

**SUPERSEDED by University of California at Berkeley (1984) PERB Decision
No. 420-H and by the U.S. Supreme Court, 485 U.S. 589**

**STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD**



WILLIAM H. WILSON,)
)
 Charging Party,) Case No. SF-CE-4-H
)
 v.) PERB Decision No. 183a-H
)
 UNIVERSITY OF CALIFORNIA AT BERKELEY,) March 18, 1983
)
 Respondent.)

Appearances: Andrew Thomas Sinclair, Attorney for William H. Wilson Donald L. Reidhaar, James N. Odle, Susan M. Thomas, Attorneys for Regents of the University of California.

Before Gluck, Chairperson; Jaeger and Morgenstern, Members.

DECISION

GLUCK, Chairperson: The Public Employment Relations Board (PERB) issued its Decision No. 183-H on November 25, 1981, finding that the University of California unlawfully denied charging party the use of its internal mail system to distribute organizational material to employees of the University. The University appealed this decision to the First District Court of Appeal, arguing that United States postal regulations prohibit free use of the mail system employee organizations. The Court issued its decision on February 17, 1983, vacating the PERB Order and remanding the case to Board to determine, inter alia, the "reasonableness

University's regulations" in light of the federal postal regulations.¹

The Board, therefore, remands the matter to the Chief Administrative Law Judge to conduct a hearing for the purpose of taking additional evidence as to whether the University's regulations concerning the use of its internal mail system by employee organizations are reasonable within the meaning of section 3568 of the Higher Education Employer-Employee Relations Act.²

The Chief Administrative Law Judge will solicit evidence as to the following, but not limited thereto:

(1) To what extent are the materials charging party seeks to distribute "letters" within the meaning of the federal postal regulations?

(2) What compensation, if any, does the University receive for delivery of employee organizational materials?

(3) What relationship, if any, exists between the University's mail system and United States postal routes?

(4) Does the University utilize its mail system to disseminate management material pertinent to employer-employee relations?

¹Regents of the University of California v. Public Employment Relations Board (1st Dist Feb. 17, 1983) — CA3d _____ (1 Civil No. 54414).

²codified at Government Code section 3560, et seq.

(5) Does the University permit the use of its mail system by charitable and other nonemployee organizations?

(6) What burden, if any, would be placed on the University's mail system if it were made available to employee organizations ?

The Chief Administrative Law Judge shall give this matter priority and, upon completion of the hearing, shall forward the case record together with recommended findings of fact and conclusions of law directly to the Board itself for its consideration together with the existing record, in determining the issue remanded.

It is so ORDERED .

Members Jaeger and Morgenstern joined in this Decision .