CASE PROCESSING EFFICIENCY INITIATIVE

Final Report

California
Public Employment
Relations Board

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LETTER FROM THE CHAIR

Dear PERB Stakeholders,

For many years, backlogs at all levels of the agency plagued the California Public Employment Relations Board (PERB). Over the years, our jurisdiction increased without a budget allocation to meet the expanded workload. The most significant was the Meyers-Milias-Brown Act in 2001, which nearly doubled our workload. As we worked to meet these challenges, we continued to follow processes and regulations developed decades earlier. As a result, our reputation suffered as many found PERB to be inefficient and ineffective. It was time for a change.

In 2018, the Board approved the Case Processing Efficiency Initiative (CPEI) to analyze our processes and make changes. In conjunction with our staff and constituents, we explored ways that we could remove barriers and streamline processes. We held forums in Northern and Southern California, soliciting input and gathering information about what we needed to change to reduce case processing times and better serve our constituents. In June 2018 the Board approved the final set of priority recommendations. We immediately got to work implementing each item. Since many of the recommendations required regulatory changes, our constituents continued to engage in the process during public meetings on each proposed change. Despite some challenges during the Covid-19 pandemic, earlier this year we completed the final priority recommendation.

As this report details, we have streamlined processes across the agency and as a result case processing times have reduced significantly. We want to thank everyone that participated at any point in the CPEI. Your participation was integral to the initiative's success. We are proud to outline our achievements.

EXECUTIVE SUMMARY

From 2017 to 2025, PERB embarked on a journey to improve case processing efficiency. Ten priorities were defined, and teams were developed to study the problems and identify potential solutions. Some of the problems included an insufficient amount of staff, less than adequate training, and inadequate processes to adjudicate cases in a timely manner. Central to the efficiency initiative was the implementation of an electronic filing system, known as ePERB.

The ten priorities, with defined subparts, have now been completed. PERB adjudicates cases faster and more efficiently at all levels of the agency. Instead of reacting to changes, PERB is positioned to plan for the future; instead of a lengthy backlog, PERB now operates with a manageable caseload.

We have continued the practice, born out of the pandemic, to offer constituents virtual informal settlement conferences, virtual formal hearings, and virtual mediations, when requested by the parties. The PERB mission has not changed, but our process has improved.

The most visible effect is the elimination of the backlog of the Board itself. At the outset of this initiative, the Board's docket was over 80 cases pending a decision and on average it took nearly 17 months to issue a decision. Today the Board's docket is 15 cases with no case older than four (4) months. The addition of an Executive Director that directs the day-to-day operations of the agency, the ability to designate decisions as precedential or non-precedential (Priority 2) and increase in the number of Board counsel (Priority 2A), were vital to this success.[1]

[1] The Executive Director and Board counsel positions were made possible with funding that was achieved in collaboration with the Department of Finance.

B A C K G R O U N D

PERB's origins begin in 1976. State Senator Albert S. Rodda authored the Educational Employment Relations Act (EERA) that established collective bargaining in California's public schools (K-12) and community colleges. EERA also established the Educational Employment Relations Board, which would later become the Public Employment Relations Board (PERB). Over time, the California Legislature gave PERB jurisdiction over a number of public sector collective bargaining laws. In doing so, it added over two million public sector employees, thousands of public sector employers, and their associated caseloads.

However, commensurate staff and fiscal resources did not keep pace with the growth in caseload and increasing complexity of cases. The most significant expansion was when PERB gained jurisdiction over the Meyers-Milias-Brown Act (MMBA) in 2001. As a result of this and other jurisdiction expansion, PERB was challenged with a significant case processing backlog.

While the backlog in processing cases had historically been looked at mainly from a lack of resources standpoint, The Board determined to undertake a systematic review process that would seek input from all staff and external stakeholders.

On April 13, 2017, the Board approved a CPEI to generate ideas for improvement and streamlining of case processing. The initiative was not established to supplant PERB's ongoing need for necessary resources, but rather to enhance its ability to use those resources to effectively fulfill its statutory and regulatory mission.

THE INITIATIVE PROCESS AND ACTIVITIES

The initiative was designed to solicit input from PERB staff and external stakeholders throughout California to establish a comprehensive and systematic look at case processing.

- Workshops were conducted to elicit feedback from staff and constituents on what changes could be made to improve overall case processing time.
- To ensure inclusion, all ideas were captured in the group interviews and subsequently reviewed with a group of PERB subject matter experts (SMEs) to establish priorities.
- The PERB SMEs included the heads of each of the four PERB Divisions: Office of the General Counsel, Division of Administrative Law, State Mediation & Conciliation Service, and Division of Administration, as well as key staff representatives.
- An additional feedback mechanism was established for individuals who either could not attend the meetings, wanted to submit feedback anonymously, or simply remembered additional improvements after leaving the interview workshops.

