

Public Employment Relations Board



2018 - 2019
ANNUAL REPORT
October 15, 2019

Gavin Newsom, Governor
State of California

PUBLIC EMPLOYMENT RELATIONS BOARD

2018-2019 ANNUAL REPORT

October 15, 2019



Board Members

ERIC R. BANKS
PRISCILLA S. WINSLOW
ERICH W. SHINERS
ARTHUR A. KRANTZ
LOU PAULSON

TABLE OF CONTENTS

LETTER FROM THE BOARD	1
STATUTORY AUTHORITY AND JURISDICTION	3
PURPOSE AND FUNCTIONS	4
The Board	4
Major Functions.....	6
Unfair Practice Charges	6
Representation	9
Appeals Office	10
Office of the General Counsel.....	10
State Mediation and Conciliation Service	10
Administrative Operations	11
Other Functions	11
LEGISLATION	12
RULEMAKING	12
CASE DISPOSITIONS	14
Unfair Practice Charge Filing	14
Dispute Resolutions and Settlements.....	16
Administrative Adjudication	18
Board Decisions	19
Litigation	20
Representation Activity	20
Mediation/Factfinding/Arbitration	21
Compliance	21
State Mediation and Conciliation Service Division	22
APPENDICES.....	24
History of PERB's Statutory Authority and Jurisdiction.....	24
Administrative Leadership	26
Organizational Chart.....	28
Unfair Practice Charge (UPC) Statistics.....	29
Representation Case Activity	30
2018 - 2019 Litigation Case Activity.....	31
2018 - 2019 Decisions of the Board	38

PUBLIC EMPLOYMENT RELATIONS BOARD

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October 15, 2019

Dear Members of the State Legislature and fellow Californians:

We are pleased to submit the 2018-2019 Public Employment Relations Board (PERB) Annual Report. PERB is committed to conducting agency activities with transparency and accountability, and this report describes PERB activities, case dispositions and other achievements for the Board's divisions in the past fiscal year. The report also describes PERB's statutory authority, jurisdiction, purpose and duties.

In 2018-2019, the Board issued 92 decisions, the most since Fiscal Year 2010-2011, despite not having a fifth board member for the entire year and only having three members for a brief period. The Board's docket at the end of the year had nearly half the number of cases as there were at the beginning, dropping from the mid-80s to the mid-40s.

Other highlights from the 2018-2019 fiscal year include:

- 691 unfair practice charges filed
- 89 representation petitions filed
- 122 requests for mediation
- 149 factfinding requests
- 228 days of informal settlement conferences conducted by regional attorneys
- 57 formal hearings completed by administrative law judges
- 54 proposed decisions issued by administrative law judges
- 496 cases filed with State Mediation and Conciliation Service

The expiration of Board Member Priscilla Winslow's term in December led to a fresh face in February as Governor Gavin Newsom appointed Lou Paulson to the Board. With Member Paulson's appointment, one vacancy remains. The Board also continues without a Chair, with the members carrying out the responsibilities of the Chair until one is appointed.

Over the last several decades, resources to hire necessary staff did not keep pace with growth in PERB's workload. In 2018-2019, however, PERB used both a funding increase and the agency's Case Processing Efficiency Initiative to begin reducing backlogs. While significant challenges remain in achieving more timely dispute resolution, recent investments by the Administration and Legislature have helped PERB to hire much-needed staff at all levels. Investment in mediation training for PERB regional attorneys has resulted in more cases settled early in the process. Staffing increases have also allowed the Office of General Counsel to better manage increased workloads from requests for injunctive relief and litigation, while helping the Division of Administrative Law resolve increasingly complex matters brought by constituents, frequently without the need for an appeal to the Board.

PERB also has taken considerable public feedback regarding its outdated regulations. Several regulatory changes are at various stages of development thanks to the hard work of PERB staff and valuable input from stakeholders.

PERB looks forward to an ambitious 2019-2020 with continued work implementing the Case Processing Initiative recommendations, and an increased focus on transparency and collaboration with our stakeholders.

We invite you to explore the Report for more detailed information about PERB's 2018-2019 activities and case dispositions including a summary of all Board decisions issued in the last fiscal year. We hope you find this Report informative. Please visit our website at www.perb.ca.gov or contact PERB at (916) 323-8000 for any further information.

Respectfully submitted,



Eric R. Banks
Member



Arthur A. Krantz
Member



Erich W. Shiners
Member



Lou Paulson
Member

STATUTORY AUTHORITY AND JURISDICTION

The Public Employment Relations Board (PERB or Board) is a quasi-judicial agency created by the Legislature to oversee public sector collective bargaining in California. The Board administers eight collective bargaining statutes, ensures their consistent implementation and application, and adjudicates labor relations disputes between the parties. PERB administers the following statutes under its jurisdiction:

- (1) Educational Employment Relations Act (EERA) (Government Code § 3540 et seq.)—California’s public schools (K-12) and community colleges;
- (2) State Employer-Employee Relations Act (Dills Act) (Government Code § 3512 et seq.)—State employees;
- (3) Higher Education Employer-Employee Relations Act (HEERA) (Government Code § 3560 et seq.)—California State University and University of California systems and Hastings College of Law;
- (4) Meyers-Milias-Brown Act (MMBA) (Government Code § 3500 et seq.)—California’s city, county, and local special district employers and employees (excludes specified peace officers, and the City and County of Los Angeles);
- (5) Los Angeles County Metropolitan Transportation Authority Transit Employer-Employee Relations Act (TEERA) (Public Utilities Code § 99560 et seq.)—supervisory employees of the Los Angeles County Metropolitan Transportation Authority;
- (6) Trial Court Employment Protection and Governance Act (Trial Court Act) (Government Code § 71600 et seq.)—nonjudicial employees of California’s trial courts;
- (7) Trial Court Interpreter Employment and Labor Relations Act (Court Interpreter Act) (Government Code § 71800 et seq.)—court interpreters employed by California’s trial courts; and
- (8) Judicial Council Employer-Employee Relations Act (JCEERA) (Gov. Code, § 3524.50 et seq.)—nonjudicial employees of the Judicial Council.

In addition, the Board administers the Public Employee Communications Chapter (PECC) (Government Code § 3555 et seq.)—a law designed to provide effective and meaningful ways for exclusive representatives to communicate with their bargaining unit members as well as the Prohibition on Public Employers Deterring or Discouraging Union Membership (PEDD), which is codified at Chapter 11 of Title 1 of the Government Code, section 3550 et seq.

The history of PERB’s statutory authority and jurisdiction is in the Appendices, beginning on page 24.

PURPOSE AND FUNCTIONS

THE BOARD

By statute, the Board itself is composed of up to five Members appointed by the Governor and subject to confirmation by the State Senate. Board Members are appointed to a term of up to five years, with the term of one Member expiring at the end of each calendar year. In addition to the overall responsibility for administering the eight statutory schemes, the Board acts as an appellate body to decide challenges to decisions issued by Board agents. Decisions of the Board itself may be appealed, under certain circumstances, to the State appellate and superior courts. The Board, through its actions and those of its agents, is empowered to:

- Conduct elections to determine whether employees wish to have an employee organization exclusively represent them in their labor relations with their employer;
- Remedy unfair practices, whether committed by employers or employee organizations;
- Investigate impasse requests that may arise between employers and employee organizations in their labor relations in accordance with statutorily established procedures;
- Ensure that the public receives accurate information and has the opportunity to register opinions regarding the subjects of negotiations between public sector employers and employee organizations;
- Interpret and protect the rights and responsibilities of employers, employees, and employee organizations under the statutory schemes;
- Bring legal actions in a court of competent jurisdiction to enforce PERB's decisions and rulings;
- Conduct research and training programs related to public sector employer-employee relations; and
- Take such other action as the Board deems necessary to effectuate the purposes of the statutory schemes it administers.

A summary of the Board's Fiscal Year 2018-2019 decisions is provided in the Appendices.

Biographies for the five Board members who served in Fiscal Year 2018-19 are included below.

Eric R. Banks was appointed to the Board by Governor Edmund G. Brown Jr. in February 2013, February 2015, and February 2017. Prior to his appointment, Mr. Banks worked at Ten Page Memo, LLC as a partner providing organizational consulting services. He served in multiple positions at the Service Employees International Union, Local 221 from 2001 to 2013, including President, Advisor to the President, Chief of Staff, and Director of Government and Community Relations, representing public employees in San Diego and Imperial Counties. Prior to his work at Local 221, Mr. Banks was Policy Associate for State Government Affairs at the New York AIDS Coalition, in Albany, New York, from 2000 to 2001. He worked in multiple positions at the Southern Tier AIDS Program, in Upstate New York from 1993 to 2000, including Director of Client Services, Assistant Director of Client Services, and Case Manager. Mr. Banks received his Bachelor of Arts degree in 1993 from Binghamton University. Mr. Banks' term expires December 2021.

Priscilla S. Winslow was appointed to the Board by Governor Edmund G. Brown Jr. in February 2013. She previously served as Legal Advisor to Board Member A. Eugene Huguenin beginning July 2012. Prior to coming to PERB, Ms. Winslow was the Assistant Chief Counsel of the California Teachers Association where she worked from 1996 to 2012, representing and advising local chapters and CTA on a variety of labor and education law matters. Prior to her employment at CTA, Ms. Winslow maintained a private law practice in Oakland and San Jose representing individuals and public sector unions in employment and labor law matters. In addition to practicing law, Ms. Winslow taught constitutional law at New College of California, School of Law as an adjunct professor from 1984 to 1993. From 1979 to 1983 Ms. Winslow served as Legal Advisor to PERB Chairman Harry Gluck. She received a Bachelor of Arts degree in History and Philosophy from the University of California, Santa Cruz, and a Juris Doctor degree from the University of California, Davis. Ms. Winslow's term expired December 2018.

Erich W. Shiners was appointed to the Board by Governor Edmund G. Brown Jr. on February 27, 2018. Prior to his appointment, Mr. Shiners represented and advised public agency and non-profit employers in labor and employment matters, including many cases before PERB. Most recently he was Senior Counsel at Liebert Cassidy Whitmore, and before that he was a partner at Renne Sloan Holtzman Sakai. Mr. Shiners served as Legal Advisor to PERB Chair Alice Dowdin Calvillo from 2008 to 2011. During law school he held internships at the National Labor Relations Board in Washington D.C. and the Agricultural Labor Relations Board in Sacramento and served as a judicial extern for Justice M. Kathleen Butz of the California Court of Appeal, Third District. Mr. Shiners is a member of the Executive Committee of the Labor and Employment Law Section of the California Lawyers Association, and, with fellow Board member Arthur Krantz, a co-editor-in-chief of the Section's publication, California Public Sector Labor Relations. He holds a Bachelor of Arts degree in History from Sacramento State University, and a Juris Doctor degree from University of the Pacific, McGeorge School of Law. Mr. Shiners' term expires December 2022.

Arthur A. Krantz was appointed to the Board by Governor Edmund G. Brown Jr. on February 27, 2018. For more than 20 years prior to his appointment, Mr. Krantz represented unions, employees and nonprofits in litigation, arbitration and administrative cases, and he worked on law reform, organizing, negotiation, and strategic campaigns to effect social change. Mr. Krantz did this work as an associate and partner at Leonard Carder, LLP. He is a pro bono asylum attorney and an Executive Committee Member of the Labor & Employment Law Section of the California Lawyers Association. Mr. Krantz received his Bachelor of Arts from Yale University and his Juris Doctor from NYU School of Law, where he was a Root Tilden Public Interest Scholar. After law school, Mr. Krantz served as a judicial law clerk for the Honorable Ellen Bree Burns at the United States District Court, District of Connecticut. Mr. Krantz's term expires December 2020.

Lou Paulson was appointed to the Board by Governor Gavin Newsom on February 6, 2019. Prior to his appointment Mr. Paulson served as the President of the California Professional Firefighters and as Vice President of the California Labor Federation. He also had a 34-year career in the Fire Service, 26 of those with the Contra Costa County Fire Protection District. Mr. Paulson has participated on many Local and National Boards and Commissions including the UC Berkeley Labor Center Advisory Board and the National Fire Protection Board of Directors. Mr. Paulson has lectured and taught nationally and internationally on labor relations and leadership. He received a Bachelor of Science degree from San Francisco State University. Mr. Paulson's term expires December 2023.

MAJOR FUNCTIONS

The major functions of PERB include: (1) the investigation and adjudication of unfair practice charges; (2) the administration of the representation process through which public employees freely select employee organizations to represent them in their labor relations with their employer; (3) adjudication of appeals of Board agent determinations to the Board itself; (4) the legal functions performed by the Office of the General Counsel (OGC); and (5) the mediation services provided to the public and some private constituents by the State Mediation and Conciliation Service (SMCS).

UNFAIR PRACTICE CHARGES

The investigation and resolution of unfair practice charges (UPC) is the major function performed by PERB's Office of the General Counsel. UPCs may be filed with PERB by an employer, employee organization, or employee. Members of the public may also file a charge, but only concerning alleged violations of public notice requirements under the Dills Act, EERA, HEERA, and TEERA. UPCs can be filed online, as well as by mail, facsimile, or personal delivery.

A UPC alleges an employer or employee organization engaged in conduct that is unlawful under one of the statutory schemes administered by PERB. Examples of unlawful employer conduct are: refusing to negotiate in good faith with an employee organization; disciplining or threatening employees for participating in union activities; and 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 a UPC against the union; and failing to represent bargaining unit members fairly in their employment relationship with the employer.

A UPC filed with PERB is reviewed by a Board agent to determine whether a prima facie violation of an applicable statute has been established. A charging party establishes a prima facie case by alleging sufficient facts to establish that a violation of the Dills Act, EERA, HEERA, MMBA, TEERA, Trial Court Act, Court Interpreter Act, JCEERA or PECC/PEDD has occurred. If the charge fails to state a prima facie case, the Board agent issues a warning letter notifying the charging party of the deficiencies of the charge. The charging party is given time to either amend or withdraw the charge. If the charge is not amended or withdrawn, the Board agent must dismiss it. The charging party may appeal the dismissal to the Board itself. Under regulations adopted effective July 1, 2013, the Board can designate whether or not its decision in these cases will be precedential or non-precedential.

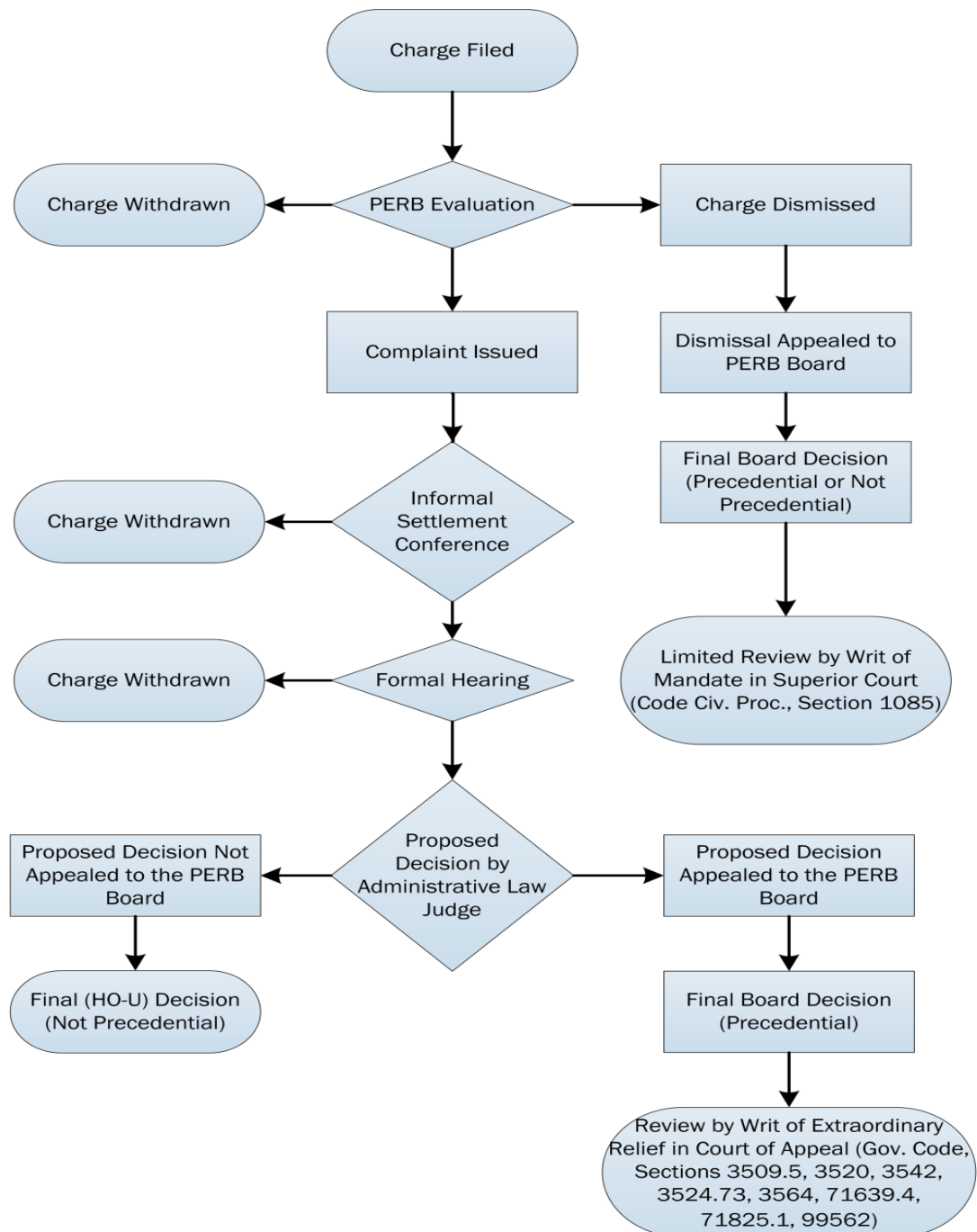
If the Board agent determines that a charge, in whole or in part, states a prima facie case of a violation, a formal complaint is issued. The respondent may file an answer to the complaint.

Once a complaint is issued, usually another Board agent is assigned to the case and calls the parties together for an informal settlement conference. The conference usually is held within 60 days of the date of the complaint. If settlement is not reached, a formal hearing before a PERB Administrative Law Judge (ALJ) is scheduled. A hearing generally occurs within 90 to 120 days from the date of the informal conference. Following this adjudicatory proceeding, the ALJ prepares and issues a proposed decision. A party may

appeal the proposed decision to the Board itself. The Board itself may affirm, modify, reverse, or remand the proposed decision.

Proposed decisions that are not appealed to the Board are binding upon the parties to the case, but may not be cited as precedent in other cases before the Board. Final decisions of the Board are both binding on the parties to a particular case and precedential, except as otherwise designated by a majority of the Board members issuing dismissal decisions pursuant to PERB Regulation 32320, subdivision (d). Text and headnotes for all but non-precedential Board decisions are available on our website (www.perb.ca.gov) or by contacting PERB. On the website, interested parties can also sign-up for electronic notification of new Board decisions.

UNFAIR PRACTICE CHARGE PROCESS FLOW CHART



REPRESENTATION

The representation process normally begins when a petition is filed by an employee organization to represent employees in classifications that have an internal and occupational community of interest. In most situations, if only one petition is filed, with majority support, and the parties agree on the description of the bargaining unit, the employer must grant recognition to the employee organization as the exclusive representative of the bargaining unit employees. If two or more employee organizations are competing for representational rights of an appropriate bargaining unit, an election is mandatory.

