

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



IN THE MATTER OF:)	Case No.
)	SF-PC-1001 et al.
UNIT DETERMINATION FOR PROFESSIONAL)	
LIBRARIANS OF THE UNIVERSITY OF)	PERB Decision No. 247b-H
CALIFORNIA PURSUANT TO CHAPTER 744)	
OF THE STATUTES OF 1978 (HIGHER)	March 23, 1983
EDUCATION EMPLOYER-EMPLOYEE)	
RELATIONS ACT))	
)	
)	
)	

Appearances: Philip E. Callis, Attorney for California State Employees Association; Robert J. Bezemek, Attorney (Bennett & Bezemek) for the American Federation of Teachers; Douglas H. Barton, Attorney (Corbett, Kane, Berk & Barton) and James N. Odle, Associate Counsel for the Regents of the University of California.

Before Tovar, Jaeger, Morgenstern and Burt, Members.*

DECISION

On September 30, 1982, the Public Employment Relations Board (PERB or Board) issued a decision¹ under the Higher

*Chairperson Gluck did not participate in this decision.

¹Unit Determination for Professional Librarians of the University of California Pursuant to Chapter 744 of Statutes of 1978 (Higher Education Employer-Employee Relations Act) (9/30/82) PERB Decision No. 247-H. See also the decision concerning requests for reconsideration and judicial review, Unit Determination for Technical Employees; Clerical Employees; Service Employees; Professional Scientists and Engineers, Lawrence Livermore National Laboratory; Professional Librarians; and Professional Patient Care Employees of the University of California Pursuant to Chapter 744 of the Statutes of 1978 (Higher Education Employer-Employee Relations Act) (2/4/83) PERB Decision Nos. 241a-H and 244a-H through 248a-H.

Education Employer-Employee Relations Act (HEERA)² creating a bargaining unit of professional librarians for employees at the University of California (UC). Pending that decision, exclusionary issues were raised by the parties with respect to the alleged managerial, supervisory, confidential and casual status of employees in the professional librarians unit, as well as several other proposed UC units. The hearing on these exclusionary issues began on July 14, 1982. See Unit Determination for Employees of the Regents of the University of California (9/4/81) PERB Order No. Ad-114-H and (4/20/82) PERB Order No. Ad-114a-H. It soon became apparent that the development of the record for this and related UC units would be an unduly lengthy and complex process since a total of approximately 7,000 exclusionary issues were involved. As a result, on August 4, 1982, during testimony pertaining to another unit, the Board ordered the hearing suspended pending further procedural orders. Unit Determination for Employees of the Regents of the University of California (8/4/82) PERB Order No. Ad-114b-H.

Thereafter, on August 12, 1982, the director of representation issued a pre-hearing notice and order for

²The HEERA is codified at Government Code section 3560 et seq. All statutory references are to the Government Code unless otherwise specified.

investigation, production of documents, and hearing. See Unit Determination for Employees of the Regents of the University of California (Exclusionary Phase) (9/14/82) PERB Order No.

Ad-114c-H. This order directed UC to submit declarations and relevant supporting documents to support each whole classification (List A submission) and each individual employee (List B submission) exclusionary claim. The order provided that the documentation submitted by UC should be legally sufficient to constitute its case-in-chief for all disputed classifications and employees.

The employee organizations were directed to review the material submitted by UC and to submit counter-declarations and relevant documents where they opposed UC's exclusionary claims. The employee organizations were advised that a failure to file counter-declarations would be deemed a waiver of opposition to the claim unless opposition was stated on the ground that a prima facie case was not established by UC. The parties were then advised that PERB would examine the disputed claims on the basis of the totality of materials submitted by the parties to determine whether a sufficient case was presented for decision by the Board itself, or whether further investigation or formal hearing would be required to resolve disputed issues of fact.

As a result of the procedural history described above, the record in this matter substantially consists of declarations

submitted by UC and the American Federation of Teachers (AFT).³ AFT's and California State Employees Association's (CSEA) cases consist mainly of the argument that UC's documentation is insufficient to establish a prima facie case for exclusion. Therefore, they contend, none of the claimed exclusions should be allowed. The record also consists of the transcript and exhibits in the matter of the Unit Determination for Professional Librarians of the University of California, supra, PERB Decision No. 247-H, including class specifications, job descriptions, the staff personnel manual and salary schedules. As discussed, infra, the record in some cases establishes and in some cases does not establish a prima facie case sufficient to exclude the disputed classifications and employees.

As part of their responses to PERB's request for argument, CSEA and AFT submitted a joint list of 58 librarians whom they agree should be excluded from the unit as supervisory. These employees are listed in Appendix A attached hereto. Although not formalized in a written agreement, this list is tantamount to a stipulation with UC. The Board has held that it will approve a stipulation in a unit determination matter when the

³Specifically, UC submitted 189 declarations in support of managerial, supervisory, confidential and casual exclusions. AFT responded with two counter-declarations disputing UC's supervisory claims and CSEA with none.

stipulation does not contravene the Act or established Board policies. Centinela Valley Union High School District (8/7/78) PERB Decision No. 62. A review of the record reveals that it is adequate to support the stipulations. Therefore the stipulations are approved by the Board.⁴

DISCUSSION

The terms "managerial employee", "supervisory employee" and "confidential employee" are defined in subsection 3562(1),⁵

⁴The Board does not specifically designate these employees as supervisors. In the State Employer-Employee Relations Act, Phase III, Unit Determination Proceeding (10/18/79) PERB Order No. Ad-79-S, the Board stated that it:

. . . views the focus of the Phase III unit determination proceedings to be a determination of those rank and file employees who are to be included in the designated appropriate units. However, the burden is on the . . . party which may seek to exclude employees from units because of alleged managerial, supervisory or confidential status--to affirmatively justify their exclusion. This can be done by showing evidence of actual job requirements which would disqualify the subject employees from placement in representation units irrespective of which exclusionary category those employees may fit.

Thus, the Board approves only the exclusion of the employees from the unit and not the specific basis for the exclusion.

⁵Subsection 3562(1) provides:

"Managerial employee" means any employee having significant responsibilities for formulating or administering policies and programs. No employee or group of employees shall be deemed to be managerial employees

solely because the employee or group of employees participate in decisions with respect to courses, curriculum, personnel and other matters of educational policy. A department chair or head of a similar academic unit or program who performs the foregoing duties primarily on behalf of the members of the academic unit or program shall not be deemed a managerial employee solely because of such duties.