Two group interviews were conducted at each of PERB's three locations (Sacramento, Glendale, and Oakland). One group consisted of internal stakeholders (PERB staff) and one group consisted of external stakeholders (PERB Advisory Committee and constituents).

PERB executive management was interviewed separately to maintain an atmosphere of uninhibited staff feedback to the facilitators.

The first group interviews occurred at PERB's Sacramento location, which also served as a pilot to obtain any lessons learned regarding the proposed approach (e.g., number of participants, facility needs, length of time required, groupings of staff and constituents). The Sacramento group interviews occurred over two days, with one day dedicated to PERB employees and the other day dedicated to external stakeholders. After the pilot, group interviews were conducted at PERB's other offices in Glendale and Oakland.

Following the group interview process, the suggestions for improvement were reviewed by a group of PERB SMEs who assigned each of the improvements a priority. These assignments can be seen in Recommendations Regarding Process Improvement Suggestions.

For the purposes of the group interviews and the findings of this report, PERB case processes are identified as follows:

- Unfair Practice Charge Processing
- Dispute Resolutions and Settlements
- Administrative Adjudication
- Board Decisions/Exceptions
- Appeal and Litigation
- Representation Activity
- Mediation/Factfinding/Arbitration
- Administration

Feedback was solicited from constituents and stakeholders throughout the implementation process including:

- During Board meeting updates on the initiative;
- At workshops on specific priorities;
- As a part of rulemaking for initiative related regulatory packages; and
- As a part of roundtables and feedback sessions related to the priorities.

Information on specific activities is provided under the Outcome section of relevant Priorities.

PROCESS IMPROVEMENT RECOMMENDATIONS

OVERVIEW

The Board took public comment at meetings in Sacramento and Glendale in March of 2018 regarding recommendations included in the Case Processing Efficiency Initiative Report. At the conclusion of the meeting in Glendale, the Board directed PERB's Division Managers to review and prioritize the recommendations while considering the written and oral comments received at the public meetings from our constituents.

The SME committee, which included all PERB Division Managers, met several times to prioritize the various recommendations that were included in the final Report. The SME committee put each of the 124 proposals into one of five categories:

- Recommended - included all proposals that the committee believe the Board should consider adopting as priorities for implementation.
- Immediate Implementation - included items that should be immediately implemented because they do not require any additional authority, there is no or nominal cost, implementation is simple, and they were good ideas.
    - Proposals pursued under this category include:
        - Creating a collaborative team culture at PERB;
        - Increasing the transparency of the Board docket on the website; and
        - Enhancing the informal settlement conference process, to include dispute resolution training for Regional Attorneys.
- In Process - for proposals that PERB is in the process of implementing through other initiatives or have already been used.
    - Items in this category include:
        - Redesigning the website to make it easier to understand and navigate;
        - Simplifying forms where possible;
        - Implementation of electronic case management and filing systems; and
        - Clarifying naming conventions, particularly where individualized specification may be needed in large system employers.

- Inapposite Purpose - for proposals that were inappropriate for consideration through this process because (1) it is a matter the Board should address through its adjudicatory function, or (2) it is outside of PERB jurisdiction.
- Excluded - which represented the items that the committee determined should not be pursued through this initiative.

The Board reviewed the Recommendations Regarding Process Improvement Suggestions and approved the recommended priorities in June of 2018. The Recommended Priorities are covered at length later in this report.

C P E I
P R I O R I T I E S

O V E R V I E W

The Board adopted the priorities below at its June 14, 2018 public meeting. The rationale behind the priorities, as well as the outcome of their implementation, where applicable, are detailed in this report.

P R I O R I T I E S

1. Create and fill an information technology position at PERB.
2. Review the process around designating Board decisions as either precedential or non-precedential.

2a. Increase the number of Board counsel to support Board members.

3. Enact regulations to make electronic filing mandatory and allow e-signature.

3a. Review and update regulatory requirements for exceptions to Administrative Law Judge (ALJ) proposed decisions and impose word limits on exceptions to proposed decisions.

3b. Require parties to provide a valid email address that creates a legal presumption that the parties have been served when the email has been sent.

4. Revise expedited case processing guidelines.

4a. Set up an expedited process for charges based on the level of complexity.