If either the employer or an employee organization disputes the appropriateness of the proposed bargaining unit, a Board agent may hold an informal settlement conference to assist the parties in resolving the dispute. If the dispute cannot be settled voluntarily, a Board agent conducts a formal investigation, and in some cases a hearing, and issues an administrative determination or a proposed decision. That determination or decision sets forth the appropriate bargaining unit, or modification of that unit, based upon statutory unit-determination criteria and appropriate case law. Once an initial bargaining unit has been established, PERB may conduct a representation election, unless the applicable statute and the facts of the case require the employer to grant recognition to an employee organization as the exclusive representative. 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 organization. The choice of “No Representation” appears on the ballot in every representation election.

PERB staff also assists parties in reaching negotiated agreements through the mediation process provided in EERA, HEERA, and the Dills Act, and through the factfinding process provided under EERA, HEERA, and the MMBA. If the parties are unable to reach an agreement during negotiations under EERA, HEERA, or the Dills Act, either party may declare an impasse and request the appointment of a mediator. A Board agent contacts both parties to determine if they have reached a point in their negotiations that further meetings without the assistance of a mediator would be futile. Once PERB has determined that impasse exists, an SMCS mediator assists the parties in reaching an agreement. If settlement is not reached during mediation under EERA or HEERA, either party may request the initiation of statutory factfinding procedures. PERB appoints the factfinding chairperson who, with representatives of the employer and the employee organization, makes findings of fact and advisory recommendations to the parties concerning settlement terms.

If the parties reach impasse during negotiations under the MMBA, and a settlement is not achieved through impasse dispute resolution procedures authorized by applicable local rules, only the employee organization may request the initiation of statutory factfinding procedures under the MMBA. If factfinding is requested, PERB appoints the factfinding chairperson who, with representatives of the employer and the employee organization, makes findings of fact and advisory recommendations to the parties concerning settlement terms.

APPEALS OFFICE

The Appeals Office, under direction of the Board itself, ensures that all appellate filings comply with Board regulations. The office maintains case files, issues decisions rendered, and assists in the preparation of administrative records for litigation filed in California's appellate courts. The Appeals Office is the main contact with parties and their representatives while cases are pending before the Board itself.

OFFICE OF THE GENERAL COUNSEL

The legal representation function of the Office of the General Counsel includes:

- defending final Board decisions or orders in unfair practice cases when parties seek review of those decisions in the State appellate courts, as well as overseeing the preparation of the administrative record for litigation filed in California's appellate courts;
- seeking enforcement when a party refuses to comply with a final Board decision, order, or ruling, or to a subpoena issued by PERB;
- seeking appropriate interim injunctive relief against those responsible for certain alleged unfair practices;
- defending the Board against attempts to stay its activities, such as superior court complaints seeking to enjoin PERB hearings or elections; and
- defending the jurisdiction of the Board, submitting motions, pleadings, and amicus curiae briefs, and appearing in cases in which the Board has a special interest.

STATE MEDIATION AND CONCILIATION SERVICE

SMCS was created in 1947 and mediates under the provisions of all of the California public and quasi-public sector employment statutes, as well as the National Labor Relations Act. While SMCS has the ability to mediate in the private sector, it now only does so under certain exceptional circumstances, including statutory provisions at the state or local level, collective bargaining and local rules' language, and representation processes not performed by the Federal Mediation and Conciliation Service (FMCS). SMCS and the FMCS have informally agreed to divide the work between the public and private sectors for more than two decades, as the work has become more complex, requiring specialization, and resources in both agencies have been an issue.

The mediation and representation services provided by the SMCS division of PERB are not to be confused with those provided by PERB's Office of the General Counsel. SMCS' work is performed strictly on the basis of mutual consent, except as required by statute, such as the Public Utilities Code, and is confidential. Mediation is non-adjudicatory, with emphases on compromise and collaboration toward settlement. SMCS welcomes opportunities to speak with labor and management organizations and communities to provide information about the benefits of harmony in labor/management relationships through the effective use of mediation in their disputes.

The core functions of SMCS involve work that is performed at no charge to the parties, including:

- Mediation to end strikes and other severe job actions;
- Mediation of initial and successor collective bargaining agreement disputes;
- Mediation of grievances arising from alleged violations of collective bargaining agreements and other local rules;
- Mediation of discipline appeals;
- Supervision of elections for representation, whether for bargaining units that are unrepresented, or for the decertification/certification of labor organizations, and others; and
- Providing general education and information about the value of mediation in dispute resolution.

Other services are also available. These include:

- Training and facilitation in interest-based bargaining, implementing effective joint labor-management committees, and resolving conflict in the workplace; and
- Assistance with internal union/employee organization elections or processes, or similar activities for labor or management that are not joint endeavors.

SMCS also administers a panel of independent arbitrators who are screened for qualifications and experience before being accepted to the panel. Lists of arbitrators can be provided for a fee, with no restrictions on whether or not the dispute is in the public or private sectors.

ADMINISTRATIVE OPERATIONS

The Division of Administration provides services to support PERB operations and its employees. This includes strategic policy development, administration, and communication with the State's control agencies to ensure operations are compliant with State and Federal requirements. A full range of services are provided for both annual planning/reporting cycles and ongoing operations in fiscal, human resources, technology, facility, procurement, audits, security, and business services areas.

OTHER FUNCTIONS

As California's expert administrative agency in the area of public sector collective bargaining, PERB is consulted by similar agencies from other states concerning its policies, regulations, and formal decisions. Additionally, PERB continuously reviews proposed legislation and promulgates regulations to effectively adapt to changing statutory and environmental impacts. Information requests from the Legislature and the general public are also received and processed.

LEGISLATION

For informational purposes and inquiries by the Legislature, PERB monitors legislation concerning labor relations statutes under PERB's jurisdiction. In Fiscal Year 2018-2019, the Legislature enacted one PERB-related bill:

Senate Bill 1085: On September 28, 2018, Governor Brown signed Senate Bill 1085 (Chapter 893, Statutes of 2018), which, among other things, requires that public employers grant to public employees reasonable leaves of absence without loss of compensation or other benefits to allow employees to serve as stewards or officers of the exclusive representative, or of any statewide or national employee organization with which the exclusive representative is affiliated. Such leave may be granted on a full-time, part-time, periodic, or intermittent basis.

RULEMAKING

PERB initiated a number of rulemaking packages in Fiscal Year 2018-2019, most of which will become final in Fiscal Year 2019-2020. The Board initiated the rulemaking packages in response to legislative changes, judicial decisions, PERB's Case Processing Efficiencies Initiative, or the need to update obsolete rules. Listed below are the various rulemaking packages the Board authorized the Office of the General Counsel to initiate:

Judicial Council Employer-Employee Relations Act (JCEERA). PERB initiated rulemaking to fully implement JCEERA, which authorizes specified employees of the Judicial Council to unionize. JCEERA was enacted through Assembly Bill 83 (Chapter 835, Statutes of 2017).

ePERB and General Filing Requirements. PERB initiated rulemaking to address PERB's new e-file system (ePERB) and to revise existing regulations that govern filings in general.

Public Employee Communication Chapter (PECC) / Prohibition on Deterring and Discouraging Union Membership Chapter (PEDD) / Non-Precedential Decisions. PERB initiated a rulemaking package to implement: (1) the PECC enacted by Assembly Bill 119 (Chapter 21, Statutes of 2017) codified at Government Code, section 3555 et seq., (2) the PEDD enacted by Senate Bill 866 (Chapter 53, Statutes of 2018) codified at Government Code, section 3550 et seq., and (3) to permit the Board to designate as non-precedential any decision, or any parts thereof.

Fair Share Fee Repeal. In response to the United States Supreme Court decision in *Janus v. AFSCME Council 31*, PERB introduced a rulemaking package to repeal all regulatory provisions, in whole or in part, that require nonmembers to pay an agency fee without having consented to such a fee. This package was approved by the Office of Administrative Law in June 2019.

Exceptions Regulations. As part of implementing Case Processing Efficiency Initiative recommendations, PERB initiated a rulemaking package to revise existing regulations covering a party's filing of exceptions to Proposed Decisions by an ALJ and responses thereto.

Recusal Regulation. PERB initiated a rulemaking package to amend PERB Regulation 32155, which governs recusals of PERB personnel.

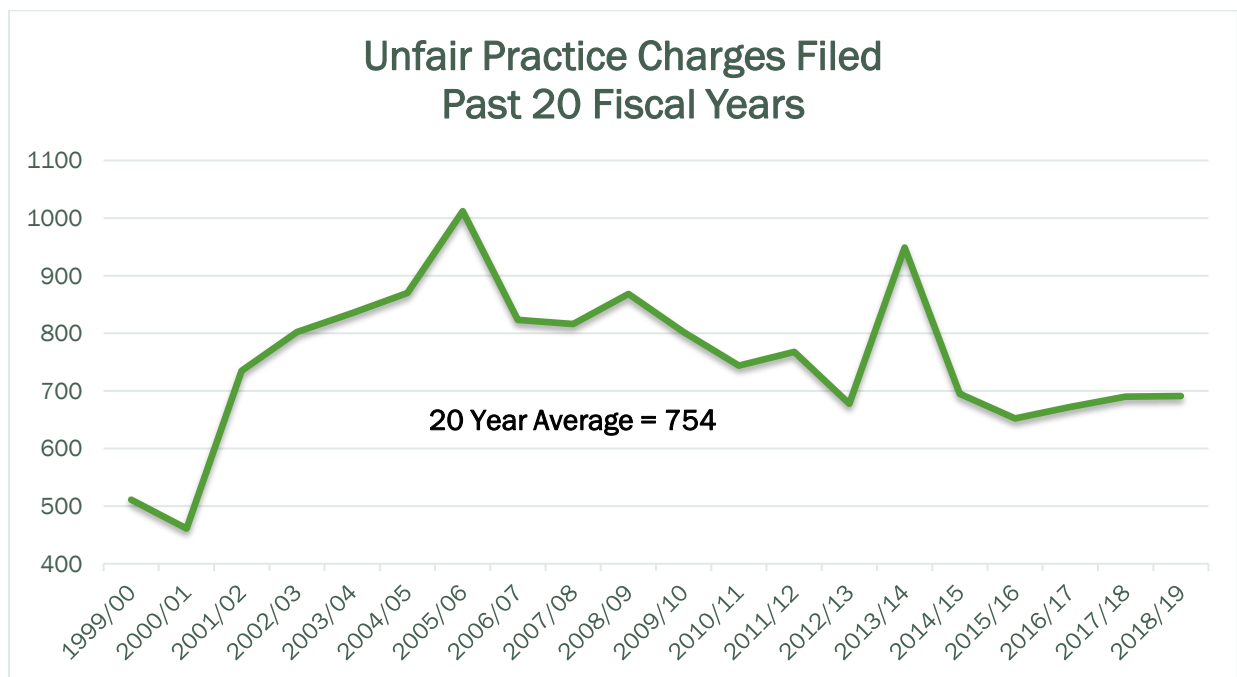
Regulations on Subpoenas, Motions, and Authority of Board agents. As part of implementing Case Processing Efficiency Initiative recommendations, PERB initiated a rulemaking package to amend regulations that govern subpoenas, motions, and authority of Board agents.

SMCS Regulations. PERB initiated rulemaking to revise and update existing regulations covering the Division of State Mediation and Conciliation.

CASE DISPOSITIONS

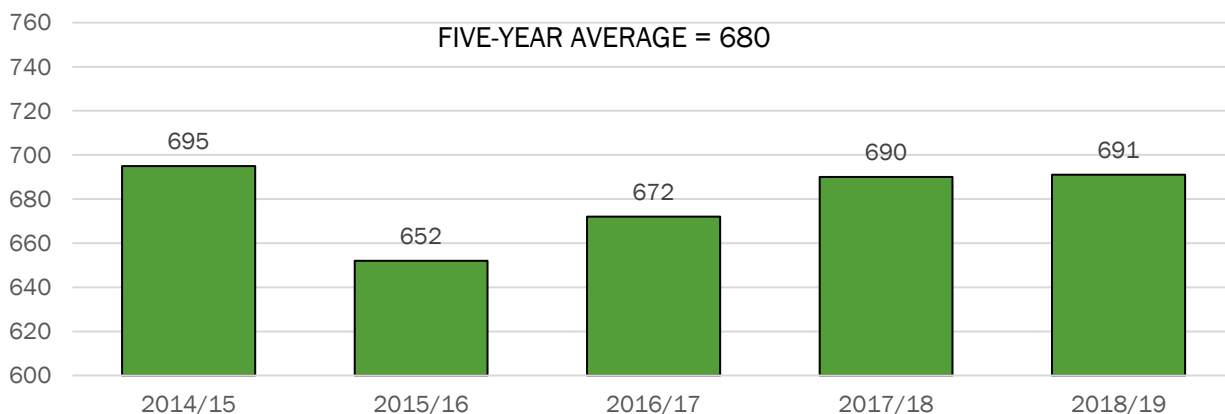
UNFAIR PRACTICE CHARGE FILING

The number of unfair practice charges (UPC) filed with PERB has stabilized over the past four years; however, the workload remains high as a result of various statutory expansions to PERB's jurisdiction over the last two decades. In Fiscal Year 2018-2019, parties filed 691 new charges with PERB. UPC filings over the past 20 years are shown below, which includes the following adjustments: in Fiscal Year 2001-02, 935 UPC filings were reduced by 200 due to a similar set of filings; and, in Fiscal Year 2004-05, 1,126 filings were reduced by 256 due to similar charges filed by one group of employees. The spike in Fiscal Year 2013-14 was due to 173 filings by the same individual on behalf of himself and/or other employees.



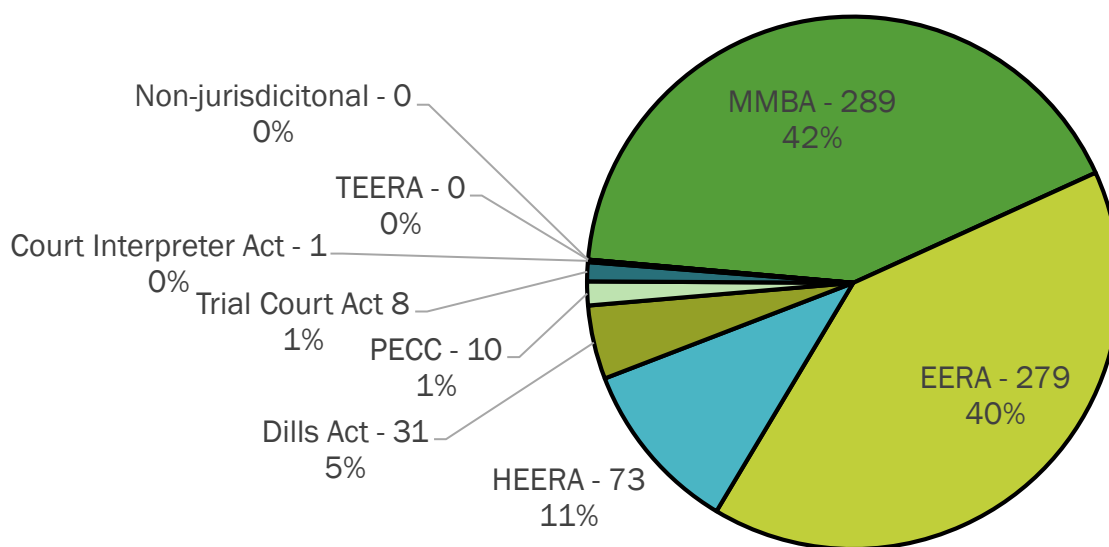
The following chart focuses on UPC filings for the past five years, which averaged 680 annually. This represents a drop of 74 charges from the 20-year annual average of 754 charges.

Unfair Practice Charge Filings Past 5 Fiscal Years



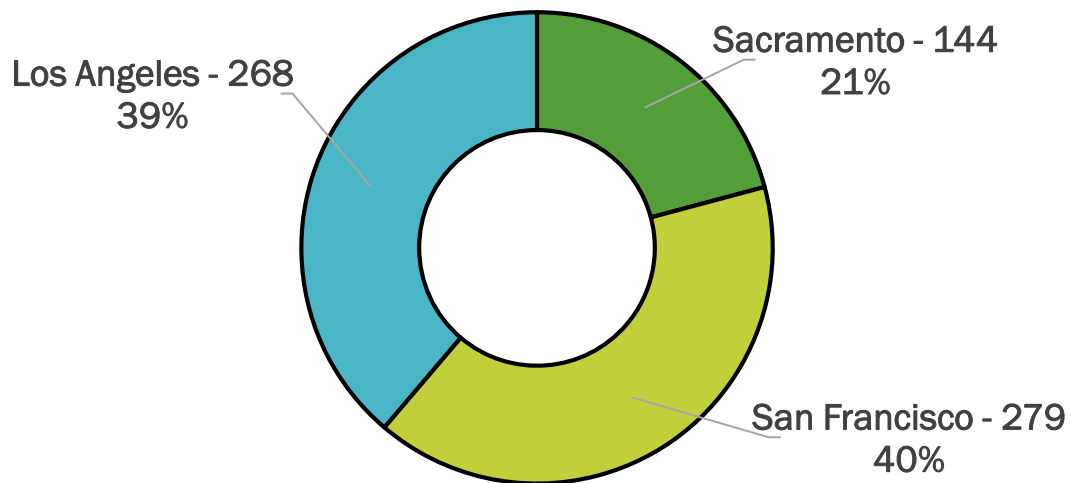
Of the 691 UPC filings in Fiscal Year 2018-2019, wide variation existed in the numbers filed under the various statutory acts and violations of the PECC.

Unfair Practice Charges by Statutory Authority



Regionally, of the 691 UPC filings for Fiscal Year 2018-2019, the San Francisco Regional Office received the most charges (279), the Los Angeles Regional Office followed closely behind (268), and the Sacramento Regional Office received one in five charges (144).