⁶Section 3580.3 provides:

"Supervisory employee" means any individual, regardless of the job description or title, having authority, in the interest of the employer to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them, or to adjust their grievances, or effectively to recommend such action, if, in connection with the foregoing, the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment. With respect to faculty or academic employees, any department chair, head of a similar academic unit or program, or other employee who performs the foregoing duties primarily in the interest of and on behalf of the members of the academic department, unit or program, shall not be deemed a supervisory employee solely because of such duties; provided, that with respect to the University of California and Hastings College of the Law, there shall be a rebuttable presumption that such an individual appointed by the employer to an indefinite term shall be deemed to be a supervisor. Employees whose duties are substantially similar to those of their subordinates shall not be considered to be supervisory employees.

⁷Subsection 3562(e) provides:

"Confidential employee" means any employee who is required to develop or present management

respectively.⁸ The definitions in these sections of HEERA essentially parallel the definitions of managerial, supervisory and confidential employees found in the State Employer-Employee Relations Act (SEERA).⁹

positions with respect to meeting and conferring or whose duties normally require access to confidential information which contributes significantly to the development of such management positions.

⁸Managerial and confidential employees are excluded from coverage under HEERA in subsection 3562(f). Supervisory employees have limited rights as set forth in section 3580 et seq.

⁹The SEERA is codified at section 3512 et seq.

The definition of "managerial employee" in subsection 3513(e) of SEERA refers to agency or department policies or programs, does not exclude decisions relevant to courses, curriculum, personnel and other matters of educational policy, and does not include reference to department chairpersons. Subsection 3513(e) provides:

"Managerial employee" means any employee having significant responsibilities for formulating or administering agency or departmental policies and programs or administering an agency or department.

The definition of "supervisory employee" in section 3522.1 of SEERA does not contain the department chairperson language of HEERA. Section 3522.1 provides:

"Supervisory employee" means any individual, regardless of the job description or title, having authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them, or to adjust their grievances, or effectively to recommend such action, if, in connection

In deciding this case, we find no reason to depart from the Board's conclusions regarding exclusionary issues set forth in Unit Determination for the State of California Pursuant to Chapter 1159 of the Statutes of 1977 (State Employer-Employee Relations Act) (12/31/80) PERB Decision No. 110c-S.10 Thus, we conclude that the burden of proving an exclusionary claim rests with the party asserting it.¹¹ Stipulations of fact submitted by the parties are accepted as conclusive. Additionally see the detailed discussion regarding managerial

with the foregoing, the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment. Employees whose duties are substantially similar to those of their subordinates shall not be considered to be supervisory employees.

The definition of "confidential employee" in subsection 3513(f) of SEERA refers to individuals who develop or present management positions with respect to "employer-employee relations" as compared to "meeting and conferring." Subsection 3513(f) provides:

"Confidential employee" means any employee who is required to develop or present management positions with respect to employer-employee relations or whose duties normally require access to confidential information contributing significantly to the development of management positions.

¹⁰Unit Determination for Employees of the California State University and Colleges Pursuant to Chapter 744 of the Statutes of 1978 (Higher Education Employer-Employee Relations Act) (9/22/81) PERB Decision No. 173-H and (11/17/81) PERB Decision No. 176-H.

¹¹See also In Re: The State Employer-Employee Relations Act, Phase III, Unit Determination Proceeding, supra, PERB Order No. Ad-79-S.

and supervisory employees in Unit Determination for Professional Scientists and Engineers, Lawrence Livermore National Laboratory, of the University of California Pursuant to Chapter 744 of Statutes of 1978 (Higher Education Employer-Employee Relations Act (3/8/83) PERB Decision No. 246b-H, at p. 8 et seq.

As was stated in that case, the Board's analysis according to the principles established in the SEERA unit determination decision has been complicated because the record provides few direct facts regarding the amount of time the employees in issue perform duties substantially the same as those of their subordinates, or whether the exercise of supervisory duties is sporadic and atypical or requires the use of independent judgment. Absent such facts, the evidence must be conservatively approached. Thus, the point at which an employee's supervisory obligation to the employer outweighs the entitlement to the rights afforded rank-and-file employees will be reached only where the record indicates the substantial performance of supervisory duties. Additionally, certain supervisory duties may indicate a serious potential for a conflict of interest with bargaining unit members and thus require the exclusion of the employee.

ORGANIZATION OF THE UC LIBRARY SYSTEM

An overview of the UC library system is essential in order to accurately apply the exclusionary criteria set forth in the statutes.

The system is complex, consisting of at least one main library and often several branch libraries on each University campus. In addition, there are 10 unaffiliated libraries located in various academic departments.¹²

The upper echelon of management at a main or branch library consists of the university librarian who heads the facility, and the assistant university librarians and associate university librarians who work directly under him or her. Incumbents in these positions share the top-level management responsibilities of their respective libraries. None of these positions were placed in the professional librarians unit established by the Board.

The second echelon of library employees are grouped in the following descending series with titles as follows: librarian, associate librarian and assistant librarian. Incumbents in these positions are at the crux of this dispute. An appointment to a position in any title in this series falls within one of three categories: career, potential career, or temporary.¹³ A potential career appointment is distinguished

¹²See HEERA Unit Determination Hearings, Phase I - Exhibit 35: University of California Libraries: A Plan for Development 1978-88, at pp. 207-210. The UC Berkeley Law Library is an example of an unaffiliated library.

¹³See HEERA Unit Determination Hearings, Phase I - Exhibit 34: Academic Personnel Manual at section 82-17.

from a temporary appointment by the fact that no definite date of termination of the appointment is specified. Additionally, only appointees in potential career appointments may qualify, after a trial period and careful review, for a continuing career appointment.

Generally, librarians work in one of two departments-- public service or technical service. Public service deals with reference materials and the circulation of library materials. Approximately 70 percent of the librarians are assigned to the public service branch at each campus. They have significant contact with students, faculty and researchers. Technical service relates to the acquisition and cataloging of the library collection. Librarians in the technical service branch have contact with administrative professionals such as computer programmers and analysts.

