STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD

MYRTLE E. COSME, Charging Party, v. LOS ANGELES UNIFIED SCHOOL DISTRICT, Respondent.	Case No. LA-CE-2200 PERB Decision No. 550 December 17, 1985

Appearances: Myrtle E. Cosme, on her own behalf.

Before Hesse, Chairperson; Jaeger, Morgenstern, Burt and Porter, Members.

DECISION

This case is before the Public Employment Relations Board on appeal by charging party of the Board agent's dismissal, attached hereto, of her charge alleging that the Los Angeles Unified School District violated the Educational Employment Relations Act (Gov. Code sec. 3540 et seq.).

We have reviewed the dismissal and finding it free from prejudicial error, adopt it as the Decision of the Board itself.

ORDER

The unfair practice charge in Case No. LA-CE-2200 is DISMISSED WITHOUT LEAVE TO AMEND.

By the BOARD.

STATE OF CALIFORNIA GEORGE DEUKMEJIAN, *Governor*

PUBLIC EMPLOYMENT RELATIONS BOARD
LOS ANGELES REGIONAL OFFICE
3470 WILSHIRE BLVD., SUITE 1001
LOS ANGELES, CALIFORNIA 90010
(213) 736-3127

August 27, 1985

Myrtle Cosme

RE: LA-CE-2200, <u>Myrtle Cosme</u> v. <u>Los Angeles Unified School District</u>, DISMISSAL OF UNFAIR PRACTICE CHARGE

Dear Ms. Cosme:

The above-referenced charge filed on June 21, 1985 alleges that you are being harrassed and discriminated against by the Los Angeles Unified School District because you filed a lawsuit in federal court claiming racial discrimination by District employees. It is alleged that this conduct constitutes a violation of section 3543.5 of the Educational Employment Relations Act (EERA).

I indicated to you in my attached letter dated August 13, 1985 that certain allegations contained in the charge did not state a prima facie case. You were advised that if there were any factual inaccuracies or additional facts which would correct the deficiencies explained in that letter, you should amend the charge accordingly. You were further advised that unless you amended these allegations to state a prima facie case, or withdrew them prior to August 26, 1985, they would be dismissed.

On August 26, 1985 you filed by mail a first amended charge in response to my letter of August 13, 1985. Later the same day you filed in person a signed proof of service showing that the first amended charge had been served on the District, and one copy of my August 13, 1985 letter with your notes of correction written in the margins. It is unclear from the proof of service whether you served this latter document on the District, or whether you intended it to be part of the first amended charge, since only one copy was filed with our office. However, I have read the document in conjunction with the first amended charge, and it is therefore attached to this letter and considered part of the first amended charge.

The first amended charge alleges that the "discrimination and retaliation" against you increased after you filed the first

amended racial discrimination complaint in federal court on May 8, 1985. You state that your supervisor has been "writing you up" since that date. However, the exhibits attached to the first amended charge are nearly all copies of material written by you and previously submitted to me with your letters of July 1, 2, 8, 9, 15, 22 and 29, and August 1 and 5, 1985. They are mainly complaints about the actions of your aides, the other teachers and your supervisor. They do not reflect "write ups" by your supervisor, nor do they indicate that such write ups began after May 8, 1985. Also, previous information supplied by you indicates that there have been unsatisfactory evaluations and write ups before that date, for instance in September 1982 when it was recommended that you be administratively transferred to another children's center. Thus, the first amended charge does not show that the alleged harrassment has changed since May 8, 1985, or that there is a connection between the May 8, 1985 first amended complaint filed in federal court and the actions of your aides, the other teachers and your supervisor.

Pursuant to Public Employment Relations Board regulation section 32635 (California Administrative Code, title 8, part III), you may appeal the refusal to issue a complaint (dismissal) to the Board itself.