Unfair Practice Charges Filed by Region



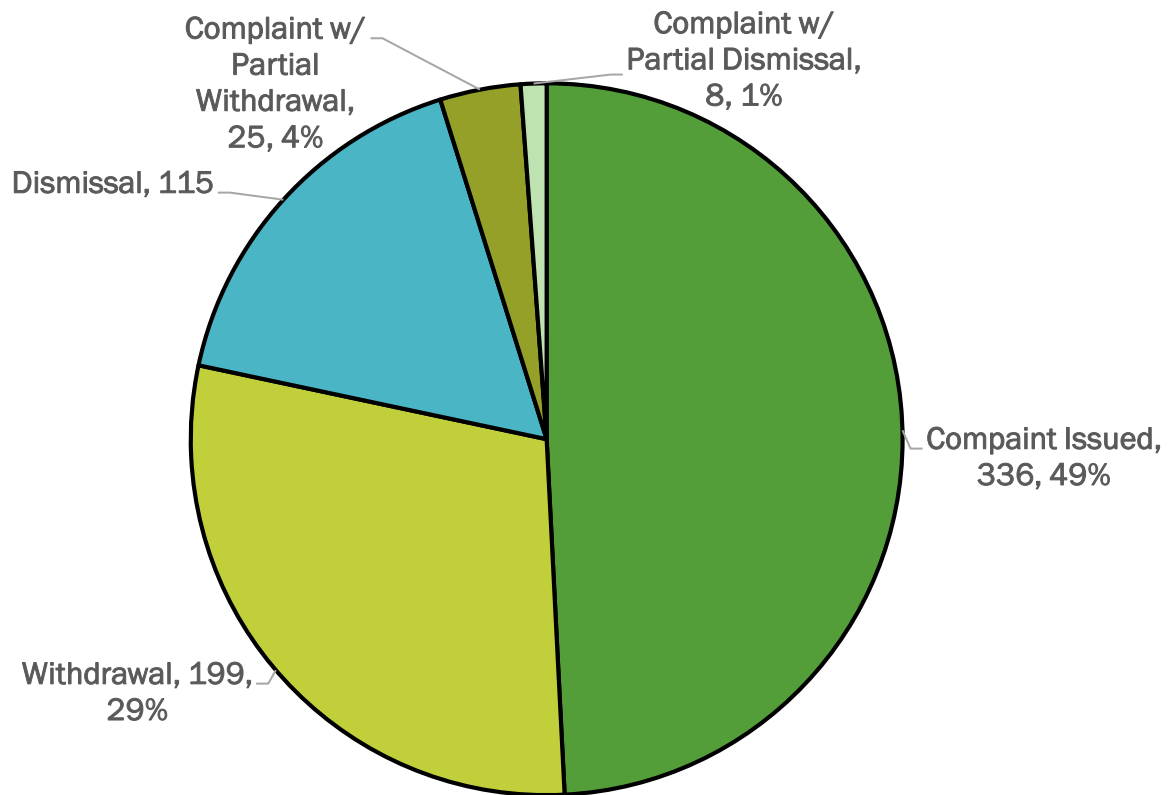
Additional UPC statistics are provided in the Appendices.

DISPUTE RESOLUTIONS AND SETTLEMENTS

PERB stresses the importance of voluntary dispute resolution. This emphasis begins with the first step of the unfair practice charge process—the investigation. During the investigative step in Fiscal Year 2018-2019, the parties withdrew 199 cases entirely and 25 partially (about 33 percent of 683 completed charge investigations), many through informal resolution by the parties.

PERB's success rate in mediating voluntary settlements is attributable, in part, to the tremendous skill and efforts of its Regional Attorneys. It also requires commitment by the parties to look for solutions to often complex problems. As the efforts by PERB staff demonstrate, voluntary settlements are the most efficient and timely way of resolving disputes, as well as an opportunity for the parties to improve their collective bargaining relationships. PERB looks forward to continuing its commitment to voluntary dispute resolution.

Overall, of the 683 charge dispositions in Fiscal Year 2018-2019, 336 had complaints issued, 199 had charges withdrawn, and 115 were dismissed. In addition, 8 had complaints issued with a partial dismissal and 25 had complaints issued with a partial withdrawal.



The following table provides regional data for the 683 UPC dispositions in Fiscal Year 2018-2019. The San Francisco Regional Office was responsible for about 43 percent of case dispositions; the Los Angeles Regional Office was responsible for about 38 percent of case dispositions; and the Sacramento Regional Office for about 19 percent case dispositions.

	Withdrawal	Dismissal	Complaint	Complaint / Partial Dismissal	Complaint / Partial Withdrawal	Total
Sacramento	35	31	60	1	7	134
San Francisco	79	48	151	4	10	292
Los Angeles	85	36	125	3	8	257
Total	199	115	336	8	25	683

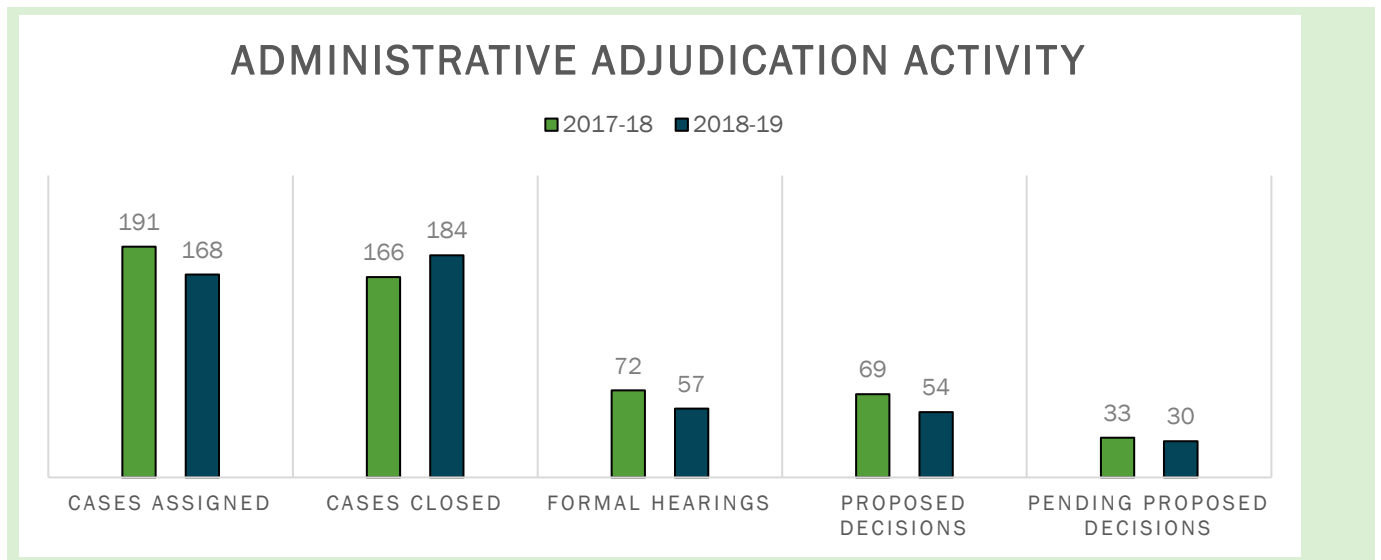
ADMINISTRATIVE ADJUDICATION

Complaints that are not resolved through mediation are sent to the Division of Administrative Law (Division) for an evidentiary hearing (formal hearing) before an Administrative Law Judge (ALJ).

In Fiscal Year 2018-2019, the Division had eight to nine ALJs conducting formal hearings and writing proposed decisions. The ALJs' production of proposed decisions issued in Fiscal Year 2018-2019 (54 proposed decisions) was down from Fiscal Year 2017-2018 (69 proposed decisions). The average time it took to issue a proposed decision in Fiscal Year 2018-2019 was 174 days.

The number of formal hearings completed for Fiscal Year 2018-2019 (57 completed hearings) decreased from Fiscal Year 2017-2018 (72 completed hearings). In Fiscal Year 2018-2019, the division ended with 30 pending proposed decisions to write, compared to 33 pending at the end of Fiscal Year 2017-2018. The division therefore has been able to decrease the overall number of pending decisions to write by the end of the fiscal year.

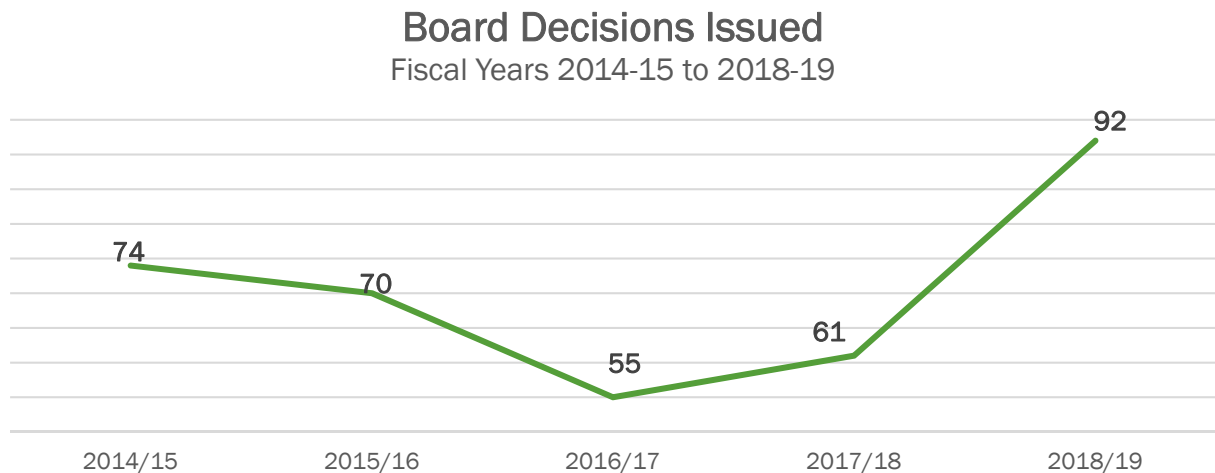
The total number of cases assigned in Fiscal Year 2018-2019 was 168 cases, while the ALJs closed 184 cases. During Fiscal Year 2017-2018, the total number of cases assigned was 191 cases, while the ALJ's closed a total of 166 cases.



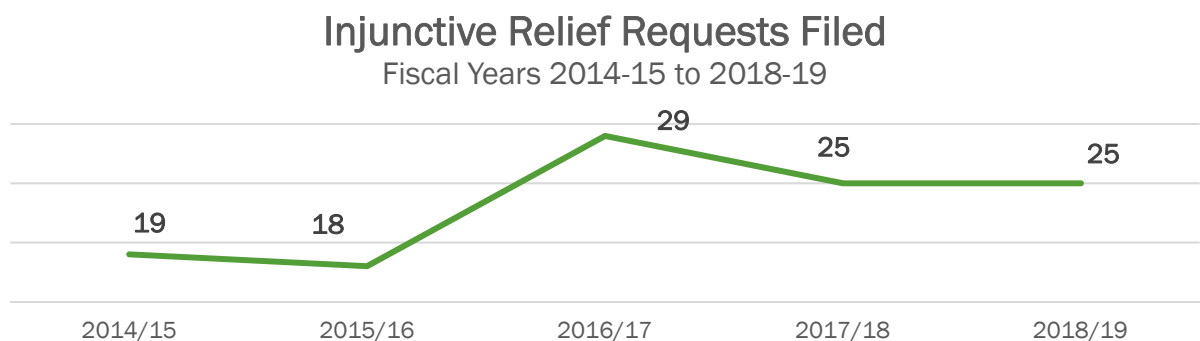
Over the prior three fiscal years, the regional distribution of the caseload has been focused primarily in the PERB Los Angeles Regional Office, which comprised approximately 50 percent of all PERB unfair practice formal hearings. In Fiscal Year 2018-2019, both the PERB Oakland and Sacramento Regional Office's hearing activity was approximately equal.

BOARD DECISIONS

Proposed decisions issued by Board agents may be appealed to the Board itself. During Fiscal Year 2018-2019, the Board issued 92 decisions as compared to 61 during Fiscal Year 2017-2018 and an average of 70 over the past five years.



The Board also considered 25 requests for injunctive relief in Fiscal Year 2018-2019, compared to 25 in Fiscal Year 2017-2018. Injunctive relief requests filed over the past seven fiscal years and investigated by the General Counsel are shown below and averaged 23 per year over the five-year period.

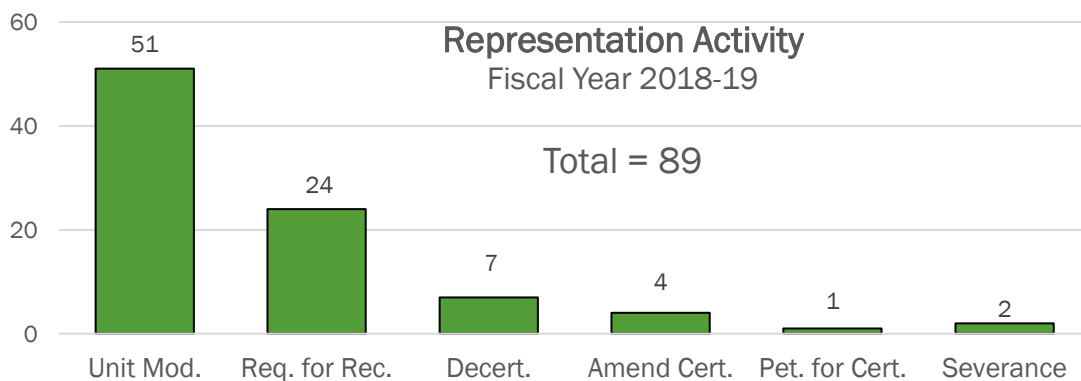


LITIGATION

PERB's litigation projects¹ decreased in Fiscal Year 2018-2019. PERB's Regional Attorneys completed 64 litigation-related assignments (compared to 74 litigation projects last Fiscal Year). Despite the decrease in litigation projects, the number of active litigation cases in Fiscal Year 2018-2019 increased substantially. A total of 42 litigation cases, including new and continuing matters, were handled during the 2018-2019 Fiscal Year (compared to 25 last year, and 36 the year before). A listing of these cases is included in the Appendices, beginning on page 31.

REPRESENTATION ACTIVITY

PERB received 89 new representation petitions in Fiscal Year 2018-2019, compared to 110 in the prior Fiscal Year. As shown below, the total number of petitions for Fiscal Year 2018-2019 include: 51 unit modification petitions, 24 recognition petitions, 7 decertification petitions, 4 requests for amendment of certification, 1 petition for certification, and 2 severance requests.

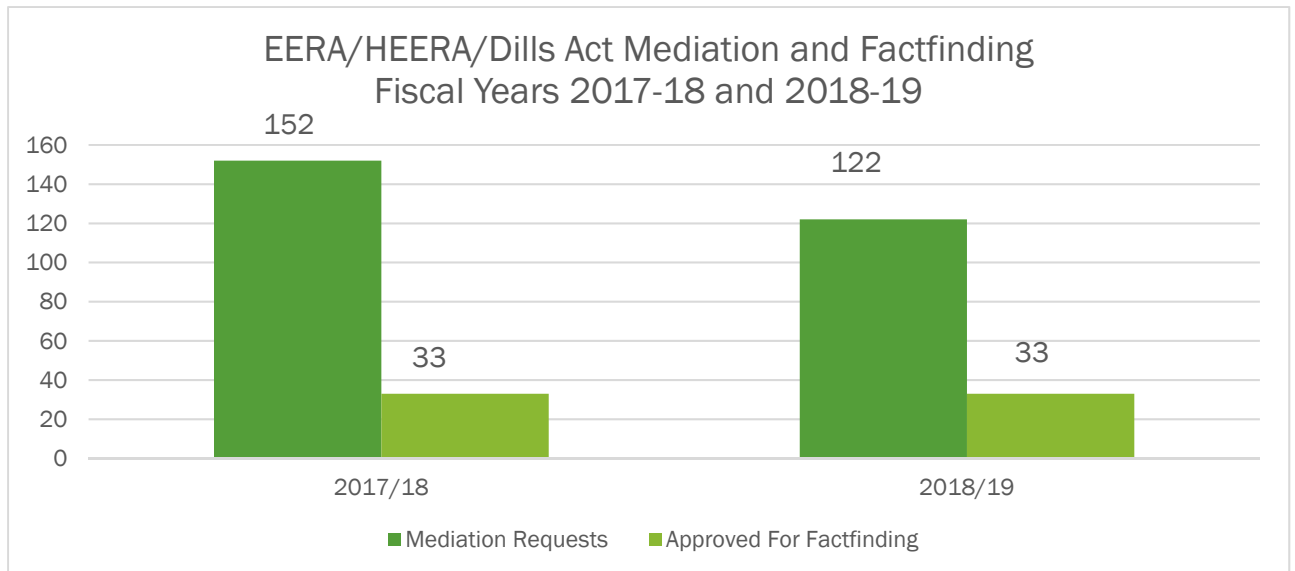


Election activity decreased, with 2 elections conducted by PERB in Fiscal Year 2018-2019, compared to 6 elections in the prior Fiscal Year. Both elections were in decertification cases. Nearly 115 employees were eligible to participate in these elections, with 50 employees in one bargaining unit and 65 in the other. Statistics on representation activity and additional information on elections conducted during Fiscal Year 2018-2019 is available in the Appendices.

¹ PERB's court litigation primarily involves: (1) injunctive relief requests at the superior court level to immediately stop unlawful actions; (2) defending decisions of the Board at the appellate level; and (3) defending the Board's jurisdiction in all courts, including the California and United States Supreme courts. Litigation consists of preparing legal memoranda, court motions, points and authorities, briefs, stipulations, judgments, orders, etc., as well as making court appearances.

MEDIATION/FACTFINDING/ARBITRATION

During Fiscal Year 2018-2019, PERB received 122 mediation requests under EERA/HEERA/Dills Act. The number of mediation requests under EERA/HEERA decreased from the prior year (152 such requests were filed in Fiscal Year 2017-2018). Subsequently, 33 of those impasse cases (27 percent) were approved for factfinding.



During this same period, 48 factfinding requests were filed under the MMBA. Of those requests, 36 were approved. The number of factfinding requests under the MMBA decreased from the prior year (42 such requests were filed in Fiscal Year 2017-2018).

COMPLIANCE

PERB staff commenced more than double the number of compliance proceedings in Fiscal Year 2018-2019. PERB initiated compliance proceedings in 53 unfair practice cases in which a final decision resulted in a finding of a violation of the applicable statute. This is a significant increase in compliance activity over the prior year (23 compliance proceedings were initiated in Fiscal Year 2017-2018).

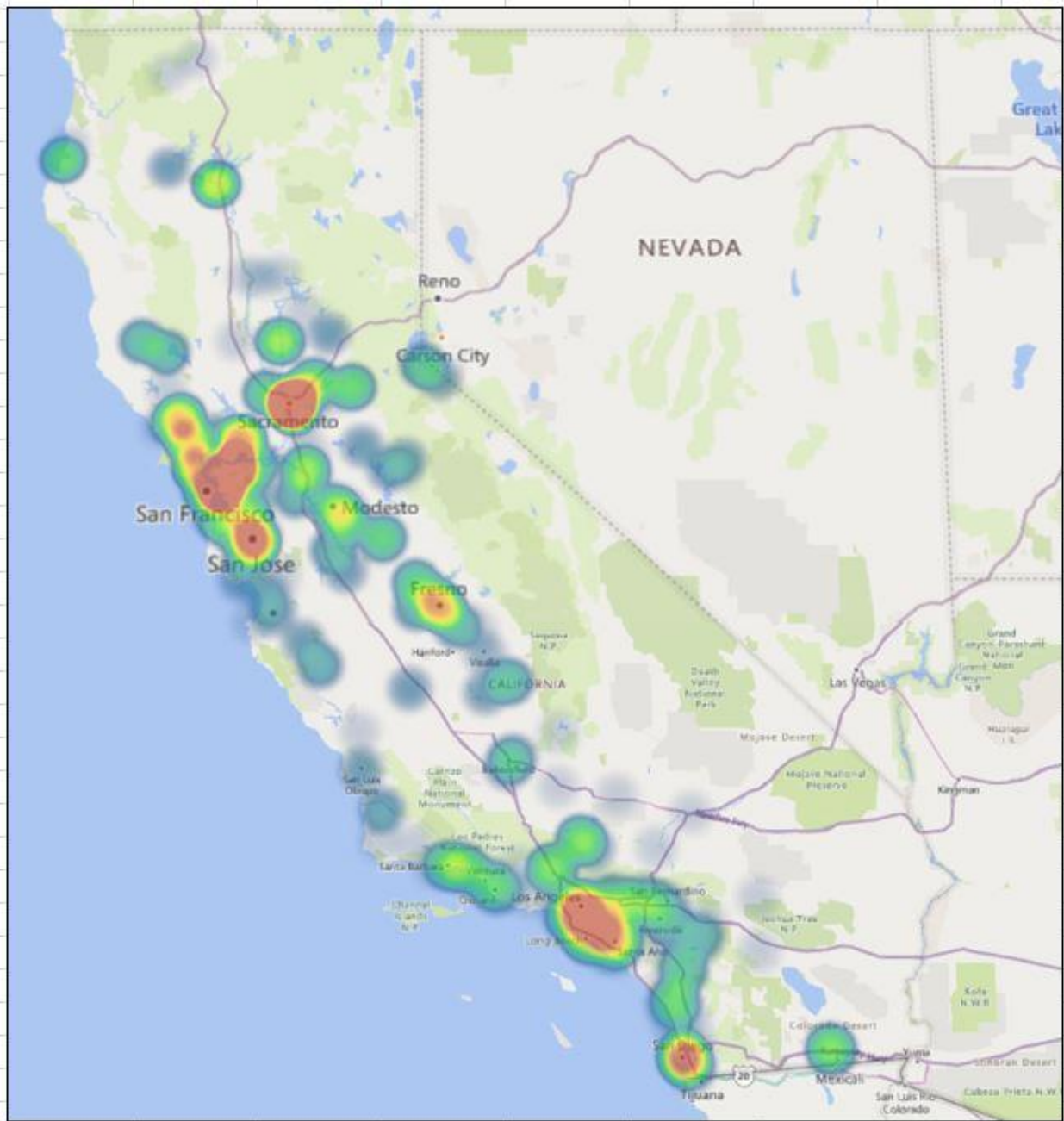
STATE MEDIATION AND CONCILIATION SERVICE DIVISION

The Division of State Mediation and Conciliation Service (SMCS) received a total of 496 new cases in Fiscal Year 2018-2019 and closed 545. While the core service provided by SMCS is mediation of public sector contract disputes, PERB mediators are also skilled and experienced trainers. SMCS offers several trainings available in two- and four-hour workshop formats or full one and two-day programs with topics such as full Interest-Based Bargaining, hybrid Traditional/Interest-Based Bargaining, Joint Labor Management Committees, Managing Conflict in the Workplace, and more. Additionally, SMCS has recently established a decision bank for SMCS-adjudicated public transit cases, all the way back to the earliest case records available when the Division was under the Department of Industrial Relations.

