



STATE OF CALIFORNIA
 DECISION OF THE
 PUBLIC EMPLOYMENT RELATIONS BOARD

STATEWIDE UNIVERSITY POLICE)	
ASSOCIATION,)	
)	
Charging Party,	)	Case No. LA-C-135-H
	)	PERB Decision No. HO-U-335-H
v.)	
	)	Administrative Appeal
)	
TRUSTEES OF THE CALIFORNIA STATE	)	PERB Order No. Ad-174-H
UNIVERSITY,)	
	)	August 24, 1988
Respondent.)	
_____)	

Appearance; William B. Haughton, Attorney, for the Trustees of the California State University.

Before Hesse, Chairperson; Craib and Porter, Members.

DECISION

CRAIB, Member: This case is before the Public Employment Relations Board (PERB or Board) on appeal by the Trustees of the California State University (CSU) of the attached administrative determination by PERB's Los Angeles Regional Director finding that CSU is not in compliance with the order in PERB Decision No. HO-U-335-H (Case No. S-CE-28-H). The proposed decision in Case No. S-CE-28-H was not appealed to the Board and, thus, became a final decision to which the parties are bound. The Regional Director found that the order requires systemwide posting, rejecting CSU's assertion that it had fully complied with the order by posting the required notice to employees only at its Sacramento campus.

We have reviewed the entire record, including the Regional Director's administrative determination and CSU's appeal thereof. We affirm the Regional Director's determination that the order requires systemwide posting and we adopt his determination as our own.

In an analogous case arising under the Educational Employment Relations Act (EERA or Act) (Gov. Code Sec. 3540 et seq.), the Board recently endorsed the propriety of systemwide posting in the context of a multi-campus school district (Los Angeles Unified School District (1988) PERB Decision No. 659):

The District views the order as overbroad and suggests posting at Coldwater Canyon Elementary School only is more appropriate. We disagree. First, we note that the respondent in this case is the District, though the unlawful activity was carried out by its agent at one particular school: The purpose of a posting requirement is to inform all who would naturally be concerned (i.e., employees of the District, as well as management and supervisory personnel who carry out District policies) of activity found to be unlawful under the Act in order to provide guidance and prevent a reoccurrence. The furtherance of the central purpose of the EERA, harmonious labor relations, depends upon awareness of what the statute demands of all parties. In light of our remedial authority under the EERA (see, particularly, sections 3541.3(i) and 3541.5(c)), we find that the purposes of that Act are best effectuated by district-wide posting in cases such as the instant one.

Similarly, in the instant case, the respondent is CSU, not merely the Sacramento campus. Moreover, the violation to be remedied by the posting order centers on contract language applicable to the entire bargaining unit, whose members are

employed at all of the CSU campuses. Consequently, we find that in this case systemwide posting best effectuates the purposes of the Higher Education Employer-Employee Relations Act (HEERA).¹

ORDER

It having been found that the Order in PERB Decision No. HO-U-335-H appropriately requires posting of the Notice To Employees at all campuses of the CSU, and CSU having failed to post said Notice at all but its Sacramento campus, CSU is hereby ORDERED to post the Notice to Employees at all other campuses within 35 days after this Decision is no longer subject to reconsideration pursuant to PERB Regulation 32410.² Such posting shall be maintained for a period of thirty (30) consecutive workdays. Reasonable steps shall be taken to ensure that the Notice is not reduced in size; altered; defaced or covered by any other material.

Chairperson Hesse and Member Porter joined in this Decision.

¹HEERA is codified at Government Code section 3560 et seq.

²PERB Regulations are codified at California Administrative Code, title 8, section 31001 et seq.

STATE OF CALIFORNIA
PUBLIC EMPLOYMENT RELATIONS BOARD

STATEWIDE UNIVERSITY POLICE ASSOCIATION,)	
	)	Case No. LA-C-135
Charging Party,	)	(PERB Decision
	)	No. HO-U-335-H;
v.	)	S-CE-28-H)
)	
TRUSTEES OF THE CALIFORNIA STATE	)	ADMINISTRATIVE
UNIVERSITY,	)	DETERMINATION
)	
Respondent.	)	(2/19/88)
)	

Appearances; Mastagni, Holstedt, Chiurazzi and Curtis by K. William Curtis for the Statewide University Police Association; William B. Haughton, Attorney, for the Trustees of the California State University.