Right to Appeal

You may obtain a review of this dismissal of the charge by filing an appeal to the Board itself within twenty (20) calendar days after service of this dismissal (section 32635(a). To be timely filed, the original and five (5) copies of such appeal must be actually received by the Board itself before the close of business (5:00 p.m.) on September 16, 1985, or sent by telegraph or certified United States mail postmarked not later than September 16, 1985 (section 32135). The Board's address is:

Public Employment Relations Board
1031 18th Street
Sacramento, CA 95814

If you file a timely appeal of the refusal, any other party may file with the Board an original and five (5) copies of a statement in opposition within twenty (20) calendar days following the date of service of the appeal (section 32635(b)).

Service

All documents authorized to be filed herein must also be "served" upon all parties to the proceeding, and a "proof of service" must accompany each copy of a document served upon a party or filed with the Board itself. (See section 32140 for the required contents and a sample form.) The documents will be considered properly "served" when personally delivered or deposited in the first-class mail postage paid and properly addressed.

Extension of Time

A request for an extension of time in which to file a document with the Board itself must be in writing and filed with the Board at the previously noted address. A request for an extension must be filed at least three (3) calendar days before the expiration of the time required for filing the document. The request must indicate good cause for the position of each other party regarding the extension and shall be accompanied by proof of service of the request upon each party (section 32132).

Final Date

If no appeal is filed within the specified time limits, the dismissal will become final when the time limits have expired.

Very truly yours,

Dennis Sullivan
General Counsel

Barbara T. Stuart
Regional Attorney

cc: Richard N. Fisher, Esq.

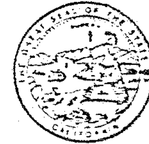
Attachment

BTS:djm

STATE OF CALIFORNIA

GEORGE DEUKMEJIAN, *Governor*

PUBLIC EMPLOYMENT RELATIONS BOARD
LOS ANGELES REGIONAL OFFICE
3470 WILSHIRE BLVD., SUITE 1001
LOS ANGELES, CALIFORNIA 90010
(213) 736-3127



August 13, 1985

Myrtle Cosme

Re: LA-CE-2200, Myrtle Cosme v. Los Angeles Unified School District

Dear Ms. Cosme:

The above-referenced charge filed on June 21, 1985 alleges that you are being harrassed and discriminated against by the Los Angeles Unified School District because you filed a lawsuit in federal court claiming racial discrimination by District employees. It is alleged that this conduct constitutes a violation of section 3543.5 of the Educational Employment Relations Act (EERA).

Facts

In addition to the charge, my office has received your letters containing additional information on July 1, 2, 8, 9, 15, 22 and 29, and August 1 and 5, 1985. These letters pertain to the conduct of other teachers and teacher aides with whom you work similar to the letters attached to the charge as exhibits. None of these letters were served on the Los Angeles Unified School District and therefore are not part of the charge. The information contained in these letters has, however, been considered in my investigation.

You have alleged the following facts in the materials filed with this office and in our conversation of July 24, 1985. You have been a children's center teacher employed by the District since 1978. In February 1982, you filed racial discrimination complaints against the District with the California Department of Fair Employment and Housing (DFEH) and the federal Equal Employment Opportunity Commission (EEOC). In December 1982, you received a Notice of Case Closure from the DFEH stating that the EEOC would be responsible for the investigation and evaluation of the merits of your complaint. An EEOC settlement

agreement dated April 20, 1982 provided that you would be transferred from the Marvin Avenue Children's Center to the Toluca Lake Children's Center. However, this did not settle your claim because your new supervisor harrassed you. A second EEOC settlement agreement dated August 31, 1982 provided that there would be an interim conference/evaluation to provide you with a summary of various conferences held in the past, areas that required improvement, and recommendations that would be consistent with your upcoming Stull evaluation. On September 9, 1982 you were given an unsatisfactory performance report which covered incidents back to 1980. The report recommended that you be administratively transferred to another center and in October 1982 you were administratively transferred to the Armitas Childrens' Center.

On October 12, 1984 the EEOC closed your case without taking action but provided you a right to sue letter. On January 11, 1985 you filed a complaint for employment discrimination, slander, libel and fraud with a pendant state claim in United States District Court. You filed a first amended complaint in that matter on May 8, 1985.

