



PERB

California Public Employment
Relations Board

PUBLIC EMPLOYMENT RELATIONS BOARD

2019 – 2020 Annual Report

October 15, 2020



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LETTER FROM THE BOARD

October 15, 2020

Dear Members of the State Legislature and fellow Californians:

We are pleased to submit the 2019 - 2020 Public Employment Relations Board (PERB) Annual Report. The 2019 – 2020 fiscal year saw a continued increase in case processing from PERB despite the unprecedented challenges posed by COVID-19 in the final quarter of the fiscal year. The Board would like to thank PERB staff for their hard work and dedication in continuing to deliver services to our constituents during the COVID-19 crisis – transitioning to a remote working environment has been a challenge for many Californians and we appreciate our staff and constituents’ understanding and willingness to adapt during these times.

The Board issued 101 decisions in the 2019 – 2020 fiscal year, the most since FY 2004-2005. The [Board’s docket](#) at the conclusion of the fiscal year reflected 16 cases awaiting decision – down from more than 80 at the end of FY 2017-2018 and from 45 last year at the same time. The Board continues to operate with one vacancy and without a Chair, with the Members carrying out the responsibilities of the Chair until one is appointed. Other highlights from the 2019 – 2020 fiscal year include:

- 547 unfair practice charges filed
- 71 representation petitions filed
- 83 requests for mediation
- 40 factfinding requests
- 483 days of informal settlement conferences conducted by regional attorneys
- 49 formal hearings completed by administrative law judges
- 53 proposed decisions issued by administrative law judges
- 396 cases filed with State Mediation and Conciliation Service

Challenges remain in achieving more timely dispute resolution, particularly in light of delays caused by COVID-19. However, we continue to streamline and adapt PERB operations as we implement the [Case Processing Efficiency Initiative](#) recommendations and other measures. Central elements of these efforts include updating PERB regulations, investing in technological advances such as the ePERB case management system and video hearings, and improving the public’s ability to access PERB by revamping our website and launching our [online public filing portal](#). These will allow us to deliver a more efficient dispute resolution system.

Multiple regulatory changes are at various stages of development thanks to the hard work of PERB staff and valuable input from stakeholders. In April, changes to the Board’s existing regulations concerning [designation of precedential decisions](#) became effective. This has allowed the Board to devote more of its time and staff resources to

cases that truly raise precedential issues, while simultaneously allowing it to rule more quickly on the remainder of the cases on its docket.

This year also saw an expansion of the Board's jurisdiction in two areas. The Building a Better Early Care and Education System Act, [Assembly Bill 378](#) (Chapter 385, Statutes of 2019), expanded PERB's jurisdiction beyond public sector employees by giving PERB jurisdiction over the collective bargaining relationship between approximately 40,000 family childcare providers, their provider organization, and the state. In addition, [Assembly Bill 355](#) (Chapter 713, Statutes of 2019) gave PERB jurisdiction over unfair practice charges involving the Orange County Transportation Authority.

PERB is committed to conducting agency activities with transparency and accountability, and this report describes PERB activities, case dispositions and other achievements for the Board's divisions in the past fiscal year. The report also describes PERB's statutory authority, jurisdiction, purpose and duties. We invite you to explore the Report for more detailed information about PERB's 2019 – 2020 activities and case dispositions including a summary of all Board decisions issued in the last fiscal year. We hope you find this Report informative. Please visit our website at <https://perb.ca.gov/> or contact PERB at (916) 323-8000 for any further information.

Respectfully submitted,



Eric R. Banks
Member



Erich W. Shiners
Member



Arthur A. Krantz
Member



Lou Paulson
Member

STATUTORY AUTHORITY AND JURISDICTION

The Public Employment Relations Board (PERB or Board) is a quasi-judicial agency created by the Legislature to oversee public sector collective bargaining in California. The Board administers several collective bargaining statutes, ensures their consistent implementation and application, and adjudicates labor relations disputes between the parties.