EXCLUDED SUPERVISORY EMPLOYEES

Following the parties' agreement to the exclusion of the employees listed in Appendix A, 127 employees in the librarians unit remain in dispute.¹⁴ UC has designated 121 of these employees as supervisors.¹⁵ The evidence submitted by UC in support of excluding each of these individuals is largely identical in content and specificity.

¹⁴See the discussion, supra at pp. 4 and 5.

¹⁵UC has designated the remaining six employees as managers, to be discussed, infra.

The record does not provide a detailed account of the day-to-day duties of any librarians. Absent rebutting evidence, however, the Board finds that UC has established in most instances a prima facie case for exclusion. The excluded employees are listed in Appendix B attached hereto.

While there are slight variations in the record regarding Appendix B employees, the following general statements hold true. With regard to authority to hire, Appendix B employees either select from a pool of applicants the individuals to be hired into their work unit, or make recommendations with regard to the hiring of job applicants that are routinely followed. Further, Appendix B employees are responsible for the annual and probationary performance evaluations of their subordinates. With respect to probationary employees, the performance evaluations are critical to a determination that the employees will either be retained or discharged. The combination of these duties indicates that Appendix B employees play a significant role in hiring decisions which affect their subordinates.

The record shows that some Appendix B employees are directly responsible for merit salary increase and promotion decisions or make recommendations in these matters which are routinely followed. In numerous other areas, including

discipline and grievances, Appendix B employees have either the authority to take action or to recommend effectively a solution or action. It is not necessary to state categorically that any of the foregoing duties would alone establish supervisory status. Taken as a whole, the many and various responsibilities are sufficient to establish supervisory status. This is especially so because the evidence in favor of exclusion is un rebutted.

CSEA and AFT argue that, notwithstanding the evidence of supervisory authority, the employees designated by UC as supervisors should not be excluded from the unit for two reasons. First, they perform work substantially similar to that of their subordinates and, second, they supervise only employees who are not members of the unit. However, with the exception of the two employees discussed, infra, there is no evidence in the record to support the claim that they perform work substantially similar to that of their subordinates. Similarly, the record does not indicate that their supervisory duties are limited to nonunit employees. Further, the fact that supervisors supervise only nonunit employees does not preclude designation of them as supervisory.¹⁶

¹⁶As the Board pointed out in Sacramento City Unified School District (3/25/80) PERB Decision No. 122 at p. 13, both the Educational Employment Relations Act and the National Labor

In conclusion, the Appendix B employees are excluded from the unit on the basis that there has been an un rebutted prima facie showing that they are supervisors within the meaning of section 3580.3.

APPENDIX C EMPLOYEES INCLUDED

AFT submitted two counter-declarations to support the inclusion of two employees. The declarants are Stanley Stevens, an associate librarian (3616) at the Santa Cruz library, special services section, map unit; and Raymond Philip Hoehn, Jr. (3612), a map librarian, government documents department at UC Berkeley. The evidence indicates that Mr. Stevens is responsible for the physical environment of the map room, equipment and supplies. These responsibilities occupy 80 percent of his time. Supervision of three nonunit employees occupies approximately 10 percent of his time. Mr. Hoehn's responsibilities include acquiring, cataloging and providing reference services for cartographic materials.

Relations Act contain the same rationale for the exclusion of supervisors from rank and file units:

. . . to protect management's interest in the undiluted loyalty of those employees to whom it delegates supervisory responsibilities and to guard against potential conflicts of interest between supervisors and the employees they supervise.

This rationale is equally applicable to HEERA.

Ninety percent of Mr. Hoehn's time is spent doing these duties and five percent is spent representing the unit at various meetings. Supervision of two nonunit employees occupies approximately five percent of his time.

The record reflects that Hoehn and Stevens are professionals who spend, at most, 10 percent of their time on supervision, that such supervision is exercised over nonprofessional employees who are not in the unit petitioned for, and that the supervised employees are performing work which is merely adjunct to the professional duties of Hoehn and Stevens. Such supervisory activity is incidental to their professional activities, and is not carried out essentially in the interest of their employer. Redlands Unified School District (8/27/82) PERB Decision No. 235. It is this combination of factors which persuades us that their inclusion would not present a danger of conflict of interest within the unit, and that their infrequent exercise of supervisory authority is insufficient to ally their interest with management so as to create the more generalized conflict of interest which the Legislature sought to avoid when it declared that supervisors are to be excluded from rank and file units. This rationale was expressed as follows by the National Labor Relations Board in Adelphi University (1972) 195 NLRB 639, 644 [79 LRRM 1545]:

The underlying rationale of this body of precedent is that an employee whose principal duties are of the same character as that of other bargaining unit employees should not be isolated from them solely because of sporadic exercise of supervisory authority over nonunit personnel. No danger of conflict of interest within the unit is presented, nor does the infrequent exercise of supervisory authority so ally such an employee with management as to create a more generalized conflict of interest of the type envisioned by Congress

Mr. Stevens and Mr. Hoehn are therefore included in the unit, as indicated in Appendix C attached hereto.

A handful of the employees designated by UC as supervisors simply do not possess the requisite supervisory authority to warrant their exclusion from the unit. These employees are listed in Appendix C. The record reveals that these employees have, at the most, only advisory power in matters of hiring, transfers, salary increases, promotions, discipline and grievances. Viewing the record as a whole, the evidence presented on these employees does not establish a prima facie case for exclusion. Thus, we find Appendix C employees to be appropriately included in the unit.

MANAGERIAL EMPLOYEES

UC seeks to exclude 16 employees from the unit as managerial. Ten of these 16 employees have been excluded as at

least supervisory pursuant to the parties' agreement.¹⁷ The remaining six employees are incumbents in three classifications.¹⁸

The six employees designated by UC as managerial perform virtually the same duties. The record reveals that these employees are solely responsible for the overall operation of their units. They also have individual responsibility to develop and administer important policies and programs pertaining to their units. They exercise discretionary authority in developing and modifying institutional goals and priorities. Moreover, they perform a number of duties indicating substantial responsibility in developing, administering and modifying the unit budget.

Absent contrary evidence, the Board concludes that these employees, listed in Appendix D attached hereto, have significant responsibilities for both formulating and administering UC policies and programs. Therefore, they are excluded from the unit as managerial.

¹⁷Again, as was stated in footnote 4, supra, and in the State Employer-Employee Relations Act, Phase III, Unit Determination Proceeding, supra, PERB Order No. Ad-79-S, the focus of this decision is the determination of those employees who are to be included in the unit. The specific basis for the exclusion of an employee, whether it is managerial, supervisory or confidential status, is not relevant for this purpose.