The charge alleges that the racial discrimination and retaliation have increased after this last case was filed. Specifically, other teachers and teachers aides have been breaking agreements with you and insulting you, and your 1984-85 Stull evaluation was affected as discussed infra. Reflections have been made on your supervision and you were denied the right as a supervisor to write notes about other employees' misconduct.

You provided the following history regarding the "harrassment". In 1982 when you were at Marvin Avenue Children's Center you were one of the few white teachers in a school of predominately black and hispanic teachers. After the EEOC settlement agreement of April 1982 you did not experience any substantial racial discrimination at Toluca Lake Children's Center which had more white students and teachers. You were upset when you were transferred to the Armitas Children's Center in October 1982 which has mainly white and hispanic students because you are the only white and only four-hour teacher. The other four teachers, who are all full-time, are black and hispanic. Additionally, most substitutes and aides are black and hispanic.

Even so, there was no racial discrimination for your first year at Armitas Children's Center while Miss Woodset was the

supervisor. Then in September 1983 a new instructional aide named Mrs. Bernardo was assigned to your supervision. You state that she was uncooperative and pushy. When you complained about her to your new supervisor since June 1983, Ms. Willoughby, she sided with the aide who was Philippino. When the three of you reached agreements about duties, Mrs. Bernardo broke the agreements. Finally, after six months she was transferred out of your room.

At that time an hispanic aide named Emma Felix whom you describe as aggressive and overbearing was assigned to you and Ms. Willoughby did not heed your complaints about her. She transferred you in July 1984 to a different classroom when Ms. Felix lied about an incident.

You had no problems in the new classroom during the Summer of 1984. Ms. Willoughby transferred you to another classroom in September 1984 where you worked with a black teacher named Bettye. There were no substantial problems in this classroom except Bettye acted like she was the boss and did things her own way even though you had equal status.

In March 1985 you were transferred back to the first classroom to work with Emma Felix again. She and two other aides named Martha Borquez (hispanic) and Lynette Bickham (black) would not cooperate with you and Ms. Willoughby allowed them to give you a "hard time" as described in the letters attached to the charge and other letters sent to this office. You believe it was because you had filed the federal lawsuit in January 1985 and amended complaint in May 1985. However, at the end of the semester Ms. Felix was assigned to work with you only one-half hour daily and during that time there was generally no problem with her.

In June 1985 you were assigned to work with an hispanic teacher named Delores Landeros with whom you are supposed to have equal status. There was no problem at first. However, she tried to change the children's program in a manner which would make your job more difficult. Further, she has been criticizing you in writing which you claim she is unqualified to do. In particular, she has accused you of sleeping on the job on several occasions. Due to her reports and those of others you are being required to submit to a doctor's examination.

On May 10, 1985, when Ms. Willoughby had waited until the last day to give you your Stull evaluation, she stated that it was

not complete and that you would be reevaluated next year. This is a deviation from the normal practice of an evaluation every other year. The evaluation stated that your performance was satisfactory but you believe this was done because of the pending court case. You believe that Ms. Willoughby intends to wait until the case is closed and then give you an evaluation stating your performance is unsatisfactory because you cannot control your aides. You state that Ms. Willoughby is nice but cooperative with the downtown District administration who suggested that she take steps against you.

In Summer 1984 you were the building representative for the United Teachers-Los Angeles (UTLA), the exclusive representative of your bargaining unit. There was little interest in the employee organization at Armitas Children's Center on the part of Ms. Willoughby or the teachers. In the election to determine duty-free time for the chapter chair, the unit voted against such free time.

UTLA has recently filed one grievance on your behalf regarding an "unplausible" letter from an "unqualified" parent concerning your performance which Ms. Willoughby said she would place in your personnel file. The first step of the grievance procedure has been set for August 1985. You have not filed any other grievances.