In fiscal year 2019 – 2020, more than 2.5 million public sector employees and over 5,000 public employers fell under the jurisdiction of PERB. The approximate number of employees under these statutes is as follows: 700,000 work for the public education system from pre-kindergarten through and including the community college level; 250,000 work for the State; 430,000 work for the University of California, California State University, and Hastings College of Law; and 1,300,000 work for cities, counties, special districts, and In-Home Support Service agencies, with the remainder working in the trial courts, Judicial Council, and the Los Angeles County Metropolitan Transportation Authority.

PERB administers the following statutes under its jurisdiction:

- (1) [Educational Employment Relations Act](#) (EERA) (Government Code § 3540 et seq.)— public schools (K-12) and community colleges;
- (2) [State Employer-Employee Relations Act](#) (Dills Act) (Government Code § 3512 et seq.)—state employees;
- (3) [Higher Education Employer-Employee Relations Act](#) (HEERA) (Government Code § 3560 et seq.)—CSU and UC systems and Hastings College of Law;
- (4) [Meyers-Milias-Brown Act](#) (MMBA) (Government Code § 3500 et seq.)— city, county, and local special districts (excludes specified peace officers, and City and County of Los Angeles);
- (5) [Los Angeles County Metropolitan Transportation Authority Transit Employer-Employee Relations Act](#) (TEERA) (Public Utilities Code § 99560 et seq.)—supervisory employees of the Los Angeles County Metropolitan Transportation Authority;
- (6) [Trial Court Employment Protection and Governance Act](#) (Trial Court Act) (Government Code § 71600 et seq.)—nonjudicial employees of California’s trial courts;
- (7) [Trial Court Interpreter Employment and Labor Relations Act](#) (Court Interpreter Act) (Government Code § 71800 et seq.)—court interpreters employed by California’s trial courts;
- (8) [Judicial Council Employer-Employee Relations Act](#) (JCEERA) (Gov. Code, § 3524.50 et seq.)—nonjudicial employees of the Judicial Council;
- (9) [Public Employee Communications Chapter](#) (PECC) (Government Code § 3555 et seq.);

(10) [Prohibition on Public Employers Deterring or Discouraging Union Membership](#) (PEDD) (Government Code § 3550 et seq.);

(11) [Building a Better Early Care and Education System Act](#) (Education Code § 8430 et seq.) - family child care providers;

(12) [Orange County Transportation District Act \(OCTDA\)](#) (Public Utilities Code § 40122.1) – for unfair practice charges at the Orange County Transportation Authority.

* PERB's State Mediation and Conciliation Service also resolves representation and unit composition issues at other public transit employers and mediates disputes outside of the aforementioned statutes.

HISTORY OF PERB'S STATUTORY AUTHORITY AND JURISDICTION

Authored by State Senator Albert S. Rodda, EERA of 1976 established collective bargaining in California's public schools (K-12) and community colleges. In 1978 the State Employer-Employee Relations Act, known as the Ralph C. Dills Act, established collective bargaining for State employees; and HEERA, authored by Assemblyman Howard Berman, extended the same coverage to the California State University and University of California systems and Hastings College of Law.

Over twenty years later, in 2001, PERB acquired jurisdiction over the MMBA of 1968, which established collective bargaining for California's city, county, and local special district employers and employees. PERB's jurisdiction over the MMBA excludes individual peace officers, management employees, and the City and County of Los Angeles. This expansion effectively doubled the number of public sector employees under PERB's jurisdiction.

In 2004, PERB's jurisdiction was again expanded to include TEERA, establishing collective bargaining for supervisory employees of the Los Angeles County Metropolitan Transportation Authority as well as jurisdiction over the Trial Court Act of 2000 and the Court Interpreter Act of 2002.