¹⁸Four are classified as a librarian - career status (3612). One is classified as an associate librarian - career status (3616). One is classified as an associate librarian - potential career status (3617).

CONFIDENTIAL EMPLOYEES

Subsection 3562(e) of HEERA provides that a confidential employee is one who is required to develop or present management positions with respect to "meeting and conferring." This term, like the term "employer-employee relations" in section 3513(f) of SEERA, includes, at the least, the processing of employee grievances and employer-employee negotiations.¹⁹ Subsection 3562(e) also provides that a confidential employee is one whose duties normally require access to confidential information which contributes significantly to the development of management positions.

The frequency with which an employee has access to or possesses information of a confidential nature is not controlling. However, it must be in the regular course of the employee's duties and more than a happenstance.²⁰ Specifically, the Board has stated:

The mere access to or possession of confidential information by an employee will not, however, in and of itself result in

¹⁹Fremont Unified School District (12/16/76) EERB Decision No. 6, at p. 11; Marin Community College District (6/26/78) PERB Decision No. 55, at p. 20; Rio Hondo Community College District (12/28/82) PERB Decision No. 272.

Prior to January 1, 1978, PERB was known as the Educational Employment Relations Board (EERB).

²⁰San Rafael City Schools (10/3/77) EERB Decision No. 32, at p. 3.

that employee's designation as confidential. A confidential employee must function as such in the regular course of his or her duties before the denial of representation rights that accompanies such classification is justified. [Footnote omitted.]²¹

In sum, more than a fraction of the employees' time must be spent on confidential matters.²² The individual must have access to or possess sufficient information to warrant the conclusion that the employer's ability to negotiate with employees from an equal posture might be jeopardized, and the balance in employer-employee relations distorted, if the information was prematurely made public.²³

The Board has also stated that:

The assumption is that the employer should be allowed a small nucleus of individuals who would assist the employer in the development of the employer's positions for the purposes of employer-employee relations. . . .

.

. . . the employer, in order to fulfill its statutory role in its employer-employee relations, must be assured of the undivided loyalty of a nucleus of staff designated as "confidential employees."²⁴

²¹Campbell Union High School District (8/17/78) PERB Decision No. 66, at p. 4.

²²Los Rios Community College District (6/9/77) EERB Decision No. 18, at p. 21.

²³Campbell Union High School District, supra, PERB Decision No. 66, at p. 4.

²⁴Sierra Sands Unified School District (10/14/76) EERB Decision No. 2, at pp. 2-3. That case was decided under subsection 3540.1(c) of the EERA, which provides:

Section 3562(e) thus contemplates a small number of confidential employees working at the most knowledgeable levels in the areas of bargaining and grievance processing.

UC contends that the evidence submitted in support of the exclusion of claimed managers and supervisors from the professional librarians unit also proves that nearly all of these individuals also meet the criteria for exclusion on the basis of confidential status set forth in subsection 3562(e).²⁵ In fact, UC submitted evidence pertaining to the alleged confidential status of all except 16 of its claimed managers and supervisors.

To exclude all of these employees as confidential would hardly create a "small nucleus" of employees who develop or have access to confidential information with respect to meeting and conferring. In drafting subsection 3562(e), the Legislature cannot have intended that the 169 librarians should all be excluded as confidential. In discussing the limited exclusion of confidential employees, the United States Supreme Court has recently noted that professional employees are nearly

"Confidential employee" means any employee who, in the regular course of his duties, has access to, or possesses information relating to, his employer's employer-employee relations.

²⁵UC did not claim the exclusion of any employee in the librarians unit exclusively on the ground that the employee is confidential.

always likely to be privy to some confidential business information relating to bargaining and grievance issues. However, if such employees were all designated confidential, that basis for exclusion would "swallow up and displace almost the entirety of the professional-employee inclusion." NLRB v. Hendricks County Rural Electric Membership Corp. (1981) 454 U.S. 170 [108 LRRM 3105, 3110]. Instead, based on the National Labor Relations Board's "labor-nexus test," confidential status is limited to (1) those employees who assist and act in a confidential capacity to persons who formulate, determine and effectuate management policies in the field of labor relations, and (2) persons who, although not assisting persons exercising managerial functions in the labor-relations area, regularly have access to confidential information concerning anticipated changes which may result from collective bargaining negotiations. Id., 108 LRRM at 3109-3112.

The evidence does not indicate that any of the librarians satisfies the labor-nexus test. For example, nearly all the disputed employees attend meetings where management positions and/or strategy with respect to collective bargaining matters are discussed. The fact that well over 100 librarians attend such meetings in itself reveals that the information discussed at such meetings is not confidential.

Further, the evidence presented is not sufficient to establish, without further support, that more than a fraction of the disputed employees' time is spent on the alleged confidential matters. It is apparent that the participation of these employees in bargaining and grievance matters is only incidental to their regular responsibilities in the library. Absent a showing of significant involvement in confidential matters, none of the disputed employees qualifies for confidential status.

In conclusion, nothing in the record establishes that these librarians are part of the small nucleus of individuals who are actively involved in collective negotiations and grievance resolution at the highest levels, or that they regularly perform confidential duties. Given the narrow definition of confidential employee, the lack of evidence regarding the performance of confidential duties by librarians, and the apparent infrequency of performance of any duties which might exist, none of the disputed employees can be excluded from the unit as confidential.

CASUAL EMPLOYEES

Casual employees are those who, due to their sporadic or intermittent relationship with the employer, lack a sufficient community of interest with regular employees to be included in the representational unit. Unit Determination for Employees of

the California State University and Colleges Pursuant to Chapter 744 of the Statutes of 1978 (Higher Education Employer-Employee Relations Act) (9/22/81) PERB Decision No. 173-H; citing Mission Pak Co. (1960) 127 NLRB 1097 [46 LRRM 1161]. In considering the status of alleged casual employees and the appropriateness of excluding them from the librarians unit, we are required to consider the following criteria set forth in section 3579 of HEERA which, in pertinent part, provides:

(a) In each case where the appropriateness of a unit is an issue, in determining an appropriate unit, the board shall take into consideration all of the following criteria:

(1) The internal and occupational community of interest among the employees, including, but not limited to, the extent to which they perform functionally related services or work toward established common goals, the history of employee representation with the employer, the extent to which such employees belong to the same employee organization, the extent to which the employees have common skills, working conditions, job duties, or similar educational or training requirements, and the extent to which the employees have common supervision.

