

STATE OF CALIFORNIA
DECISION OF THE EDUCATIONAL
EMPLOYMENT RELATIONS BOARD

In the Matter of:

SACRAMENTO CITY UNIFIED SCHOOL DISTRICT,
Employer,

and

CALIFORNIA SCHOOL EMPLOYEES ASSOCIATION,
CAMELLIA CHAPTER 560,
Employee Organization,

and

SACRAMENTO-SIERRA'S BUILDING AND
CONSTRUCTION TRADES COUNCIL,
Employee Organization,

and

SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 22,
AFL-CIO,
Employee Organization,

and

AMALGAMATED TRANSIT UNION, DIVISION NO. 256,
Employee Organization,

and

SACRAMENTO ASSOCIATION OF CLASSIFIED EDUCATIONAL
EMPLOYEES,
Employee Organization,

and

AMERICAN FEDERATION OF STATE, COUNTY & MUNICIPAL
EMPLOYEES LOCAL 258,
Employee Organization.

Case Nos. S-R-8
S-R-234
S-R-355
S-R-429

EERB Decision No. 30

September 20, 1977

Appearances: William E. Brown, Attorney (Brown & Conradi) for Sacramento City Unified School District; William D. Dobson, Attorney, for California School Employees Association, Camellia Chapter 560; R. A. Caples for Sacramento Sierra's Building & Construction Trades Council; Stewart Weinberg and Robert J. Bezenek, Attorneys (Van Bourg, Allen, Weinberg & Roger) for Service Employees International Union, Local 22, AFL-CIO; Peter Nussbaum, Attorney (Neyhart & Anderson) for Amalgamated Transit Union, Division No. 256; Wasle McKinty, President, Sacramento Association of Classified Educational Employees; and Hirsch Adell, Attorney (Reich, Adell & Crost) for American Federation of State, County & Municipal Employees, Local 258.

Before Alleyne, Chairman; Gonzales and Cossack, Members.

OPINION

By requests for recognition and interventions filed by the parties on and after April 1, 1976 with the Sacramento City Unified School District (District), the parties sought at the extremes, a single classified unit and eight distinct classified units. A security unit was requested by the American Federation of State, County and Municipal Employees, Local 258 (AFSCME) and Service Employees International Union, Local 22, AFL-CIO (SEIU). A skilled craft and construction unit was sought by SEIU and Sacramento Sierra's Building and Construction Trades Council (Building Trades Council). The custodial and warehouse employees were claimed by AFSCME and SEIU. The food services employees were sought only by SEIU. A unit of professional/technical/reproduction employees was sought by SEIU. A unit of instructional aides was sought by the Sacramento Association of Classified Educational Employees (SACEE) and SEIU. A clerical unit was sought by SACEE and SEIU. Finally, the transportation workers were sought as a unit by the Amalgamated Transit Union, Division No. 256 (Transit Union) and SEIU. CSEA seeks to represent all classified employees described above in a single unit.

A hearing was held by a hearing officer of the Educational Employment Relations Board (EERB) to resolve the question of the appropriate unit or units on October 11-15 and 18, 1976. At the hearing numerous issues regarding employees claimed by one of the parties to be management, supervisory or confidential were presented, but these issues are not addressed in this portion of the opinion. This opinion will be published in two parts and the only issue to be addressed in the present portion of the opinion is the unit question.¹

¹Member Cossack not only vigorously disagrees with the bifurcation of the case into two separate determinations but, more importantly, disagrees with the issuance of an order in this case without an accompanying statement of facts and rationale. The issuance of the order is contrary both to fundamental principles of due process and our own Rules and Regulations.

The California Supreme Court, in a decision by Justice Tobriner regarding review of administrative decisions by writ of mandate under Code of Civil Procedure Sec. 1094.5, held, "implicit in Sec. 1094.5 is a requirement that the agency which renders the challenged decision must set forth findings to bridge the analytic gap between the raw evidence and ultimate decision or order.... Among other functions a findings [of fact and conclusions of law] requirement serves to conduce the administrative body to draw legally relevant subconclusions supportive of its ultimate decision; the intended effect is to facilitate orderly analysis and minimize the likelihood that the agency will randomly leap from evidence to