PERB's jurisdiction and responsibilities were changed in late June 2012 by the passage of Senate Bill 1036, which enacted the In-Home Supportive Service Employer-Employee Relations Act (IHSSEERA) under PERB's jurisdiction. The IHSSEERA initially covered only eight counties: Alameda, Los Angeles, Orange, Riverside, San Bernardino, Santa Clara, San Diego, and San Mateo. On July 1, 2015, the Counties of San Bernardino, Riverside, San Diego, and Los Angeles transitioned to the Statewide Authority under the IHSSEERA. The transition brought Los Angeles County under PERB's jurisdiction for the first time, while the other three counties were formerly subject to PERB's jurisdiction under the MMBA. In June of 2017, Senate Bill 90 repealed the IHSSEERA, returning the IHSS providers to coverage under the MMBA.

The Governor's Reorganization Plan 2 placed PERB under the California Labor and Workforce Development Agency, a change that became effective on July 3, 2012 pursuant to Government Code section 12080.5. That month Senate Bill 1038 moved the State Mediation and Conciliation Service (SMCS) from the Department of Industrial Relations and placed SMCS within PERB. SMCS was formed in 1947 after the federal enactment of the Taft-Hartley Act.

The passage of Assembly Bill 119 in 2017 enacted the Public Employee Communication Chapter (PECC), a law designed to provide meaningful and effective communication between public employees and their exclusive representatives. The Legislature placed enforcement of the PECC under the Board's exclusive jurisdiction.

In 2018, pursuant to Assembly Bill 83 (Stats. 2017, Ch. 835), the Judicial Council Employer-Employee Relations Act (JCEERA) established collective bargaining for employees of the Judicial Council and added approximately 500 employees to PERB's jurisdiction.

As a result of Senate Bill 866 (Chapter 53, Statutes of 2018), PERB is responsible for the administration and enforcement of the Prohibition on Public Employers Deterring or Discouraging Union Membership (PEDD), which is codified at Chapter 11 of Title 1 of the Government Code, section 3550 et seq.

The 2019 legislative session saw another significant expansion of PERB's jurisdiction. First, the Building a Better Early Care and Education System Act, Assembly Bill 378 (Chapter 385, Statutes of 2019), expanded PERB's jurisdiction beyond public sector employees by giving PERB jurisdiction over the collective bargaining relationship between approximately 40,000 family childcare providers, their provider organization, and the state. Then Assembly Bill 355 (Chapter 713, Statutes of 2019) added sections 40122.1 and 40122.2 to the Public Utilities Code giving PERB jurisdiction over unfair practice charges for the Orange County Transportation Authority.

PURPOSE AND FUNCTIONS

THE BOARD

By statute, the Board itself is composed of up to five Members appointed by the Governor and subject to confirmation by the State Senate. Board Members are appointed to a term of up to five years, with the term of one Member expiring at the end of each calendar year. In addition to the overall responsibility for administering the twelve statutory schemes, the Board acts as an appellate body to decide challenges to decisions issued by Board agents. Decisions of the Board itself may be appealed, under certain circumstances, to the State appellate and superior courts. The Board, through its actions and those of its agents, is empowered to:

- Conduct elections to determine whether employees wish to have an employee organization exclusively represent them in their labor relations with their employer;
- Remedy unfair practices, whether committed by employers or employee organizations;
- Investigate impasse requests that may arise between employers and employee organizations in their labor relations in accordance with statutorily established procedures;
- Ensure that the public receives accurate information and has the opportunity to register opinions regarding the subjects of negotiations between public sector employers and employee organizations;
- Interpret and protect the rights and responsibilities of employers, employees, and employee organizations under the statutory schemes;
- Bring legal actions in a court of competent jurisdiction to enforce PERB's decisions and rulings;
- Conduct research and training programs related to public sector employer-employee relations; and
- Take such other action as the Board deems necessary to effectuate the purposes of the statutory schemes it administers.

