

STATE OF CALIFORNIA  
DECISION OF THE  
PUBLIC EMPLOYMENT RELATIONS BOARD



HOWARD O. WATTS,	)	
	)	
Complainant,	)	Case No. LA-PN-25
v.	)	
	)	PERB Decision No. 150a
LOS ANGELES COMMUNITY COLLEGE	)	
DISTRICT,	)	ORDER DENYING REQUEST
	)	TO VACATE PERB
Respondent,	)	DECISION NO. 150
	)	
and	)	April 29, 1981
	)	
AMERICAN FEDERATION OF TEACHERS	)	
COLLEGE GUILD, LOCAL 1521,	)	
AFL-CIO,	)	
	)	
Respondent.	)	
_____		

Appearances: Mary L. Dowell, Associate General Counsel,  
representing the Los Angeles Community College District;  
Lawrence Rosenzweig (Levy & Goldman) for AFT College Guild,  
Local 1521, AFL-CIO.

Before Gluck, Chairperson; Jaeger, Moore, and Tovar, Members.

DECISION AND ORDER

The Los Angeles Community College District (hereafter District) filed a request with the Public Employment Relations Board (hereafter PERB or Board) for an order vacating Decision No. 150 and dismissing the public notice complaint (LA-PN-25) on the grounds that the issues raised in this case are moot as a result of the decision of the Board in Watts v. Los Angeles Community College District (12/31/80) PERB Decision No. 153. This request is supported by the American Federation

of Teachers College Guild, Local 1521, AFL-CIO.<sup>1</sup> The Board denies the request.

Three of the charges in the instant case--alleged failure to post public notice complaints as required by California Administrative Code, title 8, section 37040 (subsequently deleted 7-18-80), alleged failure to have copies of the initial proposals available for general distribution at public meetings, and alleged failure to give proper public notice of proposed amendments to an existing agreement and new subjects for negotiations--were resolved by the Board in Watts v. Los Angeles Community College District, supra. However, Watts' charge that the District's rule allotting five minutes to speakers at school board meetings failed to provide full opportunity to the public to respond to collective bargaining issues on March 12 and 26, 1980, has not been resolved by prior litigation. While PERB determined in Watts v. Los Angeles Community College District, supra, and Watts v. Los Angeles Community College District (6/16/80) PERB Order No. Ad-91, that the District's five-minute policy does not constitute a per se violation of the public notice provisions of the Educational Employment Relations Act (hereafter EERA),<sup>2</sup> the charging

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<sup>1</sup>The complainant, Howard O. Watts, filed no response.

<sup>2</sup>EERA is codified at California Government Code section 3540 et seq. Unless otherwise noted, all statutory references are to the Government Code.

Section 3547 provides:

- (a) All initial proposals of exclusive

party is entitled to amend his charge to state a prima facie case. If the amended charge states a prima facie case, he is entitled to produce evidence that the policy actually did operate to deny him the opportunity guaranteed him by the Act. See Watts v. Los Angeles Unified School District (12/30/80)

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representatives and of public school employers, which relate to matters within the scope of representation, shall be presented at a public meeting of the public school employer and thereafter shall be public records.

(b) Meeting and negotiating shall not take place on any proposal until a reasonable time has elapsed after the submission of the proposal to enable the public to become informed and the public has the opportunity to express itself regarding the proposal at a meeting of the public school employer.

(c) After the public has had the opportunity to express itself, the public school employer shall, at a meeting which is open to the public, adopt its initial proposal.

(d) New subjects of meeting and negotiating arising after the presentation of initial proposals shall be made public within 24 hours. If a vote is taken on such subject by the public school employer, the vote thereon by each member voting shall also be made public within 24 hours.

(e) The board may adopt regulations for the purpose of implementing this section, which are consistent with the intent of the section; namely that the public be informed of the issues that are being negotiated upon and have full opportunity to express their views on the issues to the public school employer, and to know of the positions of their elected representatives.

PERB Decision No. 152 at page 4. Because the record of the formal hearing in these proceedings was lost, there is no basis for the Board to determine Watts' appeal. If the amended charge states a prima facie case, the hearing on remand shall be limited to this question.<sup>3</sup> The District's request for vacatur is denied.

It is so ORDERED.

PER CURIAM

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<sup>3</sup> Complainant also charged that the hearing officer who conducted the hearing in his case was biased against him. Although there is similarly no record of the evidence he produced to support his charge, it is not necessary to reach this issue. A different hearing officer has been assigned to hear the matter on remand.