

Public Employment Relations Board



2017-18 ANNUAL REPORT



October 15, 2018

Edmund G. Brown, Jr., Governor
State of California

PUBLIC EMPLOYMENT RELATIONS BOARD

2017-2018 ANNUAL REPORT

October 15, 2018



Board Members

MARK C. GREGERSEN
ERIC R. BANKS
PRISCILLA S. WINSLOW
ERICH W. SHINERS
ARTHUR A. KRANTZ

TABLE OF CONTENTS

LETTER FROM THE BOARD	1
OVERVIEW	3
Statutory Authority and Jurisdiction	3
Purpose and Functions	
The Board	4
Major Functions	7
LEGISLATION AND RULEMAKING	14
CASE DISPOSTIONS	15
Unfair Practice Charge Processing	15
Dispute Resolutions and Settlements	17
Administrative Adjudication	19
Board Decisions	20
Litigation and Representation Activity	21
Mediation/Factfinding/Arbitration	22
Compliance and State Mediation and Conciliation Service Division	23
APPENDICES	25
History of PERB's Statutory Authority and Jurisdiction	26
Key Staff	28
PERB's Organization	31
Unfair Practice Charge (UPC) Statistics	32
Representation Case Activity 2017-18	33
Elections Conducted: 7/1/2017 to 6/30/2018	34
Litigation Case Activity	35
Decisions of the Board	54

PUBLIC EMPLOYMENT RELATIONS BOARD

Board Office
103118th Street
Sacramento, CA 95811-4124
Telephone: (916) 323-8000
Fax: (916) 327-7960



October 15, 2018

Dear Members of the State Legislature and fellow Californians:

On behalf of the Public Employment Relations Board (PERB), we are pleased to submit our 2017-2018 Annual Report. PERB is committed to conducting all agency activities with transparency and accountability. This Report describes PERB's statutory authority, jurisdiction, purpose and duties. The Report further describes case dispositions and other achievements for the Board's divisions, including results of litigation.

The eight public sector collective bargaining statutes administered by PERB guarantee the right of public employees to organize, bargain collectively, and participate in the activities of employee organizations, or to refrain from such activities. The statutory schemes protect public employees, employee organizations and employers alike from unfair practices, with PERB providing the impartial forum for the settlement and resolution of their disputes.

Statistical highlights during the 2017-2018 fiscal year include:

- 690 unfair practice charges filed
- 110 representation petitions filed
- 152 mediation requests filed pursuant to the Educational Employment Relations Act (EERA), Higher Education Employer-Employee Relations Act (HEERA), and Ralph C. Dills Act
- 33 EERA/HEERA factfinding requests approved
- 37 Meyers-Milias-Brown Act factfinding requests approved
- 190 unfair practice charges withdrawn/settled prior to formal hearing
- 228 days of informal settlement conferences conducted by regional attorneys
- 72 formal hearings completed by administrative law judges
- 69 proposed decisions issued by administrative law judges
- 485 cases filed with State Mediation and Conciliation Service
- 61 decisions issued and 25 injunctive relief requests decided by the Board

This fiscal year brought changes to the composition of the Board. On February 27, 2018 Governor Brown appointed Erich W. Shiners and Arthur A. Krantz to the vacant positions on the Board. On that same day, the Governor reappointed Priscilla S. Winslow. Chair Mark Gregersen resigned from the Board on June 14, 2018 to pursue other opportunities. The remaining members of the Board are carrying out the responsibilities of the Chair until this vacancy is filled.

We relocated our Los Angeles Regional Office to a new building in Glendale, California. The move was necessary to be fully compliant with the Americans with Disabilities Act. Our new

October 15, 2018

Page Two

office is less than a mile from the prior location and has expanded hearing rooms and meeting space to accommodate the needs of PERB's busiest regional office.

Over the course of its existence, the Board has acquired jurisdiction over two million public sector workers and their associated caseloads. Over the years resources to hire the necessary staff have not kept pace with this growth and have resulted, in part, in a backlog in processing cases. In April 2017, under the leadership of Chair Gregersen, the Board approved a Case Processing Efficiency Initiative to generate ideas on improving and streamlining the processing of cases. We engaged constituents and our staff in our Los Angeles, San Francisco and Sacramento regional offices to discuss what changes the Board could consider to more efficiently process our workload. Preliminary results of these meetings were tabulated and presented for public comments in March 2018. On June 14, 2018, the Board met in open session to consider the final recommended report and vote on changes to enact. Implementation has begun on low or no-cost items with others to be implemented as resources become available. It is important to note that this initiative was established to supplement, not supplant, PERB's ongoing need for resources to effectively meet our statutory and regulatory obligations. We have also started the process to replace our outdated case tracking system with a more efficient platform that will provide a web-based portal for constituents to improve access to information.

We are pleased that the 2018-2019 budget signed by Governor Brown included an additional \$1.4 million in ongoing funding for an Executive Director and additional attorneys at the Board itself, the Division of Administrative Law, and the Office of the General Counsel. We are in the process of hiring for these positions to decrease the backlog and bring a more timely resolution to disputes at all levels of the agency. Currently, we are undergoing a voluntary mission-based review by the Department of Finance and look forward to the information we will receive.

We invite you to explore the Report for more detailed information about PERB's 2017 -2018 activities and case dispositions. Also enclosed is a summary of all Board decisions describing the myriad issues the Board addressed 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

Priscilla S. Winslow
Member

Erich W. Shiners
Member

Arthur A. Krantz
Member

OVERVIEW

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.

The history of PERB’s statutory authority and jurisdiction is in the Appendices, beginning on page 26.

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 2017-2018 decisions is provided in the Appendices, beginning on page 54.

Leadership within PERB is provided by the Board and key staff, including legal advisors and administrators. Biographies for the five Board members who served in Fiscal Year 2017-18 are included below. Biographies for legal advisors and administrators begin on page 28 of the Appendices, followed by an organization chart.

- Mark C. Gregersen was appointed to the Board by Governor Edmund G. Brown on February 6, 2015 and was subsequently appointed Chair in March 2017. Mr. Gregersen's career in public sector labor relations spans over 35 years. Prior to his appointment, Mr. Gregersen was a principal consultant at Renne Sloan Holtzman Sakai LLP. He has also served as director of labor and work force strategy for the City of Sacramento and director of human resources for a number of California cities and counties. He has held similar positions for local government in the states of Nevada and Wisconsin. Mr. Gregersen has also served as an assistant county manager for the County of Washoe in Nevada.

Mr. Gregersen received a Bachelor's degree in business administration from the University of Wisconsin-Madison, and received a Master of Business Administration degree from the University of Wisconsin-Oshkosh.

He resigned from the Board June 2018.

- 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's 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. on February 1, 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.

Ms. Winslow is a member of the Labor & Employment Law Section of the State Bar of California and served as Chair of that section in 2000-2001. She is also a member of the American Constitution Society. 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 expires 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.

Mr. Krantz is a pro bono asylum attorney and an Executive Committee Member of the Labor & Employment Law Section of the California Lawyers Association (formerly the State Bar of California). He is a frequent presenter at conferences and has contributed to numerous publications. Mr. Krantz has mentored many public interest attorneys and stakeholders in labor-management relations. He also has served as a lecturer and practitioner-adviser at UC Berkeley School of Law.

Mr. Krantz received his B.A. from Yale University and his J.D. from NYU School of Law, where he was a Root Tilden Public Interest Scholar. As a student, Mr. Krantz worked in his college dining hall and was a shop steward for UNITE HERE Local 35, as well as a member of the union's contract negotiating committee. 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.

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; 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 the PECC 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.

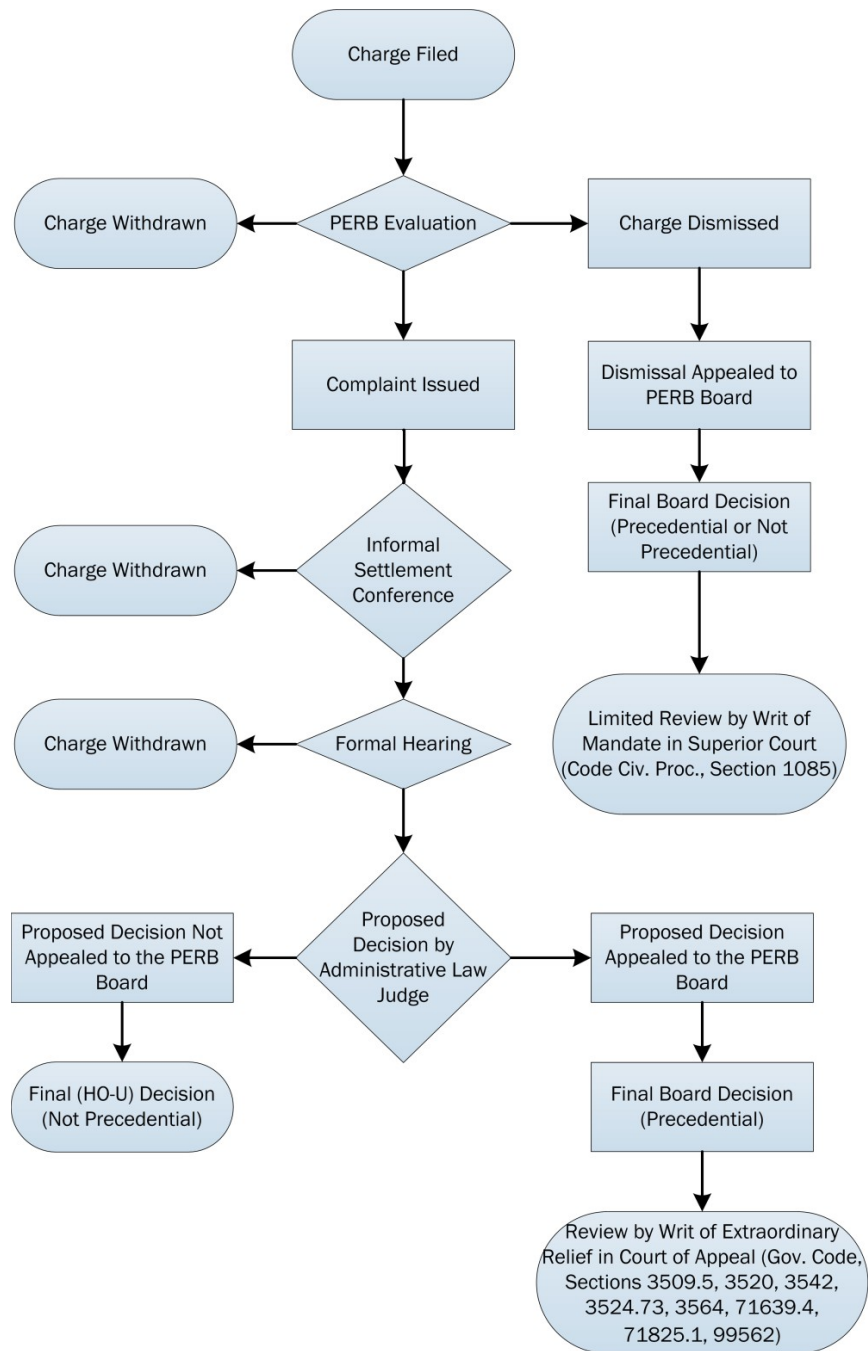
If the Board agent determines that a charge, in whole or in part, states a prima facie case of a violation, a formal complaint is issued. The respondent may file an answer to the complaint.

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.

The following provides a graphic overview of the UPC process.

UNFAIR PRACTICE CHARGE PROCESS



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, a 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 the Public Employment Relations Board (PERB) are not to be confused by those provided by PERB's Office of the General Counsel (OGC). 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.

Chargeable 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 ACTIVITIES

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 AND RULEMAKING

LEGISLATION

In the 2017-2018 fiscal year, the Legislature enacted two bills that affect PERB.

On October 15, 2017, Governor Brown signed Assembly Bill 83 (AB 83) (Chapter 835, Statutes of 2017), which establishes the Judicial Council Employer-Employee Relations Act (JCEERA). JCEERA allows specified employees of the Judicial Council to form unions and collectively bargain with their employer. The Legislature's enactment of JCEERA increases to eight the number of labor relations statutes under PERB's jurisdiction.

On June 27, 2018, Governor Brown signed Senate Bill 866 (SB 866) (Chapter 53, Statutes of 2018), which enacted the following changes:

- Extends to job applicants the prohibition on public employers from deterring or discouraging union membership.
- Extends the prohibition of discouraging union membership to non-MMBA public transit agencies (i.e., to transit districts under the Public Utilities Code).
- Requires that public employers meet and confer with unions before sending a "mass communication" to public employees or applicants that concerns "public employees' rights to join or support an employee organization, or to refrain from joining or supporting an employee organization..."
- Requires that the date, time, and location of new employee orientations be kept confidential.
- Sets forth uniform procedures for employees, unions, and public employers to terminate union dues deductions from employee paychecks.

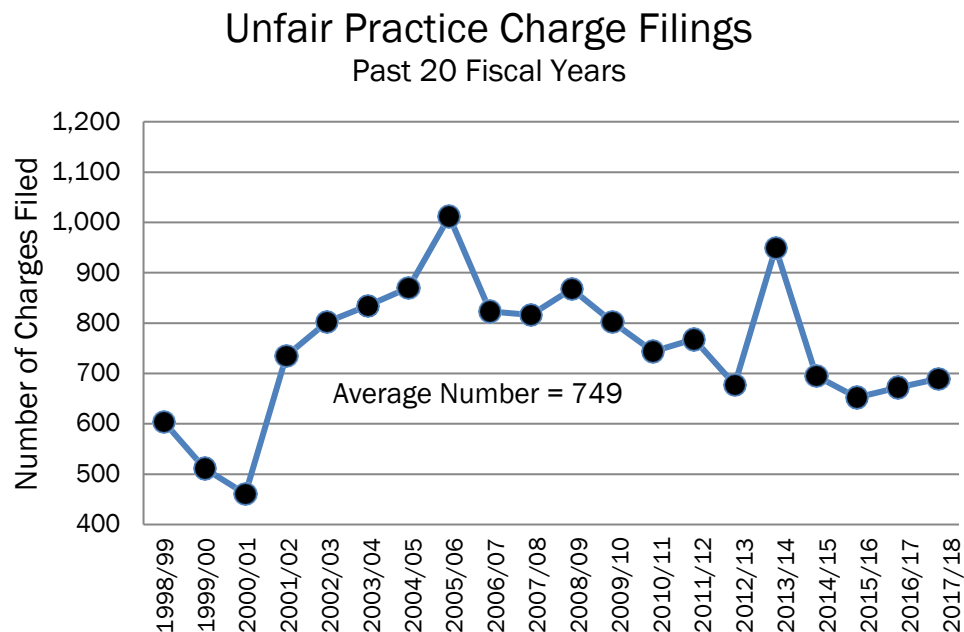
RULEMAKING

In response to the Legislature's repeal of the In Home Support Service Employer-Employee Relations Act (IHSSEERA), PERB repealed the regulations it had promulgated to administer IHSSEERA, and amended others to remove all references to the Act.

CASE DISPOSITIONS

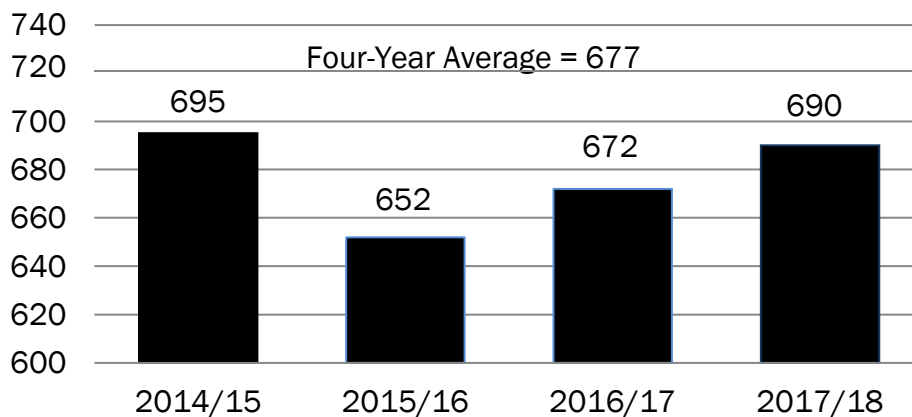
UNFAIR PRACTICE CHARGE FILING

The number of unfair practice charges (UPC) filed with PERB has remained high as a result of various statutory expansions to PERB's jurisdiction over the last two decades. In Fiscal Year 2017-2018, 690 new charges were filed with PERB. UPC filings over the past 20 years are shown below, which includes the following adjustments: in Fiscal Year 2001-02, 935 UPC filing 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.



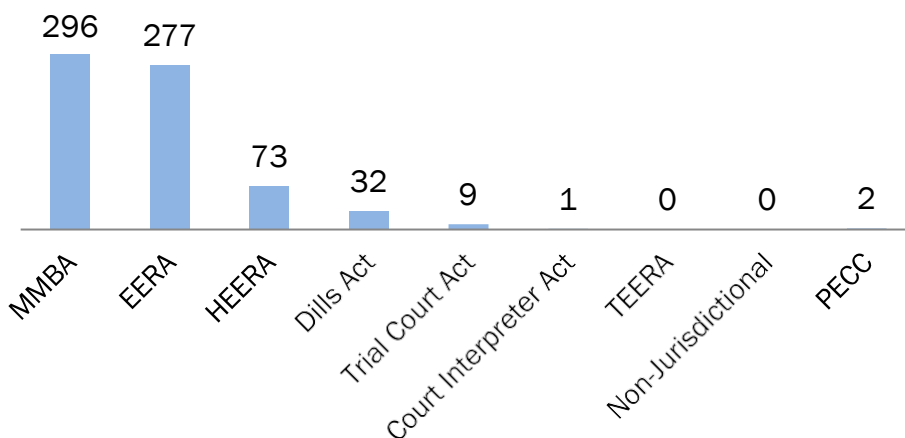
The following graph focuses on UPC filings for the past four years, which averaged 677 annually. This represents a drop of 72 from the 20-year annual average of 749.