Board Members Who Served in Fiscal Year 2019 – 2020

Eric R. Banks was appointed to the Board by Governor Edmund G. Brown Jr. in February 2013, February 2015, and February 2017. Prior to his appointment, Mr. Banks was a partner at Ten Page Memo, LLC, providing organizational consulting services. From 2001 to 2013, he worked for Service Employees International Union, Local 221, representing public employees in San Diego and Imperial Counties. There, he was the first openly gay person to be elected President. He also served as Advisor to the President and Director of Government and Community Relations. Before moving to California, he was dedicated to advancing education, service delivery, and public policy for people living with HIV/AIDS. He served as Policy Associate for State Government Affairs at the New York AIDS Coalition in Albany, NY, from 2000 to 2001 and worked for the Southern Tier AIDS Program in Upstate New York from 1993 to 2000 as Case Manager, Assistant Director of Client Services, and Director of Client Services. He earned a Bachelor's degree from Binghamton University in 1993. Mr. Banks' term expires December 2021.

Erich W. Shiners was appointed to the Board by Governor Edmund G. Brown Jr. on February 27, 2018. Prior to his appointment, Mr. Shiners represented and advised public agency and non-profit employers in labor and employment matters, including many cases before PERB. Most recently he was Senior Counsel at Liebert Cassidy Whitmore, and before that he was a partner at Renne Sloan Holtzman Sakai. Mr. Shiners served as Legal Advisor to PERB Chair Alice Dowdin Calvillo from 2008 to 2011. During law school he held internships at the National Labor Relations Board in Washington D.C. and the Agricultural Labor Relations Board in Sacramento and served as a judicial extern for Justice M. Kathleen Butz of the California Court of Appeal, Third District. Mr. Shiners is a member of the Executive Committee of the Labor and Employment Law Section of the California Lawyers Association, and, with fellow Board member Arthur Krantz, a co-editor-in-chief of the Section's publication, California Public Sector Labor Relations. He holds a Bachelor of Arts degree in History from Sacramento State University, and a Juris Doctor degree from University of the Pacific, McGeorge School of Law. Mr. Shiners' term expires December 2022.

Arthur A. Krantz was appointed to the Board by Governor Edmund G. Brown Jr. on February 27, 2018. For more than 20 years prior to his appointment, Mr. Krantz represented unions, employees, and nonprofits in litigation, arbitration, and administrative cases, and he worked on law reform, organizing, negotiation, and strategic campaigns to effect social change. He did this work as an associate and partner at Leonard Carder, LLP. With fellow Board member Erich Shiners, Mr. Krantz serves as co-editor-in-chief of California Public Sector Labor Relations, a LexisNexis legal treatise. He has also served as a pro bono asylum attorney, a lecturer and practitioner-advisor at UC Berkeley School of Law, and an Executive Committee Member of the California Lawyers Association Labor and Employment Law Section. Mr. Krantz received his Bachelor of Arts from Yale University and his Juris Doctor from NYU School of Law, where he was a Root Tilden Public Interest Scholar. After law school, he served as a judicial law clerk for the Honorable Ellen Bree Burns at the United States District Court, District of Connecticut. Mr. Krantz's term expires December 2020.

Lou Paulson was appointed to the Board by Governor Gavin Newsom on February 6, 2019. Prior to his appointment Mr. Paulson served as the President of the California Professional Firefighters and as Vice President of the California Labor Federation. He also had a 34-year career in the Fire Service, 26 of those with the Contra Costa County Fire Protection District. Mr. Paulson has participated on many Local and National Boards and Commissions including the UC Berkeley Labor Center Advisory Board and the National Fire Protection Board of Directors. Mr. Paulson has lectured and taught nationally and internationally on labor relations and leadership. He received a Bachelor of Science degree from San Francisco State University. Mr. Paulson's term expires December 2023.