5. Review regulations for subpoenas duces tecum, document production, deadlines, and the manner in which hearings are administered.
6. Institute filing periods for motions.
7. Change regulations to enforce appearance, preparation, and settlements for informal settlement conferences.

7a. Add a regulation setting forth ramifications for a party's failure to appear.

8. Provide additional training and information to guide pro per charging parties.

8a. Improve the PERB website to clearly guide pro pers – create training embedded training videos on the website.

9. PERB needs more mediators given the size of the state.
10. Establish the informal settlement conference hearing on the calendaring schedule closer in time to the formal hearing.

PRIORITY 1

CREATE AND FILL AN INFORMATION TECHNOLOGY POSITION AT PERB

RATIONALE

At the outset of this effort, PERB had no dedicated information technology (IT) staffing. We relied on our Chief Administrative Officer to manage technology needs and contracted IT support. Technology infrastructure was maintained through personal services contracts leaving a significant gap in PERB's technology capabilities.

PERB's IT model had serious flaws.

- There were no dedicated IT staff that could understand the technical complexities of existing and emerging technologies.
- There was no one to anticipate agency needs regarding security requirements and potential risks. This resulted in an absence of high-level IT decision making.
- There was no dedicated staff to coordinate projects to address operational inefficiencies through technology.

Similarly sized State departments had up to six IT staff. Most departments had one dedicated high-level staff serving as their Chief Information Officer and another serving as the Information Security Officer.

Enhanced IT capabilities are integral to other recommendations in this initiative, such as:

- e-signature and e-filing;
- improved website;
- increased transparency of the Board's process including access to case documentation;
- document digitization;
- implementation of software systems for transcripts; and
- video conferencing for witness testimony.

PERB also needed the ability to fund procurements necessary to maintain current infrastructure. We maintained an acceptable, yet substandard, IT infrastructure by utilizing salary savings for equipment replacement and updates.

OUTCOME

In addition to the self-identified need in the area of Information Technology, PERB also received support from the Department of Finance in the form of a mission-based review. That process led to the creation and funding of PERB's first in-house information technology position. The review was conducted at the direction of the Legislature and Governor as a part of the 2018 budget act. The budget act allowed for an additional budget allocation for PERB, if warranted by Finance at the conclusion of their examination of whether the current level of resources was sufficient to meet regulatory and statutory requirements.

Finance authorized the creation of an information technology specialist position to provide in-house information technology needs after observing the department, which was fully reliant on contracted support. The cost for this position would be offset by reducing the third-party contract that was in place.

Added benefits included the capacity to address and manage ever-increasing information technology security requirements. Rapidly developing advances in technology led to increased risks and threats to information technology. Dedicated in-house information technology staff have helped address such issues.

Since the creation of the first position, PERB has worked with the Labor and Workforce Development Agency, the Department of Finance, the Legislature, and the Administration to ensure that PERB's information technology model meets the needs of the agency and its constituents. As of July 1, 2024, PERB has discontinued all IT contracted services and instead is fully reliant on an excellent team of in-house IT professionals.

PRIORITY 2

REVIEW THE PROCESS AROUND WHAT IS DEEMED PRECEDENTIAL V. NON-PRECEDENTIAL

RATIONALE

PERB regulations in effect at the time of the initiative required that all Board decisions were precedential with one exception. The Board could issue a non-precedential decision only on an appeal from the Office of the General Counsel's dismissal of an unfair practice charge. This required the Board to spend considerable time ensuring that each decision was thoroughly explained and precisely worded—even if the decision added nothing significant to PERB's body of law.

With discretion to designate decisions as precedential or non-precedential, the Board could:

- devote more of its resources to cases that truly raise significant issues; and
- rule more quickly on the remainder of the cases on its docket.

This change would preserve the Board's adjudicatory function while easing the burden of writing a precedential decision in most cases. It also would reduce the number of Board decisions constituents would need to review to stay current with PERB precedent.

OUTCOME

In December 2019, PERB completed a rulemaking process to make changes to the Board's existing regulation concerning designation of precedential decisions. The changes to PERB Regulation 32320, which became effective in April of 2020, provided the Board with the discretion to designate decisions as precedential or non-precedential. In conjunction with Priority 2A, Board decisions are issued quicker, and precedential decisions are more focused and digestible for our constituents.

PRIORITY 2A

INCREASE NUMBER OF BOARD COUNSEL TO SUPPORT BOARD MEMBERS

RATIONALE

Each Board member has one Board counsel to advise and assist the member with drafting and reviewing pending Board decisions. When Board counsel are disqualified from participating in a case, the member typically seeks assistance on that case from an attorney in the General Counsel's Office, reducing the General Counsel's ability to process unfair practice charges and other matters. Additionally, there is no central mechanism for the Board to triage cases and assign them a priority.