Unfair Practice Charge Filings Past 4 Fiscal Years



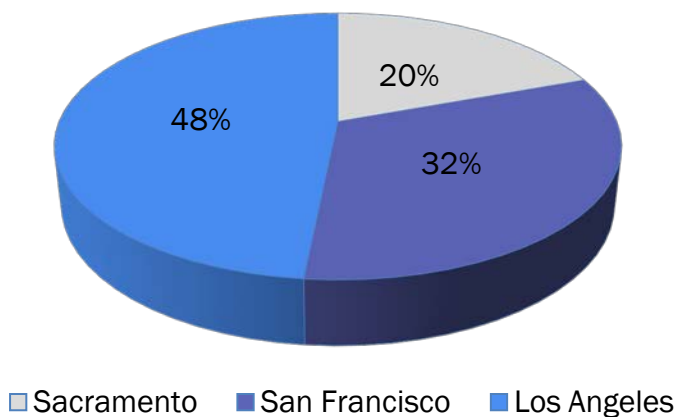
Of the 690 UPC filings in FY 2017-18, wide variation existed in the numbers filed under the various statutory acts and violations of the PECC.

Unfair Practice Charges by Statutory Authority Fiscal Year 2017-18



Regionally, of the 690 UPC filings for Fiscal Year 2017-18, the Los Angeles regional office accounted for almost half (334), the San Francisco regional office for nearly a third (222) and the Sacramento regional office for about one out of five (134).

Unfair Practice Charge Filings by Region
Fiscal Year 2017-18



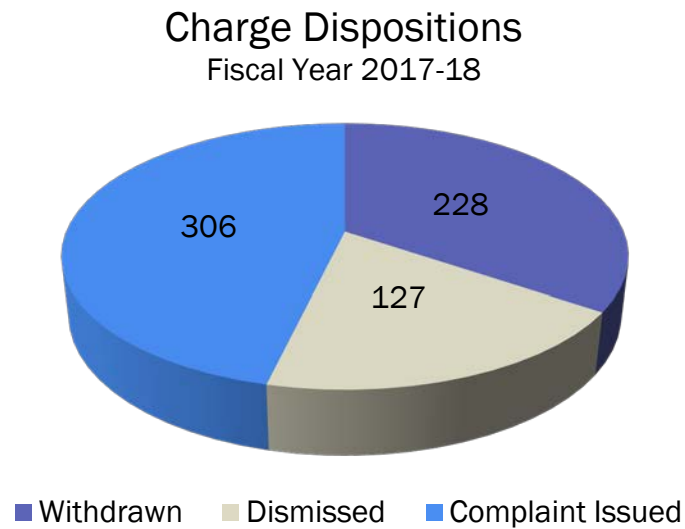
Additional UPC statistics are provided on page 32 of the Appendices.

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 this step of the process in Fiscal Year 2017-2018, 228 cases (about 34 percent of 661 completed charge investigations) were withdrawn, many through informal resolution by the parties. PERB staff also conducted 228 days of settlement conferences for cases in which a complaint was issued.

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 involved to look for solutions to problems. As the efforts of 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 this commitment to voluntary dispute resolution.

Overall, of the 661 charge dispositions in Fiscal Year 2017-18, 306 (46 percent) had complaints issued, 228 had charges withdrawn and 127 were dismissed.



The following table provides regional detail for the 661 UPC dispositions. Half of the dispositions were from Los Angeles, 29 percent from San Francisco and 21 percent from Sacramento.

Dispositions of UPC Filings by Region				
Fiscal Year 2017-18	Withdrawn	Dismissed	Complaint Issued	Total
Sacramento	45	25	68	138
San Francisco	73	33	87	193
Los Angeles	110	69	151	330
TOTAL	228	127	306	661

ADMINISTRATIVE ADJUDICATION

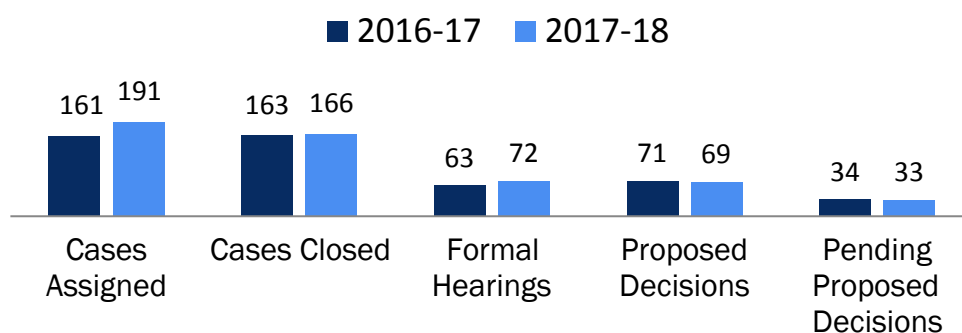
Complaints that are not resolved through mediation are sent to the Division of Administrative Law (Division) for an evidentiary hearing (formal hearing) before an Administrative Law Judge (ALJ).

In Fiscal Year 2017-2018, the Division had eight ALJs conducting formal hearings and writing proposed decisions. The ALJs' production of proposed decisions issued in Fiscal Year 2017-2018 (69 proposed decisions) was slightly down from Fiscal Year 2016-2017 (71 proposed decisions). The average time it took to issue a proposed decision in Fiscal Year 2017-2018 was 133 days.

The number of formal hearings completed for Fiscal Year 2017-2018 (72 completed hearings) increased from Fiscal Year 2016-2017 (63 completed hearings). The Division's highest number of formal hearings completed was in Fiscal Year 2013-2014 (89 completed hearings). In Fiscal Year 2017-2018, the division ended with 33 pending proposed decisions to write. In Fiscal Year 2016-2017, the division ended with 34 pending proposed decisions to write.

The total number of cases assigned in Fiscal Year 2017-2018 was 191 cases, while the ALJs closed 166 cases. During Fiscal Year 2016-2017, the total number of cases assigned was 161 cases, while the ALJ's closed a total of 163 cases. The increase in the number of hearing assignments can be attributed to the Office of General Counsel being able to fill its vacant attorney positions during Fiscal Year 2017-2018.

Administrative Adjudication Activity

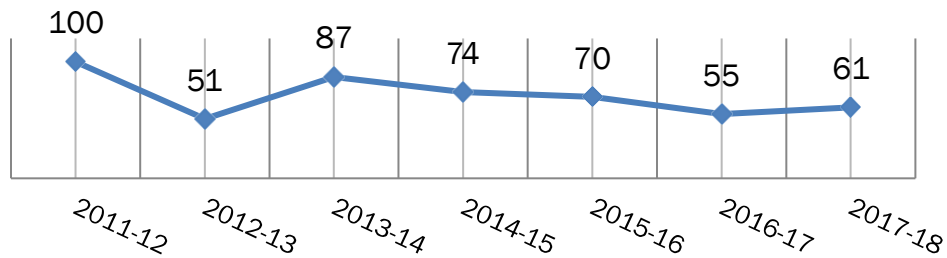


Over the last prior four fiscal years, the regional distribution of the caseload has been focused primarily in the PERB Los Angeles regional office, which comprised approximately 50 percent of all PERB unfair practice formal hearings. However, in Fiscal Year 2017-2018, the Sacramento Office's hearing activity increased in its percentage of hearing activity from the prior immediate fiscal year (23 percent) to approximately 34 percent.

BOARD DECISIONS

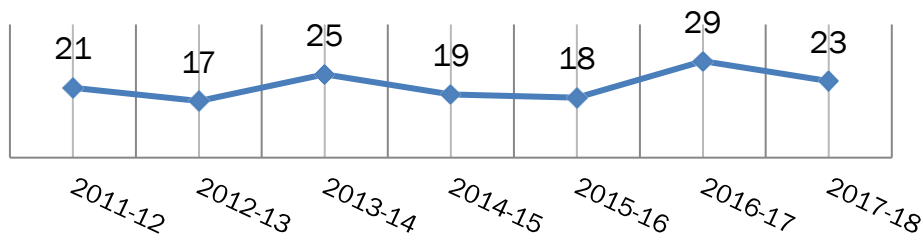
Proposed decisions issued by Board agents may be appealed to the Board itself. During Fiscal Year 2017-2018, the Board issued 61 decisions as compared to 55 during the 2016-2017 fiscal year and an average of 71 over the past seven years.

Board Decisions Issued
Fiscal Years 2011-12 to 2017-18



The Board also considered 25 requests for injunctive relief in Fiscal Year 2017-18, compared to 29 in Fiscal Year 2016-2017. Injunctive relief requests filed over the past seven fiscal years and investigated by the General Counsel are shown below and averaged 22 over the seven-year period.

Injunctive Relief Requests Filed
Fiscal Years 2011-12 to 2017-18

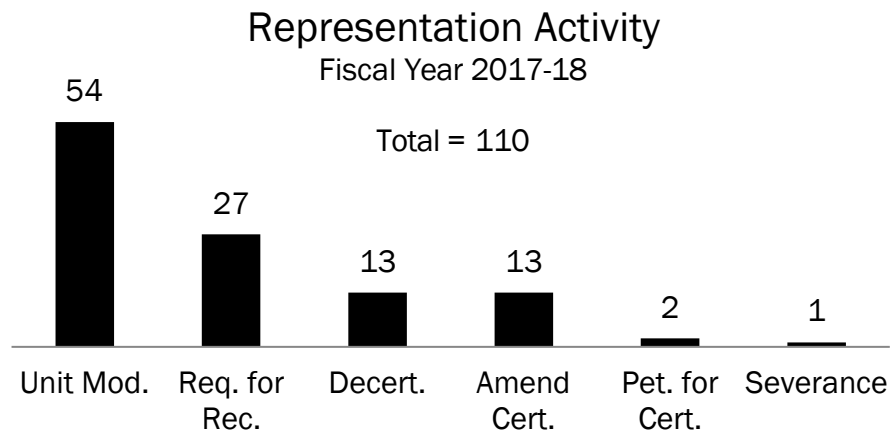


LITIGATION

PERB's litigation projects¹ decreased in Fiscal Year 2017-2018. Specifically, PERB attorneys completed 74 litigation-related assignments (compared to 103 litigation projects last fiscal year). In addition, the number of active litigation cases in Fiscal Year 2017-18 remained high. A total of 25 litigation cases, including new and continuing matters, were handled during the 2017-2018 fiscal year (compared to 36 last year, and 37 the year before). A summary of these cases is included in the Appendices, beginning on page 35.

REPRESENTATION ACTIVITY

For Fiscal Year 2017-2018, 110 new representation petitions were filed, compared to 120 in the prior fiscal year. As shown below, the Fiscal Year 2017-2018 total includes 54 unit modification petitions, 27 recognition petitions, 13 decertification petitions, 13 requests for amendment of certification, 2 petitions for certification, and 1 severance request.



¹ PERB's court litigation primarily involves: (1) injunctive relief requests to immediately stop unlawful actions at the superior court level; (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.

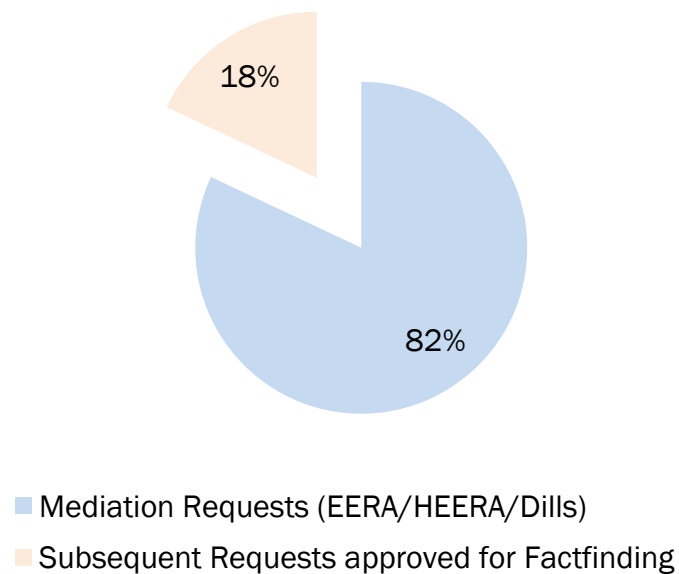
Election activity decreased slightly, with 6 elections conducted by PERB in Fiscal Year 2017-2018, compared to 9 elections in the prior fiscal year. Of the 6 elections conducted, 5 were for decertification elections and 1 for Fair Share Fee Rescission. More than 200 employees were eligible to participate in these elections, in bargaining units ranging in size from 16 to 51 employees.

Statistics on representation activity are provided on page 33 of the Appendices. Additional information on elections conducted during Fiscal Year 2017-18 is available on page 34 of the Appendices.

MEDIATION/FACTFINDING/ARBITRATION

During Fiscal Year 2017-2018, PERB received 152 mediation requests under EERA/HEERA/Dills. The number of mediation requests under EERA/HEERA decreased from the prior year (182 such requests were filed in Fiscal Year 2016-2017). Subsequently, 33 of those impasse cases (18 percent) were approved for factfinding.

EERA/HEERA/Dills Act
Mediation and Factfinding
Fiscal Year 2017-18



During this same period of time, 42 factfinding requests were filed under the MMBA. Of those requests, 37 were approved. The number of factfinding requests under the MMBA increased from the prior year (41 such requests were filed in Fiscal Year 2016-2017).

COMPLIANCE

PERB staff commenced compliance proceedings regarding 23 unfair practice cases, in which a final decision resulted in a finding of a violation of the applicable statute. This is a decrease in activity over the prior year (31 compliance proceedings were initiated in 2016-2017).

STATE MEDIATION AND CONCILIATION SERVICE DIVISION

SMCS had two vacant mediator positions for the full Fiscal Year 2017-2018. Additionally, one full-time staff converted to half-time, and one transferred-out at the end of May, effectively leaving 3.5 vacancies. The recruitment for Conciliators (mediators) was converted to be “open continuous” in an effort to improve the ability to conduct the examination more expeditiously. The office support position was upgraded on a limited-term basis from Office Technician to Staff Services Analyst, to upgrade the level of support being provided to the division, and aid in recruitment and retention. The fiscal year mediation caseload continued to be relatively low due to the strong economy, but did not transfer to workload improvements due to the vacancies.

SMCS received a total of 485 new cases between July 1, 2017 and June 30, 2018, and closed 626. The tables below provide information on those closed cases:

CONTRACT IMPASSES	
EERA/HEERA	113
MMBA	70
TRANSIT	4
STATE TRIAL COURTS	6
STATE OF CALIFORNIA	2
LOS ANGELES CITY/COUNTY	3

GRIEVANCES AND DISCIPLINARY APPEALS	
EERA/HEERA	184
MMBA	89
TRANSIT	1
STATE TRIAL COURTS	2
LOS ANGELES CITY/COUNTY	10
PRIVATE SECTOR (PUC, OTHER SMCS-SPECIFIED	73

OTHER	
REPRESENTATION AND ELECTION CASES	34
WORKPLACE CONFLICT OR TRAINING/FACILITATION ASSIGNMENTS	26
MISCELLANEOUS CASES RELATED TO EDUCATION, OUTREACH, AND INTERNAL MEDIATION OR PROGRAM ADMINISTRATION PROJECTS.	9

SMCS also processed 339 requests for lists of arbitrators from its panel of independent arbitrators.

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.

In fiscal year 2017-18, over two million² public sector employees and about 4782, 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: 820,000 work for California's public education system from pre-kindergarten through and including the community college level; 248,000 work for the State of California; 415,000 work for the University of California, California State University, and Hastings College of Law; and 1,200,000 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.

² Source: Office of the State Controller.

KEY STAFF

LEGAL ADVISORS

- Scott Miller was appointed as Legal Advisor to Board Member Eric R. Banks in May 2013. Mr. Miller is a 2007 graduate of the University of California, Los Angeles School of Law's Public Interest Law and Policy Program and, from 2008-2013, practiced labor and employment law as an associate attorney at Gilbert & Sackman. He holds a Bachelor of Arts in English literature and a Masters in history from Kansas State University.
- Katharine M. Nyman was appointed as Legal Advisor to Member Mark C. Gregersen in June 2015. Previously, Ms. Nyman served as Regional Attorney in the Office of the General Counsel at PERB, where she worked from 2007 to 2015. Ms. Nyman received her Juris Doctor from the University of the Pacific (UOP), McGeorge School of Law, and received a Bachelor of Science degree in Environmental Design from the University of California, Davis.
- Joseph Eckhart was appointed as Legal Advisor to Member Priscilla S. Winslow in April 2017. Prior to his appointment, Mr. Eckhart had served as a Regional Attorney in PERB's Office of the General Counsel since 2012, where he was responsible for investigating unfair practice charges and representation matters, conducting settlement conferences, and defending the Board's decisions in court.

Mr. Eckhart received a Bachelor of Arts in Political Science from the University of California, San Diego and a Juris Doctor from the University of California, Hastings College of the Law, from which he graduated Order of the Coif. While in law school, Mr. Eckhart served as a Senior Production Editor on the Hastings Law Journal and externed for the Honorable Claudia Wilken of the United States District Court for the Northern District of California.

- Erik M. Cuadros was appointed as Legal Advisor to Board Member Erich W. Shiners in May 2018. Prior to his appointment, Mr. Cuadros practiced labor and employment law as an associate attorney at Liebert Cassidy Whitmore, where, from 2013 to 2018, he represented public sector and non-profit employers in litigation, arbitration, and negotiations. During law school, he held an internship at the UC Davis Civil Rights Clinic and served as a judicial extern for the Honorable Sheila K. Oberto of the United States District Court for the Eastern District of California. Mr. Cuadros holds a Bachelor of Arts in Political Science and Philosophy from California State University, Fresno, where he graduated Magna Cum Laude, and a Juris Doctor degree from University of California, Davis School of Law.

