

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



HOWARD O. WATTS,)	
)	
Complainant,)	Case No. LA-PN-80
)	
v.)	PERB Decision No. 490
)	
LOS ANGELES CITY AND COUNTY SCHOOL)	February 28, 1985
EMPLOYEES UNION, LOCAL 99,)	
SERVICE EMPLOYEES INTERNATIONAL)	
UNION, AFL-CIO,)	
)	
Respondent.)	

Appearance: Howard O. Watts, in his own behalf.

Before Tovar, Jaeger and Burt, Members.

DECISION AND ORDER

JAEGER, Member: Howard O. Watts appeals the dismissal of his public notice complaint alleging that Los Angeles City and County School Employees Union, Local 99, Service Employees International Union, AFL-CIO, violated section 3547 of the Educational Employment Relations Act¹ by failing to present in writing its proposal to reopen an existing collective agreement for the purpose of renegotiating certain salaries.

A regional representative of the Public Employment Relations Board dismissed the complaint, finding that by orally specifying at two public meetings of the Los Angeles Community College District the dollar amount of salary increase being

¹Codified at Government Code section 3540 et seq.

proposed, Local 99 complied with the requirements of section 3547.

The Board summarily affirms the attached ruling of the regional representative. The complaint is DISMISSED.

Members Tovar and Burt joined in this Decision.

PUBLIC EMPLOYMENT RELATIONS BOARD

LOS ANGELES REGIONAL OFFICE

470 WILSHIRE BLVD., SUITE 1001
LOS ANGELES, CALIFORNIA 9010
(213) 736-3127



June 28, 1984

Howard O. Watts

Re: NOTICE OF DISMISSAL
LA-PN-SO Watts v. Los Angeles City and County, school
Employees Union Local 99

Dear Mr. Watts:

Your above-captioned public notice complaint was filed with our office on April 20, 1984. The complaint: alleges that Los Angeles City and County School Employees Union, Local 99 (Local 99) violated 3547(a) of the Act by not presenting its proposal on salary reopeners at the March 21, 1984 meeting of the Board of Trustees of Los Angeles Unified School District, in a complete written form. You state that Business Representative Pat Pretè of Local 99, did not specifically identify what the exclusive representative's proposal on wages and salaries was going to be in the addendum to the Board's agenda on March 21, 1984. You did indicate however that Mr. Prete gave an oral presentation at the March 21, 1984 meeting in which he explained that Local 99 sought a \$2.00 per hour increase for all classifications in the maintenance/Operations Unit effective July 1, 1983.

As I informed you when we met on June 15, 1984 to discuss this case, you failed to state a prima facie violation 3547 and the complaint could not be amended to do so. You felt that the intent of 3547(a) was that all initial proposals should be specific and should be in written form. The statute provides that:

All initial proposals of exclusive representatives and of public school employer, 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. (emphasis added)0

The PERB upheld the Regional Director's dismissal of a similar public notice complaint in Fein v. Palo Alto Unified School District and Palo Alto Educators' Association (12/2/81) PERB Dec. No. 184. The complainant alleged that the written proposals initially presented at a public meeting were incomprehensible. The Regional Director found that an employee organization's written proposal was little more than an invitation to bargain with no indication to the public as to what the parameters of the proposal were. Because the union orally corrected its proposal at the public school employer's meeting and also corrected its written proposal at the subsequent public response meeting¹, the Regional Director found that the exclusive representative had corrected its technical difficulties in sunshining its proposal and therefore dismissed the complaint. In the instant complaint the exclusive representative orally clarified its proposal at the March 21, 1984 meeting and, at the following meeting for public response, the agenda clearly identified the \$2.00 per hour wage increase sought by Local 99.

Because Local 99 corrected its initial proposal on wage reopeners at the earliest stage possible, the public was able to comprehend what the proposal intended and was able to intelligently respond at the April 4, 1984 Board meeting. Therefore, the instant complaint does not state a prima facie violation of EERA section 3547 and cannot be amended to do so. It is hereby DISMISSED WITHOUT LEAVE TO AMEND.

In addition, your request for assistance filed pursuant to Regulation 32163 is dismissed. The PERB did not envision its agents drafting public notice complaints or providing legal advice on how to perfect those complaints. Your complaint in this case had no technical deficiencies so there was no additional assistance that I could provide.

June 28, 1984
LA-PN-80
Page 3

An appeal of this decision pursuant to PERB Regulation 32925 may be made within 20 calendar days following the date of service of this decision by filing an original and 5 copies of a statement of the 'facts upon which the appeal is based with the Board itself at 1031 - 18th Street, Suite 200, Sacramento, California 95814. Copies of any appeal must be concurrently served upon all parties and the Los Angeles Regional Office. Proof of service pursuant to Regulation 32140 is required.

Sincerely,

Frances A. Kreiling
Regional Director

Roger Smith
Regional Representative
cc: Jeff Paule, Esq.