DISCUSSION

Sacramento Unified School District consists of 58 elementary schools attended by approximately 22,739 students, 11 junior high schools attended by approximately 9,059 students, seven senior high schools attended by approximately 10,844 students and six adult schools attended by approximately 12,000 students. The District employs approximately 1,995 regular classified employees,² including those who work less than four hours per day. The District is not a merit system district.³

The District has five discrete work sites in addition to the various schools: a central office, a corporation yard, a transportation facility, a central warehouse, and five children's centers. None of the units proposed by the various parties is confined to any one work site. Thus, the central office houses custodians, custodial managers, account clerks, clerks, secretaries, reproduction workers, keypunch personnel, computer personnel, personnel technicians, budget technicians, accounting technicians, and programmers. The corporation yard houses all skilled crafts except the laborer/gardener and some custodians and special officers. The transportation facility houses bus drivers and attendants, transportation mechanics and clerical personnel. The central warehouse accommodates warehouse workers, buyers, some clerical employees, and the deliveryman. At each of the five children's centers, children center cooks, instructional aides, custodians, food service assistant Is and utility workers are employed. Individual high schools are the work site for custodians, custodial managers, clerk II s, secretary Is, registrars, food service assistant Is and II s, cafeteria managers, floor maintenance workers, school secretary II s, clerk III s, controllers and special officers. Individual elementary schools are the work site for custodians, custodial managers, food service assistant Is, cafeteria managers, instructional aides, elementary school secretaries and clerk II s.

Five labor organizations have historically represented classified employees in this District. AFSCME has represented security officers since 1944 and more recently has represented secretarial and clerical personnel; the Building Trades Council has represented maintenance and crafts workers since 1948; Sacramento

(continued)

conclusions.... They also serve a public relations function by helping to persuade the parties that administrative decision-making is careful, reasoned, and equitable." Topanga Assn. v. County of Los Angeles, 11 Cal.3d 506, 515-17, 113 Cal.Rptr. 836 (1974).

²See Ed. Code Sec. 45103.

³See Ed. Code Sec. 45240 et seq.

School Food Services Association has represented food services employees; SEIU has represented employees in a number of occupational groups; the Transportation Workers Association has represented bus drivers and bus attendants; and the School Plant Managers Association, No. 1, has represented school plant operations managers.

All classified employees are subject to the same policies regarding vacations, leaves, professional growth, health insurance benefits, holidays and promotions. The classified rules and regulations are applicable to all classified employees and the mileage payment agreement is for the benefit of all classified employees.

Section 3541.3(a) of the EERA grants the Board broad discretion to fashion appropriate negotiating units.⁴ This discretion is guided by Section 3545(a)⁵ which requires that we consider three criteria in determining appropriate units: the community of interest between and among employees, the established practices of employees, and the effect of the size of the unit on the efficient operation of the school district. In determining units appropriate for negotiating, we have sought to strike a balance among these three occasionally competing criteria. Most often, the criterion of community of interest is somewhat at variance with the criterion of efficient operation of the school district; the first permits and even encourages smaller units, while the latter suggests broader more comprehensive units.

We have consistently determined, beginning with Sweetwater Union High School District,⁶ that in the classified sector three units are presumptively appropriate: an instructional aide or paraprofessional unit, an operations-support services unit and an office-technical and business services unit.

⁴Gov. Code Sec. 3541.3(a), Educational Employment Relations Act or EERA, states:

The board shall have all of the following powers and duties.

- (a) To determine in disputed cases, or otherwise approve, appropriate units.

All further statutory references are to the Government Code, unless otherwise indicated.

⁵Gov. Code Sec. 3545(a) states:

In each case where the appropriateness of the unit is an issue, the board shall decide the question on the basis of the community of interest between and among the employees and their established practices including, among other things, the extent to which such employees belong to the same employee organization, and the effect of the size of the unit on the efficient operation of the school district.

⁶EERB Decision No. 4, November 23, 1976. See Fremont Unified School District, EERB Decision No. 6, December 16, 1976; San Diego Unified School District, EERB Decision No. 8, February 13, 1977.

There is a basic functional community of interest within each of the three groups delineated above and not present within the entire classified service which is consistent with the balance required by the criteria enunciated in Section 3545(a) of the EERA. The broad unit request by CSEA is not an appropriate unit. Although some of the benefits and the rules and regulations apply to all classified employees of the District, the classified employees as a whole do not constitute an appropriate unit because they lack sufficient community of interest and, in this District, they have not been treated as a single unit in the past. With the exception of the security officers, a matter not at issue in any prior case, we conclude that the units appropriate for negotiating in this case are those which we have found appropriate in prior cases.