MAJOR FUNCTIONS

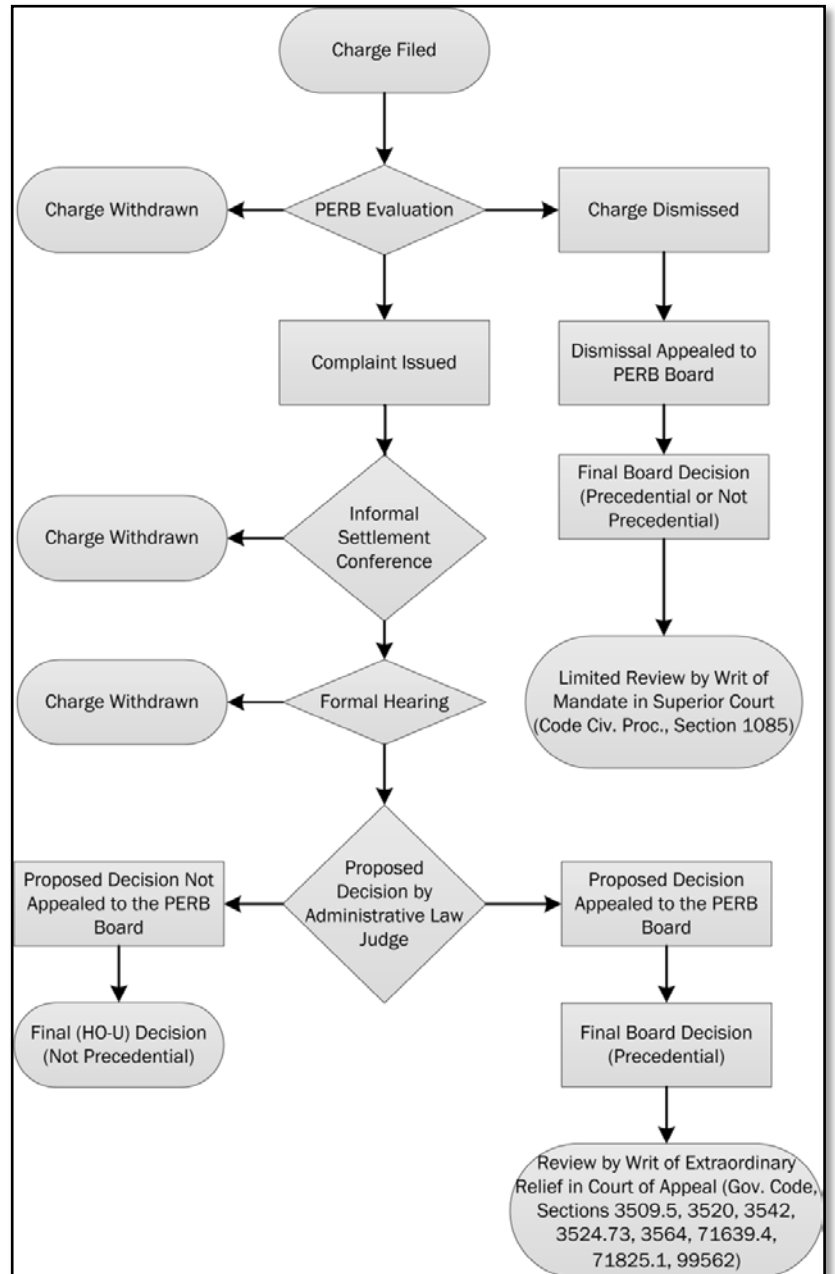
The major functions of PERB include: (1) the investigation and adjudication of unfair practice charges; (2) the administration of the representation process through which public employees freely select employee organizations to represent them in their labor relations with their employer; (3) adjudication of appeals of Board agent determinations to the Board itself; (4) the legal functions performed by the Office of the General Counsel (OGC); and (5) the mediation services provided to the public and some private constituents by the State Mediation and Conciliation Service (SMCS).

Unfair Practice Charges

The investigation and resolution of unfair practice charges (UPC) is the major function performed by PERB's Office of the General Counsel. UPCs may be filed by an employer, employee organization, or employee. Members of the public may also file a charge, but only concerning alleged violations of public notice requirements under the Dills Act, EERA, HEERA, and TEERA. UPCs can be filed online, as well as by mail, facsimile, or personal delivery.

A UPC alleges an employer or employee organization engaged in conduct that is unlawful under one of the statutory schemes administered by PERB.

Examples of unlawful employer conduct include: refusing to negotiate in good faith with an employee organization; disciplining or threatening employees for participating in union activities; and promising benefits to employees if they refuse to participate in union activity.