ADMINISTRATIVE LEADERSHIP

- 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 U.C. 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. Nearly half of those years were spent in the line organizations of electric and water utilities, and in facilities maintenance and operations. The amount of labor relations work involved in those positions lead to her full transition into human resources. She has several years of experience as chief negotiator in labor negotiations and advocacy on both sides of the

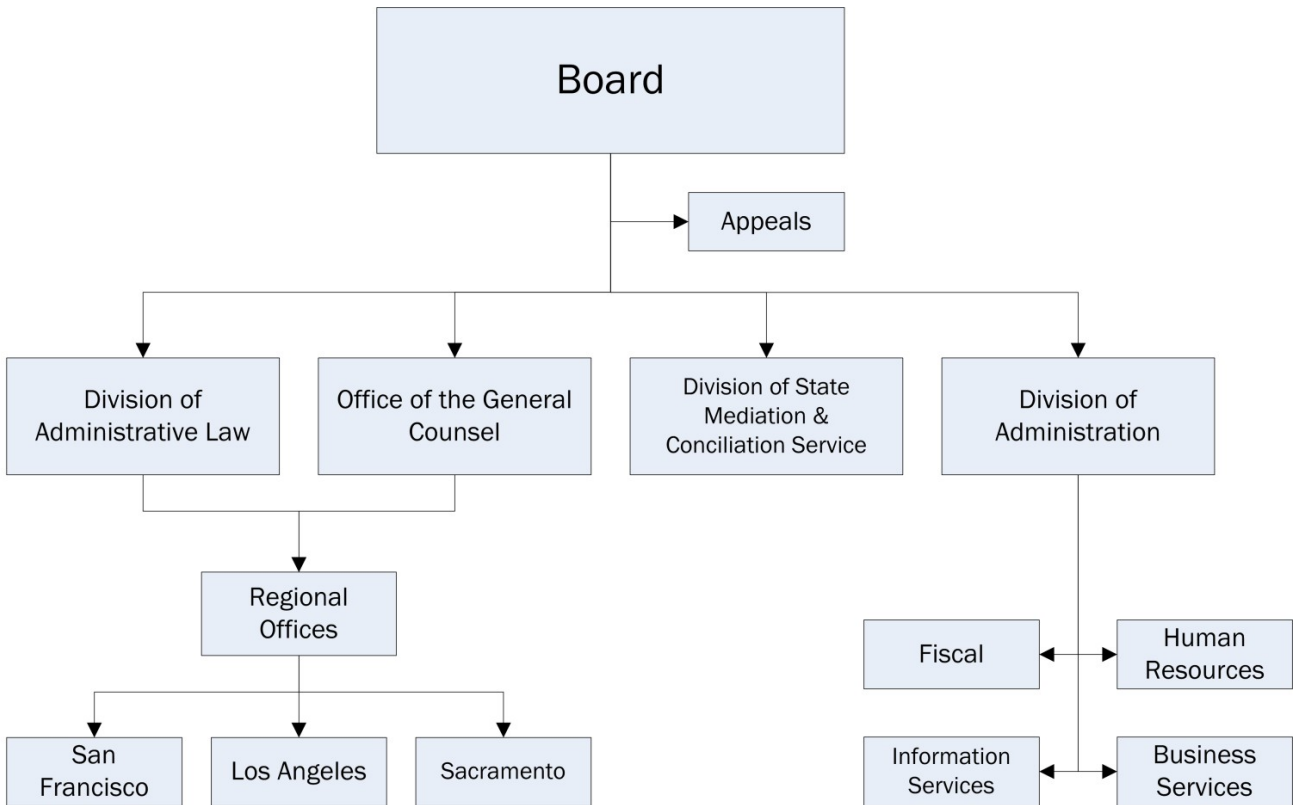
table. Most of her professional working life has also involved providing workplace training in conflict management, interest-based bargaining (including the “hybrid” version), employee performance management, the basics of collective bargaining and statutory compliance requirements. She also facilitates 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 as its Chief Administrative Officer. Her primary responsibilities include providing leadership, under the direction of the Board itself, in areas of strategic planning, policy development and implementation, as well as communications with State’s control agencies to ensure the Board’s fiscal, technology, human resources, procurement, facilities, and security and safety programs remain compliant with current requirements.

Prior to assuming her current role, Ms. Aguayo spent over 20 years managing various administrative offices and programs within State agencies. Beginning her career at the State Personnel Board, she recently served as the Chief Administrative Officer for the Department of Water Resources’ State Water Project Operations. This position included oversight of administrative services for over 1,100 employees and several multi-million dollar contracts.

Ms. Aguayo holds a Bachelor of Arts 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 in January 2014 obtained her certification as a Senior Professional in Human Resources.

PERB'S ORGANIZATION



July 2018

UNFAIR PRACTICE CHARGE (UPC) STATISTICS

FISCAL YEAR 2017-18

I. 2017-2018 by Region

Region	Total
Sacramento	134
San Francisco	222
Los Angeles	334
Total	690

II. 2017-2018 by Act

Act	Total
Dills Act	32
EERA	277
HEERA	73
MMBA	296
TEERA	0
Trial Court Act	9
Court Interpreter Act	1
PECC	2
Non-Jurisdictional	0
Total	690

III. Prior Year Workload Comparison: Charges Filed

	2014/2015	2015/2016	2016/2017	2017/2018	4-Year Average
Total	695	652	672	690	677

IV. Dispositions by Region

	Charge Withdrawal	Charge Dismissed	Complaint Issued	Total
Sacramento	45	25	68	138
San Francisco	73	33	87	193
Los Angeles	110	69	151	330
Total	228	127	306	661

REPRESENTATION CASE ACTIVITY

FISCAL YEAR 2017-2018

I. Case Filings

Case Type	Filed
Request for Recognition	27
Severance	1
Petition for Certification	2
Decertification	13
Amended Certification	13
Unit Modification	54
Organizational Security	1
Arbitration	0
Mediation Requests (EERA/HEERA/Dills)	152
Factfinding Requests (EERA/HEERA)	33
Factfinding Requests (MMBA)	42
Factfinding Approved (MMBA)	37
Compliance	25
Totals	400

II. Prior Year Workload Comparison: Cases Filed

	2014-2015	2015-2016	2016-2017	2017-2018	4-Year Average
Fiscal Year	361	392	447	400	400

III. Elections Conducted

Amendment of Certification	0
Decertification	5
Fair Share Fee Reinstatement	0
Fair Share Fee/Agency Fee Rescission	1
Representation	0
Severance	0
Unit Modification	0
Total	6

ELECTIONS CONDUCTED

FISCAL YEAR 2017-18

CASE #	EMPLOYER	UNIT TYPE	WINNER	UNIT SIZE
DECERTIFICATION				
1	YUCAIPA VALLEY WATER	General	IBEW, Local 1436	42
2	LONG BEACH TRANSIT	General Supervisory	AFSCME	51
3	COMPTON USD	School Police Officers/Corporals	American Federation of Teachers	16
4	IMAGINE SCHOOLS AT IMPERIAL VALLEY	All Certificated Less Other Group	No Representation	35
5	PLANDADA ESD	School Police Officers	American Federation of Teachers	30
FAIR SHARE FEE RESCISSION				
1	CITY OF SAN PABLO			31
TOTAL = 6				

LITIGATION CASE ACTIVITY

FISCAL YEAR 2017-2018

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; and*

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, 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: (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? On May 19, 2017, the Boling Group filed a Petition for Review to contest the Fourth Appellate District's denial of their request for attorneys' fees. On May 22, 2017, PERB and the Unions filed their Petitions for Review asking that the California Supreme Court to overturn the decision issued by the Fourth Appellate District. The Court assigned all three petitions the same case number. On June 8, 2017, PERB filed its Answer to the Boling Petition for Review. As to PERB's Petition for Review, the Boling Group filed their Answer on June 8, 2017, and the City filed its Answer on June 9, 2017. PERB and the RPI Unions filed their respective Replies to Boling and the City's Answers on June 16, 2017. As to the Boling Group's Petition for Review, the Boling Group filed their Reply to PERB's Answer on June 16, 2017. On July 26, 2017, the Court granted PERB's Petition for Review, as well as the Petition for Review filed by the Unions. PERB's Opening Brief was originally due on August 25, 2017. On July 31, 2017, however, PERB filed a request for an extension of time to file its Opening Brief by September 8, 2017. The Court granted PERB's EOT request. On August 1, 2017, PERB filed a Certificate of Interested Parties or Persons. On August 23, 2017, the Unions filed their Opening Brief. PERB filed its Opening Brief on September 7, 2017. On September 15, 2017, both the Boling Group and the City filed applications for extension of time to file their respective Answers. On September 21, 2017, the Court granted the applications, and the Answers are due on October 10, 2017. The Boling Group and the City, on September 15, 2017, also filed applications to file combined and oversized Answers. On October 11, 2017, the Boling Group and the City filed their respective Answer Briefs on the Merits. On October 30, 2017, PERB and the Unions filed their respective Reply Briefs on the Merits. On November 20, 2017, an amicus brief was received from Pacific Legal Foundation, Howard Jarvis Taxpayers Association, and National Tax Limitation Committee. On November 27, 2017, an amicus brief was received from the Orange

LITIGATION CASE ACTIVITY

FISCAL YEAR 2017-2018

County Attorneys Association. On November 28, 2017, the Supreme Court granted the application of Pacific Legal Foundation, Howard Jarvis Taxpayers Association and National Tax Limitation Committee and filed their Amicus Brief. On November 30, 2017, an amicus brief was received from SEIU, California State Council. On December 1, 2017, amicus briefs were received from: San Diego Police Officers Association; IBEW, Local 1245, IFPTE, Local 21, Operating Engineers, Local 3 and Marin Association of Public Employees; and International Association of Fire Fighters. On December 4, 2017, an amicus brief was received from San Diego Taxpayers Educational Foundation. On December 15, 2017, RPI Union filed a Joint Answer to the Amicus Brief filed by Pacific Legal Foundation, Howard Jarvis Taxpayers Association, and National Tax Limitation Committee in Support of City of San Diego. On December 29, 2017, amicus briefs were filed by the following: Orange County Attorneys Association; Service Employees International Union, California State Council; International Federation of Professional and Technical Employees Local 21, Operating Engineers Local Union No. 3, Marin Association of Public Employees, and International Brotherhood of Electrical Workers Local 1245; San Diego Police Officers Association; International Association of Fire Fighters; San Diego Taxpayers Educational Foundation; League of California Cities, California State Association of Counties, and International Municipal Lawyers Association. PERB filed its Combined Answer to the Amicus Briefs on January 25, 2018, and between December 2017 and January 2018, Amicus Answers were also filed by RPI Unions, City of San Diego and Boling Group. Oral argument was heard by the Supreme Court on May 29, 2018. On August 2, 2018, the Supreme Court reversed the Fourth Appellate District by holding that the City of San Diego had violated the MMBA by refusing to meet and confer with the City's exclusive representatives prior to supporting a 2012 citizens' initiative to abolish its employees' pension system. In the Opinion, the Court reaffirmed that California courts must give deference to PERB's interpretations of the labor relations statutes under the Board's jurisdiction, such as Government Code section 3505. Similarly, the Court reiterated that "findings of the board with respect to questions of fact, including ultimate facts, if supported by substantial evidence on the record considered as whole, shall be conclusive."

2. *CAL FIRE Local 2881 v. PERB; (State of California [State Personnel Board])*, July 19, 2016, California Court of Appeal, Third Appellate District, Case No. C082532; PERB Decision No. 2317a-S [PERB Case No. SA-CE-1896-S]. Issue: Whether the Sacramento Superior Court erred in denying CAL FIRE's [Second] Petition for Writ of Mandate. CAL FIRE argued before PERB that the SPB had a duty to bargain with the Union prior to revising its disciplinary regulations. The court denied CAL FIRE's writ and found that there is a reasonable basis on which PERB could find SPB does not have a duty to bargain with the Union - namely, if SPB was acting in its capacity as a "regulator" when it changed its disciplinary regulations; PERB's decision was not "clearly erroneous." Previously, CAL FIRE had filed its [First] Petition for Writ Mandate, and the court granted the petition and

LITIGATION CASE ACTIVITY

FISCAL YEAR 2017-2018

ordered PERB to set aside its decision and issue a new decision because PERB erred in finding no duty to bargain because, to violate the “meet and confer” requirement of section 3519 of the Dills Act, the “state” must be acting in its role as an “employer” or “appointing authority.” Local 2881 filed with the trial court a Notice of Appeal and Appellant’s Notice Designating Record on Appeal on July 19, 2016. The Third DCA lodged the Notice of Appeal on July 25, 2016. After all parties submitted mediation statements, the Third DCA issued a letter on August 22, 2016, stating the appeal was not selected for mediation, all proceedings in the appeal are to recommence as if the notice of appeal had been filed on August 22, 2016, all parties are directed to proceed with procurement of the record and then upon timely filing of the record, file briefs in compliance with the CRC. The Administrative Record was deemed filed on January 10, 2017. The Appellant’s Opening Brief was filed on April 21, 2017. PERB’s Respondent’s Brief was filed on May 18, 2017. CAL FIRE filed its Reply Brief on June 8, 2017. On August 24, 2017, the Court issued a letter inviting requests for oral argument. All parties requested oral argument, which occurred on December 12, 2017. On January 26, 2018, the Court affirmed the judgment in an unpublished opinion. On February 26, 2018, the Court of Appeal issued an order certifying its opinion for partial publication. This case is now closed.

3. *PERB v. Alliance College-Ready Public Charter Schools, et al. (United Teachers Los Angeles)*, October 23, 2015, Los Angeles Sup. Ct. Case No. BC 598881; IR Request No. 686 [PERB Case Nos. LA-CE-6025, LA-CE-6027, LA-CE-6061, LA-CE-6073]. Issue: At the ex parte hearing, the court held that a temporary restraining order (TRO) and Order to Show Cause (OSC) should issue and place certain limitations on Alliance’s conduct pending a decision on PERB’s Complaint for Injunctive Relief. The court also required that Alliance provide notice of the Order to its certificated employees. On October 23, 2015, PERB filed its Complaint for Injunctive Relief and supporting papers against Alliance College-Ready Public Charter Schools, and its individual schools. On October 27, 2015, PERB filed its ex parte papers and served Alliance. Alliance filed papers opposing PERB’s Ex Parte Application and UTLA’s Motion to Intervene. During oral argument, the court granted UTLA’s Request to Intervene over Alliance’s objection. The court then granted PERB’s Application for a TRO but on terms difficult from those in PERB’s Proposed Order. The court also set a hearing date on the Complaint (Nov. 17) and deadlines for Alliance’s Opposition (Nov. 9) and any Replies (Nov. 12). Following oral argument the court ruled verbally on each item and directed the parties to prepare a revised Proposed Order in accordance with the ruling. After counsel for the parties were unable to reach agreement on three provisions in the Proposed Order, they filed a joint Proposed Order with the court that contained alternative language provisions. The court edited and signed the Proposed Order granting the TRO and issuing an OSC on October 29, 2015. On November 6, Alliance filed a notice of demurrer and demurrer on behalf of its parent organizations (Alliance College-Ready Public Schools and Alliance College-Ready Public Schools Facilities Corporation) and the individual schools named in PERB’s injunction papers. In its

LITIGATION CASE ACTIVITY

FISCAL YEAR 2017-2018

demurrer, Alliance argued that PERB lacks jurisdiction because Alliance's parent organizations and the individual schools are subject to the NLRB's jurisdiction, not PERB's, and are also not "public school employers" under EERA. On November 16, Alliance filed its opposition papers to the PI, along with a request for judicial notice and evidentiary objections. Alliance filed a peremptory challenge under Code of Civil Procedure, section 170.6 as to Judge Gregory Keosian on November 17. On November 18, PERB and UTLA each filed opposition papers to Alliance's demurrer. On November 20, the case was reassigned to a new judge. On November 23, PERB and UTLA each filed replies to Alliance's opposition to the PI. On November 24, Alliance filed its Reply Brief in support of its demurrer and also withdrew its demurrer only as to its 27 schools. The PI was held on December 3 where the court issued a tentative decision granting in part PERB's Application for a Preliminary Injunction. During oral argument on PERB's Application, the court modified the tentative decision and directed the parties to prepare an order in accordance with his directives. The parties were able to agree on the language of a joint Proposed Order granting the preliminary injunction, and filed their stipulated order on December 9. On December 10, PERB agreed to a 15-day extension for Alliance to file their answers to PERB's complaint. On December 18, PERB granted a second extension making Alliance' answers due on January 19, 2016. On or about December 31, PERB and UTLA agreed to a 60-day extension for the Alliance to file their answers, in exchange for Alliance taking their January 28, 2016 Demurrer hearing off calendar. On January 21, 2016, the parties filed a Joint Status Conference Statement with the Court, in which PERB took the position that Alliance should answer the Complaint and it took the position that no answer should be required and the entire matter should be stayed. The Court subsequently vacated the Status Conference that was scheduled for January 28, 2016, and set a combined Trial Setting Conference and Status Conference for March 22, 2016. On March 21, 2016, counsel for Alliance served PERB with an Answer on behalf of all of Alliance's Charter Schools. Alliance did not serve or file an Answer on behalf of Alliance's non-school entities. At the combined Trial Setting Conference and Status Conference on March 22, 2016, the court issued a verbal order that stayed the case with one exception. The exception to the stay allows either party to file an application or motion to modify, enforce, or dissolve the preliminary injunction. The court also scheduled a Further Status Conference for June 22, 2016. On June 17, 2016, the Parties filed a Joint Status Conference Statement and Stipulated Request to Continue the June 22, 2016, Status Conference. The Status Conference was not removed from the calendar and PERB attended the Status Conference on June 22, 2016. The court set a Further Status Conference for October 7, 2016. At the Status Conference, Judge Feuer set a Further Status Conference for October 7, 2016. All three parties entered into a stipulation requesting that Hon. Judge Feuer continue the status conference, scheduled for October 7, to January 9, 2017. The order granting continuance of the status conference was signed on October 6, 2016. On December 28, 2016, Alliance filed a Joint Stipulation on behalf of all parties requesting that the status conference scheduled for January 9, 2017,

LITIGATION CASE ACTIVITY

FISCAL YEAR 2017-2018

be continued until April 10, 2017. On January 19, 2017, PERB received a Notice of Order re Continuance of Status Conference to April 10, 2017. On April 10, 2017, the parties attended a status conference. On June 27, 2017, a PERB Administrative Law Judge issued a Proposed Decision in PERB Case Nos. LA-CE-6061-E and LA-CE-6073-E, UTLA v Alliance College-Ready Public Charter Schools, et al. UTLA filed exceptions to that Proposed Decision on August 9, 2017. On August 14, 2017, Alliance filed an Amended Answer. On or about August 16, 2017, the parties filed a Joint Stipulation and Order stipulating that the status conference scheduled for August 22, 2017, should be continued to February 22, 2018. Judge Feuer issued a Minute Order on August 16, 2017, continuing the status conference to February 22, 2018. On October 26, 2017, Alliance provided ex parte notice to PERB and UTLA that it would be filing an ex parte application the next day for clarification of the terms of the Preliminary Injunction. On October 27, 2017, Alliance filed its ex parte application and PERB filed an Opposition. After reviewing the parties' papers in chambers, Judge Feuer denied Alliance's application without hearing. A further Status Conference was calendared for February 22, 2018. On February 15, 2018, the parties filed a Joint Stipulation to continue the February 22, 2018, Status Conference to April 5, 2018. Judge Feuer issued an Order continuing the Status Conference to April 5, 2018. On March 13, 2018, Alliance filed a Motion to Modify the Preliminary Injunction (Motion to Modify) seeking to exclude from the Preliminary Injunction all entities no longer listed as Respondents in the underlying unfair practice charges and to permit enforcement of "generally applicable visitor policies." On March 21, 2018, PERB filed its Opposition to the Motion to Modify. On March 22, 2018, UTLA filed its Opposition to the Motion to Modify. On March 27, 2018, Alliance filed its Reply. On April 5, 2018, the Court issued a tentative decision denying Alliance's motion in its entirety. PERB filed a Notice of Ruling on April 16, 2018. A further status conference took place and the matter was set for a further status conference for September 12, 2018. On July 3, 2018, the Court informed the parties that Judge Robert S. Draper was now assigned to this matter, replacing Judge Gail Feuer.