Having additional attorneys who work for the entire Board, not just a single Board member, would provide several advantages.

- A pool attorney could draft a decision for a member while that member's Board counsel is working on a different case. This would allow the Board to issue decisions more quickly.
- When a Board counsel is disqualified, a pool attorney could step in for that case, eliminating the need to borrow an attorney from the General Counsel's Office.
- If the Board had discretion to designate decisions as non-precedential, the pool attorneys could conduct initial review of cases as they are placed on the Board's docket and recommend whether the decision should be precedential or not. This would allow the Board to more expeditiously resolve less complex cases and devote more resources to cases that will contribute to PERB's body of law.

OUTCOME

The Mission Based Review project, produced in conjunction with the Department of Finance in 2017, provided the necessary financial resources for these critical positions. The addition of a Board pool attorney as part of the 2018 Budget Act and subsequent addition of a second limited term pool attorney allowed for an increased capacity of the number of cases that could be handled by each Board member. Added benefits also include an added voice in case deliberations and coverage when Board counsel use well-deserved vacation or are on leave.

PRIORITY 3/3B

CHANGE REGULATIONS TO MAKE ELECTRONIC FILING MANDATORY AND ALLOW E-SIGNATURE / REQUIRE PARTIES TO PROVIDE A VALID EMAIL ADDRESS THAT CREATES A LEGAL PRESUMPTION THAT THE PARTIES HAVE BEEN SERVED WHEN THE EMAIL HAS BEEN SENT

RATIONALE

The availability and advancement of case management software has led most judicial systems to adopt electronic filing (e-filing) processes as the preferred method of case filing. Such software automates processes and workflow, reducing errors in case processing and creating audit trails. The software digitizes records and allows PERB to better manage information. Data is stored securely in the cloud, reducing the need for paper storage, document retrieval, and photocopying costs.

Cloud storage would allow PERB staff to access documents from any location at any time. It would reduce the time spent responding to California Public Records Act requests. The use of electronic signatures (e-signatures) and electronic service (e-service) works hand-in-hand with e-filing. E-service eliminates:

- the need for late night drives to the post office to meet deadlines;
- the costs of printing and postage; and
- the need for courier services.

Parties can also be sure that they will receive the correct documents. E-service also allows constituents to electronically receive notices, orders, and decisions from PERB.

OUTCOME

In early 2021, PERB completed a rulemaking action that implemented procedures to allow for e-filing and service of case-related documents and to allow for the use of e-signatures. An earlier phase of the internal electronic case management system was key during the pandemic.

Notable changes included:

- Except for unrepresented individuals, PERB's e-filing system, known as ePERB, was now the sole means to electronically file a document with PERB.
- PERB no longer required parties to file copies of documents in most instances.
- Parties may use e-signatures when filing certain specified documents with PERB.
- Parties using ePERB consent to accept e-service, but only after a case is initially filed.
- Parties are required to redact confidential and sensitive information before filing documents with PERB.
- Parties exempt from using ePERB must follow specified formatting rules when filing non-electronic (physical) documents with PERB.

PRIORITY 3A

REVIEW AND UPDATE REGULATORY REQUIREMENTS FOR EXCEPTIONS TO ADMINISTRATIVE LAW JUDGE (ALJ) PROPOSED DECISIONS AND IMPOSE WORD LIMITS ON EXCEPTIONS TO PROPOSED DECISIONS

RATIONALE

PERB's regulations governing exceptions to an ALJ's proposed decision often resulted in a party filing dozens of individual exceptions. As a result, it would take considerable time for the Board to consider and address each of them in a decision.

Revising PERB's regulations to provide for more streamlined appeal filings would make it easier for the Board to render decisions. It would also save parties time and money drafting their appeals. Alternatively, the Board could instruct parties on how to file concise but adequate exceptions under the current regulations.

Additionally, PERB regulations set no page or word limits on briefs in support of exceptions. So, parties often file unnecessarily lengthy briefs. Adopting word limits, like the California Courts of Appeal impose on briefs, would force parties to argue their appeals concisely and focus only on those points that truly matter in their case. The Board should have discretion to allow a party to file a longer brief upon showing good cause, because some cases are more complex than others.

OUTCOME

As part of implementing CPEI recommendations, a combined rulemaking package to update the Board's rules took effect in January 2022. Among other changes, the new regulations clarified the process for appealing an
ALJ's proposed decision and instituted word limits for the appeals. As anticipated, appeals became more concise and focused, saving parties and the Board time and resources.

