Average 1987-91</u>	<u>Year to Date1/</u>
Withdrawals	217 (36)	105 (25)	151 (30)	100 (22)	143.25 (29)	112 (24)
Dismissals	136 (23)	124 (29)	120 (24)	137 (30)	129.25 (26)	119 (25)
Complaints	181 (30)	130 (30)	173 (35)	166 (36)	162.50 (33)	168 (36)
Comp/Dism	38 (6)	26 (6)	13 (3)	19 (4)	24 (5)	15 (4)
Comp/Wd	32 (5)	42 (10)	43 (9)	35 (8)	38 (8)	61 (13)
Total	604 (100)	427 (100)	500 (100)	457 (100)	497.25 (100)	475 (100)

**REPRESENTATION**

**SACRAMENTO**

<u>Projects</u>	<u>Open</u> <u>04/01/92</u>	<u>New Cases</u> <u>4th Quarter</u> <u>1991-92</u>	<u>Cases Closed</u> <u>4th Quarter</u> <u>1991-92</u>	<u>Open</u> <u>06/30/92</u>
Request for Recognition	4	5	7	2
Intervention	0	1	1	0
Severance	3	1	1	3
Petition for Cert	0	0	0	0
Ballot Intervention	0	0	0	0
Interested Party	0	0	0	0
Limited Party	0	0	0	0
Amended Certification	0	0	0	0
Decertification	5	0	3	2
Unit Modification	7	6	6	7
Organizational Security	0	2	0	2
Mediation	89	23	34	78
Factfinding	3	2	3	2
Arbitration	0	0	0	0
Financial Statement	0	0	0	0
Public Notice	0	0	0	0
Compliance	2	6	2	6
Election Objections	1	0	0	1
Challenged Ballots	0	0	0	0
Total:	114	46	57	103

**SAN FRANCISCO**

<u>Projects</u>	<u>Open</u> <u>04/1/92</u>	<u>New Cases</u> <u>4th Quarter</u> <u>1991-92</u>	<u>Cases Closed</u> <u>4th Quarter</u> <u>1991-92</u>	<u>Open</u> <u>06/30/92</u>
Request for Recognition	9	6	7	8
Intervention	0	0	0	0
Severance	0	0	0	0
Petition for Cert	2	0	0	2
Ballot Intervention	0	0	0	0
Interested Party	0	0	0	0
Limited Party	0	0	0	0
Amended Certification	0	1	1	0
Decertification	5	1	3	3
Unit Modification	3	3	2	4

(San Francisco - Continued)

<u>Projects</u>	<u>Open</u> <u>04/01/92</u>	<u>New Cases</u> <u>4th Quarter</u> <u>1991-92</u>	<u>Cases Closed</u> <u>4th Quarter</u> <u>1991-92</u>	<u>Open</u> <u>06/30/92</u>
Organizational Security	2	1	3	0
Mediation	64	28	45	47
Factfinding	3	8	1	10
Arbitration	0	0	0	0
Financial Statement	0	0	0	0
Public Notice	0	0	0	0
Compliance	6	0	3	3
Election Objections	1	1	0	2
Challenged Ballots	0	0	0	0
Total:	95	49	65	79

LOS ANGELES

<u>Projects</u>	<u>Open</u> <u>04/01/92</u>	<u>New Cases</u> <u>4th Quarter</u> <u>1991-92</u>	<u>Cases Closed</u> <u>4th Quarter</u> <u>1991-92</u>	<u>Open</u> <u>06/30/92</u>
Request for Recognition	3	2	1	4
Intervention	0	0	0	0
Severance	2	0	1	1
Petition for Cert	0	0	0	0
Ballot Intervention	0	0	0	0
Interested Party	0	0	0	0
Limited Party	0	0	0	0
Amended Certification	0	0	0	0
Decertification	9	0	5	4
Unit Modification	7	4	7	4
Organizational Security	2	2	2	2
Mediation	43	40	23	60
Factfinding	5	12	3	14
Arbitration	0	0	0	0
Financial Statement	0	0	0	0
Public Notice	5	5	1	9
Compliance	3	0	1	2
Election Objections	0	1	0	1
Challenged Ballots	0	0	0	0
Total:	79	66	44	101