4. *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)*, January 25, 2016, California Court of Appeal, Fourth Appellate District, Division One, Case No. 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]. 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. On January 25, 2015, the City of San Diego (City) filed its Petition for Writ of

LITIGATION CASE ACTIVITY

FISCAL YEAR 2017-2018

Extraordinary Relief. The Court ordered the Administrative Record to be filed by February 5, 2016. PERB requested a 60-day extension of time to file the Administrative Record, which was subsequently granted to April 5, 2016. On February 2, 2016, PERB filed a motion requesting the dismissal of Boling, Zane and Williams as real parties in interest. On February 4, 2016, the Deputy City Attorneys Association (DCAA) filed a motion to join the dismissal. On February 17, 2016, the City filed an opposition to PERB's motion to dismiss and Boling, Zane & Williams filed a joinder to the City's opposition. On February 19, 2016, PERB filed a reply in support of motion to dismiss. The Administrative Record was filed on April 4, 2015. The City's Opening Brief was filed on May 9, 2016. PERB requested a 45-day extension of time to file the Respondent's Brief and an Application for Leave to File an Oversized Brief. The City filed an Opposition to Application for Extension of Time to File PERB's Brief. Real Parties in Interest Unions (Unions) filed an Application for Leave to File Oversize Brief on May 18, 2016, along with an Application for Extension of time to File Brief of the Unions. On May 23, 2016, the Court granted a 30-day extension of time to file responsive briefs for PERB and the Unions, making their respective briefs due on July 13, 2016, and granted the applications to file oversized briefs. On June 13, 2016, Boling, Zane & Williams filed a Brief in Support of City of San Diego's Petition for Writ of Extraordinary Relief. PERB filed its Respondent's Brief on July 13, 2016, and SDMEA filed its Brief in Opposition to the City's Petition for Writ of Extraordinary Relief. On August 8, 2016, the City filed its Reply Brief. On August 17, 2016, the Court issued a Writ of Review and set a deadline of September 1, 2016, for the parties to request oral argument. On August 24, 2016, PERB and SDMEA filed Requests for Oral Argument. On August 22, 2016, applications to file amicus curiae briefs were filed by: Pacific Legal Foundation, Howard Jarvis Taxpayers Association and National Tax Limitation Committee (in support of the City); San Diego Taxpayers Educational Foundation (in support of the City); League of California Cities (in support of the City); and San Diego Police Officers Association (in support of SDMEA, Deputy City Attorneys Association, AFSCME, AFL-CIO, Local 127 and San Diego City Firefighters, Local 145, IAFF, AFL-CIO). On August 24, 2016, Requests for Oral Argument were filed by PERB and SDMEA, et al. On August 30, 2016, the City and RPI Boling filed Requests for Oral Argument. On October 18, 2016, the Court granted the applications to file amicus curiae briefs filed by San Diego Taxpayers Educational Foundation, the League of California Cities and Pacific Legal foundation, et al. The application to file an amicus curiae brief filed by San Diego Police Officers Association was denied. PERB's Answers to the amicus briefs were filed with the Court on November 7, 2016. Oral Argument was heard on March 17, 2017. On April 11, 2017, the Court issued an opinion annulling PERB's decision, remanding the matter back to PERB with directions to dismiss the complaints and to order any other appropriate relief. On April 25, 2017, PERB filed a Petition for Rehearing. On April 26, 2017, SDMEA filed a Petition for Rehearing. Both petitions for Rehearing were denied on May 1, 2017. On May 19, 2017, PERB and Real Parties in Interest filed their respective Petitions for Review with the California Supreme Court, which were granted on July 26, 2017.

LITIGATION CASE ACTIVITY

FISCAL YEAR 2017-2018

5. *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)*, January 25, 2016, California Court of Appeal, Fourth Appellate District, Division One, Case No. D069626; PERB Decision No. 2464-M [PERB Case No. 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. On January 25, 2015, Boling et al. filed a Petition for Writ of Extraordinary Relief and Exhibits in Support of Petition for Writ of Extraordinary Relief. The Court ordered the Administrative Record to be filed by February 5, 2016. PERB requested a 60-day extension of time to file the Administrative Record which was granted to April 5, 2016. On January 25, 2016, PERB filed a Motion to Dismiss Petition for Lack of Standing; Memorandum of Points and Authorities in Support Thereof; and Declaration of Wendi L. Ross. On February 4, 2016, DCAA filed a joinder to PERB's motion to dismiss. On February 16, 2016, Petitioners filed their opposition to motion to dismiss. On February 17, 2016, the City filed a joinder to petitioner's opposition. On February 17, 2016, PERB filed a reply in support of motion to dismiss. The Administrative Record was filed on April 4, 2015. Boling et al. filed their Opening Brief on May 9, 2016. Boling's Opening Brief was filed on May 9, 2016. On May 12, 2016, PERB requested a 45-day extension of time to file Respondent's Brief. Boling filed a Motion for Judicial Notice and for Leave to Produce Additional Evidence; Declaration of Alena Shamos; and Proposed Order in Support of Opposition to Application for Extension to File Respondent's Brief. On May 19, 2016, PERB filed a Reply in Support of Application for Extension of Time and Opposition to Motion for Judicial Notice and for Leave to Produce Additional Evidence. The RPIs (Unions) filed an Application for Extension of time to File Brief of the Unions. On May 20, 2016, Boling et al. filed an Opposition to the Application for Extension to File Brief by the Unions. On May 23, 2016, the Court granted a 30-day extension of time to file responsive briefs of PERB and the Unions, and denied Boling et al.'s request for judicial notice and for leave to produce additional evidence. On June 13, 2016, the City filed a Joinder to Boling's Opening Brief. On July 12, 2016, PERB filed its Respondent's Brief and Request for Judicial Notice; Declaration of Joseph W. Eckhart, and a [Proposed] Order. SDMEA filed its Brief in Opposition to Petitioners' Petition for Writ of Extraordinary Relief. On August 8, 2016, Boling's Reply Brief was filed. On August 17, 2016, the Court issued an order issuing a Writ of Review. On August 24, 2016, both PERB and SDMEA filed Requests for Oral Argument. On August 31, 2016, the Petitioner filed its Request for Oral Argument. Oral Argument was heard on March 17, 2017. On April 11, 2017, the Court issued an opinion annulling PERB's decision, remanding the matter back to PERB with directions to

LITIGATION CASE ACTIVITY

FISCAL YEAR 2017-2018

dismiss the complaints and to order any other appropriate relief. On April 25, 2017, PERB filed a Petition for Rehearing. On April 26, 2017, SDMEA filed a Petition for Rehearing. Both petitions for Rehearing were denied on May 1, 2017. On May 19, 2017, PERB and Real Parties in Interest filed their respective Petitions for Review with the California Supreme Court, which were granted on July 26, 2017.

6. *PERB v. Bellflower Unified School District (CSEA Chapter 32)*, April 5, 2016, Los Angeles County Superior Court, Case No. BS161585; PERB Decision Nos. 2385 & 2455 [PERB Case Nos. LA-CE-5508 and LA-CE-5784]. Issue: This is a PERB-initiated court action to enforce Board orders in PERB Decision Nos. 2385 and 2455. On April 5, 2016, PERB served Bellflower USD with a Petition for Writ of Mandate and Summons. On April 7, 2016, the Court set a trial setting conference for July 12, 2016. On May 16, 2016, Bellflower USD filed a Notice of Demurrer and Demurrer to Verified Petition for Writ of Mandate and the Memorandum of Points and Authorities. The trial setting conference was moved to August 30, 2016. On August 17, 2016, PERB's Opposition to demurrer was filed with the Superior Court. The hearing on the District's demurrer, and a trial setting conference was held on August 30, 2016, where the Court denied the demurrer. At the trial setting conference, the Court set a briefing schedule on PERB's writ; set a status conference for October 27, 2016, to address any disputes by the parties regarding the certified record; and set an April 18, 2017 hearing on PERB's writ. On October 26, 2016, the parties filed a Joint Status Report and Joint Request to Vacate Status Conference; Order. On October 26, 2016, the Status conference scheduled for October 27, 2016, was removed from the Court's calendar. On November 7, 2016, PERB received Notices of Deposition for Yaron Partovi, Mirna Solis, Ellen Wu and "Person Most Knowledgeable." On December 21, 2016, Notices of and Motions to Quash and for a Protective Order were filed. On December 29, 2016, the parties filed a joint request to stay the trial date and briefing schedule pending the resolution of the motions. The joint request was granted on January 5, 2017, and the Court set a Trial Re-Setting Conference on March 28, 2017. On January 10, 2017, Respondent submitted to PERB a Request for Production of Documents, and Special Interrogatories. On January 12, 2017, Respondent submitted to PERB Notices of Taking Depositions of Ronald Pearson and J. Felix De La Torre, and Request to Produce Documents at Deposition. On February 9, 2017, the parties submitted a Joint Request to Consolidate Law and Motion Hearings Scheduled for March 28, 2017, and April 20, 2017. The Order granting the request was signed on February 9, 2017. The Trial Re-Setting Conference and hearings on the motions were scheduled for April 20, 2017. On March 24, 2017, PERB filed its brief in support of its motion to quash and motions for protective order to prohibit the District's discovery requests. On April 20, 2017, the Court granted PERB's motion to quash deposition notices, and two motions for protective orders for depositions and written discovery that were propounded by the District. The court set the hearing on PERB's writ for enforcement of PERB's orders for December 7, 2017. PERB filed a Memorandum of Points and Authorities In Support of

LITIGATION CASE ACTIVITY

FISCAL YEAR 2017-2018

Petition for Writ of Mandate on October 5, 2017. On November 6, 2017, Respondent filed their Opposition to PERB's Memorandum of Points and Authorities. On November 20, 2017, PERB lodged the Administrative Record and Joint Appendix with the Court, and also filed the Reply to Respondent's Opposition. On December 7, 2017, the Court granted PERB's writ of mandate to enforce two of the Board's orders. On December 14, 2017, PERB lodged with the Court a proposed judgment and a proposed writ of mandate. On January 3, 2018, judgement was entered against BUSD and the writ was executed. On January 18, 2018, PERB served and filed a Notice of Entry of Judgment.

7. *Ivette Rivera v. PERB (EBMUD, AFSCME Local 444)*, June 22, 2016, Alameda County Superior Court, Case No. RG16813608; PERB Decision Nos. 2472-M and 2470-M [PERB Case Nos. SF-CO-349-M, SF-CO-338-M, SF-CE-1208-M]. Issue: Plaintiff alleges that in dismissing the unfair practice charges, PERB violated a constitutional right, exceeded a specific grant of authority, or erroneously construed a statute. On April 28, 2016, Rivera filed a Verified Petition for Writ of Mandamus, Declaratory Relief and Violations of the California Constitution. PERB was not officially served until June 22, 2016. A Case Management Conference was held on June 23, 2016. On July 21, 2016, PERB filed a Demurrer. A hearing on the Demurrer was set for August 17, 2016, but the court continued the hearing to September 9, 2016. A Case Management Conference is also set for September 8, 2016. On September 8, 2016, the Court continued the Case Management Conference to October 27, 2016. The Court overruled PERB's demurrer on September 14, 2016. On October 6, 2016, PERB filed with the Court its Answer to the Verified Petition for Writ of Mandamus. During the October 27th Case Management Conference, the court continued the Case Management Conference to February 9, 2017. On February 9, 2017, the court continued the Case Management Conference to March 30, 2017. On March 29, 2017, PERB, EBMUD, and Rivera filed a joint Stipulation of Parties Regarding Consolidation and Scheduling, and a Proposed Order regarding consolidation and scheduling. On April 3, 2017, the Court issued an order scheduling a hearing on the merits of the writ for January 18, 2018. PERB filed the Administrative Record on June 19, 2017. Also on April 3, 2017, the Court ordered that this case be consolidated with *Ivette Rivera v. PERB*, Case No. RG16843374. PERB filed the Administrative Record on June 19, 2017. According to the Court's scheduling order, Rivera's opening brief was due on October 20, 2017; however she failed to file a brief by that date. PERB filed an opposition brief according to the scheduling order by December 4, 2017. Rivera did not file a reply. Prior to the hearing on January 18, 2018, the parties agreed to stipulate to a request for a continuance of the Case Management Conference (CMC) and the hearing on the merits. On January 18, 2018, the Court rescheduled the CMC and the hearing on the merits to April 25, 2018. Prior to the hearing on April 25, 2018, the parties stipulated to a further continuance of the matter to June. The Court rescheduled the hearing on the merits to June 7, 2018. On June 7, 2018, the Alameda Superior Court issued an order

LITIGATION CASE ACTIVITY

FISCAL YEAR 2017-2018

denying Rivera's writ petitions on the merits. On June 19, 2018, the Court filed PERB's proposed order entering judgment for PERB.

8. *Ivette Rivera v. PERB; East Bay MUD, AFSCME Local 444, December 22, 2016*, Alameda County Case No. RG16843374; [PERB Case No. SF-CE-1227-M]. Issue: Whether the Court should reverse the Board's decision in Case No. 2501-M dismissing Rivera's unfair practice charge for failure to state a prima facie case? Plaintiff's Petition for Writ of Mandate was filed with the Court on December 22, 2017, and served on PERB January 17, 2017. PERB filed its Answer to the petition on February 14, 2017. At the March 21, 2017, Case Management Conference, the court directed the parties to meet and confer on a briefing schedule. PERB, Rivera, and EBMUD reached a stipulation, which was filed with the Court on March 30, 2017. On the same day, the Court issued its Notice of Hearing to inform the parties that the case is set for hearing on January 18, 2018. On April 3, 2017, the Court ordered that this case be consolidated with *Ivette Rivera v. PERB*, Case No. RG16813608. PERB filed the Administrative Record on June 19, 2017. According to the Court's scheduling order, Rivera's opening brief was due on October 20, 2017; however she failed to file a brief by that date. PERB filed an opposition brief according to the scheduling order by December 4, 2017. Rivera did not file a reply. Prior to the hearing on January 18, 2018, the parties agreed to stipulate to a request for a continuance of the Case Management Conference (CMC) and the hearing on the merits. On January 18, 2018, the Court rescheduled the CMC and the hearing on the merits to April 25, 2018. Prior to the hearing on April 25, 2018, the parties stipulated to a further continuance of the matter to June. The Court rescheduled the hearing on the merits to June 7, 2018. On June 7, 2018, the Alameda Superior Court issued an order denying Rivera's writ petitions on the merits. On June 19, 2018, the Court filed PERB's proposed order entering judgment for PERB.
9. *Fresno County Superior Court v. PERB; SEIU Local 521, 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 to wear and display union regalia, solicit employees and distribute materials? Fresno County Superior Court (FCSC) filed a Petition for Extraordinary Relief on March 28, 2017. The Appellate Court issued its Notice to file the administrative record on March 28, 2017, due April 7, 2017. On March 29, 2017, an application for extension of time to file the administrative record by 35 days was requested. The request was granted for 25 days. On May 2, 2017, PERB filed the administrative record. Petitioner's Opening Brief was filed on June 6, 2017. PERB's Respondent's Brief was filed on July 11, 2017. Petitioner filed its Reply Brief on August 14, 2017. The court has scheduled oral argument for September 18, 2018.