PRIORITIES 4/4A

REVISE EXPEDITED CASE PROCESS/ SETUP AN EXPEDITED CASE PROCESS FOR CHARGES BASED ON THE LEVEL OF COMPLEXITY OF THE CHARGE

RATIONALE

When granted, a request to expedite moves the case atop the queue of cases awaiting investigation or adjudication. The reasons for the request must be sufficiently compelling to justify moving the case to the head of the line.

Depending on the criteria for expediting a case, the benefits may include:

- an improved likelihood of settlement;
- a more suitable remedy—particularly in charges involving active collective bargaining or unilateral changes;
- averting a larger labor dispute that could consume additional PERB resources; or
- serving as a deterrent for misconduct when a party could be compelled to answer for its actions immediately.

OUTCOME

PERB implemented regulations regarding procedures for expedited case processing in August of 2023. The PERB Regulation 32147 lays out the guidance, criteria, and procedures for motions to expedite. This regulation has resulted in exceptions that are streamlined and concise. The update regulation outlines:

- who may file a motion to expedite;
- formatting and filing requirements;
- when and how other parties may respond;
- criteria used to determine whether a case should be expedited; and
- procedures once a case is designated for expedited processing.

The revised regulation clarifies that motions to expedite may be filed at any level, including individual divisions or directly with the Board. Strict formatting rules require these motions to be clearly labeled and submitted as standalone documents (with the exception of supporting briefs or declarations). Denials are issued without prejudice, meaning a party may renew the request unless otherwise stated.

Mandatory expedited processing applies in limited cases, including when elections or recognition processes are paused pending resolution. In all other cases, the regulation lists specific factors PERB will weigh, such as the potential for irreparable harm, the urgency of resolving an important legal question, and the scale or impact of the dispute.

Once a case is ordered expedited, all filings must clearly indicate “EXPEDITED CASE” on the first page. Deadlines are tightly controlled—particularly for exceptions pending before the Board, where extensions and abeyances are generally prohibited. The regulation also outlines narrow circumstances where an extension or continuance may be granted, helping to preserve fairness while preventing unnecessary delays.

These changes have resulted in a more transparent and structured process for requesting expedited treatment, reduced ambiguity in decision-making, and improved case management for time-sensitive disputes.

PRIORITY 5

REVIEW REGULATIONS FOR SUBPOENA DUCES TECUM, DOCUMENT PRODUCTION, DEADLINES, AND THE MANNER IN WHICH HEARINGS ARE ADMINISTERED

RATIONALE

When the initiative was being launched, there was no requirement for a party to produce documents prior to the first day of hearing. This can lead to formal hearing time being used to review large document productions.

Giving the ALJ express discretion and authority to order alternate production dates would:

- assist the parties to be more prepared for the first formal hearing day; and
- maximize the use of hearing time for testimonial evidence.

OUTCOME

As part of implementing CPEI recommendations, a combined rulemaking package to update the Board's rules took effect in January 2022.
Among other changes, PERB Regulation 32150 was overhauled as a part of this combined rulemaking effort.

The revised regulation now includes:

- definitions;
- timelines;
- procedures for obtaining and serving subpoenas;
- the production schedule for records subpoenas;
- motions related to subpoenas; and
- inferences and sanctions for failure to comply.

Specified timelines in the revised regulations provide a more structured framework for hearings and make it easier to determine when a subpoena is untimely. Clear procedural rules governing motions and responses contribute to greater consistency across cases in the Division of Administrative Law. Previously, the only way to enforce a subpoena was to seek a court order—an option many parties were reluctant to

pursue. While that remains available, the updated regulations now authorize alternative mechanisms, such as allowing a judge to draw an adverse inference or issue sanctions. These improvements have significantly reduced disputes related to subpoenas.

PRIORITY 6

INSTITUTE FILING PERIODS FOR MOTIONS

RATIONALE

At the time, PERB regulations had deadlines for responding to motions but did not set a cut-off date for filing motions before the hearing. Instead of preparing for the hearing, parties spent days before a hearing filing and responding to motions.

A regulation setting filing deadlines for pre-hearing motions would:

- give the ALJ time to consider and rule on the motions before the hearing; and
- allow the parties to spend the days leading up to the hearing preparing their cases.