No Nexus Between Protected Activities and Employer's Conduct

To establish a violation of EERA section 3543.5(a), a charging party must show that (1) an employee has exercised rights under the EERA, (2) the employer had knowledge of the exercise of those rights, and (3) the employer imposed or threatened to impose reprisals, discriminated or threatened to discriminate, or otherwise interfered with, restrained or coerced the employee because of the exercise of those rights. Novato Unified School District (1982) PERB Decision No. 210; Carlsbad Unified School District (1979) PERB Decision No. 89.

Assuming you engaged in protected activities by filing the complaint and amended discrimination complaints in federal court in January and May 1985, the charge nevertheless fails to

state a prima facie case of a violation of the EERA.[1] This is because there is no showing that the employer's actions occurred in reprisal because you filed the lawsuit.

The facts you provided show that you have had problems with your co-workers since at least 1980 and at three different children's centers. You state that it is because you were a minority white teacher at schools employing predominately black and hispanic teachers and aides. The respondent states that it is because you are an ineffective supervisor. According to your information, the problems come and go depending upon whom you are working with and supervising. The recurring problems are that certain teachers and aides are aggressive, overbearing and assume control of the classroom when you are nominally in charge. Other teachers and aides criticize you and your supervisor normally sides with their version of incidents. You state that the situation has worsened again recently and

---

[1]There is a question whether the filing of your lawsuit is conduct protected by the EERA since it appears that you are simply an individual employee pursuing an individual remedy for alleged personal racial discrimination. Discrimination based on race, color, religion, sex or national origin, standing alone, is not inherently destructive of employees' EERA rights. Jubilee Mfg. Co. (1973) 202 NLRB 272, 82 LRRM 1482, aff'd sub nom. Steelworkers v. NLRB (D.C. Cir. 1974) 504 F.2d 271, 87 LRRM 3168.

However, a discrimination complaint may be protected in instances where the employee is seeking to enforce contractual provisions prohibiting discrimination. Interboro Contractors, Inc. (1966) 157 NLRB 1295, 61 LRRM 1537; King Soopers, Inc. (1976) 222 NLRB 1011, 91 LRRM 1292. This situation may not be present in the instant case because when you filed the 1982 complaints you did not know that the collective bargaining contract between the District and UTLA contained a discrimination provision. Viewing the 1985 lawsuit as an extension of the original action, it could be concluded that you lacked the requisite intent to enforce the contractual provisions so that the cases cited above would not apply.

because of the lawsuit. The theory is that your supervisor, Ms. Willoughby, is under instructions from district headquarters to make work difficult for you. She therefore declines to correct the misbehavior of the other teachers and aides and does not support you.

The facts of the case do not support a retaliation theory because the alleged harrassment has continued for several years and has not appreciably changed in kind or increased in intensity during the period after the lawsuit and amendment were filed. Your letters and papers submitted show only the same continuing problems as you relocated from the Marvin Avenue Children's Center to Toluca Lake Children's Center to Armitas Children's Center. For this reason the charge lacks facts showing a nexus between the protected conduct and the employer's actions. The charge must be dismissed.

Opportunity to Amend

For the reasons stated above, the charge as presently written does not state a prima facie violation of the EERA. If you feel that there are facts or legal arguments which would require different conclusion, an amended charge should be prepared on a standard PERB unfair practice charge form clearly labeled First Amended Charge, should contain all the allegations you wish to make and be signed under penalty of perjury. The amended charge must be served on the respondent and the original proof of service must be filed with PERB. If I do not receive an amended charge or withdrawal from you by August 26, 1985, I shall dismiss your charge. If you have any questions regarding how to proceed, please call me at (213) 736-3127.