**STATEWIDE**

<u>Projects</u>	<u>Open 04/01/92</u>	<u>New Cases 4th Quarter 1991-92</u>	<u>Cases Closed 4th Quarter 1991-92</u>	<u>Open 06/30/92</u>
Request for Recognition	16	13	15	14
Intervention	0	1	1	0
Severance	5	1	2	4
Petition for Cert	2	0	0	2
Ballot Intervention	0	0	0	0
Interested Party	0	0	0	0
Limited Party	0	0	0	0
Amended Certification	0	1	1	0
Decertification	19	1	11	9
Unit Modification	17	13	15	15
Organizational Security	4	5	5	4
Mediation	196	91	102	185
Factfinding	11	22	7	26
Arbitration	0	0	0	0
Financial Statement	0	0	0	0
Public Notice	5	5	1	9
Compliance	11	6	6	11
Election Objections	2	2	0	4
Challenged Ballots	0	0	0	0
Total:	288	161	166	283

# **ORGANIZATIONS' ACRONYMS & ABBREVIATIONS ELECTION LOG**

AFSCME	American Federation of State, City and Municipal Employees
AFT	American Federation of Teachers
AHFA	Allan Hancock Faculty Association
BEA	Brittan Education Association/CTA/NEA
Carpenters	District Council of Carpenters
CEA	Classified Employees Association
CEMUS	Classified Employees of Mendocino Unified Schools
CFT; CFT/AFT	California Federation of Teachers (affiliated with AFT)
CSEA	California School Employees Association
CSEA/SEIU	California State Employees Association/Service Employees International Union
CSETA	California State Employed Teachers Association
CTA; CTA/NEA	California Teachers Association (affiliated with NEA)
ESPS/NEA	Educational Support Personnel/NEA
FOT	Federation of Teachers/CFT/AFT
Gen Teamsters	General Teamsters
GFCCE	Galt Federation of Classified & Certificated Employees
Independent FA	Independent Faculty Association
IUOE	International Union of Operating Engineers
LABTC	Los Angeles Building & Trades Council
LACCD Trades Assn	Los Angeles CCD Trades Association
Lakeport UCEA	Lakeport Unified Classified Employees Association/CTA/NEA
MCE	Mendocino Classified Employees
NEA	National Education Association
SEEA/CTA/NEA	Sonora Elementary Education Association/CTA/NEA
SEIU	Service Employees International Union
So'western CEA	Southwestern College Education Association/CTA/NEA