OUTCOME

As part of implementing CPEI recommendations, a combined rulemaking package to update the Board's rules took effect in January 2022. Among other changes, PERB Regulation 32190 was updated significantly as a part of this rulemaking effort to institute deadlines for different types of motions and clarify the process. Changes included:

- Motions to strike an allegation, to defer a case to arbitration, or to dismiss or partially dismiss a complaint, including motions for summary judgment or for judgment on the pleadings, must be filed with the Board agent no later than 45 days prior to the first day of the scheduled formal hearing.
- A response to a motion shall be filed with the Board agent within 20 days of service of the motion, or within such time as is directed by the Board agent. There shall be no reply briefs unless requested by the Board agent.
- The filing deadlines do not apply in any expedited proceeding. In expedited hearings, the Board agent has the authority and discretion to set timelines for the filing of motions and responses.
- Once the scheduled formal hearing has started, no motion specified above may be filed or orally presented until the charging party has fully presented evidence in its case, exclusive of rebuttal evidence.

This change has made the hearing process more efficient in two ways:

1) The ALJ does not have to entertain motions that are outside the specified timeframe; and
2) When last minute requests come in, the format is now consistent across the division rather than varying based on the assigned ALJ.

PRIORITIES 7/7A

CHANGE REGULATIONS TO ENFORCE APPEARANCE, PREPARATION, AND SETTLEMENTS FOR INFORMAL SETTLEMENT CONFERENCES / ADD A REGULATION SETTING FORTH RAMIFICATIONS FOR A PARTY'S FAILURE TO APPEAR

RATIONALE

The settlement of labor disputes is a significant part of PERB's core mission. Parties are under no obligation to appear at or prepare for an informal settlement conference.

During the CPEI process, it was initially thought that creating ramifications for failure to actively engage in the informal and formal resolution processes was necessary.

OUTCOME

Due to the success of the effort under Priority 10 (scheduling of settlement conferences) and combined with regulatory changes regarding PERB's processes for other recommendations, PERB decided not to pursue the changes in Recommendation 7/7A. Should the results experienced to date as a result of the other implemented recommendations fail to lead to desired outcomes, solutions such as consequences for failure to appear and other enforcement mechanisms may need to be revisited.

PRIORITIES 8/8A

PROVIDE ADDITIONAL TRAINING AND INFORMATION TO GUIDE PRO PER CHARGING PARTIES/ IMPROVE PERB WEBSITE TO CLEARLY GUIDE PRO PERS – CREATE EMBEDDED TRAINING VIDEOS ON THE WEBSITE TO ASSIST PRO PERS

RATIONALE

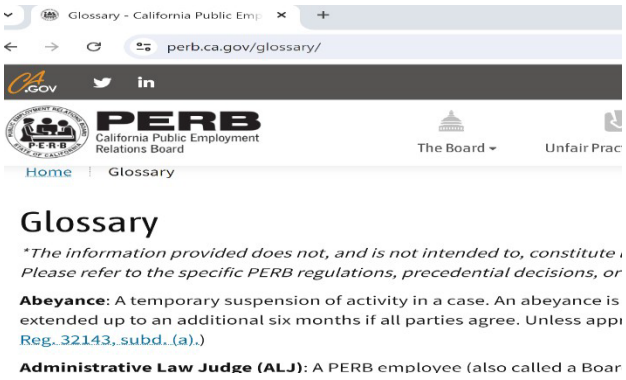
Pro per (self-represented) cases require a significant time commitment from PERB staff. Generally, pro per litigants are unfamiliar with PERB's regulations and legal processes. Their filings often have errors or do not comply with PERB regulations, which delay the adjudication of their cases. Unfair practice charges filed by pro per litigants often leave out important facts. This results in phone calls, warning letters, and amendments. At the other extreme, pro pers submit far more information or documentation than necessary. This requires the Regional Attorney or ALJ to pour over documents to pin point those relevant to the case.

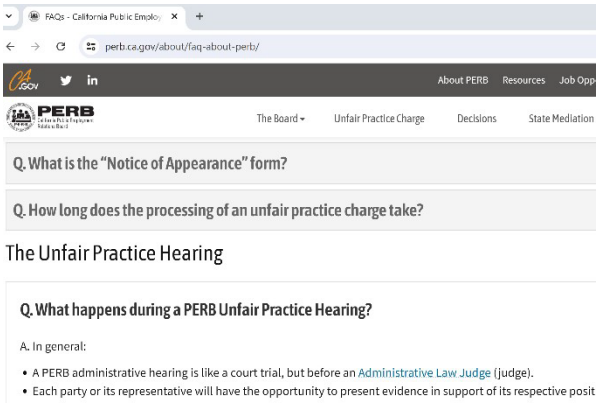
PERB can reduce delays and unnecessary staff time by providing information and resources that educate and guide pro pers through PERB's processes. This will allow PERB staff to use their time more efficiently to process cases and reduce the time it takes to move cases through each division.