Security Officers

The District, SEIU and AFSCME urge that a separate unit of security officers is appropriate. CSEA urges the inclusion of these employees in an overall classified unit.

Special officers have been separately represented by AFSCME since 1944. There are ten special officers, one supervisor of special officers and one assistant supervisor. All are 12 month per year employees, and all work eight hours per day. There are three separate shifts, which provide 24 hours a day security. Five officers are assigned to five separate high schools and report there at the beginning of each day shift; five officers are assigned to a rotating shift night patrol and report to the warehouse where they pick up a patrol car.

All officers are required to wear a uniform consisting of blue pants, a grey shirt and identifiable hat. All officers carry a gun and a night stick. The patrol cars are equipped with a light and siren. All security officers are deputized peace officers of the State of California pursuant to California Penal Code Section 830.4(a)(13).

Security officers are deputized to make arrests for crimes committed on school grounds. All officers must complete a basic course in arrest and fire arms training as provided by the California Penal Code. The special officers enforce laws and regulations of both the District and the City of Sacramento; they have the authority to make misdemeanor arrests. They have the authority to arrest other employees of the District if those employees are engaged in violations of the law.

We conclude that a separate unit of security officers is appropriate. Strong policy considerations, long recognized in the private sector,⁷ require the separation of bona fide security guards from the remainder of the classified employees. Security officers are deputized and employed to defend the District's premises from others, be they outsiders, students or other employees of the District. They are empowered to enforce not only the rules and regulations of the District, but also the laws of the City of Sacramento. The employer is entitled to a nucleus of protection employees to enforce its rules and protect its property and persons without being confronted with a division of loyalty inherent in the inclusion of security officers in the same unit with other classified employees. See McDonnell Aircraft Corp., 109 NLRB 967, 34 LRRM 1489 (1954); Chance Vought Aircraft, Inc., 110 NLRB 1342, 1346, 35 LRRM 1338 (1954). Accordingly, we find a separate unit of security officers appropriate for negotiating.

Instructional Aides

SACSE and SATU both seek to represent a separate unit of aides. The other parties, except CSEA which seeks the comprehensive unit, have no interest in representing these employees. The District believes that the aides should be included in an overall classified unit, except that the District's proposed unit would exclude security and the skilled craft and construction employees as will be noted later.

The evidence regarding instructional aides shows that there are 644 persons in the requested unit.⁸ The aides work from one to eight hours a day, usually between the hours of 8 a.m. and 5 p.m. Most work at the elementary and secondary schools. Approximately ten to 20 of the aides are 12 month employees while the remainder work only ten months per year. All aides who work more than four hours daily are eligible for health and welfare benefits which are not prorated.

⁷See NLRB v. Jones & Laughlin Steel Corp., 331 US 416, 20 LRRM 2115 (1947); and the remarks of Senator Taft at 93 Cong. Rec. 6444 (June 5, 1947).

⁸The proposed unit consists of the following positions: program tutorial assistant, instructional aide, instructional assistant I, instructional assistant II, teacher assistant-bilingual, teacher associate, hall monitor, walking attendant, parent education assistant, school community worker, and vocational and manpower technician.

The duties of the aides are generally to work in the classroom with students and take direction from the classroom teacher primarily and the school principal secondarily. The aides attend meetings with the teachers and nearly all are involved in regular student contact. Additionally, instructional aide community workers and teaching assistant-bilingual/community workers spend part of their day with parents and part of their day with students in the classroom. The school community workers spend full-time in the community and act as an agent of the principal by getting children to come to school events and to do homework. The walking attendant assists children in crossing the street. Hall monitors keep visitors out of the classroom. The program tutoring assistant works in the larger Early Childhood Education III schools and serves as a coordinator for the principal to help in scheduling the aides into the classroom and works with the aides if they have problems.

The aides are on the classified salary schedule and may be promoted through evaluations at the end of the year. Although half the aides are not funded by general funds, they are all eligible for tenure, are permanent and are rehired whether funding for their program is renewed or not. If a program is not renewed a tenured aide may transfer into another program; however, this situation has never occurred and aides, further, have never been laid off.

Aides may become teachers under the Federal Career Opportunity Program. They receive a credential under this program and the District tries to place them into a certificated job. This has happened approximately ten times in four years.