Examples of unlawful employee organization conduct include: threatening employees if they refuse to join the union; disciplining a member for filing a UPC against the union; and failing to represent bargaining unit members fairly in their employment relationship with the employer.

A UPC filed with PERB is reviewed by a Board agent to determine whether a prima facie violation of an applicable statute has been established. A charging party establishes a prima facie case by alleging sufficient facts to establish that a violation of the Dills Act, EERA, HEERA, MMBA, TEERA, Trial Court Act, Court Interpreter Act, JCEERA, OCTDA, or PECC/PEDD has occurred. If the charge fails to state a prima facie case, the Board agent issues a warning letter notifying the charging party of the deficiencies of the charge. The charging party is given time to either amend or withdraw the charge. If the charge is not amended or withdrawn, the Board agent must dismiss it. The charging party may appeal the dismissal to the Board itself.

If the Board agent determines that a charge, in whole or in part, states a prima facie case of a violation, a formal complaint is issued. The respondent may file an answer to the complaint.

Once a complaint is issued, usually another Board agent is assigned to the case and calls the parties together for an informal settlement conference. The conference usually is held within 60 days of the date of the complaint. If settlement is not reached, a formal hearing before a PERB Administrative Law Judge (ALJ) is scheduled. A hearing generally occurs within 90 to 120 days from the date of the informal conference. Following this adjudicatory proceeding, the ALJ prepares and issues a proposed decision. A party may appeal the proposed decision to the Board itself. The Board itself may affirm, modify, reverse, or remand the proposed decision. Proposed decisions that are not appealed to the Board are binding upon the parties to the case but may not be cited as precedent in other cases before the Board.

Final decisions of the Board are both binding on the parties to a particular case and precedential in other cases, unless designated as non-precedential by a majority of the Board members pursuant to PERB Regulation 32320, subdivision (d). Text and headnotes for all but non-precedential Board decisions are available on our website (<https://perb.ca.gov>) or by contacting PERB. On the website, interested parties can also [sign-up for electronic notification of new Board decisions](#).

Representation

The representation process begins when a petition is filed by an employee organization to represent employees in classifications that have an internal and occupational community of interest. In most situations, if only one petition is filed, with majority support, and the parties agree on the description of the bargaining unit, the employer must grant recognition to the employee organization as the exclusive representative of the bargaining unit employees. If two or more employee organizations are competing for representational rights of an appropriate bargaining unit, an election is mandatory.

If the employer or an employee organization disputes the appropriateness of the proposed bargaining unit, a Board agent may hold an informal settlement conference to assist the parties in resolving the dispute. If the dispute cannot be settled, a Board agent conducts a formal investigation, and in some cases a hearing, and issues an administrative determination or a proposed decision. That determination or decision sets forth the appropriate bargaining unit, or modification of that unit, based upon statutory unit-determination criteria and appropriate case law.

Once a bargaining unit has been established, PERB may conduct a representation election, unless the applicable statute and the facts of the case require the employer to grant recognition to an employee organization as the exclusive representative. PERB also conducts decertification elections when a rival employee organization or group of employees obtains sufficient signatures to call for an election to remove the incumbent organization. The choice of "No Representation" appears on the ballot in every representation election.

PERB staff also assists parties in reaching negotiated agreements through the mediation process provided in EERA, HEERA, and the Dills Act, and through the factfinding process provided under EERA, HEERA, and the MMBA. If the parties are unable to reach an agreement during negotiations under EERA, HEERA, or the Dills Act, either party may declare an impasse and request the appointment of a mediator. A Board agent contacts both parties to determine if they have reached a point in their negotiations that further meetings without the assistance of a mediator would be futile. Once PERB has determined that impasse exists, an SMCS mediator assists the parties in reaching an agreement. If settlement is not reached during mediation under EERA or HEERA, either party may request the initiation of statutory factfinding procedures. PERB appoints the factfinding chairperson who, with representatives of the employer and the employee organization, makes findings of fact and advisory recommendations to the parties concerning settlement terms.