Sincerely,

Barbara T. Stuart
Regional Attorney

BTS:djm

STATE OF CALIFORNIA

GEORGE DEUKMEJIAN, Governor

PUBLIC EMPLOYMENT RELATIO[illegible] BOARD
LOS ANGELES REGIONAL OFFICE
3470 WILSHIRE BLVD., SUITE 1001
LOS ANGELES, CALIFORNIA 90010
(213) 736-3127

To Barbara Stuart with corrections

August 13, 1985

AUG 28 '85 AUG 23 PM 2 45

Myrtle Cosme

Re: LA-CE-2200, Myrtle Cosme v. Los Angeles Unified School District

Dear Ms. Cosme:

The above-referenced charge filed on June 21, 1985 alleges that you are being harrassed and discriminated against by the Los Angeles Unified School District because you filed a lawsuit in federal court claiming racial discrimination by District employees. It is alleged that this conduct constitutes a violation of section 3543.5 of the Educational Employment Relations Act (EERA).

Facts

In addition to the charge, my office has received your letters containing additional information on July 1, 2, 8, 9, 15, 22 and 29, and August 1 and 5, 1985. These letters pertain to the conduct of other teachers and teacher aides with whom you work similar to the letters attached to the charge as exhibits. None of these letters were served on the Los Angeles Unified School District and therefore are not part of the charge. The information contained in these letters has, however, been considered in my investigation.

You have alleged the following facts in the materials filed with this office and in our conversation of July 24, 1985. You have been a children's center teacher employed by the District since 1978. In February 1982, you filed racial discrimination complaints against the District with the California Department of Fair Employment and Housing (DFEH) and the federal Equal Employment Opportunity Commission (EEOC). In December 1982, you received a Notice of Case Closure from the DFEH stating that the EEOC would be responsible for the investigation and evaluation of the merits of your complaint. An EEOC settlement

agreement dated April 20, 1982 provided that you would be transferred from the Marvin Avenue Children's Center to the Toluca Lake Children's Center. However, this did not settle your claim because your new supervisor harrassed you. A second EEOC settlement agreement dated August 31, 1982 provided that there would be an interim conference/evaluation to provide you with a summary of various conferences held in the past, areas that required improvement, and recommendations that would be consistent with your upcoming Stull evaluation. On September 9, 1982 you were given an unsatisfactory performance report which covered incidents back to 1980. The report recommended that you be administratively transferred to another center and in October 1982 you were administratively transferred to the ~~Armitas~~ Childrens' Center.

On October 12, 1984 the EEOC closed your case without taking action but provided you a right to sue letter. On January 11, 1985 you filed a complaint for employment discrimination, slander, libel and fraud with a pendant state claim in United States District Court. You filed a first amended complaint in that matter on May 8, 1985.

The charge alleges that the racial discrimination and retaliation have increased after this last case was filed. Specifically, other teachers and teachers aides have been breaking agreements with you and insulting you, and your 1984-85 Stull evaluation was affected as discussed infra. Reflections have been made on your supervision and you were denied the right as a supervisor to write notes about other employees' misconduct.

You provided the following history regarding the "harrassment". In 1982 when you were at Marvin Avenue Children's Center you were one of the few white teachers in a school of predominately black ~~and hispanic~~ teachers. After the EEOC settlement agreement of April 1982 you did not experience any substantial racial discrimination at Toluca Lake Children's Center which had more white students and teachers. ~~You were upset when you were transferred to the Armitas Children~~'s ~~Center in October 1982~~ which has mainly white and hispanic students, ~~because~~ you are the only white and only four-hour teacher. The other four teachers, who are all full-time, are black and hispanic. Additionally, most substitutes and aides are black and hispanic.

Even so, there was no racial discrimination for your first year at Armitas Children's Center while Miss Woodset was the

supervisor. Then in September 1983 a ~~new instructional aide~~ teacher named Mrs. Bernardo was assigned to your ~~supervision~~ room. You state that she was uncooperative and pushy. When you complained about her to your new supervisor since ~~June~~ July 1983, Ms. Willoughby, she sided with the ~~aide~~ Mrs. Bernardo who was Philippino. When the three of you reached agreements about duties, Mrs. Bernardo broke the agreements. Finally, after six months (approx.) she was transferred out of your room.