Aides may be promoted successively to instructional assistant I, instructional assistant II and teacher assistant by obtaining increasing amounts of college credit concurrent with increased experience. Many instructional aides have a teaching credential or bachelor's degree even though they are not required.

The primary duties of the instructional aides involve directly assisting in the educational development of students. This unique work function plus the other factors mentioned such as educational requirements and supervision by teachers and principal, indicate that the instructional aides have a community of interest separate and distinct from that of the other classified employees.

This conclusion is consistent with our previous decisions in Pittsburg Unified School District,⁹ Sweetwater Union High School District,¹⁰ Fremont Unified School District¹¹ and San Diego Unified School District.¹² Accordingly, we conclude that a separate unit of instructional aides is appropriate.

Operations-Support Services Employees

SEIU seeks to fragment these employees into separate skilled crafts,¹³ food services¹⁴ and transportation¹⁵ units. Building Trades Council also seeks a separate skilled crafts unit. AFSCME seeks a separate unit of custodial and warehouse workers.¹⁶ Transit Union seeks a separate transportation unit. The District urges that a separate skilled crafts unit is appropriate and that the remaining classified employees, except security officers, should be included in a single unit. CSEA would include all classified employees in a single unit.

⁹EERB Decision No. 3, October 14, 1976.

¹⁰EERB Decision No. 4, November 23, 1976.

¹¹EERB Decision No. 6, December 16, 1976.

¹²EERB Decision No. 8, February 18, 1977.

¹³The approximately 100 skilled crafts and maintenance employees include the following job classifications: carpenter, electrician, electronics technician, engineer, floor/tile and shade repairman, glazier, laborer, laborer/gardener, painter/brush, painter/spray, plumber, roofer, and welder. The supervisory status of the classifications of carpenter/foreman, carpenter/assistant foreman, electrician/foreman, electronics technician/foreman, electronics technician/assistant foreman, glazier/foreman, laborer/assistant foreman, laborer/gardener foreman, laborer/gardener assistant foreman, painter/foreman, plumber/foreman, plumber/assistant foreman, roofer/foreman, shop foreman (carpenter), and engineer/chief is in dispute.

¹⁴There are approximately 115 food service assistant Is, 69 food service assistant II's, and four children's center cooks in this proposed unit. The supervisory status of the 39 cafeteria managers I, II and III is in dispute.

¹⁵There are approximately 120 employees in the proposed unit consisting of bus driver I, bus driver II, bus attendant, transportation specialist, shop foreman, transportation mechanic and automotive service attendant.

¹⁶There are approximately 350 employees in the classifications of custodian, swimming pool custodian, floor maintenance worker, grounds worker/mover, utility worker, night watchman, warehouse worker, deliveryman, and tool room attendant in this proposed unit. The supervisory status of the school plant operations manager I, II and III is in dispute.

Skilled crafts employees are different in some respects from other operations-support services employees. Most significantly, they are paid on a separate salary schedule and are required to have undergone an apprenticeship program. However, these are distinctions of degree rather than of kind. A separate salary schedule evolved because historically these employees had been compensated in accordance with the salary paid their private-sector counterparts. However, since 1973 they have received the same across-the-board pay increases as those granted to all other classified employees. In addition, while these employees possess discrete skills, the requisite skills of a carpenter are no more nor less distinct from those of a plumber than from others included in the operations-support services unit. Carpenters and warehousemen, like the skilled crafts employees, work a 12 month year and an eight hour day. Carpenters, warehousemen and bus drivers, like skilled crafts employees, are primarily assigned to work from a central location. Further, there is no evidence of interchange between members of one particular craft and another craft; thus the degree of interchange with other employees within the skilled crafts is no greater nor lesser than between the skilled crafts and other operations-support services employees.

The primary work function of skilled crafts employees, like other operations-support services employees, is essentially to provide a proper physical environment and support services for students. A separate unit is not warranted merely because a group of employees share a community of interest among themselves, when that homogeneous group forms only a part of a larger essentially homogeneous group sharing similar conditions of employment and job functions.¹⁷ Thus, while we have determined that security officers constitute a separate appropriate unit, this decision is primarily based on the strong policy considerations of the unique function of security guards; these policy considerations are inherent to guards but not to the skilled craftsmen.