LITIGATION CASE ACTIVITY

FISCAL YEAR 2017-2018

10. *Patricia Woods v. Public Employment Relations Board et al.*; April 14, 2017, United States 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 Public Employment Relations Board, Wendi Ross, Eileen Potter and CDCR violated Ms. Woods' federal and state rights under: (1) 42 U.S.C. sections 1981 (Discrimination in contracting); (2) 42 U.S.C. § 1985 (conspiracy to violate civil rights, and § 1986 (failure to prevent conspiracy); (3) breach the contract; and (4) violation of the Ralph C. Dills Act (Dills Act, codified at § 3512 et seq.), based on alleged undisclosed discriminatory conduct by PERB and its employees in adjudicating her unfair practice case that resulted in Board Decision No. 2136? PERB received a copy of the following documents on April 27, 2017: Civil Rights Complaint; Plaintiff's Motion for an Expedited Status Conference Hearing, Settlement Conference and Appointment of a Special Court Master. On May 5, 2017, PERB notified Ms. Woods that her service of process was defective, as she improperly mailed the complaint to PERB, and failed to serve a copy of the Summons. On July 5, 2017, PERB was properly served with the documents. On July 21, 2017, PERB filed a Notice of Motion and Motion to Dismiss. On July 31, 2017, PERB received Woods' first motion for an extension of time to file a response to the Motion to Dismiss. The court continued the hearing on Defendants' motions to dismiss to October 11, 2017. On September 1, 2017, Woods filed a Request for Telephonic Status Conference and Motion Hearings for the October 11, 2017 motion hearing, and the February 21, 2018 status hearing. On September 11, 2017, Woods filed a Motion to Disqualify. A Motion Hearing was set for September 27, 2017, and then continued to October 11, 2017. On September 20, 2017, PERB filed an Opposition to the Motion to Disqualify. On October 11, 2017, PERB orally argued its Motion to Dismiss and responded to Woods' motion to Disqualify and Assessment of sanctions. The Magistrate took both motions under submission. On February 27, 2018, PERB received the Magistrate's "Order and Findings and Recommendations" where the Magistrate recommended that Woods' motion to disqualify be denied, and that PERB's motion to dismiss be granted with prejudice as untimely. On March 3, 2018, Woods filed a motion for an extension of time (EOT) to object to the Magistrate's findings and recommendations. On March 12, 2018, the Court granted Woods' request for an EOT, which provides her until April 19, 2018, to file objections. On April 18, 2018, Woods filed Objections to Findings and Recommendations. PERB filed a Response to the Objections on May 3, 2018.
11. *PERB v. Teamsters Local 2010; Regents of the University of California*, December 23, 2016, Los Angeles County Case No. BC644746; [PERB Case No. LA-CO-548-H]. Issue: Whether the Teamsters strike was unlawful, since it included some essential Public Safety Dispatchers? On December 23, 2016, PERB filed an Ex Parte Application for a TRO. On December 29, 2016, the Teamsters filed an Opposition. On January 5, 2017, the Regents filed an Ex Parte Application for Leave to Intervene, a Complaint in Intervention, Memorandum of Points and Authorities in Support of Complaint in Intervention,

LITIGATION CASE ACTIVITY

FISCAL YEAR 2017-2018

Declaration of T. Yeung in Support of Complaint in intervention, and a Request for Judicial Notice in Support of Complaint in Intervention. On January 5, 2017, the court signed the Order Granting TRO and OSC. On January 5, 2017, the Court signed the order granting the Regent's application for leave to intervene. On January 20, 2017, the Regents filed a Partial Opposition to the Application for Preliminary Injunction, supporting documentation, and a Request to Present Oral Testimony. The Teamsters filed a Reply to the Partial Opposition, other supporting documentation, and an Opposition to Regents' Request for Oral Testimony. On January 27, 2017, the parties attended a preliminary injunction hearing before Judge Hogue. Following oral argument, Judge Hogue issued an Order Granting Preliminary Injunction. On March 17, 2017, the Court scheduled a Case Management Conference and Order to Show Cause Hearing for April 10, 2017. On March 28, 2017, the UC filed a Joint Case Management Statement apprising the Court of the recently reached CBA between UC – Teamsters that, upon ratification, would moot the instant case. The UC also filed a Joint Request to Continue the Case Management Conference and Extend for 90-days the Preliminary Injunction enjoining 21.5 essential employees from striking. Also on March 28, in response to the Court's OSC, PERB re-filed with the Court the Proofs of Service of Summons and Complaint demonstrating personal service by PERB on UC and Teamsters. On March 30, 2017, the Court issued an Order continuing the Case Management Conference and Order to Show Cause Hearing Regarding Proof of Service until July 10, 2017. In the same Order, the Court extended the Preliminary Injunction until July 26, 2017, or until the parties' contract dispute is finally resolved, whichever occurs first, or until further Order of the Court. In or about March or April of 2017, the UC and Teamsters reached a successor memorandum of understanding. On June 23, 2017, PERB filed a Request for Dismissal of the Complaint with the Court. On or about June 23, 2017, the UC also filed a Request for Dismissal with the Court. The Superior Court dismissed the case on July 6, 2017 and the case is now closed at the Superior Court. PERB filed a Notice of Entry of Dismissal with the Superior Court on August 2, 2017. This matter is now closed.

12. *California Department of Human Resources v. PERB; SEIU, Local 1000*, January 3, 2017, Sacramento County Sup. Ct. Case No. 34-2016-00204088; IR Request No. 713 [PERB Case No. SA-CO-495-S]. Issue: Whether the Board, after considering CalHR's request for injunctive relief relating to SEIU Local 1000's strike noticed for December 5, 2016, erred by deciding to seek an injunction applying only to those employees shown to be "essential," rather than applying to the entire strike. CalHR initiated this case as a cross-petition/cross-complaint in PERB's case against SEIU Local 1000, with causes of action for writ of mandate and declaratory relief. Both PERB and SEIU filed timely demurrers. On May 30, 2017, the court issued a minute order sustaining the demurrers to both causes of action. The court granted CalHR leave to amend the declaratory relief cause of action by June 30, 2017. CalHR filed its First Amended Cross-Complaint for Declaratory Relief on June 30, 2017. On July 15, 2017, all parties submitted Case Management Statements for

LITIGATION CASE ACTIVITY

FISCAL YEAR 2017-2018

a July 20, 2017 Case Management Conference. On July 18, 2017, the Court issued a tentative ruling referring the case to the Trial Setting Process. All counsel were to confer and agree upon trial and settlement conference dates. On July 28, 2017, PERB filed a demurrer to the June 30, 2017, Amended Cross-Complaint. On August 1, 2017, SEIU also filed a Notice of Demurrer and Demurrer, as well as a Memo of Points and Authorities in support of the Demurrer, and a Request for Judicial Notice. On August 21, 2017, CalHR sought to file a Second Amended Cross-Complaint in lieu of an Opposition to PERB and SEIU's recent demurrers. On August 22, the Court rejected this new amended complaint because CalHR had not been granted leave to amend. On August 24 and 25 respectively, PERB and SEIU filed information with the Court indicating their belief that it had properly rejected the Second Amended Cross-Complaint, and declaring their intention to appear for the demurrer hearing scheduled for September 1, 2017. On August 31, 2017, the Court agreed to grant CalHR leave to amend its complaint, taking the demurrer hearing off calendar. On September 15, 2017, CalHR filed a Second Amended Cross-Complaint. PERB and SEIU demurred a third time. On January 16, 2018, the Court sustained both demurrers without leave to amend. On January 24, 2018, the Court entered judgment dismissing the cross-complaint with prejudice.

13. *Los Angeles Unified School District v. PERB; United Teachers Los Angeles*, April 5, 2017, California Court of Appeal, Second Appellate District, Division 8, Case No. B281714; PERB Decision No. 2518-E [PERB Case No. LA-CE-5824-E]. Issue: Whether the Board erred in PERB Decision No. 2518 when it affirmed a proposed decision holding that certain subjects are within the scope of representation under EERA? LAUSD filed its Petition for Writ of Extraordinary Relief on April 5, 2017. On April 10, 2017, PERB submitted a request for a 91-day extension of time to file the administrative record. On April 13, 2017, the Court granted a 60-day extension of time. The Administrative Record was filed on June 14, 2017, making LAUSD's Opening Brief due on July 19, 2017. On July 13, 2017, a stipulation was filed extending the due date for the Opening Brief to September 1, 2017. LAUSD filed its opening Brief on September 1, 2017. PERB's Respondent's Brief was filed on October 5, 2017. The RPI Union's Respondent's Brief was filed on October 5, 2017. On October 16, 2017, a stipulation of extension of time was filed, extending the due date for the LAUSD's Reply Brief to November 29, 2017. On November 28, 2017, PERB received LAUSD's Reply Brief. On April 11, 2018, the Court of Appeal issued an order summarily denying LAUSD's Petition. LAUSD filed a Petition for Review with the California Supreme Court on April 23, 2018.
14. *PERB v. Oak Valley Hospital District; United Steel Workers, Local TEMSA 12911*, June 5, 2017, Stanislaus County Sup. Ct. Case No. 2025124; IR Request No. 727; [PERB Case No. SA-CE-1008-M]. Issue: Whether Oak Valley Hospital District is required to recognize the United Steel Workers (USW) and resume collective bargaining? On June 6, 2017, the GC Office appeared ex parte seeking a TRO from the Stanislaus Superior Court. The Court, however, requested supplemental briefing from the parties. PERB and OVHD filed

LITIGATION CASE ACTIVITY

FISCAL YEAR 2017-2018

Supplemental Briefs on June 8, 2017. On June 9, 2017, Judge Freeland issued an Order allowing OVHD to submit supplemental opposition papers by June 15, 2017, with PERB's reply due June 21, 2017. OVHD chose not to submit supplemental opposition papers. PERB filed its Reply to Opposition and Proposed Order on June 20, 2017. The OSC hearing was held on June 28, 2017. The Court granted PERB's request for a preliminary injunction for 150 days. A case management conference set for October 2, 2017, was continued to January 29, 2018. A Stipulation to Extend Preliminary Injunction was submitted to the Court, and the Order was signed by the judge on November 3, 2017. On November 14, 2017, the signed Order was served on the parties. Another stipulation to extend the preliminary injunction to January 29, 2018, was submitted to the Court, and the Order was signed on December 13, 2017. On January 25, 2018, the parties filed a stipulation to extend the PI until the Board issues its final decision in this matter. On January 30, 2018, the Court signed the parties' stipulation and rescheduled the CMC for May 21, 2018. On May 21, 2018, the Court set a Motion to Dismiss for March 8, 2019.

15. *McLeod Larsen v. Public Employment Relations Board; Fairfield-Suisun USD and Fairfield-Suisun*, September 14, 2017, California Court of Appeal, Third Appellate District, Case No. C085516; PERB Decision No. Ad-452 [PERB Case No. SF-SV-129-E] Issue: Whether to sever a unit of Speech-Language Pathologists from the existing certificated bargaining unit that includes classroom teachers and other pupil support services employees. The petition was filed on September 14, 2017. PERB requested and was granted an extension of time to October 16, 2017 to file the administrative record. On October 5, 2017, PERB submitted a Motion to Dismiss the petition, based on the court's lack of subject matter jurisdiction, petitioner's lack of standing, and the Third District being the improper venue. On October 18, 2017, the petitioner submitted an Opposition to PERB's Motion to Dismiss. The administrative record was deemed filed by the Court on October 20, 2017. On October 23, 2017, PERB filed an application to file a Reply to the Opposition to Motion to Dismiss, as well as the Reply. On November 2, 2017, PERB's Motion to Dismiss was granted. This matter is now closed.
16. *Public Employment Relations Board v. Service Employees International Union, Local 721; County of Riverside*, September 1, 2017, Riverside Sup. Ct. Case No. RIC1716450; IR Request No. 733 [PERB Case No. LA-CO-222-M] Issue: Whether SEIU's strike was unlawful since it included essential employees. On September 5, 2017, PERB appeared in the Riverside Superior Court for a hearing on the TRO. The Court granted a TRO enjoining essential employees, based upon PERB's Exhibit A but with some modifications. By stipulation approved on September 18, 2017, the parties agreed to a briefing schedule and continued date for the hearing on Preliminary Injunction to October 23, 2017. On October 10, 2017, SEIU filed its Opposition to PERB's Application for a Preliminary Injunction. On October 10, 2017, SEIU filed a Motion for Sanctions against the County and scheduled a hearing on its motion for November 14, 2017. On October 12, 2017, SEIU filed an ex parte Motion to Shorten Time in an attempt to move up the hearing on its

LITIGATION CASE ACTIVITY

FISCAL YEAR 2017-2018

Motion for Sanctions to October 23, 2017 (the date of the Preliminary Injunction hearing). The Court held an ex parte hearing on October 13, 2017. SEIU's Motion to Shorten Time was granted in part and the Preliminary Injunction hearing was continued to November 14, 2017. On October 31, 2017, the County filed its Opposition to SEIU's Motion for Sanctions. SEIU filed a Motion for a Protective Order on October 31, 2017, and the Court set a hearing on that Motion for February 7, 2018. PERB's Statement of Non-Opposition to SEIU's Motion for Sanctions was filed November 1, 2017. PERB's Reply to SEIU's Opposition to PERB's Application for a Preliminary Injunction was filed on November 6, 2017. On November 14, 2017, the Court held a hearing for a Preliminary Injunction, and denied PERB's Application. That same day, the Court heard oral argument on SEIU's Motion for Sanctions and took the matter under submission. On November 16, 2017, the County filed an "Amendment of Inadvertent Omission from Oral Argument." On November 17, 2017, the Court denied SEIU's Motion for Sanctions. On December 19, 2017, the case was reassigned to the Honorable Judge Randall S. Stamen in Department 7 for law and motion purposes only. Effective January 2, 2018, the case was assigned to Judge Vineyard in Department 1 for all case management hearings and for trial assignment purposes. On January 31, 2018, PERB filed a Request for Dismissal and the clerk entered the dismissal that same day. All scheduled hearings and conferences have been vacated. This matter is now closed.

17. *Public Employment Relations Board v. Service Employees International Union, Local 221; County of San Diego*, September 1, 2017, San Diego County Sup. Ct. Case No. 37-2017-00032446-CU-MC-CTL; IR Request No. 732 [PERB Case No. LA-CO-221-M] Issue: Whether SEIU's strike was unlawful since it included essential employees? On September 6, 2017, the GC Office appeared ex parte seeking a TRO from the San Diego Superior Court. Judge Strauss granted the TRO and approved a stipulated list of essential employees. The deadline for the Union's Answer to PERB's Complaint and the County's Complaint-in-Intervention was extended by stipulation of the parties from October 6, 2017 to October 20, 2017, in contemplation of dismissal pending the approval of a successor MOA by the County Board of Supervisors. An Order to Show Cause was scheduled for December 1, 2017. The San Diego County Board of Supervisors approved a tentative successor MOA on October 10, 2017. SEIU conducted a ratification vote of the Tentative Agreement that was passed. On October 20, 2017, PERB filed a Request for Dismissal with the court. The complaint was dismissed without prejudice on October 31, 2017. A Notice of Entry of Dismissal was served on the parties, and filed with the Court on November 2, 2017. This matter is now closed.
18. *City and County of San Francisco v. Public Employment Relations Board; Transport Workers Union of America Local 250, et al.*, 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

LITIGATION CASE ACTIVITY

FISCAL YEAR 2017-2018

the MMBA. Petitioner filed the Petition for Writ of Extraordinary Relief on November 17, 2017. PERB submitted a Request for Extension of Time to file the Administrative Record by 45 days on November 21, 2017. On November 22, 2017, the Court granted PERB's request. On January 10, 2018, PERB filed the Administrative Record. On February 6, 2018, Petitioner filed a request for extension of time to file the Opening Brief. On February 14, 2018, a 45-day extension of time was granted. On March 21, 2018, the Court granted a further extension of time to file the Opening Brief. The City and County filed its Opening Brief on May 1, 2018. PERB's Respondent's Brief was originally due on June 5, 2018. On May 15, 2018, the Court granted PERB's request for an extension of time to file that brief on July 30, 2018. On July 16, 2017, the Unions moved for an additional extension of time for all respondents to file their briefs. On July 19, 2018, the Court granted this request, and PERB's Response Brief is now due on August 31, 2018.

19. *Bellflower Unified School District v. Public Employment Relations Board; California School Employees Association*, January 12, 2018, California Court of Appeal, Second Appellate District, Division 3, Case No. B287462; PERB Decision No. 2544-E [PERB Case No. LA-CE-5955-E] Issue: Whether the Board correctly concluded that the District violated its duty to meet and negotiate in good faith by laying off bus drivers and contracting out bargaining unit work historically performed by the District's bus drivers, and by failing to respond to requests for necessary and relevant information. On January 17, 2018, PERB filed an application for extension of time to file a certified copy of the record. On January 19, 2018, the Court granted PERB's request and issued an Order directing PERB to file a certified copy of the records, and to serve and file an index of the record, on or before February 21, 2018. On February 16, 2018, PERB filed the Administrative Record. Bellflower's Opening Brief was filed on March 22, 2018. PERB's Respondent's Brief was filed on April 26, 2018. The Petitioner's Reply Brief was filed on May 21, 2018. This matter is fully briefed, awaiting either oral argument or summary denial.
20. *PERB v. Bellflower Unified School District; CSEA Chapter 32*, March 6, 2018, California Court of Appeal, Second Appellate District, Division 3, Los Angeles County Superior Court Case No. B288594 PERB Decision Nos. 2385 & 2455 [PERB Case Nos. LA-CE-5508-E and LA-CE-5784-E] Issue: PERB instituted a superior court action to enforce orders issued by the Board in PERB Decision Nos. 2385 and 2455. On December 7, 2017, the Los Angeles County Superior Court granted PERB's writ of mandate to enforce two of the Board's orders. On December 14, 2017, PERB lodged with the superior court a proposed judgment and a proposed writ of mandate. On January 3, 2018, judgement was entered against BUSD and the writ was executed. On January 18, 2018, PERB served and filed a Notice of Entry of Judgment. Bellflower USD then filed its Notice of Appeal on March 6, 2018, its Notice Designating Record on Appeal on March 19, 2018, and Civil Case Information Statement on March 23, 2018. On May 15, 2018, PERB filed the parties' stipulation designating the contents of the Joint Appendix. Bellflower's Opening Brief was initially due on May 24, 2018. On May 22, 2018, Bellflower filed the parties' stipulation to

LITIGATION CASE ACTIVITY

FISCAL YEAR 2017-2018

a 60-day extension of time for Bellflower to file its Opening Brief. Bellflower's Opening Brief was filed on July 19, 2018, as was the Joint Appendix. PERB's Respondent's Brief is due on August 20, 2018. PERB must also lodge the Administrative Record from the Superior Court action with the Court of Appeal on August 20, 2018.