In addition to the above statutory criteria, the Board has consistently held, in accordance with other jurisdictions, that such factors as qualifications, job function, compensation, hours of work, fringe benefits, integration of work function, and interchange between employees are relevant in determining

community of interest.²⁶ As stated in Monterey Peninsula Community College District, Id.:

. . . community of interest is not determined by going down a check list of these factors. The point of the comparison is to reveal the interests of the employees and ascertain whether they share a substantial mutual interest in matters subject to meeting and negotiation. (Citation omitted.) The interests of included employees must be mutual not distinct, and substantial not tenuous. Thus, employees may be excluded from a particular unit either because their interests are separate and apart from those of the employees in that particular unit, (citation omitted) or because their interest in negotiable matters subject to the control of the employer is so insubstantial that they do not share mutual interests with other unit employees. (PERB Decision No. 76 at p. 13.)

UC has designated three job classifications in the librarians unit which it claims are designed for use exclusively by employees who have a casual employment relationship with the university. These classifications are temporary librarian (3614), temporary associate librarian (3618) and temporary assistant librarian (3622).

²⁶Hartnell Community College District (1/2/79) PERB Decision No. 81; Monterey Peninsula Community College District (10/16/78) PERB Decision No. 76. See also Kalamazoo Paper Box Corp. (1962) 136 NLRB 134 [49 LRRM 1715].

UC makes two arguments with regard to alleged casual employees. It first contends that any employee in these three classifications who does not qualify for membership in one of the several retirement systems for which university employees may be eligible should be deemed casual and excluded from the bargaining unit. Generally, the requirements for membership in these systems are that a university employee must work more than 50 percent time and that the appointment be of more than a year's duration. UC argues that only employees who meet these criteria for retirement system participation have sufficient employment interests to warrant their inclusion in the bargaining unit.

UC, in essence, is attempting to define a point at which an employee's relationship with the university is transformed from intermittent and sporadic to substantial and continuing. If an employee works a sufficient percent of the time and length of time to qualify him for participation in a university retirement system, then UC contends that the individual is not casual. If the employee fails to reach the qualifying plateau, then UC contends that the status of that person should per se be casual.

The Board has specifically rejected such an approach. In Dixie Elementary School District (8/11/81) PERB Decision No. 171, the Board modified an existing unit of regular

full-time, substitute and temporary teachers by including certain unrepresented day-to-day substitutes and temporary teachers. The Board noted that there was:

. . . no indication that the [petitioned-for] teachers' interest and commitment to, or empathy with, the concerns of others within the bargaining unit is proportional to their number-of-days-employment. Moreover, to impose a threshold requirement for inclusion in the unit based on number-of-days-employment would be inevitably arbitrary [footnote omitted]. There is no rationale instructing where the line establishing the minimum should be drawn. Accordingly, this Board does not require, as a condition of unit membership, that a classroom teacher work for a specified number of days. (PERB Decision No. 171 at pp. 7-8.)²⁷

Additionally, the Board has rejected the argument that less than 50 percent part-time employment alone should automatically result in the casual designation of an employee. See Belmont Elementary School District, Id., EERB Decision No. 7; Paramount Unified School District (10/7/77) EERB Decision No. 33.

The mere fact that an employee does not work a sufficient number of days or percent of time to qualify for participation in a university retirement system does not, in and of itself, indicate that the employee does not share a community of interest with other unit members. The record reveals that the

²⁷Temporary employees were also included in a bargaining unit of teachers in Belmont Elementary School District (12/30/76) EERB Decision No. 7, based on similar working conditions and employment as part of the regular faculty pool.

claimed casual employees may perform duties similar to those of career or potential career employees; receive the same rates of pay; have the same qualifications, skills and education; work the same shifts; report to the same supervisors; and receive roughly equivalent benefits. Absent evidence to the contrary, there is no reason to believe that such an employee does not share a substantial community of interest with other unit employees. Ineligibility to participate in one of the university retirement systems is not, by itself, enough to persuade us differently.

UC secondly argues that, if the Board does not adopt the retirement system eligibility criterion, individuals in the three classifications claimed as casual should be excluded from the librarians unit because they lack an expectation of continuing employment with the university. UC cites a host of NLRB cases for the proposition that employees who lack a "reasonable expectation of future reasonably regular employment" should be excluded as casual. Connecticut Distributors Inc. (1981) 255 NLRB 1255, 1262 [107 LRRM 1229]; see also J.R. Simplot Food Processing Division Inc. (1960) 128 NLRB 1391 [46 LRRM 1484]; American Federation of State, County and Municipal Employees (1976) 224 NLRB 1057 [93 LRRM 1137]; Advanced Mining Group, Division of Republic Corp. (1982) 260 NLRB No. 73 [109 LRRM 1281]. In all of these cases, however,

employees were excluded as casuals either because the parties had virtually agreed to their exclusion, or because the durations of the employees' appointments were extremely limited. This is not the case for the alleged casual employees in the librarians unit.

Although employees in these temporary classifications have apparently no reason to rely on reappointment, their relationship to the university and other unit members is far from limited. They may be appointed full-time to their positions for up to two years in the same capacity as other unit members. Thereafter nothing precludes reappointment. Their work is career oriented and presumably approached with the same professional goals and expectations that all unit employees possess. They are subject to the same library policies and procedures, the same pay and promotion structure, the same working conditions, and the same disciplinary rules. Based on these facts we find that the employees in the alleged casual classifications possess a significant community of interest with other unit members, and therefore, should be included in the unit.

ORDER

Upon the foregoing Decision and the entire record in this case, the Public Employment Relations Board ORDERS that:

(1) The employees listed in Appendix A are excluded from the Professional Librarians Unit according to the agreement of the parties and based upon the factual record in this proceeding.

(2) The employees listed in Appendices B and D are excluded from the unit as supervisory or managerial for the reasons stated in the foregoing Decision.

(3) The employees listed in Appendix C are included in the unit for the reasons stated in the foregoing Decision.

(4) No employees are excluded from the unit as confidential for the reasons stated in the foregoing Decision.