The table below provides information on SMCS's activities in Fiscal Year 2018-2019:

CONTRACT IMPASSES	
EERA/HEERA	98
MMBA	55
TRANSIT	3
STATE TRIAL COURTS	3
STATE OF CALIFORNIA	0
LOS ANGELES CITY/COUNTY	6
GRIEVANCES AND DISCIPLINARY APPEALS	
EERA/HEERA	170
MMBA	84
TRANSIT	4
STATE TRIAL COURTS	1
LOS ANGELES CITY/COUNTY	7
PRIVATE SECTOR (PUC, OTHER SMCS-SPECIFIED)	53
OTHER	
REPRESENTATION AND ELECTION CASES	20
WORKPLACE CONFLICT OR TRAINING/FACILITATION ASSIGNMENTS	34
MISCELLANEOUS CASES RELATED TO EDUCATION, OUTREACH, AND INTERNAL MEDIATION OR PROGRAM ADMINISTRATION PROJECTS	7
REQUESTS FOR LIST OF ARBITRATORS FROM PANEL OF INDEPENDENT ARBITRATORS	326

HEAT MAP - DISPERSAL OF SMCS CASES FY 2018/2019



APPENDICES

HISTORY OF PERB'S STATUTORY AUTHORITY AND JURISDICTION

Authored by State Senator Albert S. Rodda, EERA of 1976 establishes collective bargaining in California's public schools (K-12) and community colleges; the State Employer-Employee Relations Act of 1978, known as the Ralph C. Dills Act (Dills Act) establishes collective bargaining for State employees; and HEERA, authored by Assemblyman Howard Berman, extends the same coverage to the California State University and University of California systems and Hastings College of Law.

As of July 1, 2001, PERB acquired jurisdiction over the MMBA of 1968, which established collective bargaining for California's city, county, and local special district employers and employees. PERB's jurisdiction over the MMBA excludes specified peace officers, management employees, and the City and County of Los Angeles.

On January 1, 2004, PERB's jurisdiction was expanded to include TEERA, establishing collective bargaining for supervisory employees of the Los Angeles County Metropolitan Transportation Authority.

Effective August 16, 2004, PERB also acquired jurisdiction over the Trial Court Act of 2000 and the Court Interpreter Act of 2002.

PERB's jurisdiction and responsibilities were changed in late June 2012 by the passage of Senate Bill 1036, which enacted the In-Home Supportive Service Employer-Employee Relations Act (IHSSEERA). The IHSSEERA was placed within the jurisdiction of PERB to administer and enforce, with respect to both unfair practices and representation matters. The IHSSEERA initially covered only eight counties: Alameda, Los Angeles, Orange, Riverside, San Bernardino, Santa Clara, San Diego, and San Mateo. On July 1, 2015, the County of San Bernardino, the County of Riverside, the County of San Diego, and the County of Los Angeles transitioned to the Statewide Authority under the IHSSEERA. The transition brought Los Angeles County under PERB's jurisdiction for the first time, while the other three counties were formerly subject to PERB's jurisdiction under the MMBA. On June 27, 2017, however, Senate Bill 90 repealed the IHSSEERA, returning the IHSS providers to the MMBA that were previously covered by the IHSSEERA.

Effective July 1, 2012, Senate Bill 1038 repealed and recast existing provisions of law establishing the State Mediation and Conciliation Service (SMCS) within the Department of Industrial Relations. The legislation placed SMCS within PERB, and vested PERB with all of the powers, duties, purposes, responsibilities, and jurisdiction vested in the Department of Industrial Relations, and exercised or carried out through SMCS.

Governor's Reorganization Plan 2, submitted to the Legislature on May 3, 2012, stated that PERB would be placed under the California Labor and Workforce Development Agency. Pursuant to Government Code section 12080.5, the change became effective on July 3, 2012.

On June 27, 2017, the passage of Assembly Bill 119 enacted the Public Employee Communication Chapter (PECC), a law designed to provide meaningful and effective communication between public employees and their exclusive representatives. The Legislature placed enforcement of the PECC under the Board's exclusive jurisdiction.

Effective January 1, 2018, pursuant to Assembly Bill 83 (Stats. 2017, Ch. 835), the Judicial Council Employer-Employee Relations Act (JCEERA) established collective bargaining for employees of the Judicial Council. This new labor relations act added approximately 500 employees to PERB's jurisdiction.

As a result of Senate Bill 866 (Chapter 53, Statutes of 2018), effective June 27, 2018, PERB is responsible for the administration and enforcement of the Prohibition on Public Employers Deterring or Discouraging Union Membership (PEDD), which is codified at Chapter 11 of Title 1 of the Government Code, section 3550 et seq.

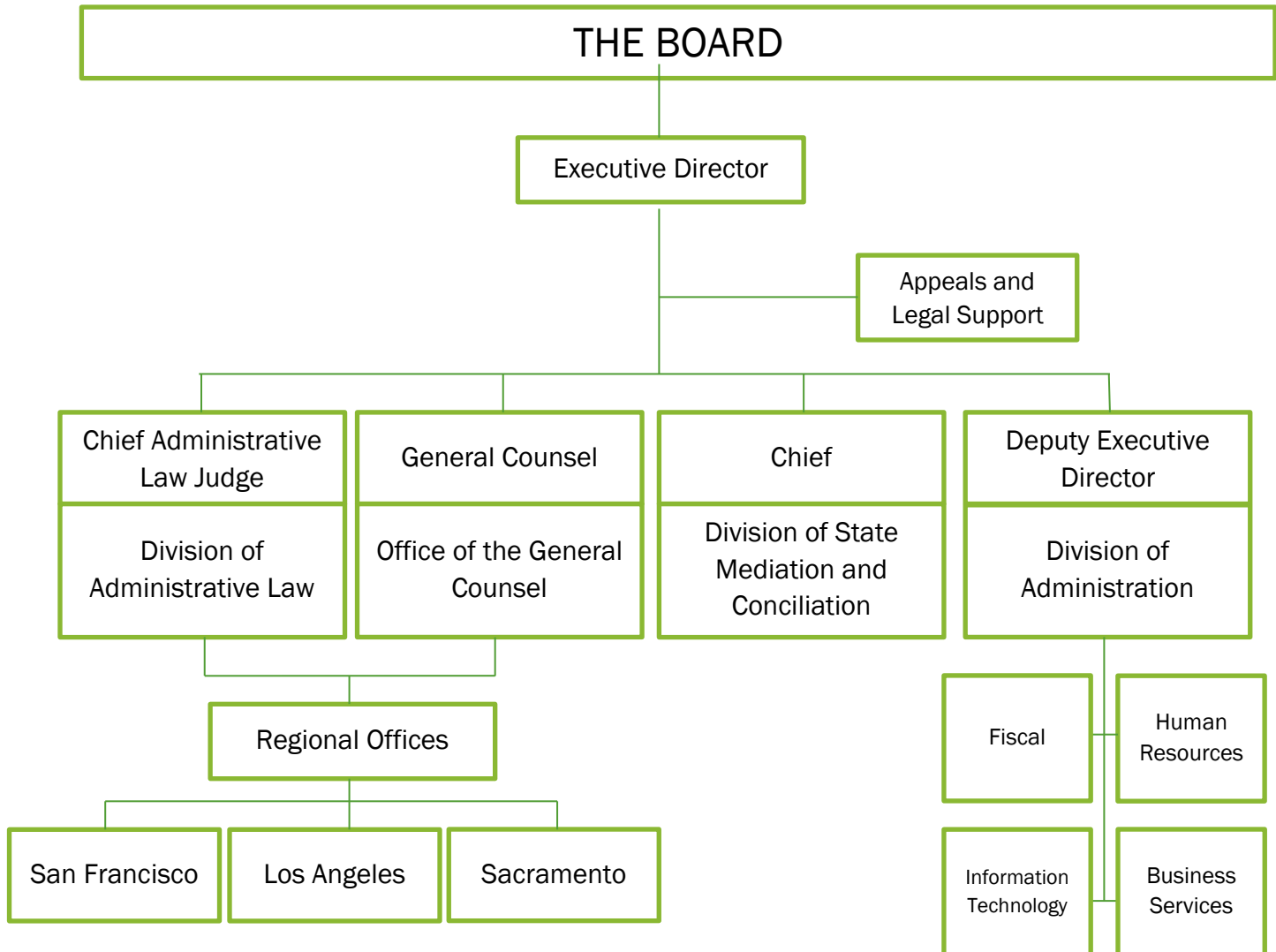
In fiscal year 2018-2019, more than 2.5 million public sector employees and over 5,000 public employers fell under the jurisdiction of the collective bargaining statutory schemes administered by PERB. The approximate number of employees under these statutes is as follows: 700,000 work for California's public education system from pre-kindergarten through and including the community college level; 250,000 work for the State of California; 430,000 work for the University of California, California State University, and Hastings College of Law; and 1,300,000 work for California's cities, counties, special districts, and In-Home Support Service agencies, with the remainder working in the trial courts, Judicial Council, and the Los Angeles County Metropolitan Transportation Authority.

ADMINISTRATIVE LEADERSHIP

- **Joshua Golka** was appointed Executive Director by the Board in October 2018. Prior to joining PERB, Mr. Golka was previously the California Legislative Affairs Manager for the American Federation of State, County, and Municipal Employees, where he led the organization's state legislative and budgetary strategy. He brings over fifteen years of experience providing political, legislative, and budgetary analysis and representation before the California legislature, state departments, boards and commissions, coalition groups and the media. He is a graduate of University of Pacific, McGeorge School of Law and holds a Master of Business Administration from Indiana University, Kelley School of Business, as well as a Master of Global Management from Thunderbird School of Global Management.
- **J. Felix De La Torre** was appointed General Counsel in February 2015. Prior to his appointment, Mr. De La Torre served as Chief Counsel for Service Employees International Union, Local 1000, where he worked from 2008 to 2015. From 2000 to 2008, Mr. De La Torre was a partner and shareholder at [Van Bourg], Weinberg, Roger and Rosenfeld, where he represented both public and private sector employees in a wide range of labor and employment matters, including federal and state court litigation, labor arbitrations, collective bargaining, union elections, unfair labor practices, and administrative hearings. Mr. De La Torre also served as a member of the Board of Directors for the AFL-CIO Lawyers Coordinating Committee and the Sacramento Center for Workers Rights. In addition, Mr. De La Torre was a Staff Attorney and Program Director at the California Rural Legal Assistance Foundation (CRLAF) and, before that, the State Policy Analyst for the Mexican American Legal Defense and Educational Fund (MALDEF). Mr. De La Torre is also an Instructor at the UC Davis Extension in the Labor Management Certificate Program. Mr. De La Torre is a 1999 graduate of UC Davis' King Hall School of Law.
- **Wendi L. Ross**, Deputy General Counsel [Acting General Counsel (May 2014 – February 2015); Interim General Counsel (December 2010 – April 2011)], joined PERB in April 2007 and has more than 29 years of experience practicing labor and employment law. Ms. Ross was previously employed by the State of California, Department of Human Resources as a Labor Relations Counsel. Prior to that position, she was employed as an Associate Attorney with the law firms of Pinnell & Kingsley and Thierman, Cook, Brown & Prager. Ms. Ross received her Bachelor of Arts degree in Political Science-Public Service from U.C. Davis and her law degree from UOP, McGeorge School of Law. She has served as the Chair of the Sacramento County Bar Association, Labor and Employment Law Section and previously taught an arbitration course through the UC Davis Extension.
- **Shawn P. Cloughesy** is the Chief Administrative Law Judge for PERB. He has over 20 years' experience as an Administrative Law Judge with two state agencies (PERB and the State Personnel Board) conducting hundreds of hearings involving public sector labor and employment matters. Prior to being employed as an administrative law judge, Mr. Cloughesy was a Supervising Attorney for the California Correctional Peace Officers Association, practicing and supervising attorneys who practiced before PERB and other agencies.

- **Loretta van der Pol** is the Chief of the State Mediation and Conciliation Service Division. She joined the agency in March 2010, after working for eight years as a Senior Employee Relations Manager for the Orange County Employees Association, an independent labor union. Prior to working for the union, Ms. van der Pol worked as an analyst, supervisor and mid-level manager for twenty years. She has several years of experience as chief negotiator in labor negotiations and advocacy on both sides of the table. Most of her professional working life has also involved providing workplace training in conflict management, interest-based bargaining (including the “hybrid” version), employee performance management, the basics of collective bargaining and statutory compliance requirements. She also facilitates interest-based contract negotiations and workplace interpersonal conflict intervention. Ms. van der Pol earned her undergraduate degree in Social Sciences from Chapman University, hold certificates in Employment Law and Advanced Employment Law, and has completed coursework in the Master of Public Administration degree program at California State University, Fullerton.
- **Mary Ann Aguayo** joined PERB in January 2014 and serves as Deputy Executive Director. Ms. Aguayo has 25 years of experience managing administrative operations and programs within State agencies. Prior to her arrival at PERB, she served as the Chief Administrative Officer for the Department of Water Resources’ State Water Project. This position included oversight of administrative services for over 1,100 employees and several multi-million-dollar contracts. Her other leadership roles include Program Manager for the Landscape Architects Technical Committee, Executive Director for the State Architect’s Advisory Board, and Assistant Director for the Commission on State Mandates. Ms. Aguayo holds a Bachelor of Science degree in Business Administration with a concentration in Human Resources Management from California State University, Sacramento. She is a graduate of the University of California, Davis’ Executive Program, and is a certified Senior Professional in Human Resources.

ORGANIZATIONAL CHART



UNFAIR PRACTICE CHARGE (UPC) STATISTICS

I. 2018-2019 by Region

Region	Total
Sacramento	144
San Francisco	279
Los Angeles	268
Total	691

II. 2018-2019 by Act

Act	Total
Dills Act	31
EERA	279
HEERA	73
MMBA	289
TEERA	0
Trial Court Act	8
Court Interpreter Act	1
PECC	10
Non-Jurisdictional	0
Total	691

III. Prior Year Workload Comparison: Charges Filed

	2014/2015	2015/2016	2016/2017	2017/2018	2018/2019	5-Year Average
Total	695	652	672	690	691	680

IV. Dispositions by Region

	Withdrawal	Dismissal	Complaint	Complaint / Partial Dismissal	Complaint / Partial Withdrawal	Total
Sacramento	35	31	60	1	7	134
San Francisco	79	48	151	4	10	292
Los Angeles	85	36	125	3	8	257
Total	199	115	336	8	25	683

REPRESENTATION CASE ACTIVITY

I. Case Filings

Case Type	Filed
Request for Recognition	24
Severance	2
Petition for Certification	1
Decertification	7
Amended Certification	4
Unit Modification	51
Organizational Security	0
Arbitration	0
Mediation Requests (EERA/HEERA/Dills)	122
Factfinding Requests (EERA/HEERA)	33
Factfinding Requests (MMBA)	48
Factfinding Approved (MMBA)	36
Compliance	53
Totals	381

II. Prior Year Workload Comparison: Cases Filed by FY

2014-2015	2015-2016	2016-2017	2017-2018	2018-2019	5-Year Average
361	392	447	400	381	396

III. Elections Conducted in FY 2018-19 by Type

Election Type	Conducted
Amendment of Certification	0
Decertification	2
Fair Share Fee Reinstatement	0
Fair Share Fee/Agency Fee Rescission	0
Representation	0
Severance	0
Unit Modification	0
Total	2

IV. Decertification Elections FY 2018-19

Case #	EMPLOYER	UNIT TYPE	WINNER	UNIT SIZE
1	American Indian Model Schools	Classified	BEW, Local 1436	42
2	Sierra College Community College District	School Police Officers	No Representation	50

2018 - 2019 LITIGATION CASE ACTIVITY

1. *City of San Diego v. PERB; San Diego Municipal Employees Association, Deputy City Attorneys Association, American Federation of State, County and Municipal Employees, AFL-CIO, Local 127, San Diego City Firefighters, Local 145, IAFF, AFL-CIO, Catherine A. Boling, T.J. Zane, Stephen B. Williams, Filed: January 25, 2015, California Court of Appeal, Fourth Appellate District, Division One, Case No. D069630; PERB Decision No. 2464-M [PERB Case Nos. LA-CE-746-M, LA-CE-752-M, LA-CE-755-M, LA-CE-758-M].* Issue: Whether the Board erred in Decision No. 2464-M, when it affirmed the ALJ's findings that the City of San Diego's Mayor and other public officials acted as agents of the City—and not as private citizens—when they used the prestige and authority of their respective elected offices and its resources to pursue pension reform through a ballot initiative, without negotiating with the four exclusive representatives regarding the changes in such benefits.
2. *Catherine A. Boling, T.J. Zane, Stephen B. Williams v. PERB; City of San Diego, San Diego Municipal Employees Association, Deputy City Attorneys Association, American Federation of State, County and Municipal Employees, AFL-CIO, Local 127, San Diego City Firefighters, Local 145, IAFF, AFL-CIO, Filed: January 25, 2015, California Court of Appeal, Fourth Appellate District, Division One, Case No. D069626; PERB Decision No. 2464-M [PERB Case Nos. LA-CE-746-M, LA-CE-752-M, LA-CE-755-M, LA-CE-758-M].* Issue: Whether the Board erred in Decision No. 2464-M, when it affirmed the ALJ's findings that the City of San Diego's Mayor and other public officials acted as agents of the City—and not as private citizens—when they used the prestige and authority of their respective elected offices and its resources to pursue pension reform through a ballot initiative, without negotiating with the four exclusive representatives regarding the changes in such benefits.
3. *PERB v. Alliance College-Ready Public Charter Schools, et al.; United Teachers Los Angeles, Filed: October 23, 2015, Los Angeles Superior Court Case No. BC 598881; IR Request No. 686 [PERB Case Nos. LA-CE-6025-E, LA-CE-6027-E, LA-CE-6061-E, LA-CE-6073-E].* Issue: Whether Alliance et al. should be enjoined from engaging in activity that may ultimately be considered unlawful interference with UTLA's organizing efforts.
4. *PERB v. Bellflower Unified School District; CSEA Chapter 32, Filed: April 5, 2016, Los Angeles County Superior Court Case No. BS161585; PERB Decision Nos. 2385 & 2455 [PERB Case Nos. LA-CE-5508-E and LA-CE-5784-E].* Issue: PERB instituted a court action to enforce orders issued by the Board in Decision Nos. 2385 and 2455.
5. *Superior Court of California, County of Fresno v. PERB; SEIU, Local 521, Filed: March 28, 2017, California Court of Appeal, Fifth Appellate District, Case No. F075363; PERB Decision No. 2517-C [PERB Case No. SA-CE-14-C].* Issue: Whether the Board clearly erred in Decision No. 2517-C, holding that the Court violated the Trial Court Act by interfering with employee rights by enacting a categorical ban on the wear and display of union items anywhere on court property.
6. *Patricia L. Woods v. PERB, et al., Filed: April 14, 2017, US District Court, Eastern District of California, Case No. 2:17-cv-793; PERB Decision No. 2136 [PERB Case No.*

SA-CE-1640-S]. Issue: Whether the Board violated Ms. Woods' federal civil rights and state contractual and labor rights by dismissing her unfair practice complaint.