Most of the skilled crafts employees belong to the Building Trades Council; however, there is no evidence as to whether they also belong to any other employee organizations. In addition, while their basic wage rate was, prior to 1973, determined by a different method than that used for the remaining classified employees, the rate was modified to accommodate the fringe benefits they received,

¹⁷ See Kelly Air Force Base, GERR No. 228, at Unit Arbitrations 1 (1968).

even then, in common with all other classified employees. Moreover, since 1973 they have received the same wage increase as all other classified employees. Thus, the past practices of the skilled crafts employees in this District, particularly the most recent practices, do not require a separate skilled crafts unit but rather suggest that the skilled crafts have a common interest with other operations-support services employees. Accordingly, we conclude here, as we did in Fremont Unified School District,¹⁸ that a separate unit of skilled crafts employees is not appropriate.

Neither are the transportation, custodial and warehouse or food services units separately appropriate. In fact, there are as many, if not more, dissimilarities between employees sought to be included within each of these units than there are between employees of one of these units and other operations-support services employees. Thus, transportation mechanics and shop foremen work 12 months a year, just as do security guards and custodians, while bus drivers and attendants work ten months a year, as do food service employees. Drivers have become custodians and vice versa. Transportation mechanics work in a shop adjacent to the bus yard, while drivers, like warehousemen, are deployed throughout the District. The majority of custodians work in the evening, while warehousemen work during the day. Custodians and warehousemen, like food service employees, wear uniforms. The tool room attendant has nothing to do with custodians or warehousemen, but has substantial contact with the skilled crafts employees. The grounds worker/mover works with skilled crafts employees.¹⁹ While the employees within the requested units may have some common skills, other employees in the broader operations-support services unit with essentially the same common interests and skills suggest that the requested separate units are not appropriate. Accordingly, we conclude that the skilled crafts, food services, transportation and custodial and warehouse employees together constitute an operations-support services unit appropriate for negotiating.

¹⁸EERB Decision No. 6, December 16, 1976.

¹⁹Watchmen check locks and watch for fire and vandalism. They must have one year experience as a watchman or "related custodial work." Their function is not to make arrests; they carry no weapons nor are they deputized or uniformed. They are not employed to enforce rules or to protect the District's property or safety of persons. They are, therefore, appropriately included in the same unit with other operations-support services employees. See Walterboro Mfg. Corp., 106 NLRB 1383, 33 LRRM 1028 (1953); Container Research Corp., 188 NLRB 586, 76 LRRM 1369 (1971); and Shattuck School, 189 NLRB 886, 77 LRRM 1164 (1971).

Office-Technical and Business
Services Employees

SETU seeks to divide these employees into professional/technical/reproduction²⁰ and clerical²¹ units. SACEE seeks an allied clerical unit.²² The District would include these employees in the overall classified unit, excluding skilled craft and construction and security employees. CSEA also seeks to include these employees in a broader unit of all classified employees. We conclude that separate units of professional/technical/reproduction employees and clerical employees are not appropriate. We further conclude that here, as in Sweetwater Union High School District and San Diego Unified School District, an office-technical and business services unit is appropriate. These employees, as distinguished from the operations-support services employees, generally perform only clerical and record keeping work.

²⁰The following classifications are sought to be included in this proposed unit: computer operator I, computer operator II, key entry operator I, key entry operator II, EDP programmer, programmer/analyst, senior programmer/analyst, senior accountant, accountant, buyer I, buyer II, reproduction cameraman, reproduction lead worker, reproduction technician, supervisor reproduction, personnel analyst, research analyst, engineering technician, lead construction inspector, piano technician and compensatory education analyst. The managerial and/or supervisory status of the budget analyst and the research specialist are in dispute. The supervisory status of the EDP operations, data control, key entry, purchasing, and EDP systems and programming supervisors is in dispute.

²¹The unit described here is simply all clerical employees, excluding all other employees, supervisors, managerial and confidential employees within the meaning of the Act.

²²The job classifications sought to be included in this proposed unit are the following: account clerk, accounting technician, administrative secretary, budget technician, buyer, children's center clerk, clerical specialist, clerk I, clerk II, clerk III, controller, elementary school secretary, key entry operator, library clerk, personnel technician, research analyst, salary technician, school bookkeeper, school secretary I, school secretary II, secretary I, secretary II, statistical clerk, supervisor-accounting services, supervisor-data control, supervisor-key entry, supervisor-purchasing, supervisor-transaction and records, supervisor-special projects and program accounting, teacher assistant, teacher associate, telephone operator and warehouse clerk. The confidential status of the adult school registrar, secretary to the administrator of the budget, secretary to the administrator of special business services, and secretaries to school principals who serve as members of the negotiating teams is at issue.

