

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,)
LOCAL 1276, AFL-CIO)
[4] (PC-1004))
[5] (PC-1005))
AMERICAN FEDERATION OF STATE, COUNTY AND)
MUNICIPAL EMPLOYEES, AFL-CIO, LOCAL 371,)
[8] (RR-1006))
PRINTING TRADES ALLIANCE,)
[9] (RR-1007))
ALAMEDA COUNTY BUILDING AND CONSTRUCTION)
TRADES COUNCIL, AFL/CIO)
[10] (PC-1007))
INTERNATIONAL UNION OF OPERATING)
ENGINEERS, STATIONARY ENGINEERS, LOCAL)
NO. 39,)
[11] (RR-1009))
[12] (RR-1010))
(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))

Case Nos. (IP-6) SF-PC-1032
(IP-7) SF-PC-1033

PERB Order No. Ad-103-H

ADMINISTRATIVE APPEAL

Phase II Professional
And Operations Hearings
(HEERA-UC)

November 14, 1980

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: Christine A. Bologna, Attorney for California State Employees Association.

Before Gluck, Chairperson; Moore, Member.

DECISION AND ORDER

California State Employees Association (hereafter CSEA) has appealed the attached decisions of the San Francisco regional director that the showing of support by CSEA in support of its applications to participate in the University of California unit determination hearings as a party of interest in two units

(IP-16 and IP-17) were insufficient to meet the requirements of former PERB rule 51220(c)(2).¹

PERB rule 32700(b) and (e)(4)² require that membership lists submitted as proof of support must be accompanied by the date of each member's signature on an enrollment, membership

¹PERB rules are codified at California Administrative Code, title 8, section 3100 et seq.

Former PERB rule 51220(c) provides:

. . . An employee organization may be allowed to participate fully in a representation hearing provided:

.

(c) The Hearing Officer determines that the organization has either:

(1) 10 percent support of any unit in dispute at the hearing, or

(2) 10 percent support of a proposed unit which overlaps another unit in dispute at the hearing.

²PERB rule 32700(b) and (e)(4) provide:

(b) The proof of support shall indicate each employee's printed name, signature, job title or classification and the date on which each individual's signature was obtained. A signature without evidence that it was obtained within one calendar year prior to the filing of the petition requiring employee support shall be invalid for the purpose of calculating proof of support. Any signature meeting the requirements of this section shall be considered valid even though the signator

application, or designation card and that such signatures must have been obtained within one calendar year prior to the filing of the petition. The regional director properly applied this rule in this case. His findings and decisions are AFFIRMED.

PER CURIAM

has executed authorizations for more than
one employee organization

.....

(e) Subject to subsections (a), (b), (c)
and (d) of this regulation, proof of support
may consist of any one of the following or a
combination thereof:

.....

(4) A notarized membership list,
provided it is accompanied by the date
of each member's signature on an
enrollment, membership application, or
designation card or cards, supported by
a declaration under penalty of perjury
that the employee organization has on
file the aforementioned documents which
indicate the employee's desire to be
represented by the employee
organization. A sample of such signed
cards shall accompany the list.

PUBLIC EMPLOYMENT RELATIONS BOARD

San Francisco Regional Office
177 Post St., 9th Floor
San Francisco, California 94108
(415) 557-1350



CERTIFIED MAIL
Return Receipt Requested

August 28, 1980

Mr. Wayne Heine
Program Coordinator
California State Employees Association
1108 "O" Street
Sacramento, California 95814

Re: Case No. IP-6 (SF-PC-1032) Systemwide Operations &
Services Unit

Dear Mr. Heine:

After an initial determination found the showing submitted in support of your request to be an Interested Party in the above referenced case to be insufficient, an additional time period in which to perfect your showing was granted.

Supplemental showing of support was submitted in the forms of authorization cards and petitions pursuant to PERB Regulation 32700 (e) (3) and membership lists pursuant to PERB Regulation 32700 (e) (4) which states that a proof of support may consist of a "notarized membership list, provided it is accompanied by the date of each member's signature on an enrollment, membership application, or designation card or cards...." The dates which accompanied each name were checked for validity in accordance with PERB Regulation 32700 (b), which states that a "signature without evidence that it was obtained within one calendar year prior to the filing of the petition requiring employee support shall be invalid for the purpose of calculating proof of support." Thus, even assuming that the names submitted are otherwise valid, the total number of validly dated names is 1,071, which is 29 short of the 1,100 needed to constitute the ten (10) percent showing of support required by PERB Regulation 51220 (c) (2).

An appeal of this decision may be made to the Board itself within ten calendar days of service by filing a statement of the facts upon which the appeal is based with the Executive Assistant to the Board at 923 12th Street, Suite 201,

Mr. Wayne Heine
Program Coordinator
Pg.2

Sacramento, California 95814. Copies of any appeal must be concurrently served upon all parties and the San Francisco Regional Office. Proof of Service of the appeal must be filed with the Executive Assistant.

Should you have any questions concerning this matter, please contact me.

Very truly yours,

JAMES W. TAMM
Regional Director

JWT:ir
cc:Mr. Terry Filliman
Mr. Gerry Becker

PUBLIC EMPLOYMENT RELATIONS BOARD

San Francisco Regional Office
177 Post St., 9th Floor
San Francisco, California 94108
(415) 557-1350

CERTIFIED MAIL

Return Receipt Requested

August 28, 1980

Mr. Wayne Heine
Program Coordinator
California State Employees Association
1108 "O" Street
Sacramento, California 95814

Re: IP-7 (SF-PC-1033) Systemwide Clerical & Allied Services Unit

Dear Mr. Heine:

After an initial determination found the showing submitted in support of your request to be an Interested Party in the above referenced case to be insufficient, an additional time period in which to perfect your showing was granted.

Supplemental showing of support was submitted in the forms of authorization cards and petitions pursuant to PERB Regulation 32700(e)(3) and membership lists pursuant to PERB Regulation 32700(e)(4) which states that a proof of support may consist of a "notarized membership list, provided it is accompanied by the date of each member's signature on an enrollment, membership application, or designation card or cards..." The dates which accompanied each name were checked for validity in accordance with PERB Regulation 32700(b), which states that a "signature without evidence that it was obtained within one calendar year prior to the filing of the petition requiring employee support shall be invalid for the purpose of calculating proof of support." Thus, even assuming that the names submitted are otherwise valid, the total number of validly dated names is 1,691, which is 309 short of the 2,000 needed to constitute the ten (10) percent showing of support required by PERB Regulation 51220(c)(2).

An appeal of this decision may be made to the Board itself within ten calendar days of service by filing a statement of the facts upon which the appeal is based with the Executive Assistant to the Board at 923 12th Street, Suite 201,

Mr. Wayne Heine
Program Coordinator
Pg. 2

Sacramento, California 95814. Copies of any appeal must be concurrently served upon all parties and the San Francisco Regional Office. Proof of Service of the appeal must be filed with the Executive Assistant.

Should you have any questions concerning this matter, please contact me.

Very truly yours,

JAMES W. TAMM
Regional Director

JWT:ks
cc:Terry Fillinan
Gerry Becker