At that time an hispanic aide named Emma Felix whom you describe as aggressive and overbearing was assigned to you and Ms. Willoughby did not heed your complaints about her. She transferred you in July 1984 to a different classroom when Ms. Felix lied about an incident.

You had no problems in the new classroom during the Summer of 1984. Ms. Willoughby transferred you to another classroom in September 1984 where you worked with a black teacher named Bettye. There were no substantial problems in this classroom except Bettye acted like she was the boss and did things her own way even though you ~~had~~ were supposed to have equal status.

In March 1985 you were transferred back to the first classroom to work with Emma Felix again. She and ~~the~~ other aides named Martha Borquez (hispanic) ~~and Lynette Bickham~~ (black) would not cooperate with you and Ms. Willoughby allowed them to give you a "hard time" as described in the letters attached to the charge and other letters sent to this office. You believe it was because you had filed the federal lawsuit in January 1985 and amended complaint in May 1985. However, at the end of the semester Ms. Felix was assigned to work with you only one-half hour daily and during that time there was generally no problem with her. She refused on one occasion to unlock the outside doors when asked to do so by me ~~and~~ as suggested by the office manager.

In June 1985 you were assigned to work with an hispanic teacher named Delores Landeros with whom you are supposed to have equal status. There was no problem at first. However, she tried to change the children's program in a manner which would make your job more difficult. Further, she has been criticizing you in writing which you claim she is unqualified to do. In particular, she has accused you of sleeping on the job on several occasions. Due to her reports and those of others you ~~are~~ were being required to submit to a doctor's examination. I have not been asked again after Miss Willoughby cancelled the appointment.

On May 10, 1985, when Ms. Willoughby had waited until the last day to give you your Stull evaluation, she stated that it was

I wrote Miss Willoughby a note which said I would like for her to postpone or cancell the appointment. She chose to cancell.

Another Hispanic, a male, took her place named ...

Lynette Bickham a teacher was also allowed to change the program

Miss Bickham is no longer at Lorena St. She was awarded (4 hr) assignments at a school close to her home. The ethnic balance was corrected. EERB complaint was filed.

not complete and that you would be reevaluated next year. This is a deviation from the normal practice of an evaluation every other year. The evaluation stated that your performance was satisfactory. ~~but you believe this was done because of the pending court case~~. You believe that Ms. Willoughby intends to wait until the case is closed and then give you an evaluation stating your performance is unsatisfactory ~~because you cannot control your aides~~. You state that Ms. Willoughby is nice but cooperative with the downtown District administration ~~who suggested that she take steps against you~~. My opinion about a future "unsatisfactory" is based on the build up of written material written about me since May 6, 1985

In Summer 1984 you were the building representative for the United Teachers-Los Angeles (UTLA), the exclusive representative of your bargaining unit. ~~There was little interest in the employee organization at Armitas Children's Center on the part of Ms. Willoughby or the teachers~~. In the election to determine duty-free time for the chapter chair, the unit voted against such free time.

UTLA has recently filed one grievance on your behalf regarding an "unplausible" letter from an "unqualified" parent concerning your performance which Ms. Willoughby said she would place in your personnel file. The first step of the grievance procedure has been set for August 1985. You have not filed any other grievances. Since 1982.

No Nexus Between Protected Activities and Employer's Conduct

To establish a violation of EERA section 3543.5(a), a charging party must show that (1) an employee has exercised rights under the EERA, (2) the employer had knowledge of the exercise of those rights, and (3) the employer imposed or threatened to impose reprisals, discriminated or threatened to discriminate, or otherwise interfered with, restrained or coerced the employee because of the exercise of those rights. Novato Unified School District (1982) PERB Decision No. 210; Carlsbad Unified School District (1979) PERB Decision No. 89.

Assuming you engaged in protected activities by filing the complaint and amended discrimination complaints in federal court in January and May 1985, the charge nevertheless fails to

state a prima facie case of a violation of the EERA.[1] This is because there is no showing that the employer's actions occurred in reprisal because you filed the lawsuit.