The employees in the proposed professional/technical/reproduction unit do not constitute a cohesive separate group of employees. There is no geographical or functional unity of employees in this proposed unit. Thus, while reproduction and data processing employees work in the central office annex, accounting employees work in the main administration building and buyers in the warehouse. Further, there is substantial interchange between these employees and other office-technical and business services employees. Thus, secretaries have become buyers, data processing and reproduction employees; clerks have become reproduction technicians; and computer operators have become accounting technicians. Moreover, the skills of some of these employees are analogous to the skills of other office-technical and business services employees; key entry operators need knowledge of the typing keyboard and the adding machine just as do many clerical employees. Accordingly, we conclude that a broader unit of office-technical and business services employees is appropriate.

SEIU seeks to include in its professional/technical/reproduction unit the classifications of piano technician, construction inspector, lead construction inspector and engineering technician. While the evidence is exceedingly sparse regarding these employees, it appears that they have little in common with office-technical and business services employees. The piano technician, in effect, tunes and maintains pianos; the construction and lead construction inspectors ensure that construction work is performed in accordance with various state and local building codes and general safety standards; the engineering technician serves as a draftsman for various construction projects. Even SEIU in its brief acknowledges that these employees might have more in common with the skilled crafts and maintenance employees than with employees in its proposed professional/technical unit. Accordingly, we conclude that these employees should be included in the operations-support services unit.

ORDER

The Educational Employment Relations Board directs that:

1. The following units are appropriate for the purpose of meeting and negotiating, provided an employee organization becomes the exclusive representative:

Unit A - All security officers; excluding all other employees, including management, supervisory and confidential employees.

Unit B - All instructional aides (paraprofessionals); excluding all other employees, including management, supervisory and confidential employees.

Unit C - All operations-support services personnel, including watchmen, skilled craft and construction workers, custodial and warehouse workers, food service employees, transportation workers, construction inspector, lead construction inspector, piano technician, and engineering technician; excluding all management, supervisory and confidential employees.

Unit D - All office-technical and business services employees, including all professional, technical, reproduction and clerical employees; excluding all other employees, including piano technician, construction inspector, lead construction inspector, engineering technician and management, supervisory and confidential employees.

2. Within 10 workdays after the employer posts the Notice of Decision, the employee organizations shall demonstrate to the Regional Director at least 30 percent support in the above units. The Regional Director shall conduct an election at the end of the posting period if: (1) more than one employee

organization qualifies for the ballot, or (2) if only one employee organization qualifies for the ballot and the employer does not grant voluntary recognition.

By/ Jerilou H. Cossack, Member

Raymond J. Gonzales, concurring:

I concur in the decision and rationale of Member Cossack, disavowing footnote "1" of the decision. Title 8, Cal. Adm. Code Section 33430(a) provides in part for the Board "taking such other action as it considers proper" in regard to a decision of the Board itself. If anything, I view the bifurcation of this decision as an effort to expedite the settlement of issues presented in this case.

Raymond J. Gonzales, Member

Chairman Reginald Alleyne, concurring:

For purposes of expediting final resolution of this case, I concur only in the Order, which I believe to be consistent with precedents of this Board. In the case of the security guards, the Order is consistent with National Labor Relations Act rationale. I also agree with Member Gonzales' views, as expressed in his concurring opinion, on the need to bifurcate the issues in an effort to prompt the settlement of the remaining unresolved issues concerning the supervisory, managerial and confidential status of certain individuals.

Reginald Alleyne, Chairman

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Unit D - All office-technical and business services employees, including all professional, technical reproduction and clerical employees; excluding all other employees, including piano technician, construction inspector, lead construction inspector, engineering technician and management, supervisory and confidential employees.

2. Within ten workdays after the employer posts the Notice of Decision, the employee organizations shall demonstrate to the Regional Director at least 30 percent support in the above unit. The Regional Director shall conduct an election at the end of the posting period if: (a) more than one employee organization qualifies for the ballot, or (b) only one employee organization qualifies for the ballot and the employer does not grant voluntary recognition.

Educational Employment Relations Board

by

Charles L. Cole
Executive Director

9/20/77