7. *PERB v. Oak Valley Hospital District; United Steel Workers (USW)*, Filed: June 5, 2017, Stanislaus County Superior Court Case No. 2025124; IR Request No. 727; [PERB Case No. SA-CE-1008-M]. Issue: Whether Oak Valley Hospital District, as the result of an unreasonable local labor relations rule, is required to recognize the United Steel Workers (USW) and resume collective bargaining?
8. *City and County of San Francisco v. PERB; Transport Workers Union of America Local 250, et al.*, Filed: November 17, 2017, California Court of Appeal, First Appellate District, Division One, Case No. A152913; PERB Decision No. 2540-M [PERB Case No. SF-CE-827-M]. Issue: Whether the Board clearly erred in Decision No. 2540-M, when it held that certain provisions of the City charter were inconsistent with the MMBA.
9. *City of San Diego v. PERB; San Diego Municipal Employees Association, Deputy City Attorneys Association, American Federation of State, County and Municipal Employees, AFL-CIO, Local 127, San Diego City Firefighters, Local 145, IAFF, AFL-CIO, Catherine A. Boling, T.J. Zane, Stephen B. Williams, consolidated with:*
10. *Catherine A. Boling, T.J. Zane, Stephen B. Williams v. PERB; City of San Diego, San Diego Municipal Employees Association, Deputy City Attorneys Association, American Federation of State, County and Municipal Employees, AFL-CIO, Local 127, San Diego City Firefighters, Local 145, IAFF, AFL-CIO*, Filed: May 19, 2017, California Supreme Court, Case No. S242034; California Court of Appeal, Fourth Appellate District, Division One, Case Nos. D069626/D069630; PERB Decision No. 2464-M [PERB Case No. LA-CE-746-M, LA-CE-752-M, LA-CE-755-M, LA-CE-758-M]. Issues: Boling Petition for Review: Whether the appellate court erred by denying their request for attorneys' fees. And PERB and Union Petitions for Review: (1) When a PERB final decision of is challenged in the Court of Appeal pursuant to MMBA section 3509.5, subdivision (b), are the Board's interpretation of the statutes it administers and its findings of fact subject to de novo review? (2) Is a public agency's duty to "meet and confer" under section 3505 of the MMBA limited only to those situations when its governing body proposes to take formal action affecting wages, hours, or other terms and conditions of employment pursuant to section 3504.5?
11. *PERB v. Bellflower Unified School District; CSEA Chapter 32*, Filed: March 6, 2018, California Court of Appeal, Second Appellate District, Division 3, Case No. B288594 PERB Decision Nos. 2385 & 2455 [PERB Case Nos. LA-CE-5508-E and LA-CE-5784-E]. Issue: PERB Instituted a trial court action to enforce orders issued by the Board in PERB Decision Nos. 2385 and 2455. Bellflower appealed the trial court's grant of PERB's petition to enforce the Board's orders.
12. *Sharon Curcio v. PERB; Fontana Teachers Association*, Filed: March 14, 2018, San Bernardino County Superior Court, Case No. CIVDS1806317; PERB Decision No. 2551-E [PERB Case No. LA-CO-1700-E]. Issue: Whether the Board's Decision to affirm the dismissal of unfair practice charge Case No. LA-CO-1700-E violated a

constitutional right, exceeded a specific grant of authority, or erroneously construed a statute.

13. *Julie Barrett v. PERB; UAW Local 2865*, Filed: April 23, 2018, Alameda County Superior Court, Case No. RG18901798; PERB Decision No. 2550-H [PERB Case No. SF-CO-212-H]. Issue: Petitioner challenged the Board's decision sustaining the Regional Attorney's refusal to issue a complaint in her underlying breach of the duty of fair representation charge against the UAW.
14. *PERB v. AFSCME Local 3299, UPTC-CWA Local 9119 and California Nurses Association; Regents of the University of California*, Filed: May 2, 2018, Sacramento County Superior Court Case No. 34-2018-00232166-CU-MC-GD; IR Request Nos. 746, 747, 748 [PERB Case Nos. SF-CO-222, 223, 224-H]. Issue: Whether striking employees are "essential" pursuant to County Sanitation.
15. *PERB v. County of Riverside; SEIU Local 721*, Filed: May 18, 2018, Riverside County Superior Court, Case No. RIC1809250; IR Request No. 749 [PERB Case No. LA-CE-1306-M]. Issue: Whether the test set forth in *Public Employment Relations Board v. Modesto City School District* (1982) 136 Cal.App.3d 88, which governs applications by PERB for injunctive relief, has been met in this case.
16. *State of California, Department of State Hospitals (DHS) v. PERB; California Association of Psychiatric Technicians*, Filed: July 12, 2018, California Court of Appeal, 5th Appellate District, Case No. F077784; PERB Decision No. 2568-S [PERB Case No. SA-CE-2056-S]. Issue: Whether PERB's decision that DSH violated the Dills Act by failing to provide documents was clearly erroneous, and whether PERB's order requiring DSH to provide such information constituted an abuse of discretion.
17. *United Teachers Los Angeles v. PERB; Alliance College-Ready Public Schools, et al.*, Filed: July 20, 2018, California Court of Appeal, Second Appellate District, Division 4, Case No. B291425; PERB Decision Nos. 2545 and 2545a [PERB Case Nos. LA-CE-6025-E and LA-CE-6027-E]. Issue: Whether PERB Decision No. 2545, in which the Board held that it could not use a single-employer finding to exercise jurisdiction over a particular charter management organization which was a private entity, was issued in error and/or violated UTLA's constitutional rights.
18. *Ruben Garcia, et al. v. PERB; Service Employees International Union, Local 521*, Filed: July 30, 2018, Alameda County Superior Court, Case No. RG18915577; PERB Decision No. 2575-M [PERB Case No. SF-CO-387-M]. Issue: Whether PERB decision 2575-M was based on an erroneous statutory construction or violated constitutional rights of Charging Parties.
19. *PERB v. County of Riverside; SEIU Local 721*, Filed: September 4, 2018, California Court of Appeal, Case No. E071207; IR Request No. 749 [PERB Case No. LA-CE-1306-M]. Issue: Whether the trial court erred when it granted the Preliminary Injunction against the County in Riverside Superior Court Case No. RIC 1809250. And whether the Court of Appeal should grant a Writ of Supersedeas and/or sustain the County's Motion for Calendar Preference.

20. *Patricia L. Woods v. PERB, et al.*, Filed: September 24, 2018, U.S. Court of Appeals for the Ninth Circuit, Case No. 18-16816, US District Court for the Eastern District of California, Case No. 2:18-at-01319. Issue: Whether the U.S. District Court for the Eastern District of California erred when it dismissed Woods' First Amended Complaint alleging civil rights violations by PERB, and further denied Woods' motion to disqualify PERB's General Counsel, J. Felix De La Torre.
21. *PERB v. Regents of the UC; Teamsters Local 2010, AFSCME, Local 3299, UPTA-CWA, Local 9119*, Filed: September 25, 2018, Sacramento County Superior Court Case No. 34-2018-00241304; IR Request No. 757 [PERB Case No. SF-CE-1188-H]. Issue: Whether UC violated Gov. Code section 3533 when it distributed communications to its employees regarding the U.S. Supreme Court's decision in Janus via e-mail, regular mail, and hand-delivery, and displayed those communications on bulletin board and computer monitors, at its campuses and medical centers, without meeting and conferring with the exclusive representatives of the employees, and without simultaneously distributing a communication authored by the exclusive representatives regarding the same subject matter.
22. *County of Riverside v. The Superior Court; PERB, et al.*, Filed: October 1, 2018, California Court of Appeal, Case No. E07138. Issue: Whether the Court should grant a writ of mandate directing the trial court to vacate the part of the Preliminary Injunction Order that prohibits the County from implementing its Last, Best, and Final Offer. Whether the Court of Appeal should issue an immediate stay as to that portion of the Preliminary Injunction Order.
23. *Public Transit Employees Association, Inc. v. State Mediation and Conciliation Service*, Filed: October 10, 2018, San Diego County Superior Court, Case No. 37-2018-00050297. Issue: Whether a temporary restraining order should issue to halt SMCS from conducting a decertification election by mail ballot.
24. *California Virtual Academies v. PERB; California Teachers Association*, Filed: October 19, 2018, California Court of Appeal, Second Appellate District, Division 6, Case No. B293331; PERB Decision No. 2584 [PERB Case No. LA-CE-5974-E]. Issue: Whether the Board abused its discretion, or otherwise committed reversible error, in its determination that the Respondent unlawfully terminated employee Stacey Preach in retaliation for her protected activity.
25. *County of Riverside v. PERB; Service Employees International Union Local 721-Wendy Thomas*, Filed: November 21, 2018, California Court of Appeal, Fourth Appellate District, Division Two, Case No. E071683; PERB Decision No. 2591-M [PERB Case No. LA-CE-787-M]. Issue: Whether the Board abused its discretion, or otherwise committed reversible error in applying the standard in Chula Vista Elementary School District (2018) PERB Decision No. 2586, to alleged false statements made under oath, and failing to defer to Administrative Law Judge's credibility determinations, in its determination that the Respondent unlawfully terminated employee Wendy Thomas in retaliation for her protected statement.

26. *William S. Hart Union High School District v. PERB; California School Employees Association*, Ch. 349, Filed: December 10, 2019, California Court of Appeal, Second Appellate District, Division Seven, Case No. B294310; PERB Decision No. 2595 [PERB Case No. LA-CE-6024-E]. Issue: Whether the Board's conclusion that the District violated EERA by asking a steward for CSEA if any represented employees complained to her about another represented employee is clearly erroneous.
27. *County of Riverside v. PERB; Service Employees International Union, Local 721*, Filed: December 14, 2018, California Court of Appeal, Fourth Appellate District, Division Two, Case No. E071804; PERB Order No. Ad-469-M [PERB Case Nos. LA-CO-222-M, et al.]. Issue: Whether the Board erred in denying the County's motion to disqualify PERB from hearing cases between the County and SEIU because the County's due process rights may be violated, and whether the proceedings in these cases should be immediately stayed pending this appeal.
28. *State of California, Department of Corrections and Rehabilitation v. PERB; CA Association of Psychiatric Technicians*, Filed: December 26, 2018, California Court of Appeal, Third Appellate District, Case No. C088562; PERB Decision No. 2598-S [PERB Case No. SA-CE-2047-S]. Issue: Whether PERB Decision No. 2598-S, in which the Board held that an employee was entitled to union representation during an invasive physical search and other related issues, was issued in error.
29. *San Bernardino Community College District v. PERB; California School Employees Association*, Chapter 291, Filed: January 4, 2019, California Court of Appeal, Fourth Appellate District, Division Two, Case No. E071913; PERB Decision No. 2599 [PERB Case No. LA-CE-6037-E]. Issue: Whether the Board erred in concluding that the District made a unilateral change to terms and conditions of employment by using GPS tracking data to monitor and then terminate an employee.
30. *County of Ventura v. PERB; Service Employees International Union, Local 721*, Filed: January 4, 2019, California Court of Appeal, Second Appellate District, Division Six, Case No. B294825; PERB Decision No. 2600-M [PERB Case No. LA-CE-655-M]. Issue: Whether PERB's decision that the County is the joint and single employer of employees in primary care satellite clinics is supported by substantial evidence.
31. *City of San Diego v. PERB; San Diego Municipal Employees Association, Deputy City Attorneys Association, American Federation of State, County and Municipal Employees, AFL-CIO, Local 127, San Diego City Firefighters, Local 145, IAFF, AFL-CIO, Catherine A. Boling, T.J. Zane, Stephen B. Williams; consolidated with*
32. *Catherine A. Boling, T.J. Zane, Stephen B. Williams v. PERB; City of San Diego, San Diego Municipal Employees Association, Deputy City Attorneys Association, American Federation of State, County and Municipal Employees, AFL-CIO, Local 127, San Diego City Firefighters, Local 145, IAFF, AFL-CIO*, Filed: January 8, 2019, United States Supreme Court Docket No. 18-910, Case No. S242034; California Court of Appeal, Fourth Appellate District, Division One, Case Nos. D069626/D069630; PERB Decision No. 2464-M [PERB Case No. LA-CE-746-M, LA-CE-752-M, LA-CE-755-M, LA-CE-758-M]. Issues: Whether the decision by the California Supreme Court

affirming the Board's decision that the City violated its duty to bargain infringed on the Mayor's First Amendment rights to speak in support of a citizens' initiative.

33. *Mt. San Jacinto Community College District v. PERB; Anthony Vasek*, Filed: January 10, 2019, California Court of Appeal, Fourth Appellate District, Division Two, Case No. E071956; PERB Decision No. 2606 [PERB Case No. LA-CE-5921-E]. Issue: Whether the Board clearly erred in Decision No. 2605-E [holding that the Mount San Jacinto Community College District violated EERA when it retaliated against Anthony Vasek for protected activity]. The District asserts that the Board erred by finding that an electronic mail message that Vasek sent on November 4, 2013, included protected speech.
34. *Regents of the University of California v. PERB; University Council-American Federation of Teachers*, Filed: January 18, 2019, California Court of Appeal, First Appellate District, Division Three, Case No. A156228; PERB Decision No. 2610-H [PERB Case No. SF-CE-1047-H]. Issue: Whether the Board erred in concluding that the UC violated HEERA by terminating the Young Musicians Program and arranging to continue its operations through a non-profit entity.
35. *Regents of the University of California v. PERB; California Nurses Association*, Filed: January 18, 2019, California Court of Appeal, Fourth Appellate District, Division One, Case No. D075218; PERB Decision No. 2616-H [PERB Case No. LA-CE-1256-H]. Issue: Whether the Board erred in concluding that restrictions on the display of union insignia in patient care areas of a hospital are presumptively invalid, and that the University failed to prove special circumstances justifying the restriction at issue.
36. *Superior Court of California, County of Fresno v. PERB; SEIU, Local 521*, Filed: January 23, 2019, California Supreme Court, Case No. S253697; PERB Decision No. 2517-C [PERB Case No. SA-CE-14-C]. Issue: Whether the Board clearly erred in Decision No. 2517-C [holding that the Court violated the Trial Court Act by interfering with employee rights].
37. *Antelope Valley Community College District v. PERB; Antelope Valley College Federation of Classified Employees*, Filed: January 24, 2019, California Court of Appeal, Second Appellate District, Division Four, Case No. B295212; PERB Decision No. 2618 [PERB Case No. LA-CE-5931-E]. Issue: Whether substantial evidence supports the finding that the employer unilaterally changed the hours of operation and implemented a modified workday/workweek without the approval of the majority of employees as required under the parties' written agreement. Whether the Board erred and exceeded its authority by issuing a back-pay make whole remedy that included overtime compensation to affected employees.
38. *PERB v. AFSCME, Local 3299, UPTA-CWA, Local 9119; Regents of the UC*, Filed: March 15, 2019, Sacramento County Superior Court Case No. 34-2019-00252508; IR Request No. 769 & 770 [PERB Case Nos. SF-CO-231-H & SF-CO-232-H]. Issue: Whether striking employees are "essential" pursuant to County Sanitation.
39. *Oroville Union High School District v. PERB; Oroville Secondary Teachers Association, CTA/NEA*, Filed: March 22, 2019, California Court of Appeal, Third Appellate District, Case No. C089108; PERB Decision No. 2627 [PERB Case No. SA-CE-2843-E]).

Issue: Whether the Board erred when it concluded that the District violated PERB by using a categorical approach to union release time for collective bargaining, found that the District made an unlawful unilateral change when it designated the two bargaining team members' absences as Personal Necessity Leave.

40. *Contra Costa County Fire Protection District v. PERB; United Chief Officers Association*, Filed: April 5, 2019, California Court of Appeal, First Appellate District, Division 2, Case No. A156897; PERB Decision No. 2632-M [PERB Case No. SF-CE-693-M]. Issue: Whether the Board erred when it concluded that the District violated the MMBA by discriminating against and interfering with employee/union rights when it refused to provide represented employees with the same longevity benefit that it provided to unrepresented employees.
41. *Caines v. PERB; AFSCME, Local 3299*; Filed: U.S. District Court, Northern District; Case No. 19-cv-01856-EDL. Issue: Whether PERB and AFSCME violated section 185 of the federal Labor Management Relations Act, alleging that PERB and AFSCME failed to assist him with resolving a grievance against his employer.
42. *Regents of the UC v. PERB; UPTC-CWA, Local 9119*, Filed: June 28, 2019, California Court of Appeal, First Appellate District, Division One, Case No. A157597; PERB Decision No. 2646-H, PERB Order No. Ad-453-H [PERB Case Nos. SF-CE-1211-H, SF-UM-779-H]. Issue: Whether the Board erred when it issued Order No. Ad-453-H, allowing UPTC to add non-represented employees to its existing bargaining unit without requiring proof of majority support, and whether the University's "technical refusal to bargain" in order to challenge the Order was an unfair practice.

2018 – 2019 DECISIONS² OF THE BOARD

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
2464a-M	<i>San Diego Municipal Employees Association v. City of San Diego</i>	The Board issued an amended order in this matter after the Fourth District Court of Appeal partially modified a portion of the original decision. In accordance with the directions of the California Supreme Court, the Fourth District fashioned an appropriate judicial remedy to make the charging parties whole for the City's violations of the MMBA. Specifically, the Fourth District ordered the City to meet and confer over the effects of a ballot initiative affecting employees' retirement benefits and to make affected employees whole by paying them the difference between what they received after the ballot initiative passed and what they would have received but for the City's unlawful conduct. Accepting the court's decision as law of the case, the Board modified its original order accordingly.	<p>Precedential decision. The Board issued a modified decision in accordance with the opinion of the Fifth District Court of Appeal in <i>Boling v. Public Employment Relations Board</i> (2019) 33 Cal.App.5th 376.</p> <p>Per Curiam</p>

² Dispositions are current as of publication of the annual report. Pending judicial appeals may impact the dispositions of some decisions. Please visit PERB.ca.gov for up to date information.