OUTCOME

As a part of our efforts to provide our constituents with more information and guidance, we have developed and improved the following resources:

Glossary: Located at https://perb.ca.gov/glossary/, the glossary provides constituents with well over 100 definitions of terms that may be unfamiliar those who navigate our process.

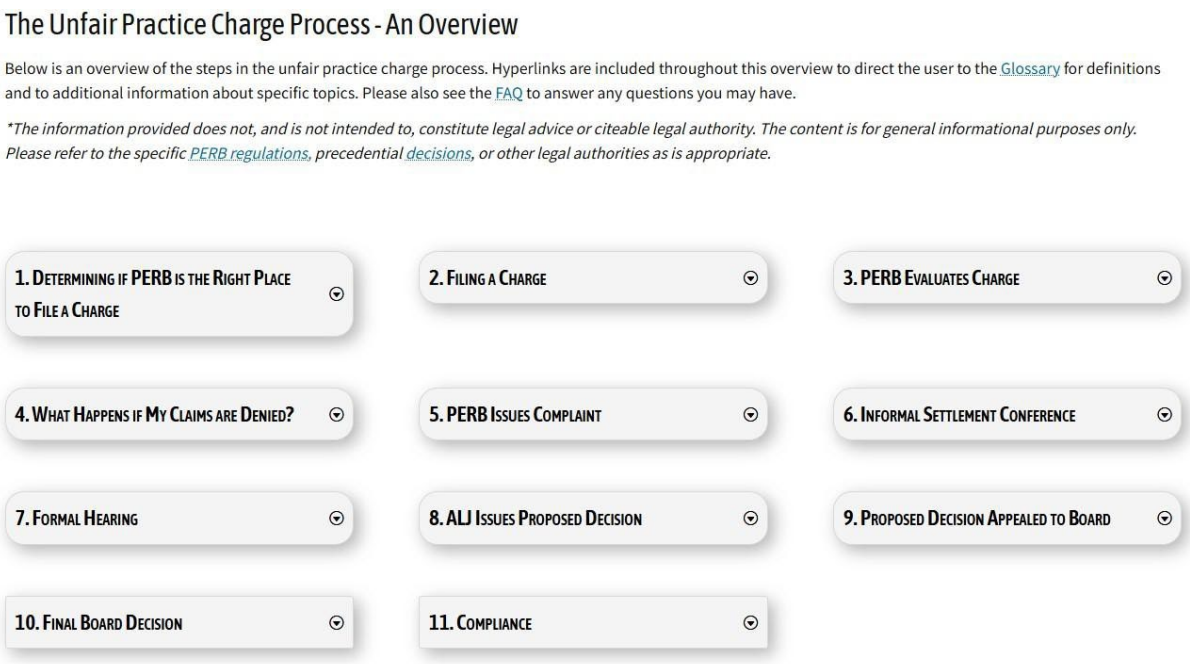




Frequently Asked Questions: Located at https://perb.ca.gov/about/faq-about-perb/. The FAQs provide constituents with answers to some of the most frequently asked questions we have encountered, including:

- Our jurisdiction;
- Our authority;
- Statutes of limitation;
- Filing charges and documents;
- The hearing process;
- And more.

We have also developed a streamlined overview of the unfair practice charge process. The snapshot provides a look at the overall process, drop down sections with brief descriptions for each step, and links to additional information. The overview can be found at: https://perb.ca.gov/how-to-file-an-unfair-practice-charge/the-unfair-practice-charge-process-an-overview/



These resources were developed and improved with valuable insight from our constituents. A series of targeted virtual roundtables and feedback forums were conducted to solicit input on challenges they experience using PERB technology such as the ePERB public portal and the PERB website. Work continues to provide additional webinars and video resources to assist constituents as they navigate our process.

PRIORITY 9

PERB NEEDS MORE MEDIATORS GIVEN THE SIZE OF THE STATE

RATIONALE

State Mediation and Conciliation Service (SMCS) mediators work directly with parties at their own work sites. Their practical experience and knowledge of how public sector employment and working conditions are impacted by external forces is invaluable. They are familiar with funding mechanisms, changing technology, changes in the labor/management landscape, and other emerging issues.

The current staffing levels and the amount of time needed for travel to work assignments throughout the state reduces days available to conduct mediations. SMCS cannot meet statutory timelines under the Higher Education Employer-Employee Relations Act, EERA, or MMBA for initiating mediation. This extends the amount of time the parties are in conflict, precluding a return to normalcy. Such delays increase the likelihood of parties filing unfair practice charges or engaging in other forms of litigation and/or serious job actions.