(5) The classifications of temporary librarian (3614), temporary associate librarian (3618) and temporary assistant librarian (3622) are not casual and are included in the unit for the reasons stated in the foregoing Decision.

(6) Any technical errors in this Order shall be presented to the director of representation who shall take appropriate action thereon in accordance with this Decision.

By the BOARD

CODE	TITLE NAME	NAME	CAMPUS	REC
3612	LBRN - CAR STAT	ANDERSON, SHARON M.	UCSD	3527
3612	LBRN - CAR STAT	BAKER, SHARON D.	UCD	3505
3612	LBRN - CAR STAT	BARR, MARY	UCSF	3501
3612	LBRN - CAR STAT	BENENFELD, ALAN	UCLA	3516
3612	LBRN - CAR STAT	BERRY, ROGER B.	UCI	3547
3612	LBRN - CAR STAT	BOTTOMS, RITA B.	UCSC	3535
3612	LBRN - CAR STAT	BOYER, RUTH	UCI	7495
3612	LBRN - CAR STAT	BRISCOE, PETER M.	UCR	3523
3612	LBRN - CAR STAT	BRUN, C. H.	UCSB	3539
3612	LBRN - CAR STAT	BUZZARD, MARION	UCI	3548
3612	LBRN - CAR STAT	COOPER, RICHARD S.	UCR	3473
3612	LBRN - CAR STAT	CRONSHAW, P.	UCSB	3540
3612	LBRN - CAR STAT	EASLEY, JANET T.	UCI	3549
3612	LBRN - CAR STAT	EATON, EUGENIA	UCLA	3517
3612	LBRN - CAR STAT	FARRELL, LOIS C.	UCR	3474
3612	LBRN - CAR STAT	FITCH, D. E.	UCSB	3541
3612	LBRN - CAR STAT	GIBBENS, C.	UCSB	3542
3612	LBRN - CAR STAT	GIBBS, GEORGE	UCLA	6230
3612	LBRN - CAR STAT	GITTLESON, MARC	UCSD	6241
3612	LBRN - CAR STAT	GOFF, WILLIAM J.	UCSD	3528
3612	LBRN - CAR STAT	HINCKLEY, ANN	UCLA	3519
3612	LBRN - CAR STAT	HODINA, A. J.	UCSB	3543
3612	LBRN - CAR STAT	HOM, KIRIYO T.	UCR	3480
3612	LBRN - CAR STAT	HORN, JUDY K.	UCI	3550
3612	LBRN - CAR STAT	JONES, MORAH E.	UCLA	3520
3612	LBRN - CAR STAT	KENNEDY, COTT	UCD	3508
3612	LBRN - CAR STAT	KOYAMA, JANICE T.	UCR	6225

CODE	TITLE NAME	NAME	CAMPUS	REC
3612	LBRN - CAR STAT	HINK, JAMES	UCLA	6235
3612	LBRN - CAR STAT	MYERS, ELIZABETH L.	UCB	3490
3612	LBRN - CAR STAT	NEW, DORIS	UCI	6227
3612	LBRN - CAR STAT	PECK, JEAN M.	UCB	3493
3612	LBRN - CAR STAT	RHEE, SUSAN F.	UCSD	3532
3612	LBRN - CAR STAT	ROTHENBERGER, JAMES	UCR	3525
3612	LBRN - CAR STAT	SCALZO, GERALDINE	UCB	3497
3612	LBRN - CAR STAT	TAYLOR, MARION E.	UCSC	3538
3612	LBRN - CAR STAT	VIERICH, RICHARD WALLACE	UCR	3526
3612	LBRN - CAR STAT	WILSON, HARTLYN J.	UCSD	3534
3613	LBRN - POTENT CAR STAT	COHEN, A.	UCSB	6248
3613	LBRN - POTENT CAR STAT	WILLIAMSON, FAYE M.	UCB	3554
3616	ASSOC LBRN - CAR STAT	COOLMAN, JACQUELINE	UCSD	6260
3616	ASSOC LBRN - CAR STAT	FRY, THOMAS	UCLA	3578
3616	ASSOC LBRN - CAR STAT	HOFFMANN, LINDA M.	UCD	6256
3616	ASSOC LBRN - CAR STAT	MILLSAP, LARRY D.	UCSC	3587
3616	ASSOC LBRN - CAR STAT	PRESTON, GREGOR A.	UCD	3601
3616	ASSOC LBRN - CAR STAT	ROBINSON, MARGARET	UCSC	6262
3616	ASSOC LBRN - CAR STAT	SIBIA, TEJINDER S.	UCD	6258
3616	ASSOC LBRN - CAR STAT	VAN VERREN, DAROY	UCLA	6259
3616	ASSOC LBRN - CAR STAT	WEEKS, KENNETH R.	UCSF	3577
3617	ASSOC LBRN - POTENT CAR STAT	HERSCHMAN, JUDITH	UCSD	6267
3617	ASSOC LBRN - POTENT CAR STAT	HULING, NANCY	UCR	7326
3617	ASSOC LBRN - POTENT CAR STAT	LEUNG, SHIRLEY W.	UCR	3607
3617	ASSOC LBRN - POTENT CAR STAT	MILLER, CAROLYN V.	UCSC	3609
3617	ASSOC LBRN - POTENT CAR STAT	WHALEY, J.	UCI	3611
3635	LAU LBRN	BERRING, ROBERT	UCB	7579

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APPENDIX A - EMPLOYEES TO BE EXCLUDED FROM PROFESSIONAL LIBRARIANS UNIT 17 BY STIPULATION

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<u>CODE</u>	<u>TITLE NAME</u>	<u>NAME</u>	<u>CAMPUS</u>	<u>REC</u>
3637	ASST LAW LBRN	JANES, JUDY	UCD	3620
3637	ASST LAW LBRN	LEWIS, ALFRED	UCD	3621
3637	ASST LAW LBRN	PIPER, PAT	UCD	3622
3637	ASST LAW LBRN	REYNOLDS, THOMAS H.	UCB	6277