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
2517a-C	<i>SEIU Local 521 v. Fresno County Superior Court</i>	The Board issued a modified decision in this matter after the Fifth District Court of Appeal partially vacated a portion of the original decision. Specifically, the Fifth District found that the Fresno County Superior Court did not violate the Trial Court Act by adopting and implementing a personnel rule prohibiting the display of union insignia in the courthouse. Accepting the court's decision as law of the case, the Board modified its original decision accordingly.	Precedential decision. The Board issued a modified decision in accordance with the opinion of the Fifth District Court of Appeal in <i>Superior Court of Fresno County v. Public Employment Relations Board</i> (2018) 30 Cal.App.5th 158
2577-M	<i>International Longshore & Warehouse Union, Locals 18, 34 & 91 v. Port of West Sacramento</i>	The administrative law judge dismissed a complaint alleging that a public agency failed and refused to meet and confer in good faith with three employee organizations over a work preservation agreement. The employee organizations filed exceptions.	Precedential decision. The Board affirmed the proposed decision. It determined that the employees represented by the organizations were not employees of the public agency, rejecting arguments that the agency remained the employer because it had subcontracted the employees' work and because it maintained control over the employees.

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
2578-H	<i>Regents of the University of California and Teamsters Local 2010</i>	A hearing officer issued a proposed decision granting an exclusive representative's petition to modify its existing bargaining unit by adding lead teachers, who had been previously designated as supervisors. The employer filed exceptions.	Precedential decision. The Board rejected the employer's factual exceptions and its argument that the petition was barred by an earlier settlement agreement, concluding that the employer failed to meet its burden of proving that the lead teachers were supervisors.

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
2579-M	<i>Service Employees International Union Local 521 v. County of Monterey</i>	<p>The Office of the General Counsel (OGC) dismissed an unfair practice charge filed by Service Employees International Union Local 521 (Local 521), which alleged that the County of Monterey violated the Meyers-Milias-Brown Act (MMBA) and PERB Regulations by unilaterally adopting and then revising an attendance policy affecting Local 521-represented employees in the County's Emergency Communications Department. On appeal, Local 521 contended that its charge contained sufficient factual allegations of a newly adopted policy to state a prima facie case of unilateral change. Specifically, the amended charge alleged that the original and revised attendance policies "significantly altered existing practices with regard to attendance" by implementing "new rules on attendance, tardiness, and procedures for taking leave," as well as "new bases for discipline."</p> <p>Accepting these allegations as true, the Board agreed that the charge alleged a prima facie case and reversed the dismissal.</p>	<p>Precedential decision. The Board reversed the OGC's dismissal and remanded the case for issuance of a complaint.</p>

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
2580-S	<i>Sean Joseph Tobin v. Cal Fire Local 2881</i>	An administrative law judge (ALJ) found that Respondent Cal Fire 2881 (Local 2881) did not violate the Dills Act or breach its duty of fair representation by ignoring Charging Party Sean Joseph Tobin's (Tobin) request for assistance with a Name-Clearing Hearing and failing to assist Tobin in appealing his termination by the California Department of Forestry and Fire Protection to the State Personnel Board. The ALJ dismissed the complaint on a pre-hearing motion brought by Local 2881, concluding that the allegations did not state a prima facie case because Local 2881 had no duty as a matter of law to represent Tobin. Rather, the exclusive representative has no duty of fair representation unless it possesses the exclusive means by which such member can vindicate an individual right, and the right in question derives from a collective bargaining agreement. (<i>National Education Association-Jurupa (Norman)</i> (2014) PERB Decision No. 2371, pp. 14-15.) Because the Name-Clearing hearing and State Personnel Board appeal are statutory and rather than collectively-bargained for, Local 2881 owed Tobin no duty of fair representation in either of these contexts.	Precedential decision. The Board agreed that Local 2881 had no duty to represent Tobin and affirmed the proposed decision's dismissal of the complaint allegations.

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
2581-E	<i>Aurora Le Mere v. United Teachers Los Angeles</i>	A public school employee excepted to a proposed decision concluding that she did not prove her Union violated its duty of fair representation toward her by failing to file an appeal of her suspension.	Precedential decision. The Board adopted the proposed decision, finding no breach of the duty of fair representation because the collective bargaining agreement authorized either the Union or the affected employee to file a notice of appeal. Therefore, the Union did not have exclusive control over the employee's contractually-based disciplinary appeal process and it did not owe the employee a duty of fair representation.

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
2582-M	<i>Davis City Employees Association v. City of Davis</i>	The administrative law judge dismissed a complaint alleging that the employer failed and refused to meet and confer in good faith over a successor memorandum of understanding (MOU), and failed and refused to participate in good faith in impasse procedures. The union filed exceptions.	Precedential decision. The Board affirmed the proposed decision. Although the Board agreed with the union that the ALJ erred by failing to consider some evidence, and that it was not clear whether the ALJ had considered all of the evidence under the totality of the circumstances, it found that the evidence failed to establish that the employer engaged in bad faith bargaining or failed to participate in good faith in impasse procedures.

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
2583-M	<i>United Steelworkers TEMSA Local 12911 v. Oak Valley Hospital District</i>	Charging Party, the prevailing party in the underlying administrative hearing, excepted to an administrative law judge's finding that the Meyers-Milias-Brown Act permits local public agency employers to withdraw recognition of an exclusive representative when the conditions for withdrawal under federal labor law are satisfied.	Precedential decision. Although the Board generally declines to consider initial exceptions filed by a prevailing party, the Board did so in this case to avoid binding the parties in this case to an erroneous legal standard if similar facts should arise in the future. Under the MMBA, the decertification may be accomplished only by employee vote. Therefore, a local rule allowing the public agency employer to withdraw recognition from an exclusive representative without an employee vote violates the Act.

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
2584-E	<i>California Teachers Association v. California Virtual Academies</i>	An administrative law judge dismissed a complaint alleging that a charter school terminated a teacher's employment in retaliation for her protected activity. The charging party filed exceptions.	Precedential decision. The Board reversed the proposed decision, finding that the charging proved a prima facie case of retaliation and that the respondent failed to prove that it would have taken terminated the employee if they employee had not engaged in protected activity.
2585a-E	<i>Mark Griffin, Sr. v. Berkeley Unified School District</i>	Charging Party, a public school employee, requested reconsideration of the Board's decision in PERB Decision No. 2585, which affirmed the Office of the General Counsel's (OGC) dismissal of the employee's unfair practice charge.	Non-precedential decision. The Board denied the request for reconsideration, finding, in accordance with PERB Regulation 32410, the reconsideration procedure only applies in cases arising out of exceptions to a proposed decision, not those arising from OGC's dismissal of a charge.

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
2585-E	<i>Mark Griffin, Sr. v. Berkeley Unified School District</i>	Charging Party, a public school employee, alleged the Berkeley Unified School District violated the EERA by delaying overtime payments and issuing him a written reprimand, both in retaliation for protected activity. PERB's Office of the General Counsel (OGC) dismissed the overtime allegations as untimely and the remaining charge for failure to state a prima facie case. The employee appealed OGC's dismissal, arguing he had adequately demonstrated the District Superintendent's knowledge of his protected activities.	Non-precedential decision. The Board denied the appeal and adopted the dismissal. Based on records Charging Party filed in support of his charge, it does not appear the Superintendent knew of Charging Party's protected activities. Moreover, under the facts alleged in the charge, the Superintendent was not involved in the disciplinary decision, which was decided upon and taken by another individual.
2586-E	<i>Manuel Faustino Yvellez v. Chula Vista Elementary School District</i>	A public school employee excepted to a proposed decision dismissing his complaint and underlying unfair practice charge. The complaint alleged the employer unlawfully threatened the employee with discipline and investigated him for sending to all District teachers an e-mail expressing concerns regarding the District's Human Resources Director. An administrative law judge dismissed the complaint on the ground the e-mail was not protected activity under the EERA.	Precedential decision. The Board reversed, holding the employee's e-mail constituted protected activity, and that the employer retaliated against the employee and interfered with his exercise of protected rights.

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
2587-E	<i>Los Rios Community College District and Los Rios Police Officers Association and Service Employees International Union Local 1021</i>	Under Sweetwater Union High School District (1976) EERB Decision No. 4 (Sweetwater), there are three presumptively appropriate bargaining units for classified employees of school districts, including inter alia an operations-support services unit. The petitioner sought to sever three classifications who work within an existing support services unit to establish a separate campus police officers unit. The Hearing Officer issued a proposed decision granting the Severance Petition. On appeal, the Board declined to adopt the proposed decision and dismissed the Severance Petition, finding that the petitioner did not meet its burden of showing that the proposed campus police officers unit is more appropriate than the presumptively appropriate Sweetwater support services unit.	Precedential decision. On appeal, the Board declined to adopt the proposed decision and dismissed the Severance Petition, finding that the petitioner did not meet its burden of showing that the proposed campus police officers unit is more appropriate than the presumptively appropriate Sweetwater support services unit. (Sweetwater Union High School District (1976) EERB Decision No. 4 [establishing three presumptively appropriate bargaining units for classified employees of school districts, including inter alia an operations-support services unit].)

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
2588-E	<i>United Teachers Los Angeles v. Los Angeles Unified School District</i>	District excepted to a proposed decision concluding that it violated the EERA by: (1) denying charging party's request that the District send a broadcast email to bargaining unit members' District email addresses on charging party's behalf, and (2) refusing to bargain over charging party's proposed administrative procedures for such activities in the future.	Precedential decision. The Board affirmed in part and reversed in part. The Board concluded the EERA does not require a public school employer to send emails on behalf of an employee organization via the employer's email system. The Board affirmed the administrative law judge's ruling that the District unlawfully refused to negotiate over the employee organization's proposal .

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
2589-C	<i>Stationary Engineers Local 39 v. El Dorado County Superior Court</i>	<p>An administrative law judge (ALJ) found that Respondent El Dorado County Superior Court (Court) did not violate the Trial Court Act by informing employees on May 18, 2013 that it would be reducing and eventually eliminating the Court's employer paid member pension contribution, and later implementing that change. Charging Party Stationary Engineers Local 39 contended that the Court unlawfully insisted to impasse and then unilaterally imposed a waiver of so-called "classic" employees' statutory right under the California Public Employees' Pension Reform Act of 2013 (PEPRA) to maintain the Court's previously existing policy of cost-sharing until January 1, 2018. According to Local 39, by prohibiting public employers from unilaterally changing existing pension cost-sharing agreements until January 1, 2018, section 20516.5 of PEPRA effectively conferred on public employees a statutory right to continue receiving existing EPMC benefits until January 1, 2018. The ALJ rejected these contentions and concluded that the Court's actions conformed with the plain meaning of the PEPRA. Local 39 excepted to these conclusions and the Court filed cross-exceptions contesting PERB's jurisdiction to interpret PEPRA.</p>	<p>Precedential decision. The Board concluded it had jurisdiction to resolve the dispute, and on the merits affirmed the proposed decision's dismissal of the complaint allegations and adopted the proposed decision.</p>

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
2590-E	<i>Petaluma Federation of Teachers, Local 1881 v. Petaluma City Elementary School District/Joint Union High School District</i>	Upholding and adopting a proposed decision of an Administrative Law Judge, the Board concluded that the Petaluma City Elementary School District (District) interfered with employee and organizational rights, in violation of Educational Employment Relations Act (EERA) section 3543.5, subdivisions (a) and (b), by: (1) prohibiting employees represented by the Petaluma Federation of Teachers, Local 1881 (Local 1881) from distributing literature “of a political or union nature” on the District’s premises, including during non-work time and in non-work areas; and (2) by directing employees to refrain from distributing pamphlets “during the workday,” without regard to employee breaks or other nonwork time.	Precedential decision. The Board reversed the OGC’s dismissal and remanded the case for issuance of a complaint.

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
2591a-M	<i>Service Employees International Union Local 721 v. County of Riverside</i>	Request for reconsideration of date from which employee entitled to back pay ordered as a remedy in PERB Decision No. 2591-M. In PERB Decision No. 2591-M, the Board reversed the ALJ's proposed decision, and held the County of Riverside committed unfair practices under MMBA section 3505, subd. (b) by terminating an employee for her protected activity. As a remedy, the Board issued a cease and desist order and notice posting, and ordered that the employee be offered reinstatement and made whole from the date of her discharge to the date she is reinstated or declines offer of reinstatement. Union requested that back pay should commence from date the County placed her on administrative leave, six months prior to her discharge.	Precedential decision. Board modified its remedial order in PERB Decision No. 2591-M; employee is to be made whole from date County placed her on administrative leave, rather than from the date she was discharged.

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
2591b-M	<i>Service Employees International Union Local 721 v. County of Riverside</i>	Respondent County of Riverside (County) filed a request to accept a late-filed opposition to a request for reconsideration filed by Charging Party Service Employees International Union Local 721 (SEIU) pursuant to PERB Regulation 32136, which allows a late filing to be excused “in the discretion of the Board for good cause only.” The County also filed its proposed late-filed opposition. PERB was not required to decide if the County demonstrated good cause for its requested late filing, as consideration of the County’s late-filed arguments would not affect the outcome of the Board’s reconsideration decision.	Precedential decision. The Board denied the County’s request that it accept its late-filed opposition to SEIU’s request for reconsideration.

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
2591-M	<i>Service Employees International Union Local 721 v. County of Riverside</i>	Union appealed from an ALJ's proposed decision dismissing charge. ALJ found that County terminated employee based on employee's knowingly false statements in a federal First Amendment lawsuit against the County.	Precedential decision. In precedential decision, the Board reversed the ALJ's proposed decision. The Board found that statements were not made with actual malice and therefore were protected. Accordingly, the County committed unfair practices under MMBA section 3505, subd. (b) by terminating employee for her protected activity. As a remedy, Board issued cease and desist order and notice posting, and ordered that employee be offered reinstatement and made whole.
2592-E	<i>Scott Pham v. San Jose-Evergreen Community College District</i>	In an unpublished decision, the Board denied an appeal and affirmed the dismissal of an unfair practice charge alleging unlawful discrimination.	Non-precedential decision. The Board dismissed the unfair practice charge without leave to amend.

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
2593-H	<i>Teamsters Local 2010 v. Regents of the University of California (Irvine)</i>	An ALJ dismissed a complaint alleging that the employer interfered with employee rights by telling two employees not to discuss union matters during work time, while permitting the discussion of other non-work related subjects during work time. The ALJ found a prima facie case of interference, but concluded that the exclusive representative had contractually waived the employee rights at issue. The charging party filed exceptions.	Precedential decision. The Board reversed the ALJ. It agreed that there was a prima facie case of interference, but found that the contract waived certain rights of the exclusive representative but not of employees. The Board therefore concluded that the employer violated the statute.

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
2594-M	<i>Orange County Employees Association, et al. v. County of Orange</i>	Three exclusive representatives filed charges alleging that an employer adopted a “civic openness in negotiations” (COIN) ordinance without meeting and conferring in good faith. An ALJ found that some provisions were negotiable and therefore unlawfully adopted unilaterally, and others were not. The ALJ also rejected an alternative theory that the provisions were local rules subject to good faith consultation.	Precedential decision. The Board affirmed in part and reversed in part the proposed decision. It concluded that provisions of the ordinance requiring an independent economic analysis before negotiations commenced were not negotiable (or subject to good faith consultation as local rules), but that provisions requiring a 30-day delay before commencing negotiations, economic analysis of proposals on an ongoing basis, and disclosure of proposals and counter-proposals were negotiable.
2595-E	<i>California School Employees Association & Its Chapter 349 v. William S. Hart Union High School District</i>	The ALJ found that an employer interfered with employee and union rights by asking a union steward about complaints she had received from bargaining unit members about another unit member. The employer filed exceptions.	Precedential decision. The Board affirmed the proposed decision.

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
2596	<i>Riverside Sheriffs' Association v. County of Riverside</i>	The Board approved a request to withdraw exceptions after the parties reached a settlement in a case where the Administrative Law Judge concluded in a proposed decision that the County of Riverside unilaterally implemented a new policy requiring employees represented by the Riverside Sheriffs' Association to pay \$35 a month for parking.	Precedential decision. The Board approved the County's request to withdraw its exceptions based on the parties' settlement agreement and vacated the proposed decision.
2597-E	<i>Service Employees International Union Local 1021 v. Sacramento City Unified School District</i>	Union appealed from an ALJ's proposed decision dismissing charge. ALJ found that District considered Union's Requests for Information (RFIs) under EERA, or, alternatively, that the District sufficiently complied with its duties under EERA when it raised privacy concerns and provided Union with redacted copies of the requested documents. Union filed exceptions, contending that the District violated its duty to meet and negotiate in good faith when it asserted that (1) Union-requested documents were not relevant and necessary to its role as the exclusive representative of certain School District employees, and (2) the School District would assess and answer Union's RFIs as if they were exclusively public records requests under the California Public Records Act (CPRA).	Precedential decision. Board reversed the ALJ's proposed decision and held that District failed to meet and negotiate in good faith when it denied that the RFIs were relevant and necessary to Union's role as an exclusive representative under EERA, and when it proceeded to analyze and respond to the RFIs exclusively under the CPRA.

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
2598-S	<i>California Association of Psychiatric Technicians v. State of California (Department of Corrections & Rehabilitation)</i>	State of California (Department of Corrections & Rehabilitation) (CDCR) appealed from an ALJ's proposed decision finding that CDCR violated the Ralph C. Dills Act (Dills Act), sections 3519 (a) and (b), by interfering with the right of an employee to be represented during an unclothed body search, and with the California Association of Psychiatric Technicians' (CAPT) right to represent its member during the search.	Precedential decision. The Board affirmed the ALJ's conclusion that an invasive search of an employee's person, including an unclothed body search, gives rise to the right to union representation. The Board further held that if an employer rejects an employee's request for representation, the employee cannot be found to have voluntarily waived his/her right to representation.

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
2599-E	<i>California School Employees Association & Its Chapter 291 v. San Bernardino Community College District</i>	The ALJ found that the employer violated EERA by: (1) denying an employee's request for union representation in an investigatory interview; and (2) unilaterally implementing a policy of using data collected by GPS devices to assess employee misconduct. The employer filed exceptions.	Precedential decision. The Board affirmed the proposed decision. It held that the employer continued the investigatory interview after the request for representation by demanding that the employer complete a written statement regarding the matter under investigation. It also held that the use of GPS to monitor employees is within the scope of representation.