**EERA ELECTIONS HELD - FISCAL YEAR 1991/92**

1991/92 TALLY DATE	CASE NOS.	EMPLOYER NAME	UNIT TYPE	UNIT SIZE	VALID VOTES	ORG WITH MAJORITY	OTHER ORG	NO REP	CHALG BALLOT	VOID BALLOT	TYPE OF ELECT
9/12/91	LA-R-982	Allan Hancock JtCCD	100	121	106	AHFA-100		6	0	0	C/REP
10/01/91	LA-R-974	Pleasant Valley ESD	253	54	48	SEIU L998-36		12	0	0	C/REP
11/19/91	LA-R-979	Maricopa USD	250	25	25	CSEA Ch 686-24		1	0	0	C/REP
11/22/91	S -R-910	Bellevue ESD	250	9	7		CSEA-1	6	0	0	C/REP
1/27/92	S -R-914	Planada ESD	250	39	36	AFSCME L2703-27		9	0	0	C/REP
2/11/92	SF-R-721; UM-470	Sonoma COE	105	70	63	AFT-60	CTA-2	1	0	0	C/REP
3/12/92	S -R-917	West Hills CCD	450	14	11	IUOE L39-10		1	0	0	C/REP
4/01/92	SF-R-725	Lakeport USD	250	78	71	Lakeport UCEA-47		24	0	0	C/REP
5/07/92	S -R-920	Pierce JtUSD	250	47	31	CSEA-26		5	0	0	C/REP
6/03/92	S -R-924	Galt JtUnHSD	266	31	23	GFCCE/CFT/AFT-22		1	0	0	C/REP
6/03/92	S -R-925; I-109	Galt JtUnHSD	253	22	19	CSEA-10	CFCCE/CFT/AFT-8	1	0	0	C/REP
6/09/92	SF-R-789	Piner-Olivet UnESD	250	65	35	CSEA-20		15	0	0	C/REP
9/24/91	S -D-139	Cascade UnESD	100	91	84	CTA/NEA-48	FOT-35	1	0	0	C/REP
9/30/91	S -D-142	Black Butte ESD	250	24	20	Teamsters L137-16	CSEA Ch 384-2	2	0	0	D/REP
10/15/91	LA-D-257	Delano JtUnHSD	100	101	80	CTA/NEA-62	Gen. Teamstrs-12	6	0	0	C/REP
10/17/91	SF-D-192	Campbell UnESD	253	79	55	CSEA-48	Carpenters-7	0	0	0	D/REP
10/21/91	S -D-136	Brittan ESD	100	28	21	BEA/CTA/NEA-20		1	2	0	D/REP
11/21/91	SF-D-193	Foothill-De Anza CCD	261	476	408	SEIU-231	CSEA-170	7	1	0	C/REP
12/06/91	SF-D-194	Foothill-De Anza CCD	254	106	97	CSEA-68	SEIU-29	0	0	0	C/REP
12/17/91	S -D-144	Sonora SD	250	30	29	SEEA/CTA/NEA-20	CSEA-9	0	0	0	C/REP
12/20/91	SF-D-195	Berryessa UnESD	253	99	74	Runoff Needed - CSEA & Teamsters tied 37 each		0	0	0	C/REP
1/07/92	LA-D-260	Southwestern CCD	100	711	412	So'western CEA-291	Independent FA-106	15	0	3	D/REP
1/30/92	SF-D-188	Gilroy USD	100	435	398	CTA/NEA-205	CFT/AFT-192	1	0	1	C/REP
2/05/92	SF-D-195	Berryessa UnESD	253	99	85	Teamsters-53	CSEA-32	0	0	0	C/REP
3/10/92	LA-D-261	Los Angeles CCD	254	104	80	LABTC-49	LACCD Trades Assn-29	2	0	0	C/REP
3/19/92	SF-D-196	Santa Clara USD	253	187	178	CSEA-109	SEIU-64	5	0	0	C/REP
3/26/92	S -D-145	Shafter UnSD	100	18	16	CFT/AFT-13	CTA/NEA-3	0	1	0	C/REP
5/15/92	SF-D-197	San Lorenzo Valley USD	250	172	115	SEIU-85	CSEA-27	3	0	0	C/REP
5/21/92	LA-D-265	Palm Springs USD	261	490	312	CSEA Ch 146-239	Teamsters L911-65	8	1	0	C/REP
5/28/92	SF-D-199	Solano County CCD	253	38	30	IUOE-18	CSEA-12	0	0	0	C/REP
6/01/92	LA-D-264	Bakersfield City ESD	253	234	171	CSEA Ch 48-112	Teamsters L1911-56	3	117	0	C/REP
6/04/92	SF-D-200	Morgan Hill USD	250	307	271	SEIU L715-140	CSEA Ch 159-124	7	1	1	C/REP
6/11/92	LA-D-263	San Diego City USD	252	1429	915	CSEA-432	CEA/NEA-419	64	1	3	C/REP
6/15/92	LA-D-270	Pasadena Area CCD	253	77	59	CSEA-31	Teamsters-27	1	0	0	D/REP
6/18/92	SF-D-201	Mendocino USD	250	73	56	CEMUS/CTA-37	MCE-19	0	0	0	C/REP
6/23/92	LA-D-267	Sweetwater UnHSD	253	310	268	CSEA-204	ESP/NEA-61	3	1	2	C/REP
6/24/92	LA-D-266	San Diego City USD	253	2182	943	CSEA-724	CEA-179	40	0	8	C/REP
9/17/91	S -UM-518	Visalia USD	250	21	19	CSEA-11		8	0	0	C/REP
3/31/92	S -UM-521	Tracy Public Schools	250	30	25	CSEA Ch 98-20		5	0	1	C/REP