<u>CODE</u>	<u>TITLE NAME</u>	<u>NAME</u>	<u>CAMPUS</u>	<u>REC</u>
3612	LBRN - CAR STAT	ADAM, ADRIENNE	UCLA	6228
3612	LBRN - CAR STAT	BELL, ROBERT E.	UCD	3506
3612	LBRN - CAR STAT	BELLANTI, ROBERT	UCLA	3515
3612	LBRN - CAR STAT	BOWLES, GARRETT A.	UCSD	6239
3612	LBRN - CAR STAT	BUNTING, ALISON	UCLA	6229
3612	LBRN - CAR STAT	BUTLER, CYNTHIA	UCI	3552
3612	LBRN - CAR STAT	CHEN, CHI P.	UCB	3471
3612	LBRN - CAR STAT	DAVIS, DORIS	UCSF	3502
3612	LBRN - CAR STAT	EVANS, PETER A.	UCB	7567
3612	LBRN - CAR STAT	FRENCH, BEVERLEE	UCSD	6240
3612	LBRN - CAR STAT	FRY, STEPHEN	UCLA	3518
3612	LBRN - CAR STAT	GANSON, JUDITH A.	UCR	3524
3612	LBRN - CAR STAT	GAULT, JAMES E.	UCB	3476
3612	LBRN - CAR STAT	GOLD, SUZANNE	UCB	3477
3612	LBRN - CAR STAT	GONZALEZ, SILVIA	UCD	3507
3612	LBRN - CAR STAT	GULLION, SUSAN	UCLA	6231
3612	LBRN - CAR STAT	HANFF, PETER E.	UCB	6224
3612	LBRN - CAR STAT	JOHNSON, ESTHER M.	UCB	3481
3612	LBRN - CAR STAT	KANTOR, JAMES R.	UCB	3482
3612	LBRN - CAR STAT	KINNISON, PATRICIA	UCSD	6242
3612	LBRN - CAR STAT	KIRESEN, EVELYN M.	UCB	3483
3612	LBRN - CAR STAT	KISLITZIN, ELIZABETH H.	UCB	3484
3612	LBRN - CAR STAT	KOENIG, DOROTHY A.	UCB	3485
3612	LBRN - CAR STAT	KORNSTEIN, BARBARA	UCB	3486
3612	LBRN - CAR STAT	KWAN, CECILIA	UCD	3511
3612	LBRN - CAR STAT	KWAN, JULIE	UCLA	6232
3612	LBRN - CAR STAT	LEFKOWITZ, A.	UCLA	6233

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APPENDIX B - SUPERVISORY EMPLOYEES TO BE EXCLUDED FROM PROFESSIONAL LIBRARIANS UNIT 17

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CODE	TITLE NAME	NAME	CAMPUS	REC
3612	LBRN - CAR STAT	LINVILLE, HERBERT	UCSB	3544
3612	LBRN - CAR STAT	LOEPPRICH, JOYCE E.	UCI	3551
3612	LBRN - CAR STAT	McKINLEY, MARGARET	UCLA	3521
3612	LBRN - CAR STAT	MATHIAS, HARY LORRAINE	UCLA	6234
3612	LBRN - CAR STAT	MEAKIN, FAITH A.	UCSD	3529
3612	LBRN - CAR STAT	MITCHELL, ANN	UCLA	6236
3612	LBRN - CAR STAT	MORAN, IRENE M.	UCB	3488
3612	LBRN - CAR STAT	MORENO, CATHERINE H.	UCB	3489
3612	LBRN - CAR STAT	MORTON, THOMAS H.	UCSD	3530
3612	LBRN - CAR STAT	NANNA, LAURA A.	UCSB	3545
3612	LBRN - CAR STAT	NICHOLS, GAIL M.	UCB	3491
3612	LBRN - CAR STAT	NIXON, ROBERTA	UCLA	6237
3612	LBRN - CAR STAT	PEYTON, GEORGINA C.	UCSD	3531
3612	LBRN - CAR STAT	PRATT, VIRGINIA	UCB	3495
3612	LBRN - CAR STAT	REBEC, ESTELLE	UCB	3496
3612	LBRN - CAR STAT	SCHIPPERS, D.	UCSB	6243
3612	LBRN - CAR STAT	STEVENSON, ROBERTA	UCD	7568
3612	LBRN - CAR STAT	TANG, R. N.	UCB	3498
3612	LBRN - CAR STAT	TARCZY, STEPHEN	UCSF	3503
3612	LBRN - CAR STAT	TILLET, BARBARA B.	UCSD	3533
3612	LBRN - CAR STAT	TREESE, W. R.	UCSB	3546
3612	LBRN - CAR STAT	WALTER, PAT	UCLA	6238
3612	LBRN - CAR STAT	WAUGH, ARTHUR B.	UCB	3499
3612	LBRN - CAR STAT	WRIGHT, THOMAS	UCLA	3522
3613	LBRN - POTENT CAR STAT	KELLER, MICHAEL A.	UCB	6244
3613	LBRN - POTENT CAR STAT	YOUNANS, ALICE	UCB	6245
3616	ASSOC LBRN - CAR STAT	ADAMS, LYDIA K.	UCI	3571

CODE	TITLE NAME	NAME	CAMPUS	REC
3616	ASSOC LBRN - CAR STAT	ALEXANDER, THOMAS J.	UCB	3559
3616	ASSOC LBRN - CAR STAT	ANANDA, PETER	UCB	3560
3616	ASSOC LBRN - CAR STAT	ARGUELLES, IVAN	UCB	3561
3616	ASSOC LBRN - CAR STAT	BUBE, JUDITH L.	UCI	3592
3616	ASSOC LBRN - CAR STAT	BUNTING, CHRISTINE A.	UCSC	3585
3616	ASSOC LBRN - CAR STAT	CARSON, BETTY N.	UCB	7322
3616	ASSOC LBRN - CAR STAT	DUNKEL, LISA	UCSF	7325
3616	ASSOC LBRN - CAR STAT	FARRENS, MARY	UCD	6255
3616	ASSOC LBRN - CAR STAT	GILBERT, ANN B.	UCB	3566
3616	ASSOC LBRN - CAR STAT	HAYNE, REBECCA	UCSD	3583
3616	ASSOC LBRN - CAR STAT	HEATH, MARY K.	UCB	6249
3616	ASSOC LBRN - CAR STAT	HINOJOSA, SUSANA A.	UCB	6250
3616	ASSOC LBRN - CAR STAT	HOWARD, ALISON S.	UCB	3569
3616	ASSOC LBRN - CAR STAT	HOWARD, PATRICIA	UCB	3570
3616	ASSOC LBRN - CAR STAT	JOHNSON, SUE ANN H.	UCSD	3584
3616	ASSOC LBRN - CAR STAT	KILEY, G. D.	UCSB	3589
3616	ASSOC LBRN - CAR STAT	KIM, IK-SAM	UCLA	3579
3616	ASSOC LBRN - CAR STAT	LARRABEE, JAMES	UCB	6251
3616	ASSOC LBRN - CAR STAT	LUDMER, JOYCE	UCLA	3580
3616	ASSOC LBRN - CAR STAT	LUKENS, BEATRICE L.	UCB	3571
3616	ASSOC LBRN - CAR STAT	METZGER, SUZANNE	UCSD	6261
3616	ASSOC LBRN - CAR STAT	MONTANARY, BARBARA J.	UCB	6252
3616	ASSOC LBRN - CAR STAT	HYONG, JAE H.	UCI	3593
3616	ASSOC LBRN - CAR STAT	PALCHAK, JACQUALYN A.	UCI	3590
3616	ASSOC LBRN - CAR STAT	RENTON, MARGARET A.	UCI	3595
3616	ASSOC LBRN - CAR STAT	SCHRIEFER, KENT	UCB	6253
3616	ASSOC LBRN - CAR STAT	SOMMER, DEBORAH R.	UCB	6254