Before Robert R. Bergeson, Regional Director

The instant administrative determination concerns the requirements of the Order in Public Employment Relations Board (PERB or Board) Decision No. HO-U-335-H (Decision).

PROCEDURAL HISTORY

On November 30, 1987, the Statewide University Police Association (SUPA) notified PERB's Los Angeles Regional Office that the Trustees of the California State University (CSU) had failed to post the Decision-mandated Notice to Employees (Notice) at all CSU campuses. Rather, CSU had purportedly limited its posting to only the Sacramento campus. SUPA contended that since bargaining unit members were employed at all 19 CSU campuses, the Notice should be posted at all

campuses. On December 8, 1987, PERB received a letter from CSU admitting that it had limited posting to only the Sacramento campus, but disputing SUPA's contention that the Decision Order required that it post at all campuses.

On January 22, 1988, PERB's regional compliance officer advised the parties of the propriety of SUPA's position and directed that CSU comply with the Decision Order by posting the Notice at all campuses. On February 4, 1988, PERB received a letter from CSU requesting that the Los Angeles Regional Office reconsider its position and find CSU to be in full compliance with the Order.

DISCUSSION

CSU argues that since the unlawful activity found in the Decision was restricted to the Sacramento campus, posting of the Notice to Employees should be similarly limited. The plain language of the Order dictates a different finding, however.

In relevant part, the Order states:

PROPOSED ORDER

Based upon the foregoing findings of fact and conclusions of law, and the entire record of this case, it is found that the California State University, Sacramento, has violated section 3571(c) and, derivatively, (a) and (b) of the Higher Education Employer-Employee Relations Act. Pursuant to section 3563.3 of the Government Code, it is hereby ORDERED that the University, its governing board and its representatives shall;

B. Within ten (10) workdays of service of a final decision in this matter, post at all

locations where notices to unit members are customarily posted, copies of the Notice attached hereto as an Appendix. The Notice must be signed by an authorized agent of the University, indicating that the University will comply with the terms of this order. Such posting shall be maintained for a period of thirty (30) consecutive workdays. Reasonable steps shall be taken to ensure that the Notice is not reduced in size, altered, defaced or covered by any other material. (Emphasis added.)

"University" is defined at page one of the Decision as "[T]he Trustees of the California State University," not merely the California State University, Sacramento campus. Consistent with this definition, the Trustees of the CSU is the named respondent on the Decision heading and the Notice to Employees contains a signature line for an authorized agent of the Trustees of the CSU, not CSU, Sacramento. Contrast California State University, Sacramento (1982) PERB Decision No. 211-H and California State University, Hayward (1982) PERB Decision No. 231-H. In those cases, specific campuses of CSU were the named respondent and, more importantly, PERB's orders directed that employee notice posting be limited to work locations on those campuses. Such specificity is conspicuously absent from the instant Decision. Finally, it is undisputed that members of the bargaining unit represented by SUPA are employed at all 19 CSU campuses. Thus, it is found that CSU is required by the Order to post the Notice to Employees at CSU's other 18 campuses.

CONCLUSION/ORDER

It having been found that the Order in PERB Decision

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No. 335-H requires posting of the Notice to Employees at all campuses of the CSU, and CSU having failed to post at other than its Sacramento campus, CSU is hereby ORDERED to post at all other campuses the Notice to Employees within fifteen days of the date of service of this administrative determination.

RIGHT TO APPEAL

An appeal of this decision to the Board itself may be made within ten (10) calendar days following the date of service of this decision (PERB regulation 32360). To be timely filed, the original and five (5) copies of any appeal must be filed with the Board itself at the following address:

Members, Public Employment Relations Board
1031 18th Street
Sacramento, California 95814-4174

A document is considered "filed" when actually received before the close of business (5:00 p.m.) on the last day set for filing, ". . . or when sent by telegraph or certified or Express United States mail, postmarked not later than the last day set for filing . . ." (regulation 32135.) Code of Civil Procedure section 1013 shall apply.

The appeal must state the specific issues of procedure,


fact, law or rationale that are appealed and must state the grounds for the appeal (regulation 32360(c)). An appeal will not automatically prevent the Board from proceeding in this case. A party seeking a stay of any activity may file such a request with its administrative appeal, and must include all pertinent facts and justification for the request (regulation 32370).

If a timely appeal is filed, any other party may file with the Board an original and five (5) copies of a response to the appeal within ten (10) calendar days following the date of service of the appeal (regulation 32375).

Service

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

Dated;

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Robert R. Bergeson
Regional Director