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1991/92 TALLY DATE	CASE NOS.	EMPLOYER NAME	UNIT TYPE	UNIT SIZE	VALID VOTES	YES - OS	NO - OS	CHALG BALLOT	VOID BALLOT	TYPE OF ELECT
7/12/91	LA-OS-141	Los Angeles USD	251	9441	2711	2334	377	1	66	C/REP
10/09/91	S -OS-88	Kings Canyon JtUSD	100	373	270	140	130	1	0	C/REP
10/15/91	LA-OS-145	Brawley UnHSD	250	43	29	17	12	0	0	C/REP
10/24/91	LA-OS-144	Sweetwater UnHSD	101	95	78	64	14	0	2	C/REP

<u>1991/92 TALLY DATE</u>	<u>CASE NOS.</u>	<u>EMPLOYER NAME</u>	<u>UNIT TYPE</u>	<u>UNIT SIZE</u>	<u>VALID VOTES</u>	<u>YES - OS</u>	<u>NO - OS</u>	<u>CHALG BALLOT</u>	<u>VOID BALLOT</u>	<u>TYPE OF ELECT</u>
11/04/91	SF-OS-159	Benicia USD	250	139	68	51	17	0	2	C/REP
11/04/91	SF-OS-160	San Antonio UnESD	250	13	11	10	1	0	1	C/REP
12/19/91	LA-OS-146	Los Angeles COE	100	1084	600	455	145	0	2	C/REP
1/14/92	SF-OS-161	Roseland ESD	250	41	25	17	8	0	0	C/REP
5/11/92	SF-OS-164	Sequoia UnHSD	253	95	36	28	8	0	0	C/REP
5/11/92	SF-OS-163	Sequoia UnHSD	252	180	104	63	41	0	0	C/REP
5/14/92	SF-OS-165	Santa Cruz City Schools	108	459	275	203	72	0	0	C/REP
5/15/92	LA-OS-147	Los Angeles USD	200	1687	982	726	256	0	1	C/REP
6/19/92	S -OS-89	Marysville JtUSD	100	453	217	155	62	0	1	C/REP
6/23/92	LA-OS-148	Los Angeles COE	261	749	479	284	195	0	2	C/REP
11/14/91	SF-AC-28	San Francisco USD	103	1212	415	Chg Excl Rep ID-366	No Chg in ID-49	0	1	C/REP

RALPH C. DILLS ACT ELECTIONS HELD - FISCAL YEAR 1991/92

<u>1991/92 TALLY DATE</u>	<u>CASE NOS.</u>	<u>UNIT NAME</u>	<u>UNIT TYPE</u>	<u>UNIT SIZE</u>	<u>VALID VOTES</u>	<u>ORG WITH MAJORITY</u>	<u>OTHER ORG</u>	<u>NO REP</u>	<u>CHALG. BALLOT</u>	<u>VOID BALLOT</u>	<u>TYPE OF ELECT</u>
11/14/91	S -D-141-S	Institutional Education	S21	2018	1284	CSEA/SEIU-955	CSETA-290	39	12	6	C/REP

<u>1991/92 TALLY DATE</u>	<u>CASE NOS.</u>	<u>UNIT NAME</u>	<u>UNIT TYPE</u>	<u>UNIT SIZE</u>	<u>VALID VOTES</u>	<u>YES - OS</u>	<u>NO - OS</u>	<u>CHALG BALLOT</u>	<u>VOID BALLOT</u>	<u>TYPE OF ELECT</u>
7/15/91	S -OS-86-S	Admin./Fin./Staff Svs.	S01	27841	15094	6242	8852	20	270	C/REP

HEERA ELECTIONS HELD - FISCAL YEAR 1991/92

NONE