21. *Julie Barrett v. PERB; UAW Local 2865*, March 13, 2018, California Court of Appeal, First Appellate District, Division 3, Case No. A153828; PERB Decision No. 2550-H [PERB Case No. SF-CO-212-H] Issue: Barrett is challenging 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. Barrett filed a Petition for Writ of Review on March 12, 2018. On March 14, 2018, PERB requested an extension of time to file the administrative record, which was granted on March 22, 2018. The administrative record is now due April 12, 2018. On March 28, 2018, PERB filed a Motion to Dismiss. An Application for Leave to File Exhibits in Excess of 10-pages was contemporaneously filed with the Motion to Dismiss. On April 19, 2018, citing to the absence of jurisdiction that PERB raised in its then pending motion to dismiss, the First Appellate District issued an order summarily denying Barrett's Petition for Writ of Extraordinary Relief. Accordingly, further law and motion was rendered moot. Contemporaneously with the summary denial, the Clerk of the Court closed the case.
22. *Sharon Curcio v. Public Employment Relations Board; Fontana Teachers Association*, 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. Curcio filed a "Petition for Writ of Appeal" (Petition) with the San Bernardino County Superior Court on March 14, 2018. The Petition sought an order from the Court directing the Board to vacate its non-precedential decision in *Fontana Teachers Association* (2018) PERB Decision No. 2551 and to issue a complaint in Unfair Practice Charge Case No. LA-CO-1700-E. The Petition was assigned to the Honorable Keith D. Davis. On April 19, 2018, Curcio filed a "Verified and Amended Writ of Mandamus" (Amended Petition), which names Curcio and the "AnonymousKnowNothings" as Plaintiffs, and the Fontana Teachers Association and the California Teachers Association as Real Parties in Interest. On May 14, 2018, PERB appeared at a Status Hearing on the Petition. On May 17, 2018, PERB filed a Request for Judicial Notice (RJN) and a demurrer to the Amended Petition (Demurrer). On May 31, 2018, Curcio filed an Opposition to the Demurrer. PERB's Reply to the Opposition to Demurrer was filed on June 7, 2018. On June 14, 2018, the Court continued the hearing on PERB's Demurrer and the RJN to July 10, 2018. At the hearing on July 10, 2018, Judge Davis issued an oral tentative decision granting PERB's Demurrer and PERB's Request for Judicial Notice and denying Curcio's Request for Judicial Notice. Judge Davis adopted his tentative decision. The Court ordered that the Status Conference Hearing scheduled for August

LITIGATION CASE ACTIVITY

FISCAL YEAR 2017-2018

16, 2018, be continued to September 10, 2018. The Court also set an Order to Show Cause Hearing directed at Curcio regarding service of the Summons and Complaint on the Fontana Teachers Association for the same date. PERB lodged a Proposed Order and filed supporting documents on July 19, 2018, and is awaiting a signed order. On July 23, 2018, PERB filed a Notice of Hearing regarding the Status Conference Hearing and the Order to Show Cause Hearing.

23. *PERB v. AFSCME Local 3299, UPTC_CWA Local 9119 and California Nurses Association; Regents of the University of California*, May 2, 2018, Sacramento County Sup. Ct. 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. On May 4, 2018, PERB appeared ex parte before the Sacramento County Superior Court seeking a Temporary Restraining Order (TRO) against AFSCME Local 3299, UPTC CWA Local 9119, and California Nurses Association. PERB sought an order to enjoin essential employees represented by the three unions from striking from May 7 to May 10. During the hearing the Court rejected UC’s attempt to seek a broader potential injunction of essential employees, ruling that it would only consider PERB’s request. The Court further found that in order to intervene in this matter UC needed to file a formal noticed motion. The Court then granted a TRO covering the employees identified in PERB’s Exhibit A, and set a hearing on the Preliminary Injunction for May 25, 2018. On May 25, 2018, the Court granted PERB a preliminary injunction to prevent the employees identified by the agency as “essential” from striking. The injunction is to remain effective for 120 day or until the parties reach a new collective bargaining agreement. At this same hearing the Court also permitted UC to intervene in this case, but reaffirmed that UC would not be able to request different injunctive relief than that which PERB had sought.
24. *PERB v. County of Riverside; SEIU Local 721*, May 18, 2018, Riverside County Sup. Ct. Case No. RIC1809250; IR Request No. 749 [PERB Case No. LA-CE-1306-M] Issue: Whether the County should be enjoined from implementing its last, best and final offer, and directed to reinstate three registered nurses fired for their strike activities. On May 2, 2018, the Service Employees International Union, Local 721 (SEIU) filed Unfair Practice Charge Case No. LA-CE-1306-M and a request for injunctive relief (IR Request) with PERB against the County of Riverside (County). SEIU has previously filed numerous charges against the County regarding a variety of alleged unfair practices. The County filed its Opposition to the IR Request on May 4, 2018. PERB issued a Complaint in Case No. LA-CE-1306-M on May 7, 2018. The Board granted SEIU’s IR Request on May 10, 2018. On May 18, 2018, PERB filed a complaint, application for a Temporary Restraining Order and Order to Show Cause Regarding a Preliminary Injunction (TRO and OSC Re Preliminary Injunction), and other supporting papers in Riverside Superior Court. The matter was assigned for law and motion purposes to the Honorable Randall S. Stamen in Department 7 and for case management purposes to the Honorable John W. Vineyard in

LITIGATION CASE ACTIVITY

FISCAL YEAR 2017-2018

Department 1. On May 21, 2018, the County filed an Opposition, evidentiary objections, and supporting declarations. On May 22, 2018, Judge Stamen recused himself. The case was reassigned to Judge Sharon J. Waters in Department 10, who set the TRO hearing for May 24, 2018. Following joint stipulation by the parties, the TRO hearing was continued to May 29, 2018. On May 29, 2018, Judge Waters heard oral argument on PERB's application for a TRO and OSC Re Preliminary Injunction. Judge Waters stated orally at the hearing the Court was granting PERB's Request for a TRO and OSC Re Preliminary Injunction in part. Judge Waters stated during the hearing that she was issuing a TRO prohibiting the County from imposing its Last, Best, and Final Offer and also issuing an Order to Show Cause. On May 29, 2018, Judge Waters signed a stipulated order to allow SEIU to intervene. The County filed a Notice of Ruling on May 31, 2018. PERB lodged a Proposed Order with the Court on June 1, 2018. The County filed its Supplemental Opposition to Motion for Preliminary Injunction on June 13, 2018. PERB filed its Reply is on June 20, 2018. On June 15, 2018, the Court issued its Order Granting TRO and OSC re: Preliminary Injunction. On June 18, 2018, SEIU filed its Opposition to Certain Evidentiary Objections of County of Riverside. On June 20, 2018, PERB filed a Notice of Order Granting TRO & OSC. Also on June 20, 2018, the County filed its Reply to Opposition. On June 29, 2018, the Court held the Hearing on Preliminary Injunction. The preliminary injunction was granted. A case management conference has been calendared for November 14, 2018, in Department 1 before Judge Vineyard.

25. *Georgia Babb, et al. v. Public Employment Relations Board, et al.*, June 27, 2018, US District Court, Central District of California, Case No. 8:18-cv-00994-JVS-DFM Issue: Whether the Court should declare unconstitutional those PERB statutes and regulations that administer the fair share fee rules previously authorized by *Abood v. Detroit Board of Education*, a case recently overturned by *Janus v. AFSCME*; and whether PERB should be enjoined from enforcing those statutes and rules. On June 28, 2018, Plaintiffs served PERB with the First Amended Complaint.

DECISIONS OF THE BOARD

FISCAL YEAR 2017-18

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
2537	<i>Albert Saenz v. Victory Valley Community College District</i>	Charging Party requested that PERB reopen his case to allow the late filing of an amended charge based on an extended vacation, medical procedures and limited means of communication.	Non-Precedential decision. The Board affirmed the Office of the General Counsel's dismissal of Charging Party's unfair practice charge and denied the request for an extension of time on the basis that Charging Party failed to show good cause pursuant to PERB Regulation 32136.
2538	<i>Emma Yvonne Zink v. San Diego Unified School District</i>	The Office of the General Counsel dismissed the charge, which alleged that the District retaliated against the charging party for engaging in protected activity. The charging party appealed.	Precedential decision. The Board affirmed in part and reversed in part. The Board affirmed the dismissal of several of the allegations as untimely. The Board reversed as to an allegation regarding the initiation of an involuntary transfer process, which it concluded was an adverse action. That allegation was remanded for further investigation.

DECISIONS OF THE BOARD

FISCAL YEAR 2017-18

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
2539-M	<i>Santa Clara County Correctional Police Officers Association v. County of Santa Clara</i>	Charging Party alleged that the County violated the MMBA retaliating against the Association President by prohibiting his ability to trade shifts and failing or refusing to provide information to the Association regarding a proposed background evaluation process for incumbent officers.	Precedential decision. The ALJ found that the Association president engaged in protected activities, the County had knowledge of the protected activity, the County took adverse action against him by imposing a blanket ban on his ability to trade shifts and that the County took action against him because of his protected activity. However, the ALJ found the County did not violate the MMBA because it would have imposed the adverse action even if he had not engaged in protected activity. The Board reversed the proposed decision finding that the record failed to support the County's claim that it would have acted regardless of the Association president's protected activity. The Board further found that, as an unalleged violation and by the same conduct, the County interfered with the Association's ability to communicate with its members.

DECISIONS OF THE BOARD

FISCAL YEAR 2017-18

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
2540-M	<i>Transport Workers Union of America Local 250 et al. v. City & County of San Francisco</i>	An administrative law judge found that the employer violated the Meyers-Milias-Brown Act by adopting amendments to its interest arbitration procedure for resolving collective bargaining impasses. The employer filed exceptions.	Precedential decision. The Board affirmed. It agreed that the amendments were not a reasonable local rule under Government Code section 3507, because they created evidentiary presumptions making it less likely unions could make a case to the arbitrator in support of their proposals, abrogated certain past practices, and restricted evidence that PERB and arbitrators could consider in resolving disputes.
2541-M	<i>Service Employees International Union, Local 221 v. City of Calexico</i>	An administrative law judge found that the employer made unilateral changes to its time keeping system. The employer filed exceptions.	Precedential decision. The Board adopted the proposed decision. It found that the arguments raised in the employer's exceptions were adequately addressed in the proposed decision.

DECISIONS OF THE BOARD

FISCAL YEAR 2017-18

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
2542	<i>Angela Marie Porter et al. v. Lynwood Teachers Association</i>	An administrative law judge found that the exclusive representative breached its duty of fair representation by failing to advance a grievance to arbitration. After exceptions were filed, the parties subsequently resolved their dispute and requested to withdraw the complaint and exceptions	Precedential decision. The Board granted the request and dismissed the complaint and unfair practice charge with prejudice.
2543-E	<i>Turlock Teachers Association v. Turlock Unified School District</i>	Charging Party alleged that the District violated the EERA when it unilaterally changed its professional growth policy and unreasonably delayed providing information.	Precedential decision. The ALJ concluded that the District violated its duty to bargain in good faith by unilaterally changing the professional growth policy and by unreasonably delaying in providing requested relevant information. The Board affirmed the conclusions reached by the ALJ. Because the District admitted to the scope of the District's professional growth policy in its answer, absent an amendment to the District's answer, the ALJ was forbidden from finding that the terms of the parties' collective bargaining agreement established a different policy.

DECISIONS OF THE BOARD

FISCAL YEAR 2017-18

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
2544	<i>California School Employees Association, Chapter 32 v. Bellflower Unified School District</i>	A public school employer excepted to a proposed decision finding that it had violated its duty to meet and negotiate under EERA by unilaterally subcontracting bus services and failing/refusing to provide information.	Precedential decision. The Board denied the employer's exceptions and adopted the proposed decision.
2545	<i>United Teachers Los Angeles v. Alliance College-Ready Public Charter Schools, Alliance Susan & Eric Smidt Technology High School, and Alliance Renee & Meyer Luskin Academy High School</i>	An administrative law judge (ALJ) found that a charter management organization (CMO) and two charter schools were a single employer, and that they committed unfair practices by denying union organizers access to the schools, filtering a union-related e-mail message to employees' spam folders, and threatening an employee for supporting the union. The ALJ dismissed allegations that the CMO interfered with employee rights by sending written communications and removing a teacher from a professional development meeting. Both parties filed exceptions.	Precedential decision. The Board affirmed in part and reversed in part. The Board concluded that it could not assert jurisdiction over the CMO based on a single employer finding, because the CMO is not an entity subject to the Board's jurisdiction under the Educational Employment Relations Act, and dismissed all allegations against the CMO. The Board declined to consider whether the schools could be liable for the CMO's conduct under an agency theory, concluding that the Board's unalleged violation test was not satisfied. For the allegations against the schools only, which were not the subject of exceptions, the Board denied the charging party's request for additional extraordinary remedies.

DECISIONS OF THE BOARD

FISCAL YEAR 2017-18

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
2545a	<i>United Teachers Los Angeles v. Alliance College-Ready Public Charter Schools, Alliance Susan & Eric Smidt Technology High School, and Alliance Renee & Meyer Luskin Academy High School</i>	The charging party requested reconsideration of the Board's conclusion in PERB Decision No. 2545 that the unalleged violation test was not satisfied concerning the theory that a charter management organization was the agent of two charter schools.	Precedential decision. The Board denied the request for reconsideration, finding that there was no showing of a prejudicial error of fact or newly discovered evidence.
2546-S	<i>Cal Fire Local 2881 v. State of California (Department of Forestry and Fire Protection)</i>	An administrative law judge dismissed a complaint alleging a unilateral change to a policy of giving pre-disciplinary hearing officers the authority to amend, modify, or revoke a proposed disciplinary action. The charging party filed exceptions.	Precedential decision. The Board affirmed the proposed decision. It agreed with the ALJ that the charging party failed to prove that the employer's established policy was to allow the hearing officer to amend, modify, or revoke the proposed action.

DECISIONS OF THE BOARD

FISCAL YEAR 2017-18

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
2547	<i>Marie Ferguson v. Berkeley Unified School District</i>	The Office of the General Counsel dismissed the charge, which alleged that the District retaliated against an employee for engaging in protected activity, and failed to provide a reasonable accommodation of the employee's disability.	Non-precedential decision. The Board affirmed the dismissal. It concluded that the employee did not adequately allege that she engaged in protected activity, and confirmed that the Board does not have jurisdiction over claims of disability discrimination.
2548	<i>Lori E. Edwards v. Lake Elsinore Unified School District</i>	A public school employee appealed from the dismissal of her unfair practice charge, which alleged that her employer had discriminated against her by reporting inaccurate retirement service credit information to the California State Teachers' Retirement System because of the employee's protected activity.	Precedential decision. Because the charge allegations stated a viable theory of liability in an unsettled area of retirement law outside PERB's jurisdiction and special expertise, the Board vacated the dismissal and remanded for further proceedings to determine if the charge allegations were timely.

DECISIONS OF THE BOARD

FISCAL YEAR 2017-18

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
2549-H	<i>California State University Employees Union v. Trustees of the California State University (San Marcos)</i>	Charging Party alleged that the Respondent violated the HEERA when it took adverse action against a bargaining unit member by investigating an allegation that he had demanded money from bargaining unit members in retaliation for his engagement in protected activity. On appeal, the sole exception was whether the ALJ erred in applying PERB's criteria for finding an unalleged interference violation.	Precedential decision. The ALJ issued a proposed decision dismissing the retaliation allegation, but found an unalleged violation that the Respondent had interfered with the protected rights of bargaining unit members. The Board reversed the proposed decision finding that the record failed to show that the conduct alleged in the unalleged violation was intimately related to the subject matter of the complaint and that the Respondent had adequate notice that the unalleged interference violation was being litigated.
2550-H	<i>Julie Barrett v. United Auto Workers Local 2865</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 file a grievance and by settling an unfair practice charge filed on behalf of the employee.	Non-precedential decision. The Board denied the appeal for failure to comply with PERB Regulations and adopted the dismissal of the charge.

DECISIONS OF THE BOARD

FISCAL YEAR 2017-18

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
2551	<i>Sharon Curcio v. Fontana Teachers Association</i>	Charging Party alleged that her Association and/or CTA violated the duty of fair representation by refusing to represent her in the grievance process and by refusing to provide her with an access to an attorney.	Non-precedential decision. The Office of the General Counsel dismissed the charge on the grounds that Charging Party's allegations on the bases of untimeliness and being outside PERB's jurisdiction. The Board affirmed the dismissal and adopted the Warning and Dismissal Letters. The Board further reasoned that even if the allegations were timely, Charging Party had failed to state a prima facie case because the Respondent had no duty to represent employees in enforcing rights not secured by a collective bargaining agreement and therefore beyond the exclusive reach of the union.

