

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



HOWARD O. WATTS,)	
)	
Complainant,)	Case No. LA-PN-27
)	
v.)	PERB Decision No. 151
)	
LOS ANGELES UNIFIED SCHOOL)	
DISTRICT)	
)	December 30, 1980
Respondent.)	

Appearances: Howard O. Watts, representing himself.

Before Gluck, Chairperson; Moore, Member.

DECISION AND ORDER

This public notice complaint was filed on May 7, 1980, alleging that the Los Angeles Unified School District (hereafter District) violated section 3547(a), (b), (c), (d), and (e) of the Educational Employment Relations Act (hereafter EERA)¹ by the following conduct: (1) the District, pursuant to its own rules and regulations, provided twenty copies of the initial negotiating proposals of Service Employees International

¹All statutory references are to the California Government Code unless otherwise specified.

Section 3547 provides:

- (a) All initial proposals of exclusive representatives and of public school

Union, Local 99 (hereafter SEIU) for distribution to the public in the board room on April 7, 1980, the date the union's proposals were presented. Complainant alleges that twenty copies are insufficient and further alleges that no more copies were available in the board room on April 14 or 21, 1980,

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.

the dates scheduled for public response to the proposals; (2) the presentation of SEIU's initial proposals was not listed as an agenda item on April 7, 1980; (3) the District's rule providing at least two weeks for public response after the presentation of collective bargaining proposals is inadequate--complainant wants thirty days; (4) the District's rule limiting speakers to three minutes is inadequate; and, (5) the District's rules for the sunshining of collective bargaining proposals for units of classified employees is not as extensive as its rules for sunshining the proposals of certificated units.

A notice of deficiency issued on July 3, 1980. The complaint was adjudged insufficient for failure to state a prima facie violation of section 3547 in that the complainant failed to establish that a two-week period for public response was insufficient, that three minutes was not sufficient time to address collective bargaining proposals, that the public had inadequate access to negotiating proposals, or that the District otherwise failed to properly sunshine the proposals for units of classified employees. The notice did not refer to the alleged failure of the District to properly agenda the collective bargaining proposals. It stated that several of the allegations simply repeated those of an earlier complaint (LA-PN-2).²

²Los Angeles Unified School District (1/8/79) PERB Order No. Ad-53. While the complaint was dismissed at the regional level because it was determined that the District was

On October 29, 1980, a letter of dismissal issued for failure to amend the complaint within the allotted time. Complainant appeals this dismissal.

The Board summarily affirms the dismissal of the complaint for failure to amend with the exception of the allegation that the District violated section 3547 by failing to schedule the presentation of collective bargaining proposals on its agenda for April 7, 1980. This allegation does not require amendment in order to state a prima facie violation. The statutory requirement that initial collective bargaining proposals be presented at public meetings is undercut by the failure to notify the public by placing the subject on the agenda. The District's own rule providing that copies of the union's initial proposals are available for general distribution to the public only at the time they are initially presented gives additional significance to the failure to advise the public of the presentation of the collective bargaining proposals.

It is hereby ORDERED that this case be remanded to the Los Angeles Regional Office for further processing consistent with this decision.

PER CURIAM

in voluntary compliance, on appeal PERB upheld the dismissal on the grounds that the complainant did not have standing to file a public notice complaint under California Administrative Code, title 8, section 37010. Thus, PERB never reached the merits of that case.