2600-M	<i>Service Employees International Union Local 721 v. County of Ventura</i>	Union excepted to a proposed decision dismissing an unfair practice charge alleging that County violated MMBA by refusing to process Union's petition for certification to represent Clinic employees. The ALJ found that the petitioned-for employees are solely employed by private for-profit corporations that contract with the County. The ALJ found that the single employer and joint employer tests are not satisfied.	Precedential decision. The Board reversed the proposed decision, finding that the Union met its burden under the single employer doctrine and, alternatively, under the joint employer doctrine. Since the County is a public agency within the meaning of the MMBA, and it satisfies the single employer and joint employer tests with respect to Clinic employees, PERB maintains jurisdiction over the County. The Board ordered the County to process the Union's certification petition and any future petition the Union may file with respect to Clinic employees, to provide reasonable lists of Clinic employees and associated information, and to cease and desist from enforcing a personnel rule limiting the timeframe that the Union may file petitions.
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2601-H	<i>American Federation of State, County & Municipal Employees Local 3299 v. Regents of the University of California</i>	<p>In a two Member decision, the Board reversed the proposed decision in a case alleging that the Regents of the University of California (University) violated the Higher Education Employer-Employee Relations Act (HEERA) by investigating and disciplining employee Patrick Mitchell (Mitchell) in reprisal for participating in and assisting a delegation of AFSCME Local 3299-represented employees who wished to present their concerns to the president of the Ronald Reagan Medical Center (RRMC) at the University's Los Angeles campus. The University filed no answer to the complaint. At the hearing, it requested leave to file a late answer and to have the untimeliness excused, pursuant to PERB Regulation 32136. Local 3299 moved to have the University's failure to file an answer deemed an admission of the material facts alleged in the charge and as a waiver of the University's right to a hearing, pursuant to PERB Regulation 32644, subdivision (c). The Administrative Law Judge (ALJ) denied both motions and ruled that the University's failure to file an answer waived any affirmative defenses. He then conducted a formal hearing, in which he took evidence and heard argument on the issues raised in the complaint, before issuing the proposed decision dismissing the complaint. On exceptions, the Board agreed with the ALJ that the University's failure to file an answer constituted a waiver of its affirmative defenses.</p>	<p>Precedential decision. The Board reversed the proposed decision and found that the University violated the HEERA as alleged in the complaint.</p>
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DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
		However, since the University could not validly interpose an affirmative defense, the Board concluded that ALJ should have found the University's conduct constituted a waiver of its right to a hearing to contest the allegations of the complaint and to present affirmative defenses. On this basis, the Board entered judgment in favor of Local 3299.	
2602-E	<i>Commerce City Employees Association, AFSCME, Local 773 v. City of Commerce</i>	The ALJ found that an employer violated employee and employee organization rights by interviewing two employees in advance of an arbitration hearing, because it did not assure them that their participation was voluntary and that they would not be punished for their responses or their refusal to answer any questions, and because it inquired into the union's arbitration strategy.	Precedential decision. The Board affirmed and adopted the proposed decision.

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
2603-E	<i>Public Employees Union Local 1 v. City of Yuba City</i>	The ALJ dismissed a complaint alleging that an employer: (1) discriminated against the bargaining unit represented by the charging party when it imposed the terms of its last, best, and final offer, which were worse than the terms agreed to by other bargaining units; and (2) failed to hold a public hearing regarding the parties' impasse before imposing its last, best, and final offer. The charging party filed exceptions.	Precedential decision. The Board affirmed the proposed decision. It found that the employer's actions were not discriminatory because the charging party itself rejected the terms that other bargaining units agreed to. It also found that the employer substantively complied with the requirement of holding a public hearing regarding the impasse.
2604-E	<i>Anthony G. Vasek v. Mt. San Jacinto Community Faculty Association</i>	Charging party Vasek, who prevailed in the proposed decision, filed exceptions to two of the ALJ's findings of fact.	Precedential decision. Absent good cause, the Board will decline to consider initial exceptions filed by a prevailing party. Vasek did not show good cause for the Board to consider his exceptions. Accordingly the Board dismissed Vasek's exceptions and did not adopt the ALJ's findings as a decision of the Board itself.

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
2605-E	<i>Anthony G. Vasek v. Mt. San Jacinto Community College District</i>	Mt. Jacinto Community College District (District) excepted to an ALJ's proposed decision, which found that the District retaliated against charging party Anthony G. Vasek (Vasek) by disciplining him for sending an e-mail to faculty and staff. The District asserted that Vasek's e-mail was not protected by EERA, and that the e-mail in any event lost its protection because it included threatening language.	Precedential decision. The Board affirmed the ALJ's proposed decision. The Board further clarified the appropriate test applicable in cases involving allegedly threatening speech.
2606-M	<i>American Federation of State, County and Municipal Employees Local 3051 v. City of Ontario</i>	Charging Party American Federation of State, County & Municipal Employees Local 3061 (AFSCME) appealed a partial dismissal letter issued by PERB's Office of the General Counsel (OGC). AFSCME alleged that Respondent City of Ontario (City) violated the MMBA by engaging in retaliation and interference when the City issued written reprimands to two union stewards. OGC found that AFSCME did not establish a prima facie case that the City issued its written reprimands based on protected activity, nor that these reprimands interfered with protected activity.	Non-precedential decision. In a non-precedential decision issued pursuant to PERB Regulation 32320, subdivision d, the Board affirmed the partial dismissal of the unfair practice charge.
2607-E	<i>Anahid Matevosian v. United Teachers Los Angeles</i>	The Office of the General Counsel dismissed the charge, which alleged that an exclusive representative violated its duty of fair representation by failing to adequately represent her in her dealings with her employer.	Non-precedential decision. The Board denied the appeal and affirmed the Office of the General Counsel's decision to dismiss the charge.

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
2608-E	<i>Annette (Barudoni) Deglow v. Sacramento County Office of Education</i>	An employee of a community college district filed a charge against the county office of education in which the district was located, alleging that the office of education failed to investigate the employee's complaints against the district. The Board agent dismissed the charge because the charging party was not an employee of the office of education.	Non-precedential decision. The Board affirmed the dismissal of the charge. It noted that in some circumstances an individual may file a charge against an EERA-covered entity that was not the individual's employer, but the charging party here was only claiming that the office of education had a duty to investigate her complaints, which was not a violation of EERA.
2609-I	<i>San Francisco County Superior Court & Region 2 Court Interpreter Employment Relations Committee v. California Federation of Interpreters/The Newspaper Guild/Communication Workers of America, Local 39521</i>	An ALJ dismissed a complaint alleging that an exclusive representative engaged in a sympathy strike in violation of the parties' no-strike clause and of the Court Interpreters Act. The employer filed exceptions.	Precedential decision. The Board affirmed the dismissal of the complaint. It concluded that the union did not engage in a sympathy strike, but rather informed employees of their contractual right to request an alternate assignment if they objected to crossing the picket line of another union's strike.

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
2610-H	<i>University Council-AFT v. Regents of the University of California (Berkeley)</i>	A two-Member panel of the Board reversed the proposed decision and concluded that the University violated HEERA by closing the Young Musician's Program (YMP) at its Berkeley campus, laying off the employees, and transferring YMP's assets to a new non-profit organization without notice or bargaining, because YMP's instructors engaged in protected concerted activities.	Precedential decision. The Board found that the University retaliated against employees, interfered with the protected rights, and failed and refused to bargain with the exclusive representative. As a remedy, the Board ordered the University to make employees whole by restoring their employment and to rescind its unlawful contract with the non-profit corporation.
2611-M	<i>American Federation of State, County and Municipal Employees Local 2076 v. County of Orange</i>	County excepted to a proposed decision concluding that it violated the MMBA by: (1) interfering with AFSCME's rights to access employees at the workplace and to communicate with employees about grievances; (2) unilaterally changing release time policies and practices; and (3) retaliating against employee representatives by disciplining them for engaging in protected activity.	Precedential decision. The Board affirmed and adopted the proposed decision to the extent its conclusions of law were consistent with the Board's clarification of longstanding precedent.

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
2612-M	<i>United Public Employees of California, Local 792 v. County of Lassen</i>	Employer excepted to a proposed decision finding that it retaliated against an employee by terminating her employment after she sought assistance from her union. Employer challenged both the ALJ's liability determination and certain aspects of the back pay order.	Precedential decision. The Board held that the employer violated the MMBA when it decided to terminate employee after the union intervened on her behalf. The Board also clarified an employee's duty to mitigate losses resulting from an adverse employment action.
2613-M	<i>Santa Clara County Correctional Peace Officers' Association v. County of Santa Clara</i>	An ALJ found that the employer interfered with employee and union rights when, upon placing the union's president on investigative leave, it directed him to refrain from discussing the allegations against him with other employees. The employer filed exceptions.	Precedential decision. The Board affirmed the proposed decision.
2614-E	<i>Annette (Barudoni) Deglow v. Los Rios Community College District and Annette (Barudoni) Deglow v. Los Rios College Federation of Teachers Local 2279</i>	The Office of the General Counsel dismissed two unfair practice charges filed by an individual that requested the Board's review of unfair practice charges that were filed by a union in 1986 and dismissed in 1987.	Precedential decision. The Board affirmed the dismissal. It held that the unfair practice charges were appropriately treated as appeals of the earlier dismissals, not new unfair practice charges, and the appeals were defective because they were not filed by the charging party and they were untimely.

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
2615-M	<i>Service Employees International Union Local 521 v. County of Kern</i>	County excepted to a proposed decision finding that it unilaterally altered employees' terms and conditions of employment without giving Union notice and an opportunity to meet and confer, in violation of the Meyers-Milias-Brown Act (MMBA) sections 3503, 3505, and 3506.5, subdivisions (a), (b), and (c), and PERB Regulation 32603, subdivisions (a), (b), and (c).	Precedential decision. The Board affirmed the ALJ's proposed decision but modified the ALJ's remedies to better effectuate the purposes of the MMBA.
2616-H	<i>California Nurses Association v. Regents of the University of California</i>	An ALJ found that a hospital employer unlawfully prohibited employees from wearing a union-distributed sticker in non-patient care areas, but lawfully prohibited the wearing of the sticker in patient care areas. The union representing the employees filed exceptions.	Precedential decision. The Board found that the employer's prohibition was unlawful in its entirety, not just as applied to non-patient care areas.

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
2617-E	<i>Marlene A. Yurel v. Oxnard Union High School District</i>	A public school employee excepted to a proposed decision concluding that she did not prove her employer retaliated against her in response to her protected conduct or that it violated her right to representation during meetings with management.	Precedential decision. The Board affirmed the proposed decision dismissing the unfair practice charge and complaint, rejecting charging party's exceptions asserting that respondent's witnesses were untruthful. Charging party's exceptions relied on documents in existence before the evidentiary record closed and she failed to show good cause or any rationale why she had not presented them at hearing.

2618-E	<i>Antelope Valley College Federation of Classified Employees v. Antelope Valley Community College District</i>	<p>The Federation and District both filed exceptions to the proposed decision of the ALJ, dismissing certain allegations in the complaint and the Federation's unfair practice charge. The complaint alleged that the District violated the Educational Employment Relations Act (EERA) by: (1) changing its hours of operation and thereby affecting the hours of work of classified employees represented by the Federation without notice or opportunity to bargain; (2) unilaterally changing its policy for approving alternative work schedules as contained in the parties' CBA by implementing a modified workday/workweek without first obtaining approval from a majority of affected employees; (3) failing and refusing to provide the Federation with certain information, including the identities and departments of classified employees affected by the District's proposed modified schedules; and (4) bypassing, undermining and derogating the Federation's authority as the exclusive representative of classified employees by authorizing or otherwise permitting District supervisors to meet with classified employees to discuss implementation of modified work schedules. Each of these actions was also alleged to have interfered with the representational rights of classified employees and the Federation.</p>	<p>Precedential decision. The Board reversed the ALJ's proposed decision and found that the District violated several provisions of the EERA by modifying employees' work schedules without utilizing the approval process in the parties' collective bargaining agreement.</p>
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DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
2619-M	<i>Service Employees International Union Local 1021 v. County of San Joaquin (Sheriff's Department)</i>	Union excepted to a proposed decision finding County's refusal to allow an employee to consult a union representative before submitting a written statement did not violate employee rights, employer's discipline of employee was justified for other reasons.	Precedential decision. The Board reversed the ALJ's proposed decision and held the County violated employee's right to be represented and union's right to represent him even though the employee did not ultimately submit the written statement and that discipline was not justified where employee's request for a representative triggered the disciplinary process even though employee was disciplined in part for other conduct.
2620-M	<i>Service Employees International Union Local 1021 v. City of Hayward</i>	Employer excepted to a proposed decision finding it violated the Meyers-Milias-Brown Act when it engaged in surface bargaining, prematurely declared impasse, undermined and bypassed SEIU by communicating directly with employees, and unilaterally implemented its LBFO without negotiating in good faith to impasse.	Precedential decision. The Board granted the parties Joint Request for Dismissal.

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
2621-S	<i>Jennifer Xu v. State of California (Department of Developmental Services - Porterville & Department of State Hospitals Atascadero)</i>	A former public employee alleged her State employer violated the Dills Act by denying her request for unpaid leave, issuing her an absence without leave condemnation, and denying her re-employment. PERB's Office of the General Counsel (OGC) dismissed the charge as untimely and, even had the former employee timely filed her charge, for failure to state a prima facie case. The former employee appealed OGC's dismissal, which included, for the first time, new factual allegations she argued satisfied her obligation to present a prima facie case.	Non-precedential decision. The Board denied the appeal and adopted the dismissal. Charging party did not establish good cause to justify consideration of the new allegations on appeal. Moreover, the new allegations did not address or resolve the deficiencies identified in OGC's warning and dismissal letters.
2622-E	<i>Eric M. Moberg v. Cabrillo Community College District</i>	Charging party excepted to a proposed decision concluding that he did not prove his employer retaliated against him in response to his protected activities.	Precedential decision. The Board adopted the proposed decision, finding that the charging party failed to carry his burden of proof to establish the complaint allegations (i.e., that the District investigated and terminated his employment in retaliation for his protected activities) through competent and admissible evidence during the administrative hearing.

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
2623-E	<i>Robert Stolk v. California School Employees Association</i>	In a non-precedential decision, the Board affirmed the Office of General Counsel's dismissal of an unfair practice charge by Robert Stolk alleging that his exclusive representative, California School Employees Association, breached its duty of fair representation by failing to provide him with an attorney to prosecute his unfair practice charge against his employer.	Non-precedential decision. The Board affirmed the warning and dismissal letters and dismissed the charge without leave to amend.
2624-S	<i>Service Employees International Union Local 1000 v. State of California (Department of Social Services)</i>	Charging Party SEIU excepted to a proposed decision dismissing its complaint which alleged that the Department violated the Ralph C. Dills Act by demoting an employee because of her participation in protected activity. The ALJ concluded that the demotion was based upon the employee's repeated policy violations and not her service as a union officer or her use of union leave.	Precedential decision. The Board adopted the ALJ's proposed decision.

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
2625-E	<i>Scott Douglas v. San Diego Community College District</i>	Employee excepted to a proposed decision dismissing his complaint for discrimination under the Educational Employment Relations Act. The employee proved his protected activity of pursuing preferential assignment status under the collective bargaining agreement played a part in the District's decisions to evaluate him in consecutive semesters and decline to offer him a class for the Fall 2014 semester. The District proved, however, that it would have evaluated the employee consecutively and not offered him a class that semester even if he had not pursued preferential assignment status.	Precedential decision. The Board affirmed the ALJ's proposed decision.

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
2626-E	<i>Orcutt Educators Association v. Orcutt Union Elementary School District</i>	The Association excepted to a proposed decision dismissing its complaint and unfair practice charge as untimely filed.	Precedential decision. The Board adopted the proposed decision, finding that the Association failed to timely file its unilateral change charge within the statute of limitations. The Board rejected the Association's argument that the limitations period should have been equitably tolled during the parties' subsequent efforts to negotiate the foreseeable effects of the District's change in policy.

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
2627-E	<i>Oroville Secondary Teachers Association, CTA/NEA v. Oroville Union High School District</i>	The Board affirmed the proposed decision of an Administrative Law Judge (ALJ) and concluded that the employer, Oroville Union High School District (District), violated the Educational Employment Relations Act (EERA) section 3543.1, subdivision (c), when it denied the Oroville Secondary Teachers Association's (OSTA) request that its bargaining team members be released for a full day to prepare for an upcoming bargaining session. Additionally, the Board reversed one aspect of the proposed decision and concluded that the District also violated the EERA when it unilaterally changed its policy concerning leave time by requiring certain members of bargaining team to use contractual Personal Necessity Leave while they were away from work to participate in Association business.	<p>Precedential decision. The Board affirmed in part and reversed in part the proposed decision and found that the District violated the EERA as alleged in the complaint..</p> <p>Cases Affected: The Board disavowed the statement in <i>Burbank Unified School District</i> (1978) PERB Decision No. 67, p. 5, that "meeting and negotiating" does not include preparation time, finding instead that mandatory paid release time under EERA does include such preparation time.</p>
2628-S	<i>Magdalena F. Devera v. Service Employees International Union, Local 1000</i>	Charging party, a registered nurse, appealed the dismissal of her unfair practice charge alleging that her union breached its duty of fair representation by declining to pursue arbitration of her grievance and denying her internal appeal of its decision not to arbitrate. The Office of the General Counsel dismissed the charge as untimely.	Non-precedential decision. The Board adopted the dismissal, as the alleged unfair practice fell outside the statute of limitations period.

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
2629-M	<i>Jeffrey Reese v. County of Santa Clara</i>	County excepted to a proposed decision concluding that County violated the MMBA by discriminating against Charging Party Jeffrey Reese, chief of urology at Santa Clara Valley Medical Center, by removing his administrative duties because of actions he took on behalf of his bargaining unit's exclusive representative, the Valley Physicians Group.	Precedential decision. The Board adopted the proposed decision, and ordered that the County reinstate Reese's administrative duties.
2630-E	<i>Teresa Padilla v. Adelanto Elementary School District</i>	Charging Party Teresa Padilla excepted to a proposed decision dismissing her complaint which alleged that the District violated the Educational Employment Relations Act by issuing her a Notice of Unprofessional Conduct in retaliation for her grievance activity. The ALJ concluded that Padilla failed to prove the District was unlawfully motivated in issuing her the Notice.	Precedential decision. The Board adopted the ALJ's proposed decision, supplemented by discussion of Charging Party's exceptions.

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
2631-E	<i>Eugene Smith v. Antelope Valley Union High School District</i>	Charging Party Eugene Smith (Smith) excepted to a proposed decision dismissing his complaint which alleged that the Antelope Valley Union High School District (District) violated the Educational Employment Relations Act by removing courses from his schedule and refusing to assign him extra-duty assignments because of his participation in protected activity. The ALJ found that although the District knew of Smith's protected conduct and took adverse employment action against him, Smith presented no evidence that the adverse action was motivated by his protected conduct.	Precedential decision. The Board adopted the ALJ's proposed decision as modified and supplemented by discussion of Smith's exceptions.
2632-M	<i>United Chief Officers Association v Contra Costa County Fire Protection District</i>	In a majority decision, the Board reversed the Administrative Law Judge's (ALJ) proposed decision and concluded that the employer, Contra Costa Fire Protection District (District), violated the Meyers-Milias-Brown Act and PERB Regulations when it granted unrepresented management employees a longevity differential while denying it to employees represented by the United Chief Officers Association (Association). Dissenting, Member Shiners would have affirmed the proposed decision and dismissed the complaint because, in his view, the majority wrongly interpreted the MMBA to effectively require parity between represented and unrepresented employees.	Precedential decision. The Board majority reversed the proposed decision and concluded that the District violated the MMBA as alleged in the complaint. Cases Affected: The Board majority overruled <i>Regents of the University of California (Irvine)</i> (2011) PERB Decision No. 2177-H (<i>Regents (Irvine)</i>).