SMCS's ability to resolve labor/management disputes through mutual settlement is a significant economic benefit to the State because:

- strikes and other job actions disrupt local economies;
- disruptions in school schedules and activities severely impact parents, caregivers, and students;
- dispute resolutions that are forced upon one party create long term problems that can result in chronic labor disputes; and
- unresolved disputes that result in unfair practice charges impact the workload throughout PERB.

OUTCOME

Through increased focus and direct outreach by SMCS leadership and existing mediators, PERB has been able to fill positions that historically had been difficult. The mediation team at SMCS is now operating at full strength. During the COVID-19 pandemic, the SMCS team was able to swiftly and efficiently transition their traditional in-person, face-to- face process to a virtual format. Now the ability to offer virtual,

hybrid, or in-person mediations and trainings allows SMCS to reach a broader audience and serve Californians in all corners of the state in a more efficient manner.

The examination for the Conciliator classification series is in the process of revision in conjunction with CalHR. The new Conciliator exam was released in July 2025 and allows applicants to be added to the eligibility list on an ongoing basis. This will speed up the ability to screen and hire behind vacancies when they occur. The PERB Human Resources unit is now working on a new Presiding Conciliator examination and next will request a new supervisory level position to help strengthen the division.

Additional positions are still necessary to timely address the work of this important division, even with the efficiencies and improvements noted above. The case level managed by SMCS has recently experienced a significant increase which will require an additional allocation for continued improvement.

PRIORITY 10

ESTABLISH THE INFORMAL SETTLEMENT CONFERENCE HEARING ON THE CALENDARING SCHEDULE CLOSER IN TIME TO THE FORMAL HEARING

RATIONALE

The settlement of labor disputes is one of PERB's major purposes. As stated in Priority 7/7a, parties were under no obligation to appear at or prepare for the informal settlement conference. The settlement conference usually occurs about 30 days after issuance of the complaint, often before the advocates have interviewed witnesses, located and collected evidence, or conducted legal research. Informal settlement conferences are a meeting between a PERB employee who acts as a neutral mediator and the parties where they try to clear up the issues and explore settlement of the case. No evidence is presented, and no record is made at an informal conference.

One of the purposes of the settlement conference is to help parties understand the strengths and weaknesses of their cases. A strong understanding of the merits (or lack thereof) of a case is necessary for an informed decision both as it relates to potential settlement, but also to continuing to pursue the action at hearing.

Giving parties more time to assess their cases and requiring the parties to:

- appear at informal settlement conferences; and
- be prepared to make informed decisions about settlement should result in more cases settling before being set for a formal hearing.

This reduction in case load should, in turn, reduce the time it takes PERB to hold hearings and issue decisions.

OUTCOME

This recommendation was implemented on a case-by-case basis at the discretion of Board agents. Board agents were able to determine which cases could most benefit from a more deliberate process. The discretionary effort proved a success, not only in resulting in more prepared parties, but also in honing the Board agents' abilities to evaluate cases and engage parties on potential settlement.

L E S S O N S
L E A R N E D

PERB staff and stakeholders have a wealth of expertise in labor relations and have presented PERB's leadership team with workable solutions to many of the problematic areas identified. **Maintaining robust engagement and feedback channels with our constituents** will help PERB drive continued process improvements. As we adopt advanced technologies, we must proceed thoughtfully, recognizing that stakeholders have varying levels of access; changes should be fully vetted before implementation.

Like a tripod that topples if any leg fails, the three foundational elements that are essential for efficient operations include:

1) Sustainable funding;
2) Up-to-date regulations, streamlined processes, supportive technology; and
3) The continued efforts of PERB staff and our stakeholders.

We recognize the importance of regularly evaluating our performance, the quality of service we provide, and the barriers that get in our way. We have developed tools to better estimate the cost of adding new jurisdictions. This includes assessing our technological infrastructure to ensure it remains secure and scalable in line with growing data demands. Regulatory reviews should occur continually so that we evolve as an organization alongside the constituents we serve.

This initiative would not have been successful without the thoughtful and consistent engagement of our constituents. Investment in outreach and education at all levels will yield lasting benefits, strengthen our relationships and reinforce the impact of our work. Equally important is the ongoing development of PERB's leadership and staff—our most valuable asset. This initiative was a meaningful endeavor that delivered tangible results. Our commitment to progress remains strong, and the work of process improvement will continue to shape a more responsive and effective PERB.

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