CODE	TITLE NAME	NAME	CAMPUS	REC
3616	ASSOC LBRN - CAR STAT	STIRLING, ISABEL	UCR	3501
3616	ASSOC LBRN - CAR STAT	TODD, ELIZABETH G.	UCB	3573
3616	ASSOC LBRN - CAR STAT	VOOVIN, GEORGE A.	UCB	3574
3616	ASSOC LBRN - CAR STAT	WANAT, CAMILLE A.	UCB	3575
3616	ASSOC LBRN - CAR STAT	WILSON, HARI T.	UCB	3576
3616	ASSOC LBRN - CAR STAT	WILSON, YVONNE	UCI	3598
3617	ASSOC LBRN - POTENT CAR STAT	ANDREWS, KAREN	UCLA	6265
3617	ASSOC LBRN - POTENT CAR STAT	DAY, DEBORAH	UCSD	6266
3617	ASSOC LBRN - POTENT CAR STAT	HURLBERT, IRENE WOO	UCSD	6268
3617	ASSOC LBRN - POTENT CAR STAT	MARTIN, REBECCA R.	UCB	6263
3617	ASSOC LBRN - POTENT CAR STAT	HAUGHAN, PATRICIA	UCB	6264
3617	ASSOC LBRN - POTENT CAR STAT	HOKRZYCKI, KAREN	UCSC	6268
3617	ASSOC LBRN - POTENT CAR STAT	SORRENTINO, SHERRILL O.	UCLA	6278
3617	ASSOC LBRN - POTENT CAR STAT	SVIHRA, SHIRLEY	UCB	7570
3621	ASST LBRN - POTENT CAR STAT	ALAN, BOB	UCSD	7571
3621	ASST LBRN - POTENT CAR STAT	BARNHART, LINDA	UCSD	7572
3621	ASST LBRN - POTENT CAR STAT	FOWLER, CHRISTINA C.	UCB	7573
3621	ASST LBRN - POTENT CAR STAT	LEVY, JUDITH	UCB	7575
3621	ASST LBRN - POTENT CAR STAT	RINALDI, JULIE F.	UCB	7576
3621	ASST LBRN - POTENT CAR STAT	STARR, SUSAN S.	UCSD	7577
3621	ASST LBRN - POTENT CAR STAT	TONG, DOGAY	UCSD	7578

<u>CODE</u>	<u>TITLE NAME</u>	<u>NAME</u>	<u>CAMPUS</u>	<u>REC</u>
3612	LBRN - CAR STAT	ANDERSON, DAVID C.	UCD	3504
3612	LBRN - CAR STAT	CHOO, YONG K.	UCB	3472
3612	LBRN - CAR STAT	HOEHN, JR., RAYMOND P.	UCB	3479
3612	LBRN - CAR STAT	KISTLER, WINIFRED E.	UCD	3509
3612	LBRN - CAR STAT	KUNITZ, DONALD	UCD	3510
3612	LBRN - CAR STAT	LUST, VERNON G.	UCD	3512
3612	LBRN - CAR STAT	MAWDSLEY, KATHERINE F.	UCD	3513
3612	LBRN - CAR STAT	STEEN, JUDITH A.	UCSC	3537
3612	LBRN - CAR STAT	YUTANI, EIJI	UCB	3500
3613	LBRN - POTENT CAR STAT	FRASER, WALTER J.	UCD	3555
3613	LBRN - POTENT CAR STAT	WEINTRAUB, D. KATHRYN	UCI	3557
3616	ASSOC LBRN - CAR STAT	CHOW, CHRISTA Y.	UCB	7323
3616	ASSOC LBRN - CAR STAT	HAN, JEAN Y.	UCB	3567
3616	ASSOC LBRN - CAR STAT	LANE, DIANA	UCI	7569
3616	ASSOC LBRN - CAR STAT	MacDONALD, ERIC	UCI	3596
3616	ASSOC LBRN - CAR STAT	MOOMAW, JUDITH	UCD	6257
3616	ASSOC LBRN - CAR STAT	STEVENS, STANLEY D.	UCSC	3588
3617	ASSOC LBRN - POTENT CAR STAT	MALMGREN, TERRI	UCD	3604
3621	ASST LBRN - POTENT CAR STAT	ISHINATSU, HISAYUKI	UCB	7574

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APPENDIX D - MANAGERIAL EMPLOYEES TO BE EXCLUDED FROM PROFESSIONAL LIBRARIANS UNIT 17

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<u>CODE</u>	<u>TITLE NAME</u>	<u>NAME</u>	<u>CAMPUS</u>	<u>REC</u>
3612	LBRN - CAR STAT	GARDINER, RUSSELL K.	UCB	3475
3612	LBRN - CAR STAT	LIPOW, AMIE G.	UCB	3487
3612	LBRN - CAR STAT	NOVAK, GLORIA J.	UCB	3492
3612	LBRN - CAR STAT	PFEIFFER, ROBERT E.	UCB	3494
3616	ASSOC LBRN - CAR STAT	HANDMAN, GARY P.	UCB	7324
3617	ASSOC LBRN - POTENT CAR STAT	OGDEN, BARCLAY W.	UCB	3603