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
2633a-E	<i>Lori E. Edwards, et al. v. Lake Elsinore Unified School District</i>	The Board denied a request to reconsider <i>Lake Elsinore Unified School District</i> (2019) PERB Decision No. 2633, concluding that charging party's request failed to satisfy the standard for reconsideration.	Precedential decision. The Board denied the charging party's request.
2633-E	<i>Lori E. Edwards, et al. v. Lake Elsinore Unified School District</i>	The Board affirmed a proposed decision dismissing a complaint alleging that the District violated EERA by depriving Charging Parties of the opportunity to teach either kindergarten or sixth grade classes during the 2015-2016 school year, while allowing four other employees to swap their kindergarten and sixth grade teaching assignments, in retaliation for charging parties' protected activities.	Precedential decision. The Board agreed with the Administrative Law Judge that the charging parties failed to establish retaliation and dismissed the complaint.

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
2634-E	<i>Emma Yvonne Zink v. San Diego Unified School District</i>	An administrative law judge (ALJ) found that Respondent San Diego Unified School District (District) did not retaliate against Charging Party Emma Yvonne Zink (Zink) based on her protected activities. The ALJ found that while the District took several adverse actions against Zink, it met its burden to show it would have taken the same actions in the absence of protected activity. Yet, the ALJ also held that the District's directive to Zink that prohibited her from discussing a pending investigation "with any staff member" constituted unlawful interference with Zink's right to engage in protected activity. Zink filed exceptions.	Precedential decision. The Board affirmed the proposed decision's dismissal of the retaliation claims, as well as its finding that the District's directive constituted interference with Zink's protected rights.

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
2635-M	<i>Christopher Halvorson v. City of Santa Monica</i>	Employee Christopher Halvorson (Halvorson) excepted to a proposed decision by an administrative law judge (ALJ) dismissing the complaint and unfair practice charge against Halvorson's employer, City of Santa Monica (City). The complaint alleged the City did not promote Halvorson, in retaliation for protected activity under the Meyers-Milias-Brown Act. The ALJ found that Halvorson did not demonstrate a prima facie case of retaliation and, alternatively that the City demonstrated, as an affirmative defense, that it would have made the same decision for non-discriminatory reasons.	Precedential decision. The Board affirmed the proposed decision, and dismissed the complaint and underlying unfair practice charge in Case No. LA-CE-925-M. The evidence demonstrated that the City met its burden of showing it had legitimate, non-discriminatory reasons to select another candidate for promotion over Halvorson and that it, in fact, acted based on those reasons.
2636-E	<i>Teri Inez Harvey v. California School Employees Association & Its Chapter 74</i>	Charging Party Teri Inez Harvey (Harvey), a former employee of Anaheim Union High School District, alleged that the California School Association & its Chapter 74 (CSEA) breached its duty of fair representation. PERB's Office of the General Counsel (OGC) dismissed the charge as untimely filed and for failing to state a prima facie case. Harvey timely appealed OGC's dismissal.	Non-precedential decision. In a non-precedential decision issued pursuant to PERB Regulation 32320, subdivision d, the Board adopted the warning and dismissal letters as the decision of the Board itself and affirmed the dismissal of the unfair practice charge.

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
2637-S	<i>Service Employees International Union Local 1000 v. State of California (California Correctional Health Care Services)</i>	Charging Party Service Employees International Union, Local 1000 (SEIU) excepted to a proposed decision dismissing its complaint which alleged that the State of California (California Correctional Health Care Services) (CCHCS) violated the Ralph C. Dills Act by issuing employee a letter of reprimand in retaliation for her participation in protected activity. The ALJ concluded that SEIU did not establish CCHCS (1) knew of employee's protected activity, and (2) acted against her because of it.	Precedential decision. The Board reversed the proposed decision.
2638-E	<i>Joseph Louis Greco v. Berkeley Unified School District</i>	The Office of the General Counsel dismissed the charge, which alleged that the District failed to provide rest periods.	Non-precedential decision. The Board denied the appeal and affirmed the Office of the General Counsel's decision to dismiss the charge.
2639-E	<i>Mark Bradley v. Public Employees Union Local 1</i>	Charging Party, a former employee of the Contra Costa Community College District, appealed the dismissal of his unfair practice charge. Charging Party's unfair practice charge alleged that his union breached its duty of fair representation by declining to file a grievance on his behalf, and failing to intervene when he was placed on medical leave and terminated. The Office of the General Counsel dismissed the charge for failure to state a prima facie case.	Non-precedential decision. The Board adopted the dismissal, as the alleged unfair practice failed to state sufficient facts to establish a prima facie case.

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
2640-S	<i>Zane Thomas v. Service Employees International Union Local 1000</i>	The Office of the General Counsel dismissed the charge, which alleged that an exclusive representative violated its duty of fair representation by failing to adequately represent him in his dealings with his employer.	Non-precedential decision. The Board denied the appeal and affirmed the Office of the General Counsel's decision to dismiss the charge.
2641-M	<i>SEIU Local 1021 v. County of San Joaquin</i>	Charging Party Service Employees International Union, Local 1021 (SEIU) excepted to a proposed decision dismissing its unfair practice charge. SEIU's unfair practice charge alleged that the County: (1) unilaterally changed working conditions; and (2) processed in bad faith SEIU's grievance challenging the alleged changes to working conditions. The Office of the General Counsel dismissed the charge for failure to state a prima facie case.	Non-Precedential decision. The Board adopted the dismissal, as the unfair practice charge failed to state sufficient facts to establish a prima facie case.
2642-M	<i>Sacramento Area Fire Fighters, Local 522 & Jed Kircher v. City of Sacramento</i>	Charging parties Sacramento Area Fire Fighters, Local 522 and Jed Kircher, appealed from an ALJ's proposed decision dismissing unfair practice complaint. The complaint alleged that the City violated by MMBA by discriminating and retaliating against Kircher, a former union official, as well as by interfering with his employee rights and the union's employee organization rights. Charging parties appealed the ALJ's dismissal of its retaliation claims, but did not file exceptions to the ALJ's dismissal of the interference claims.	Precedential decision. The Board affirmed the dismissal of the complaint, albeit on different ground than the ALJ. With respect to the retaliation claims, the Board found that charging parties did not establish a nexus between Kircher's protected activity and the adverse actions.

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
2643-E	<i>Youlanda Williams v. California School Employees Association</i>	Charging party excepted to a proposed remedy. The ALJ dismissed allegations that CSEA breached its duty of fair representation by not filing a grievance on her behalf but ruled in her favor based on CSEA's subsequent failure to provide her with the reason for not filing the grievance. The proposed decision included an order that CSEA provide charging party with a written explanation of its reasons for not pursuing her requested grievance.	Precedential decision. The Board affirmed the proposed remedy, dismissing charging party's claim that she was entitled to monetary "make whole" remedies as a prevailing party. Charging party did not except to the ALJ's determination that her grievance lacked merit. Thus, there was no basis for the Board to provide monetary relief.

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
2644-E	<i>Rebecca Dawn Wu v. Twin Rivers United Educators</i>	Charging party alleged that her exclusive representative violated its duty of fair representation in failing to represent her in her claim against her school district employer, whom she asserted had misclassified her as a substitute teacher. PERB's Office of the General Counsel (OGC) dismissed the charge, concluding that an exclusive representative only owes a duty of fair representation to members of the bargaining unit it represents and, in this case, substitute teachers, including charging party, were not members of the bargaining unit. Charging party appealed OGC's dismissal, which included, for the first time, new evidence she argued supported the allegations in her charge, as well as new allegations of unlawful conduct by her exclusive representative.	Non-Precedential decision. The Board denied the appeal and adopted the dismissal. Charging party did not establish good cause to justify consideration of the new evidence and allegations on appeal.

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
2645-H	<i>Maurice Webb v. Trustees of the California State University</i>	Charging party appealed PERB's Office of the General Counsel's decision to dismiss his unfair practice charge. OGC found that charging party's allegations were time-barred or were otherwise insufficient to establish any violation of the Higher Education Employer-Employee Relations Act.	Non-Precedential decision. The Board denied the appeal, and affirmed the dismissal, for failure to address the substance of OGC's dismissal under PERB Regulation 32635. The Board further rejected charging party's argument that OGC improperly declined to consider documents he submitted in support of his charge. Because charging party never provided written proof of service of these documents on CSU, as required under PERB Regulation 32140, OGC properly declined to consider them.

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
2646-H	<i>UPTE-CWA Local 9119 v. Regents of the University of California</i>	On a stipulated record, a two-Member panel of the Board concluded that the University violated HEERA by refusing to recognize and bargain with UPTE, the certified exclusive representative of Systems Administrators. This was a technical refusal to bargain case where the University admitted the allegations of the complaint as part of its effort to challenge the underlying unit modification decision, <i>Regents of the University of California</i> (2017) PERB Order No. Ad-453-H.	Precedential decision. The Board found that the University had failed and refused to bargain as alleged in the complaint.
2647-E	<i>United Teachers Los Angeles v. Los Angeles Unified School District</i>	The Board affirmed a proposed decision finding that the District retaliated against a union leader when it displaced him from his longtime teaching position after converting Crenshaw High School to a magnet school. Additionally, the Board agreed with the proposed decision's conclusion that the union failed to establish discriminatory motivation as to the District's decision to displace eight other teachers.	Precedential decision. The Board denied all exceptions and affirmed the proposed decision's recommended order.

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
2648-M	<i>Arcadia Police Civilian Employees Association, et al., v. City of Arcadia</i>	Union excepted to a proposed decision finding that City neither unlawfully interfered with protected rights nor violated its duty to meet and confer in good faith.	<p>Precedential decision. The Board dismissed many of the allegations against the City but reversed the ALJ as to four allegations, finding the City violated the MMBA and PERB Regulations when it offered an incentive for the Association's Vice President to oust the Association's President, invited a former Association leader to participate in a bargaining meeting without notifying the</p> <p>Association's official representatives, unilaterally imposed ground rules in advance of bargaining, and made an "exploding" offer without adequate justification.</p>

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
2649-E	<i>Brian Crowell v. Berkeley Federation of Teachers, Local 1078</i>	Charging Party Brian Crowell (Crowell), an employee of Berkeley Unified School District, alleged that the Berkeley Federation of Teachers Association, Local 1078 breached its duty of fair representation. PERB's Office of the General Counsel (OGC) dismissed the charge for failing to state a prima facie case. Crowell timely appealed OGC's dismissal.	Non-precedential. In a non-precedential decision issued pursuant to PERB Regulation 32320, subdivision d, the Board adopted the warning and dismissal letters as the decision of the Board itself and affirmed the dismissal of the unfair practice charge.
2650-P	<i>San Joaquin Regional Transit District and Amalgamated Transit Union, Local 276</i>	Transit union excepted to a proposed decision issued by a hearing officer appointed by the State Mediation and Conciliation Service. Dispute involves transit union's Petition for Clarification (Petition) seeking to accrete an unrepresented classification at the transit district into the district's single, broad bargaining unit.	Precedential decision. The Board reversed the proposed decision and granted the transit union's Petition, accreting the classification into the existing unit.
2651-E	<i>Robert Stolk v. Mt. San Jacinto Community College District</i>	The Board affirmed a proposed decision dismissing a complaint alleging that the District retaliated against charging party because he raised safety concerns.	Precedential decision. The Board denied the charging party's request.

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
2652-E	<i>United Faculty of Contra Costa Community College District v. Contra Costa Community College District</i>	Community College District (District) excepted to a proposed decision finding that District violated its duty to meet and confer in good faith when it refused to provide faculty association with copies of written discrimination complaints against two faculty members in advance their investigatory interviews.	Precedential decision. Although an employer may not implement categorical policies preventing disclosure of written discrimination complaints or denying requests related to extra-contractual disciplinary meetings or proceedings, the Board nonetheless reversed the proposed decision. The Board held that a union has a right to sufficient information regarding alleged wrongdoing to enable a union representative to represent an employee in a meaningful manner during an investigatory interview, but the union does not obtain the right to an underlying written complaint until after the initial investigatory interview.

ADMINISTRATIVE DETERMINATIONS*

*Administrative Determinations decided by the Board itself are **Precedential Decisions**.

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
Ad-467-E	<i>Valerie Trahan v. Berkeley Unified School District</i>	In this compliance proceed, the Board affirmed the administrative determination requiring the District to restore e-mail privileges to the charging party, a substitute teacher who successfully litigated her unfair practice charge against the District.	The Board affirmed the administrative determination and ordered the District to restore the charging party's e-mail privileges.
Ad-468-E	<i>American Indian Model Schools and Group of Employees and Teachers of American Indian Model Schools, CTA/NEA</i>	The Office of the General Counsel (OGC) dismissed a decertification petition after determining that it was not accompanied by sufficient proof of support, i.e., 30 percent of the employees in the unit, as required under PERB Regulation 32770, subdivision (b)(1). Petitioners, a group of employees, appealed this determination, contending that they were prepared to cure the defects in the proof of support and requesting that PERB order an election. After filing their appeal, Petitioners filed a new decertification petition. OGC processed that second petition and ordered an election. As such, the appeal became moot since there was no available additional relief.	The Board affirmed the dismissal of the petition, concluding that the appeal was moot because an intervening petition seeking election was granted. (See <i>Fontana Unified School District</i> (1988) PERB Order No. Ad-169.)

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
Ad-469-M	<i>Service Employees International Union, Local 721 v. County of Riverside</i>	A respondent with pending cases in front of two ALJs moved to disqualify any ALJs, Board agents, or the Board itself from deciding the cases, due to the Board's decision to seek injunctive relief against the respondent. The ALJs denied the motions, and the respondent requested special permission to appeal.	The Board granted permission to appeal the denial of the motions, but denied the appeals on the merits.
Ad-470-E	<i>Children of Promise Preparatory Academy and Group of Employees and Inglewood Teachers Association</i>	The Academy appealed an administrative determination by PERB's Office of the General Counsel, dismissing a group of Academy employees' petition to decertify the Association as their bargaining unit's exclusive representative. OGC found that the Academy's unfair practices, proven in <i>Children of Promise Preparatory Academy</i> (2018) PERB Decision No. 2558, would likely affect employee free choice in an election and thus influence its outcome.	The Board adopted OGC's administrative determination, finding that the Academy did not present facts sufficient to overcome the likelihood that its unlawful conduct would affect voter choice in an upcoming election.
Ad-471-E	<i>New Haven Teachers Association v. New Haven Unified School District</i>	The Board's appeals office rejected an appeal of an ALJ's order dismissing an unfair practice complaint for failure to prosecute, because the individual who filed the appeal was not a party to the case.	The Board affirmed the appeal's office's determination rejecting the appeal.

Ad-472-E	<p><i>St. HOPE Public Schools v. Sacramento City Teachers Association</i></p>	<p>In a majority decision, the Board reversed the Office of the General Counsel's (OGC) administrative determination dismissing a request for recognition filed by Petitioner Sacramento City Teachers Association (SCTA), granted the request, and certified SCTA as the exclusive representative of a unit of certificated teachers at St. HOPE Public Schools (St. HOPE). In 2017, St. HOPE's approximately 96 regular classroom teachers began organizing with SCTA and their efforts culminated in the filing of a Request on April 28, 2017. SCTA indicated that a majority of employees in the proposed bargaining unit supported the Request. The proposed unit was defined as "[a]ll certificated employees and classroom teachers within the meaning of Education Code 47605(1)" employed by St. HOPE, but excluding "[a]ll management, supervisory, day[-]to[-]day substitutes, classified, and confidential employees within the meaning of [EERA] section 3540.1." In its administrative determination, OGC concluded that the proposed unit was inappropriate under <i>Peralta Community College District</i> (1978) PERB Decision No. 77 (<i>Peralta</i>), because it excluded day-to-day substitutes. The Board majority reversed, concluding that SCTA had rebutted the <i>Peralta</i> presumption that a certificated unit must include all certificated teachers and substitutes. Specifically, the Board found that day-to-day substitutes shared a weak community of interest with regular teachers because more than half worked zero days in the previous school year. Additionally, the Board found that the extent of organization strongly favored the proposed unit because regular teachers had organized themselves into a cohesive, readily identifiable bargaining unit. Dissenting, Member Shiners agreed with the analysis of OGC's administrative determination and would have dismissed the Request for Recognition based on SCTA's failure to include all substitute teachers.</p>	<p>The Board granted the Request for Recognition and certified SCTA as the exclusive representative of the proposed bargaining unit.</p>
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DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
Ad-473-E	<i>Inglewood Teachers Association v. Children of Promise Preparatory Academy</i>	The Board affirmed the Office of General Counsel's administrative determination concluding that COPPA failed to comply with the remedial order in <i>Children of Promise Preparatory Academy</i> (2018) PERB Decision No. 2558 because it refused to provide the Inglewood Teachers Association (ITA) with the home address and telephone number of all bargaining unit employees who had not filed an objection to the disclosure of such information prior to the date of the Board's decision on March 27, 2018.	The Board denied COPPA's appeal and affirmed the administrative determination.

JUDICIAL REVIEW DECISIONS*

*Requests for Judicial Review decided by the Board itself are **Precedential Decisions**.

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
JR-29-E	<i>St. HOPE Public Schools and Sacramento City Teachers Association</i>	A public charter school in Sacramento, St. HOPE Public Schools, requested that PERB join its effort to seek judicial review of PERB's prior decision in this matter, which turned on PERB's interpretation of <i>Peralta Community College District</i> (1978) PERB Decision No. 77 (Peralta) and its decision to grant a petition for recognition that excluded certain substitute teachers. EERA section 3542, subdivision (a) makes PERB unit determinations immune from judicial review except when, in response to a petition for judicial review from an employer or employee organization, the Board agrees that the case is one of "special importance" and joins in the request for review; or when the issue is raised as a defense to an unfair practice complaint.	The Board denied the request to seek judicial review, concluding that the case was not one of special importance because it turned on the unique facts presented and was not likely to recur.

INJUNCTIVE RELIEF DECISIONS*

*Injunctive Relief Decisions decided by the Board itself are **Precedential Decisions**.

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
IR-60-C	<i>San Mateo County Superior Court v. Service Employees International Union Local 521</i>	On October 9, 2018, San Mateo County Superior Court (Employer) filed a request for injunctive relief in response to a notice from SEIU Local 521 (SEIU) that it was calling a strike beginning on October 15, 2018. The Employer asked PERB to file suit in superior court and seek an injunction requiring SEIU to exclude from the strike a number of positions Employer claimed are essential to public health or safety.	The Board granted the Employer's request, in part, as to five essential positions, with the understanding that PERB would not seek an injunction if SEIU agreed that those five positions would not participate in the strike. The Board explained its reasons for granting the Employer's request in this conditional manner.

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
IR-61-M	<i>County of San Mateo v. American Federation of State, County and Municipal Employees, Local 829</i>	In response to union's notice of a two-day strike, County filed unfair practice charge alleging the planned strike violated the union's duty to bargain in good faith because: (1) the union was threatening to strike prematurely; and (2) the threatened strike included employees whose absence from work would imminently and substantially threaten public health or public safety. County amended its charge and sought injunctive relief a second time after parties reached agreements in 10 of 11 bargaining units, and strike in remaining unit was re-noticed for a future date.	Board granted in part and denied in part the County's first injunctive relief request, and denied the County's second request. County's requests to enjoin strikes entirely denied; PERB found no reasonable cause to believe that a rebuttable presumption against pre-impasse strikes applied to either of the noticed strikes. PERB granted requests for injunctive relief as to those positions PERB preliminarily found to be essential.