The facts you provided show that you have had problems with your co-workers since at least 1980 and at three different children's centers. You state that it is because you were a minority white teacher at schools employing predominately black and hispanic teachers and aides. The respondent states that it is because you are an ineffective supervisor. According to your information, the problems come and go depending upon whom you are working with and supervising. The recurring problems are that certain teachers and aides are aggressive, overbearing and assume control of the classroom when you are nominally in charge. Other teachers and aides criticize you and your supervisor normally sides with their version of incidents. You state that the situation has worsened again recently and

---

[1]There is a question whether the filing of your lawsuit is conduct protected by the EERA since it appears that you are simply an individual employee pursuing an individual remedy for alleged personal racial discrimination. Discrimination based on race, color, religion, sex or national origin, standing alone, is not inherently destructive of employees' EERA rights. Jubilee Mfg. Co. (1973) 202 NLRB 272, 82 LRRM 1482, aff'd sub nom. Steelworkers v. NLRB (D.C. Cir. 1974) 504 F.2d 271, 87 LRRM 3168.

However, a discrimination complaint may be protected in instances where the employee is seeking to enforce contractual provisions prohibiting discrimination. Interboro Contractors, Inc. (1966) 157 NLRB 1295, 61 LRRM 1537; King Soopers, Inc. (1976) 222 NLRB 1011, 91 LRRM 1292. This situation may not be present in the instant case because when you filed the 1982 complaints you did not know that the collective bargaining contract between the District and UTLA contained a discrimination provision. Viewing the 1985 lawsuit as an extension of the original action, it could be concluded that you lacked the requisite intent to enforce the contractual provisions so that the cases cited above would not apply.

I firmly believed that discrimination was covered by the local union contract, although Mr. Kresner, director of representatives of U.T.L.A. told me it wasn't. I didn't accept what he told me, and continued to enforce contractual provisions prohibiting discrimination. I had read Constitutional law and insisted that

Increas... retaliation h... been ta... of a ne... previous... used fo... a build u... an unsatisfa... Never be... did tha... supervi... of Ar... write u... material against me was gi... to m... or rep... to m...

because of the lawsuit. The theory is that your supervisor, Ms. Willoughby, is under instructions from district headquarters to make work difficult for you. She therefore declines to correct the misbehavior of the other teachers and aides and does not support you.

The facts of the case do not support a retaliation theory because the alleged harrassment has continued for several years and has not appreciably changed in kind or increased in intensity during the period after the lawsuit and amendment were filed. Your letters and papers submitted show only the same continuing problems as you relocated from the Marvin Avenue Children's Center to Toluca Lake Children's Center to Armitas Children's Center. For this reason the charge lacks facts showing a nexus between the protected conduct and the employer's actions. The charge must be dismissed.

Retaliation has change in kind and increased in intensity since May 10, 1985 (write ups by Supervisor)

Arminta

Opportunity to Amend

For the reasons stated above, the charge as presently written does not state a prima facie violation of the EERA. If you feel that there are facts or legal arguments which would require different conclusion, an amended charge should be prepared on a standard PERB unfair practice charge form clearly labeled First Amended Charge, should contain all the allegations you wish to make and be signed under penalty of perjury. The amended charge must be served on the respondent and the original proof of service must be filed with PERB. If I do not receive an amended charge or withdrawal from you by August 26, 1985, I shall dismiss your charge. If you have any questions regarding how to proceed, please call me at (213) 736-3127.

Sincerely,

Barbara T. Stuart
Regional Attorney

BTS:djm

Ms. Cosme has verifications of successful teaching experience, which included supervision since she has been at Arminta Children's Center. She has a verification of successful experience as a teacher & assistant administrator from It's a Small World Preschool. and verification of successful ...

Principal Deputy County Counsel Richard K Mason told me that District administrators are alleging deficiencies in Ms Cosme's supervision. Her teaching and supervision are inseperable and have been evaluated recently as of "meets or exceeds ...