

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



BROTHERHOOD OF TEAMSTERS AND AUTO TRUCK)
DRIVERS, LOCAL NO. 70,)
[1] (RR-1002))
[2] (PC-1003))
[3] (RR-1011))
LABORER'S INTERNATIONAL UNION,) Case No. SF-RR-1002 et al
LOCAL 1276, AFL-CIO)
[4] (PC-1004)) PERB Order No. Ad-101-H
[5] (PC-1005))
AMERICAN FEDERATION OF STATE, COUNTY AND) ADMINISTRATIVE APPEAL
MUNICIPAL EMPLOYEES, AFL-CIO, LOCAL 371,) (INTERLOCUTORY)
[8] (RR-1006))
PRINTING TRADES ALLIANCE,) Re: JOINT HEARING
[9] (RR-1007)) ORDER (7/16/80):
ALAMEDA COUNTY BUILDING AND CONSTRUCTION) HEERA--UC UNIT
TRADES COUNCIL, AFL/CIO) DETERMINATION:
[10] (PC-1007)) PHASE II,
INTERNATIONAL UNION OF OPERATING) PROFESSIONAL
ENGINEERS, STATIONARY ENGINEERS, LOCAL) AND OPERATIONS
NO. 39,) HEARINGS
[11] (RR-1009))
[12] (RR-1010)) September 29, 1980
(JT. PET.) LOCALS 660 AND 535,)
SERVICE EMPLOYEES INTERNATIONAL UNION,)
AFL-CIO)
[13] (IP-22) (PC-1010))
[40] (IP-16))
LOCAL 660, SERVICE EMPLOYEES)
INTERNATIONAL UNION, AFL-CIO, UNIVERSITY)
DIVISION,)
[14] (PC-1016))
[15] (PC-1017))
CALIFORNIA STATE EMPLOYEES ASSOCIATION,)
[16] (PC-1011))
[18] (IP-5) (PC-1035))
[19] (IP-6) (PC-1032))
[20] (IP-7) (PC-1033))
[21] (IP-8) (PC-1031))
[23] (IP-11) (PC-1036))
[43] (IP-20))
[46] (IP-25))

AMERICAN FEDERATION OF STATE, COUNTY AND)
 MUNICIPAL EMPLOYEES, AFL-CIO)
 [24] (PC-1012))
 [25] (PC-1018))
 [26] (PC-1026))
 [27] (IP-13))
 [28] (IP-14))
 INDEPENDENT TOOL AND DIE CRAFTSMEN,)
 [29] (PC-1013))
 ALAMEDA COUNTY BUILDING AND CONSTRUCTION)
 TRADES COUNCIL, AFL-CIO AND INTERNATIONAL)
 ASSOCIATION OF MACHINISTS AND AEROSPACE)
 WORKERS, BAY AREA DISTRICT LODGE NO. 115,)
 AFL-CIO)
 [31] (PC-1015))
 INTERNATIONAL UNION OF OPERATING)
 ENGINEERS, LOCAL 501,)
 [32] (IP-9) (RR-1012))
 [33] (PC-1022))
 CALIFORNIA NURSES ASSOCIATION)
 [35] (IP-2))
 ENGLISH SECOND LANGUAGE TEACHERS, CFT-AFT)
 [36] (IP-4))
 CALIFORNIA STATE EMPLOYEES ASSOCIATION)
 SOCIETY OF PROFESSIONAL SCIENTISTS AND)
 ENGINEERS,)
 [37] (PC-1023))
 LOS ANGELES COUNTY EMPLOYEES UNION,)
 LOCAL 434, SEIU, AFL-CIO,)
 [38] (IP-3))
 [39] (IP-15))
 [41] (IP-17))
 [45] (IP-21))
 SAN FRANCISCO BUILDING AND TRADES COUNCIL)
 [42] (IP-18))
 UNIVERSITY OF CALIFORNIA ACADEMIC COUNCIL)
 (LIBRARIANS) AFT)
 [44] (IP-19))
 U.C. AFT, AFL-CIO, LOCAL 1990)
 [47] (IP-24))
 U.C. AFT, AFL-CIO, LOCAL 1966)
 [48] (IP-26))
 U.C. AFT, AFL-CIO, LOCAL 2199)
 [49] (IP-27))
 PRINTING TRADES ALLIANCE)
 [50] (IP-28))
 [51] (IP-29))