DECISIONS OF THE BOARD

FISCAL YEAR 2017-18

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
2552	<i>Anthony Wong v. Long Beach Unified School District</i>	A public school employee alleged that his employer had violated EERA by denying his right to union representation in several meetings with his supervisors between April 14, 2014 and January 9, 2017. PERB's Office of the General Counsel dismissed most of the charge allegations as untimely and dismissed the remaining allegation for including insufficient information to state a prima facie case of an unfair practice. The employee appealed, reasserting the essential allegations of the charge,	Non-Precedential decision. The Board summarily rejected the appeal for non-compliance with the requirements of PERB's regulations and adopted the dismissal. The appeal failed to identify any particular error of fact, law, procedure or rationale, to reference the portion of the warning or dismissal letter appealed from, or to state the grounds for appeal, as required by PERB Regulation 32635.
2553	<i>Lucinda Daly v. Berkeley Unified School District</i>	A public school employee alleged that her employer had engaged in various unfair practices constituting interference and discrimination because of protected activity. PERB's Office of the General Counsel dismissed all allegations in the charge, and the employee appealed, asserting that some charge allegations were subject to statutory or equitable tolling and had therefore been improperly dismissed as untimely, and that that the Office of the General Counsel had ignored certain evidence in support of the charge's discrimination allegation.	Non-Precedential decision. The Board affirmed in part and reversed in part and directed the Office of the General Counsel to issue a complaint alleging that the employer had discriminated on the basis of protected activity when it issued the employee a disciplinary document shortly after she filed the original version of her charge.

DECISIONS OF THE BOARD

FISCAL YEAR 2017-18

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
2554-M	<i>Rueben Garcia, et al. v. County of Santa Clara</i>	Charging parties alleged that the County violated the MMBA by complying with an arbitrator's opinion and award to distribute \$3.2 million to approximately 1,100 employees in equal shares, rather than to fully compensate Charging Parties for their unpaid overtime hours, as determined in the liability phase of a grievance brought by Charging Parties' exclusive representative. The Office of the General Counsel dismissed the charge for lack of jurisdiction over the arbitrator and failure to state a prima facie case and Charging Parties appealed. It also dismissed Charging Parties' unilateral change allegation for lack of standing because Charging Parties were not representatives of the recognized employee organization.	Non-Precedential decision. Because the appeal raised no issues which had not already been adequately addressed in the Office of the General Counsel's warning and dismissal letters, the Board summarily denied the appeal and adopted the dismissal.

DECISIONS OF THE BOARD

FISCAL YEAR 2017-18

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
2555-H	<i>David Caines v. American Federation of State, County & Municipal Employees Local 3299</i>	<p>A former higher education employee filed an unfair practice charge alleging that the exclusive representative of certain employees at the University of California had breached its duty of fair representation by failing to challenge a reclassification of employees in 2010.</p> <p>PERB's Office of the General Counsel dismissed the charge as untimely and for failure to state a prima facie case, and the charging party appealed, asserting various case processing errors during the investigation of the charge.</p>	Non-Precedential decision. The Board adopted the dismissal, as all of the acts or omissions allegedly constituting unfair practices were alleged to have occurred before June 3, 2015, which was more than six months before December 3, 2015, when the charge was filed.
2556-M	<i>Service Employees International Union Local 721 v. County of San Bernardino</i>	An administrative law judge found that the employer committed unfair practices by: (1) denying an employee organization access to employee work locations because it was not a recognized employee organization, and (2) taking a photograph of employees engaged in protected activity. The employer filed exceptions.	Precedential decision. The Board affirmed and adopted the proposed decision. It concluded that unrecognized employee organizations have certain statutory access rights. It also rejected the County's arguments that there was no interference with employee rights because the photograph was quickly deleted.

DECISIONS OF THE BOARD

FISCAL YEAR 2017-18

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
2557	<i>Erika Yanez v. United Teachers of Santa Clara</i>	A former school psychologist alleged that an employee organization had violated its duty to represent her in various disciplinary matters which led to her non-reelection for employment by a public school employer. PERB's Office of the General Counsel dismissed the charge as untimely and for failure to state a prima facie case and the former employee appealed, asserting various errors in the dismissal of her charge, including that the charge was timely because she was not an attorney and was unaware of the law governing that six-month statute of limitations.	Non-Precedential decision. The Board adopted the dismissal, as the material allegations were alleged to have occurred more than six months before the charge was filed and no tolling or other exception to the statute of limitations was applicable.
2558	<i>Inglewood Teachers Association v. Children of Promise Preparatory Academy</i>	On separate unfair practice complaints, two administrative law judges concluded that the employer engaged in surface bargaining and refused to provide necessary and relevant information. The employer filed exceptions.	Precedential decision. In a consolidated decision, the Board affirmed both ALJ decisions. The Board found multiple indicia of surface bargaining and agreed that the employer refused to provide information. The Board also rejected the employer's argument that one of the ALJs should have recused himself due to his prior employment.

DECISIONS OF THE BOARD

FISCAL YEAR 2017-18

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
2559-E	<i>Lance Howard v. East Side Teachers Association</i>	Charging Party, a public school employee, appealed the dismissal of his unfair practice charge alleging that the exclusive representative violated its duty of fair representation.	Non-Precedential decision. The Board affirmed the dismissal of the charge as untimely because the charging party did not file his charge until approximately one to three years after he first discovered respondent's alleged misconduct. The Board supplemented the dismissal, concluding that the doctrines of equitable tolling and equitable estoppel did not apply in this case, and that the charging party's appeal did not comply with PERB Regulations.
2560-M	<i>California Teamsters Public Professional & Medical Employees Local 911 v. South Coast Air Quality Management District</i>	Charging Party alleged that the Respondent violated the MMBA and PERB Regulations when it failed to complete negotiations prior to the creation of and/or revision of certain classifications. After the matter was appealed to the Board, the parties filed a Joint Request to withdraw the appeal, vacate the proposed decision, and withdraw the unfair practice charge.	Precedential decision. The Board granted the parties' request as it was in the best interest of the parties and consistent with the purposes of the MMBA to promote harmonious labor relations.

DECISIONS OF THE BOARD

FISCAL YEAR 2017-18

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
2561	<i>Lori E. Edwards v. Lake Elsinore Unified School District</i>	A public school employee excepted to a proposed decision which dismissed the complaint and underlying unfair practice charge alleging that her employer had discriminated against her by involuntarily reassigning her from first grade to kindergarten, and by placing a number of students in her kindergarten class that exceeded the limit set forth in the applicable collective bargaining agreement.	Precedential decision. Vacated. The Board denied the exceptions and adopted the proposed decision, after determining that the exceptions had not been timely filed.
2561a	<i>Lori E. Edwards v. Lake Elsinore Unified School District</i>	A public school employee excepted to a proposed decision which dismissed the complaint and underlying unfair practice charge alleging that her employer had discriminated against her by involuntarily reassigning her from first grade to kindergarten, and by placing a number of students in her kindergarten class that exceeded the limit set forth in the applicable collective bargaining agreement.	Precedential decision. The Board vacated its prior decision to deny Charging Party's exceptions as untimely. Due to a clerical error, the Board was not previously aware that Charging Party had timely e-filed her exceptions.

DECISIONS OF THE BOARD

FISCAL YEAR 2017-18

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
2562	<i>Kimberly Rosales, et al. v. Lake Elsinore Teachers Association</i>	The Office of the General Counsel dismissed the charge, which alleged that the exclusive representative violated its duty of fair representation and retaliated against the charging parties. The charging parties appealed.	Non-precedential decision. The Board denied the appeal for failure to comply with PERB Regulations and adopted the dismissal of the charge.
2563	<i>Eric M. Moberg v. Napa Valley Community College District</i>	The Office of the General Counsel dismissed the charge, which alleged that the employer retaliated against the charging party by withdrawing an offer of employment and terminating his e-mail access. The charging party appealed.	Precedential decision. The Board affirmed the dismissal because the charging party had not adequately alleged unlawful motive. However, the Board determined that employees who have access to an employer's email system have the right to use that system during non-work time for EERA-protected communications. The employer may rebut this presumptive right of access by showing special circumstances.

DECISIONS OF THE BOARD

FISCAL YEAR 2017-18

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
2564-M	<i>San Joaquin County Correctional Officers Association v. County of San Joaquin</i>	While Charging Party's exceptions to a proposed decision were pending before the Board, the parties to the dispute reached a settlement agreement and asked the Board to withdrawal the exceptions and dismiss the complaint and underlying unfair practice charge.	Precedential decision. Under its broad powers to investigate unfair practice charges or alleged violations of the MMBA, the Board found the parties' requests for withdrawal and dismissal to be in the best interest of the parties and consistent with the purposes of the MMBA to promote harmonious labor relations.
2565	<i>Jefferey L. Norman, et al. v. Riverside County Office of Education, et al.</i>	T he Office of the General Counsel dismissed the charge, which alleged that a school district, a county office of education, and a state agency committed various unfair practices.	Non-precedential decision. The Board agreed with the Office of the General Counsel that the charge failed to state a prima facie case, and affirmed the dismissal.

DECISIONS OF THE BOARD

FISCAL YEAR 2017-18

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
2566-C	<i>Karen A. Garris, et al. v. Los Angeles County Superior Court</i>	An administrative law judge dismissed the complaint, which alleged that the employer: (1) laid off a group of unrepresented employees in retaliation for their protected activity; (2) interfered with their protected rights by entering into a side letter agreement with the exclusive representative of another group of employees; and (3) laid off the charging parties for reasons other than operational necessity.	Precedential decision. The Board affirmed and adopted the proposed decision. It explained that when an employer's act is facially or inherently discriminatory, its unlawful motive can be inferred without specific evidence, but the Board found no such discrimination in this case because the laid off employees were not similarly situated to those who were retained. The Board agreed with the ALJ that the employer proved it would have laid off the charging parties regardless of their protected activity, that the side letter did not interfere with their rights, and that the Board lacked jurisdiction over the statutory provision allowing the employer to lay off employees only for operational necessity.

DECISIONS OF THE BOARD

FISCAL YEAR 2017-18

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
2567	<i>Eric Moberg v. Hartnell Community College District</i>	A former community college district employee excepted to a proposed decision which dismissed the complaint and underlying unfair practice charge for failure to prove interference with protected rights and failure to demonstrate employer knowledge in support of the complaint's discrimination allegation.	Precedential decision. The Board adopted the proposed decision, as Charging Party's exceptions failed to cite to admissible evidence and/or applicable law to support his exceptions to the interference and employer knowledge issues. The Board found it unnecessary to consider most of Charging Party's exceptions, as they concerned issues that were not material to the outcome of the case.
2568-S	<i>California Association of Psychiatric Technicians v. State of California (Department of State Hospitals)</i>	The State employer excepted to a proposed decision finding that it violated the Dills Act by refusing to provide the exclusive representative with information relevant and necessary to the representation of a bargaining unit member in a potential appeal of a formal corrective action.	Precedential decision. The Board affirmed the proposed decision, holding: (1) affirmative defenses, including those of contractual waiver, must be pled in the responding party's answer to the complaint or they are waived; and (2) a party asserting that requested information is confidential or burdensome to produce should timely raise its concerns with the requesting party.

DECISIONS OF THE BOARD

FISCAL YEAR 2017-18

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
2569-M	<i>International Federation of Professional & Technical Engineers, Local 21, AFL-CIO v. City of San Jose</i>	An administrative law judge found that the employer failed to bargain in good faith before placing a charter amendment on the ballot that would change the employer's pension system. After the employer filed exceptions, the case was placed in abeyance pending settlement discussions. The parties did not respond to a letter from PERB's General Counsel stating his understanding that the matter had been resolved and the exceptions would be deemed withdrawn.	Precedential decision. The Board deemed the exceptions withdrawn and dismissed the complaint and underlying unfair practice charge with prejudice.
2570-M	<i>International Association of Firefighters, Local 230 v. City of San Jose</i>	An administrative law judge found that the employer failed to bargain in good faith before placing a charter amendment on the ballot that would change the employer's pension system. After the employer filed exceptions, the case was placed in abeyance pending settlement discussions. The parties did not respond to a letter from PERB's General Counsel stating his understanding that the matter had been resolved and the exceptions would be deemed withdrawn.	Precedential decision. The Board deemed the exceptions withdrawn and dismissed the complaint and underlying unfair practice charge with prejudice.

DECISIONS OF THE BOARD

FISCAL YEAR 2017-18

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
2571-M	<i>Service Employees International Union Local 1021 v. City of San Ramon</i>	Respondent, an employer, excepted from a proposed decision finding that employer violated the MMBA's duty to bargain in good faith.	Precedential. The Board adopted and supplemented the proposed decision, finding that the employer (1) bargained in bad faith by adopting a take-it-or-leave-it-attitude and rushing to impasse; (2) implemented its last, best and final offer without bargaining in good faith to a bona fide impasse; (3) unlawfully implemented terms for a set duration; and (4) failed and refused to bargain in good faith after impasse was broken.
2572-M	<i>Richard C. White, et al. v. San Bernardino Public Employees Association</i>	An administrative law judge found that an exclusive representative committed an unfair practice by agreeing to an organizational security provision that did not adequately inform employees of their right not to become members of the organization. The ALJ also dismissed allegations that the exclusive representative retaliated against one of the charging parties and failed to provide financial reports. The charging parties filed exceptions.	Precedential decision. The Board affirmed in part and reversed in part. The Board affirmed the dismissal of the financial report and retaliation allegations. The Board reversed the finding that the organizational security provision was unlawful, holding that the law does not require the clause to spell out employees' rights not to be members.

DECISIONS OF THE BOARD

FISCAL YEAR 2017-18

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
2573-M	<i>Service Employees International Union Local 721 v. County of Riverside</i>	An administrative law (ALJ) judge found that the employer committed unfair practices by: (1) unilaterally changing a past practice of paying employees the shift differentials they would have earned if they had not been released for union activities; and (2) failed to provide released time for collective bargaining without loss of compensation. The employer filed exceptions to these findings. The charging party filed an exception to the ALJ's refusal to find an additional violation.	Precedential decision. The Board affirmed and adopted the proposed decision. It rejected the employer's arguments that there was no past practice and that the Board should overturn a prior decision regarding the statutory right to released time. It also rejected the union's exception, concluding that the allegation it sought to litigate was untimely.

DECISIONS OF THE BOARD

FISCAL YEAR 2017-18

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
2574-H	<i>Dennis Pineda Ruiz v. Regents of the University of California</i>	A former higher education employee alleged that the Regents of the University of California violated HEERA by terminating his employment in retaliation for protected activity, and by implementing unilateral changes to working conditions. PERB's Office of the General Counsel dismissed the charge as untimely, and the employee appealed the dismissal, arguing that the six-month limitations period should be subject to equitable tolling until the time when the employee discovered that the exclusive representative would not take his grievance to arbitration.	Non-Precedential decision. The Board denied the appeal and adopted the dismissal. Under the facts alleged in the charge, the employee knew or reasonably should have known that his grievance would not advance to arbitration well over six months before he filed his charge. Unlike the federal case relied on by the appeal, the charge also alleged no facts demonstrating that the exclusive representative had done anything to lull him into inaction during the several months between his termination and the filing of his charge.

DECISIONS OF THE BOARD

FISCAL YEAR 2017-18

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
2575-M	<i>Ruben Garcia, et al. v. Service Employees International Union Local 521</i>	Charging Parties alleged that their exclusive representative had breached its duty of fair representation by: (1) inducing Charging Parties to continue working misclassified overtime hours with false assurances that they would be fully compensated for all overtime hours worked if the organization prevailed in its grievance against the employer; (2) urging an arbitrator to award all employees an equal lump sum payment to remedy the grievance and capping the employer's total liability, rather than awarding back pay only to those employees who actually worked the misclassified hours; and, (3) failing to provide notice and opportunity for input and/or misleading Charging Parties regarding the status of settlement negotiations and the terms of an arbitrator's opinion and award, despite requests by Charging Parties for such information. The Office of the General Counsel dismissed the charge for lack of jurisdiction over the arbitrator, lack of ripeness for review, and/or failure to state a prima facie case of an unfair practice.	Precedential decision. The Board denied the appeal and adopted the dismissal. An arbitrator is not a proper respondent in an unfair practice and therefore PERB had no authority to review the arbitrator's opinion and award. Additionally, the facts, as alleged in the charge, demonstrated that Charging Parties had notice and opportunity for input before their representative entered into a tentative agreement to settle the dispute.

DECISIONS OF THE BOARD

FISCAL YEAR 2017-18

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
2576-M	<i>Riverside Sheriff's Association v. County of Riverside</i>	An administrative law judge found that the employer committed an unfair practice by implementing an automatic vehicle location system without bargaining over negotiable effects. After exceptions were filed, the charging party requested that its complaint and unfair practice charge be dismissed pursuant to a settlement agreement between the parties.	Precedential decision. The Board dismissed the complaint and underlying unfair practice charge and dismissed the employer's exceptions as moot.

DECISIONS OF THE BOARD: ADMINISTRATIVE DETERMINATIONS *

FISCAL YEAR 2017-18

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

*DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
Ad-446a	<i>Lori .E Edwards, et al. v. Lake Elsinore Unified School District</i>	A public school employer requested reconsideration of the Board's prior decision denying the district's appeal from an administrative determination, which had rejected a filing as untimely. The opposing parties requested sanctions against the district for filing a frivolous request in bad faith.	The Board denied the district's request for reconsideration and denied Charging Parties' request for sanctions. Prior board precedent had determined that reconsideration is not available for decisions arising from administrative appeals. The motion for sanctions demonstrated that the district's reconsideration request was without even arguable merit but failed to demonstrate that it had been brought in bad faith.
Ad-450	<i>Planada Elementary School District & Group of Employees & American Federation of State, County and Municipal Employees, Local 2703</i>	A group of classified employees appealed the Office of the General Counsel's dismissal of its decertification petition on the ground that it was untimely filed.	The Board reversed the Office of the General Counsel's administrative determination on the basis that in calculating the window period for filing the petition, the Office of the General Counsel failed to take into account the "holiday rule" outlined in PERB Regulation 32130(b).