LIMITED PARTIES)
 (LP-1) SERVICE EMPLOYEES)
 INTERNATIONAL UNION, AFL-CIO)
 LOCAL 102)
 (LP-2) SERVICE EMPLOYEES)
 INTERNATIONAL UNION, AFL-CIO)
 LOCAL 250)
 (LP-3) WITHDRAWN)
 (LP-4) WITHDRAWN)
 (LP-5) WITHDRAWN)
 (LP-6) U.C. AFT, AFL-CIO, LOCAL 1990)
 (LP-7) ORANGE COUNTY EMPLOYEES)
 ASSOCIATION)
 (LP-8) AMERICAN FEDERATION OF)
 TEACHERS, AFL-CIO, LOCAL 1990)
 (LP-9) AFT, AFL-CIO, LOCAL 1474)
 (LP-10) AFT, AFL-CIO, LOCAL 2141)
 (LP-11) AFT, AFL-CIO, LOCAL 1990)
 (LP-12) AFT, AFL-CIO, LOCAL 2023)
 (LP-13) AFT, AFL-CIO, LOCAL 2026)
 (LP-14))
 (LP-15) PRINTING TRADES ALLIANCE)
 (LP-16) PRINTING TRADES ALLIANCE)
 (LP-17) CSEA)
 (LP-18) CSEA)
 APPLICANTS)
 (IP-24) (RR-1014) AMERICAN)
 FEDERATION OF TEACHERS,)
 AFL-CIO, LOCAL 1990 and)
 LOCAL 1494)
)
 Employee Organizations,)
)
 and)
)
 REGENTS OF THE UNIVERSITY OF CALIFORNIA,)
)
 Employer.)
)

Appearances on Appeal: Robert J. Bezemek, Attorney (Van Bourg, Allen, Weinberg & Roger) for Appellants; Jerrold C. Schaefer, Attorney (Corbett, Kane & Berk) and James N. Odle, Attorney (Associate General Counsel: University of California) for the Regents of the University of California; Hirsch Adell, Attorney (Reich, Adell, Crost & Perry) for American Federation of State, County and Municipal Employees.

Before Gluck, Chairperson and Moore, Member.

DECISION AND ORDER

On August 15, 1980, the hearing officers in the above-titled matters granted the request of certain petitioners and interested parties¹ to certify their appeal to the Public Employment Relations Board (hereafter PERB or Board). Appellants seek review of those portions of the Joint Hearing Order (7/16/80) dealing with the amendment of petitions and other means of setting forth alternative positions to the proposed negotiating unit(s). Specifically, Appellants contest the Orders of the hearing officers requiring that no party may propose a unit larger than the one it originally petitioned for except by means of formal amendment; that all amendments and alternative positions be undertaken prior to the close of the hearing record; and that proposals or positions offered in a manner contrary to these requirements shall not be considered by the hearing officers. The appeal is GRANTED.

The scope of a hearing on questions of representation is determined not only by the issues presented in the original

¹The appeal was filed on behalf of Printing Trades Alliance; Alameda Building and Construction Trades Council; International Union of Operating Engineers; Stationary Engineers, Local No. 39; San Francisco Building and Construction Trades Council; American Federation of Teachers, Locals 1990 and 1494; University Council AFT; United Health Care Employees SEIU, Local 535, SEIU, Local 660, English as a Second Language Teachers, CFT/AFT; Los Angeles County Employees, Local 334, SEIU; who are petitioners and interested parties in case Nos. SF-PC-1004, 1007, 1010, 1015, 1016, 1017, 1027, 1028, 1029, 1030, 1039, 1042; SF-RR-1007, 1009, 1010, 1013, 1014; and, Interested Parties Number 4 and 22.

Request for Recognition or Petition for Certification, but also by those issues raised by the employer and Interested Parties in response to the original Request or Petition. Any party may alter its original position or propose alternatives at any time without formal amendment as long as its new position or proposed alternative(s) does not expand the existing scope of the hearing. If, however, during the course of the hearing, a party changes its position or proposes an alternative that contains matters beyond the existing scope of the hearing, it may do so only by way of formal amendment with additional showing of support as necessary. In its post-hearing brief, a party may urge any position or alternative it cares to on the basis of the record as a whole. Responsive briefing will afford other parties the opportunity to respond to any novel proposals.

Because of the nature and scope of the requests, petitions, and applications filed by the parties, the HEERA-UC Unit Determination Hearings, Phase II, have become comprehensive, involving nearly all job classifications and all locations within the University system. The hearing officers in preparing their recommendations to the Board, and the Board itself in making its determinations, will not be confined to accepting or dismissing the descriptions of units set forth formally in the parties' requests, petitions, applications, or formal responses thereto. Upon the close of these proceedings,

the Board will determine appropriate units on the basis of the entire record, including the arguments of all parties. To facilitate the Board's analysis of the parties' positions and the record, briefs should contain a list of the classifications intended to be included in proposed units and appropriate citations to the transcript.

The Board ORDERS that these hearings continue in a manner consistent with this decision.

PER CURIAM