DECISIONS OF THE BOARD: ADMINISTRATIVE DETERMINATIONS *

FISCAL YEAR 2017-18

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

*DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
Ad-451	<i>Marie Ferguson v. Berkeley Unified School District</i>	The Board's appeals office rejected the appeal of the dismissal of an unfair practice charge. The charging party appealed.	The Board reversed. It concluded that although the appeals office correctly applied PERB regulations, defective service of the appeal should be excused due to the absence of prejudice to the respondent.
Ad-452	<i>Fairfield-Suisun Unified School District and Fairfield-Suisun Association of Speech-Language Pathologists and Fairfield-Suisun Unified Teachers Association</i>	An employee organization appealed from an administrative determination denying a severance petition that sought to sever speech-language pathologists from a school district's other certificated employees. The appeal asserted that, based on societal changes that have occurred in special education and speech-pathology, the distinction between certificated and classified personnel in public education is no longer useful in the field of speech pathology.	The Board denied the appeal. The community of interest among certificated employees is implicit in the statutory guidelines used for evaluating all certificated personnel, as set forth in the Stull Act, Education Code Article 5.5, sections 13485 through 13490, which are not used for evaluating classified personnel. Additionally, PERB is not free to disregard the statutory provisions of EERA mandating separate bargaining units for certificated and classified personnel.

DECISIONS OF THE BOARD: ADMINISTRATIVE DETERMINATIONS *

FISCAL YEAR 2017-18

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

*DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
Ad-453-H	<i>Regents of the University of California and University Professional and Technical Employees, CWA Local 9119</i>	A higher education employer appealed from an administrative determination to grant a proposed unit modification to add employees in a newly-created classification to an existing unit without showing proof of majority support, where the additional employees would constitute less than ten percent of the existing unit. The appeal invited the Board to overrule PERB precedent holding that the language of PERB Regulation 32781 eliminates the Board's discretion to require proof of majority support when a unit modification petition seeks to add classifications which would increase the size of the existing unit by less than ten percent.	The Board denied the appeal and adopted the administrative determination for reasons explained in prior Board precedent holding that the applicable regulation removes discretion to require proof of support under the circumstances of this case. PERB cannot change its regulations through decisional law.
Ad-454-M	<i>City of Salinas and Service Employees International Union Local 521</i>	The Office of the General Counsel denied a request for factfinding under the Meyers-Milias-Brown Act. The exclusive representative requested a stay of activity pending appeal.	The Board denied the stay request, concluding that after the denial of the factfinding request, there was no further action by PERB that could be stayed.

DECISIONS OF THE BOARD: ADMINISTRATIVE DETERMINATIONS *

FISCAL YEAR 2017-18

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

*DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
Ad-455-M	<i>County of Solano and Service Employees International Union Local 1021</i>	An employee organization appealed from an administrative determination denying its request for factfinding. Concurrent with the appeal, the employee organization requested the Board stay implementation of the administrative determination, pending resolution of the appeal.	The Board denied the request for a stay of activity. Although PERB Regulations provide that parties seeking a stay of a Board order may file a request for a stay with the administrative appeal, in this case, because the administrative determination had denied the request for factfinding, there was no ruling or order, and consequently, nothing to stay.
Ad-456	<i>Carmen Fritsch-Garcia v. Los Angeles Unified School District</i>	The Board's appeals office rejected as untimely a request for an extension of time to appeal the dismissal of an unfair practice charge. The charging party appealed.	The Board agreed that the request for extension was untimely, and denied the appeal.

DECISIONS OF THE BOARD: ADMINISTRATIVE DETERMINATIONS *

FISCAL YEAR 2017-18

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

*DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
Ad-457-M	<i>City of Salinas and Service Employees International Union Local 521</i>	The Office of the General Counsel denied a request for factfinding under the Meyers-Milias-Brown Act, finding no written notice of a declaration of impasse by either party. The exclusive representative appealed.	The Board reversed. It concluded that the employer provided sufficient written notice of a declaration of impasse by announcing that it had fulfilled its obligation to meet and confer, even though it did not use the word "impasse."

DECISIONS OF THE BOARD: ADMINISTRATIVE DETERMINATIONS *

FISCAL YEAR 2017-18

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

*DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
Ad-458-M	<i>County of Solano and Service Employees International Union Local 1021</i>	An employee organization appealed from an administrative determination denying its request for factfinding as untimely, based on the Office of the General Counsel's interpretation of the public agency's local rules which set forth various options for requesting factfinding, including one option for selecting the factfinder by mutual agreement. The appeal asserted that, because it had not had an opportunity to participate in the mutual selection of the factfinder, its request for factfinding remained timely.	The Board denied the appeal. Generally, where the exclusive representative has made a request for factfinding that is timely under any plausible interpretation of the public agency's local rules and that is accompanied by a statement that the parties have been unable to effect a settlement to their dispute, PERB must accept the request as timely and allow the parties to proceed to factfinding. Here, however, while the local rules appear to contemplate selection of a mediator by mutual agreement of the parties as one option, the employee organization's conduct was inconsistent with that option, regardless of whether it was the default option or simply one option among others.

DECISIONS OF THE BOARD: ADMINISTRATIVE DETERMINATIONS *

FISCAL YEAR 2017-18

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

*DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
Ad-459-H	<i>Regents of the University of California and San Diego House Staff Association</i>	The Office of the General Counsel dismissed a unit modification petition filed with copies of proof of support signed electronically. The petitioner appealed.	The Board affirmed. It concluded that PERB Regulations require that proof of support consist of original documents signed by the employees.
Ad-460-M	<i>San Diego Metropolitan Transit System and Transit Electromechanics Union</i>	The Board's appeals office rejected an appeal of a decision by the State Mediation and Conciliation Service dismissing a representation petition. The petitioner appealed.	The Board reversed. It concluded that the SMCS decision was appealable.

DECISIONS OF THE BOARD: ADMINISTRATIVE DETERMINATIONS *

FISCAL YEAR 2017-18

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

*DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
Ad-461-M	<i>County of Ventura and Ventura County Professional Peace Officers Association</i>	The County appealed an administrative determination by the Office of the General Counsel granting the Union's request for factfinding on the basis that the dispute involved a matter not within the scope of representation, and requested that PERB stay the administrative determination pending the Board's review of the matter.	The Board denied the County's appeal and request for stay. In doing so, the Board held that while factfinding is only required for disputes over matters within the scope of representation, PERB is not required to make a definite determination to that effect prior to approving a factfinding request. While some matters are expressly included within the scope of representation, other matters are more legally and factually complex. Requiring a preliminary determination as to scope prior to approving a factfinding request would encourage delay and gamesmanship and thus defeats the principal purpose of factfinding.

DECISIONS OF THE BOARD: ADMINISTRATIVE DETERMINATIONS *

FISCAL YEAR 2017-18

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

*DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
Ad-462-M	<i>City of Oakland and Service Employees International Union Local 1021</i>	During an open-ended strike by SEIU-represented employees, SEIU filed a request for factfinding on the basis that SEIU and the City employer were unable to agree on which employees were “essential” under <i>County Sanitation District No. 2 v. Los Angeles County Employees Assn.</i> (1985) 38 Cal.3d 564. The employer appealed the Office of the General Counsel’s administrative determination approving SEIU’s factfinding request, arguing that the subject of which public employees are essential under <i>County Sanitation</i> is outside the scope of representation and, therefore, beyond the scope of the MMBA’s factfinding provision.	The Board affirmed the approval of the factfinding request. The Office of the General Counsel is not required to determine whether the subject of the parties’ dispute is within the scope of representation when deciding the sufficiency of a factfinding request. PERB’s review of a factfinding request is limited to determining whether the request satisfies the statutory and regulatory prerequisites.
Ad-463-M	<i>Service Employees International Union Local 221 v. County of San Diego</i>	The charging party requested that the Board expedite an unfair practice charge alleging violations of the employer’s local rules for representation matters.	The Board granted the request to expedite.

DECISIONS OF THE BOARD: ADMINISTRATIVE DETERMINATIONS *

FISCAL YEAR 2017-18

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

*DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
Ad-464-M	<i>San Diego Metropolitan Transit System and Transit Electromechanics Union</i>	The State Mediation and Conciliation Service dismissed a representation petition that sought to sever a smaller bargaining unit from an existing unit. The petitioner appealed.	The Board reversed. It concluded, contrary to the administrative determination, that a severance petition was permitted by the statute and regulations.
Ad-465-M	<i>San Diego Metropolitan Transit System and Transit Electromechanics Union and Public Transit Employees Association</i>	Incumbent union appealed from SMCS administrative determination to proceed with another union's attempt to decertify and replace the incumbent union.	The Board adopted the SMCS administrative determination, finding that SMCS correctly applied federal law in determining that (1) a one-month CBA extension is not long enough to create a contract bar; and (2) the contract bars applies only if both the contract ratification date and the contract's effective date precede the filing date of a petition to decertify and/or replace the incumbent union.

DECISIONS OF THE BOARD: ADMINISTRATIVE DETERMINATIONS *

FISCAL YEAR 2017-18

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

*DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
Ad-466	<i>Grossmont Union High School District and American Federation of Teachers Guild, Local 1931</i>	The Office of the General Counsel dismissed the petitioning employee organization's request for recognition. The employee organization filed a written request with the Office of Administrative Appeals, seeking an extension of time to appeal the administrative determination. The Appeals Office denied the request on the ground that PERB Regulation 32305, subdivision (c) prohibits extensions of time in representation cases.	The Board reversed the Appeals Office's denial of an extension. PERB Regulation 32305(c) does not apply to an appeal of an administrative decision in a representation matter, as it would to exceptions from a proposed decision after an evidentiary hearing.

DECISIONS OF THE BOARD: REQUESTS FOR INJUNCTIVE RELIEF

FISCAL YEAR 2017-18

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
I.R. 730	<i>Kourosch Hamidi v. Service Employees International Union, Local 1000</i>	(1) Whether it is appropriate for the Board to seek injunctive relief on behalf of Kourosch against Local 1000 for its alleged failure to comply with the Dill's Act's financial disclosure requirements, (2) whether it is appropriate to expedite unfair practice charge No. LA-CO-143-S, and (3) whether it is appropriate to issue an order compelling Local 1000 to comply with the financial disclosure requirements of the Dills Act.	Request denied.
I.R. 731	<i>County of San Diego v. Service Employees International Union, Local 221</i>	Should PERB pursue injunctive relief on behalf of the County of San Diego to prevent approximately 3,700 employees from participating in a potential strike and to require SEIU Local 221 to provide the County with advance notice of a strike?	Request withdrawn.
I.R. 732	<i>County of San Diego v. Service Employees International Union, Local 221</i>	Should essential employees be enjoined from participating in a strike called by SEIU Local 221, occurring on September 12 and 13, 2017?	Request granted, in part.

DECISIONS OF THE BOARD: REQUESTS FOR INJUNCTIVE RELIEF

FISCAL YEAR 2017-18

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
I.R. 733	<i>County of Riverside v. Service Employees International Union, Local 721</i>	Should essential employees be enjoined from participating in a strike called by SEIU Local 721, occurring on September 6, 2017?	Request granted, in part.
I.R. 734	<i>El Segundo City Employees Association v. City of El Segundo</i>	Whether impasse was broken, such that the City's change in employees' schedules constituted a unilateral change; whether the Board can later remedy harm resulting from the employees' schedule change.	Request denied.
I.R. 735	<i>City of Pomona v. Teamsters Local 1932, Pomona City Employees Association</i>	Whether the union planned or authorized a one-day sickout by union members; whether the Board can remedy harm from any future sickout; whether a future sickout involving essential employees would cause imminent and substantial harm.	Request denied.
I.R. 736	<i>Santa Clara County Correctional Peace Officers Association v. County of Santa Clara</i>	Whether several unilateral changes implemented by the County should be	Request denied.

DECISIONS OF THE BOARD: REQUESTS FOR INJUNCTIVE RELIEF

FISCAL YEAR 2017-18

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
		reversed because those changes place public safety employees at risk of harm.	
I.R. 737	<i>Criminal Justice Attorneys Association of Ventura County v. County of Ventura</i>	Whether the County made an unlawful unilateral change to the employee leave policy by imposing taxes on the leave time when it accrued, rather than when it was cashed out or used as paid time off.	Request denied.
I.R. 738	<i>City of Oakland v. Service Employees International Union, Local 1021</i>	Whether the City of Oakland established reasonable cause to believe that SEIU Local 1021 committed an unfair practice by calling a strike of employees whose absence posed an imminent threat to the health or safety of the public, within the meaning of <i>County Sanitation Dist. No. 2 of Los Angeles v. Los Angeles City Employees Assn.</i> (1985) 38 Cal.3d 564, and whether those employees should be enjoined from participating in further work stoppages	Request denied.

DECISIONS OF THE BOARD: REQUESTS FOR INJUNCTIVE RELIEF

FISCAL YEAR 2017-18

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
I.R. 739	<i>Teamsters Local 1932 v. City of Fontana</i>	Should the City of Fontana be enjoined from allowing City employees from using work time, city resources, and city meeting facilities to organize a decertification effort.	Request withdrawn.
I.R. 740	<i>Union of American Physicians & Dentists v. Alameda Health Systems</i>	Should Alameda Health Systems be enjoined from contracting-out bargaining unit work without notice to the union and an opportunity to meet and confer.	Request withdrawn.
I.R. 741	<i>AFSCME Local 2620 v. State of California (CDCR, Correctional Healthcare Services)</i>	Is there reasonable cause to believe CCHCS implemented an unlawful unilateral change to employees' alternate work schedules, and is injunctive relief just and proper?	Request denied.
I.R. 742	<i>Tahoe Forest Hospital Employees Association v. Tahoe Forest Hospital District</i>	Should the District be enjoined from activities that seek to deter and/or discourage employees from voting to affiliate with AFSCME.	Request withdrawn.

DECISIONS OF THE BOARD: REQUESTS FOR INJUNCTIVE RELIEF

FISCAL YEAR 2017-18

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
I.R. 743	<i>Tahoe Forest Hospital Employees Association of Professionals v. Tahoe Forest Hospital District</i>	Should the District be enjoined from activities that seek to deter and/or discourage employees from voting to affiliate with AFSCME.	Request withdrawn.
I.R. 744	<i>San Diego City Firefighters Association, IAFF Local 145 v. City of San Diego</i>	Should the Board enjoin the City from applying a number of unilateral changes to the City's personnel policies/rules.	Request withdrawn.
I.R. 745	<i>Teamsters Local 1932 v. City of Fontana</i>	Whether the City breached its duty of strict neutrality by allowing an employees and rival employee organizations to use City facilities and resources to campaign in an attempt to decertify Local 1932 as the exclusive representative.	Request denied.
I.R. 746	<i>Regents of the University of California v. AFSCME, Local 3299</i>	Whether essential employees should be enjoined from participating in a strike at various UC medical facilities?	Request granted, in part.

DECISIONS OF THE BOARD: REQUESTS FOR INJUNCTIVE RELIEF

FISCAL YEAR 2017-18

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
I.R. 747	<i>Regents of the University of California v. University Professional & Technical Employees, Local 9119</i>	Whether essential employees should be enjoined from participating in a sympathy strike at various UC medical facilities?	Request granted, in part.
I.R. 748	<i>Regents of the University of California v. California Nurses Association</i>	Whether essential employees represented by CNA should be enjoined from participating in a sympathy strike at various UC medical facilities?	Request granted, in part.
I.R. 749	<i>Service Employees International Union, Local 721 v. County of Riverside</i>	Whether the County should be enjoined from implementing its last, best and final offer, and directed to reinstate three nurses discharged for their strike activities.	Request granted.
I.R. 750	<i>Hastings College of Law v. AFSCME Local 3299</i>	Whether a strike by employees of the Hastings Law School was unprotected and not a sympathy strike, and whether employees could be enjoined from striking.	Request denied.

DECISIONS OF THE BOARD: REQUESTS FOR INJUNCTIVE RELIEF

FISCAL YEAR 2017-18

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
I.R. 751	<i>Santa Clara PSNSEA, Unit #10 v. City of Santa Clara</i>	Whether PERB should seek injunctive relief regarding the City's alleged unilateral decision to reassign a sworn police officer from the front desk of its Police Department Headquarters.	Request denied.
I.R. 752	<i>Los Angeles Unified School District v. SEIU Local 99</i>	Whether PERB should seek to enjoin a strike of classified school employees on the grounds the work stoppage interfered with students' education among other things.	Request withdrawn.
I.R. 753	<i>City of Berkeley v. Service Employees International Union, Local 1021</i>	Whether City employees performing duties "essential" to the public health and safety should be enjoined.	Request withdrawn.
I.R. 754	<i>County of Marin v. Service Employees International Union, Local 1021</i>	Whether County employees performing duties "essential" to the public health and safety and should be enjoined.	Request withdrawn.

DECISIONS OF THE BOARD: REQUESTS FOR INJUNCTIVE RELIEF

FISCAL YEAR 2017-18

Requests for Injunctive Relief decided by the Board itself are Precedential Decisions.

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
There were no Decisions written pertaining to Requests for Injunctive Relief by the Board this fiscal year.			

DECISIONS OF THE BOARD: REQUESTS FOR JUDICIAL REVIEW*

FISCAL YEAR 2017-18

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

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
JR-28-H	<i>Regents of the University of California and University Professional and Technical Employees, CWA Local 9119</i>	<p>A higher education employer requested that PERB join in its effort to seek judicial review of PERB's prior decision in this matter, which turned on PERB's application of PERB Regulation 32781.</p> <p>HEERA section 3564, 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. (PERB Reg. 32500.)</p>	<p>The Board denied the request to seek judicial review. The central issue on appeal was PERB's application of the ten percent rule for proof of majority support in unit modifications, which was neither "novel" nor one of "special importance" unique to HEERA. The Board applies the standard for joining in a request for judicial review strictly because the fundamental rights of employees to form, join and participate in the activities of employee organizations could be jeopardized if PERB's unit determinations were routinely subject to legal challenges.</p>