If the parties reach impasse during negotiations under the MMBA, and a settlement is not achieved through impasse dispute resolution procedures authorized by applicable local rules, the employee organization may request the initiation of statutory factfinding procedures under the MMBA. If factfinding is requested, PERB appoints the factfinding chairperson who, with representatives of the employer and the employee organization, makes findings of fact and advisory recommendations to the parties concerning settlement terms.

Appeals Office

The Appeals Office, under direction of the Board itself, ensures that all appellate filings comply with Board regulations. The office maintains case files, issues decisions rendered, and assists in the preparation of administrative records for litigation filed in California's appellate courts. The Appeals Office is the main contact with parties and their representatives while cases are pending before the Board itself.

Office of the General Counsel

The legal representation function of the Office of the General Counsel includes:

- defending final Board decisions or orders in unfair practice cases when parties seek review of those decisions in the State appellate courts, as well as overseeing the preparation of the administrative record for litigation filed in California's appellate courts;
- seeking enforcement when a party refuses to comply with a final Board decision, order, or ruling, or to a subpoena issued by PERB;
- seeking appropriate interim injunctive relief against those responsible for certain alleged unfair practices;
- defending the Board against attempts to stay its activities, such as superior court complaints seeking to enjoin PERB hearings or elections; and
- defending the jurisdiction of the Board, submitting motions, pleadings, and amicus curiae briefs, and appearing in cases in which the Board has a special interest.

State Mediation and Conciliation Service

SMCS' role within PERB is non-adjudicatory, except as provided in statute, and works to support PERB's mission through mediation, a form of alternative dispute resolution.

SMCS was created in 1947 and mediates under the provisions of all of the California public and quasi-public sector employment statutes, as well as the National Labor Relations Act. While SMCS has the ability to mediate in the private sector, it now only does so under certain exceptional circumstances, including statutory provisions at the state or local level, collective bargaining and local rules' language, and representation processes not performed by the Federal Mediation and Conciliation Service (FMCS). SMCS and the FMCS have informally agreed to divide the work between the public and private sectors for more than two decades, as the work has become more complex, requiring specialization, and resources in both agencies have been an issue.

The mediation and representation services provided by the SMCS division of PERB are not to be confused with those provided by PERB's Office of the General Counsel. SMCS' work is performed strictly on the basis of mutual consent, except as required by statute, such as the Public Utilities Code. Mediation is confidential and non-adjudicatory, with emphases on compromise and collaboration toward settlement. SMCS welcomes opportunities to speak with labor and management organizations and communities to provide information about the benefits of harmony in labor/management relationships through the effective use of mediation in their disputes.

Core functions involve work that is performed at no charge to the parties, including:

- Mediation to end strikes and other severe job actions;
- Mediation of initial and successor collective bargaining agreement disputes;
- Mediation of grievances arising from alleged violations of collective bargaining agreements and other local rules;
- Mediation of discipline appeals;
- Supervision of elections for representation, whether for bargaining units that are unrepresented, or for the decertification/certification of labor organizations, and others; and

Other services are also available. These include:

- Training and facilitation in interest-based bargaining, implementing effective joint labor-management committees, and resolving conflict in the workplace;
- Specialized training as requested by the parties or ordered by settlement, in various aspects of public sector collective bargaining; and
- Assistance with internal union/employee organization elections or processes, or similar activities for labor or management that are not joint endeavors.

SMCS also administers a panel of independent arbitrators who are screened for qualifications and experience before being accepted to the panel. Lists of arbitrators can be provided for a fee, with no restrictions on whether or not the dispute is in the public or private sectors.

Administrative Operations

The Division of Administration provides services to support PERB operations and its employees. This includes strategic policy development, administration, and communication with the State's control agencies to ensure operations are compliant with State and Federal requirements. A full range of services are provided for both annual planning/reporting cycles and ongoing operations in fiscal, human resources, technology, facility, procurement, audits, security, and business services areas.

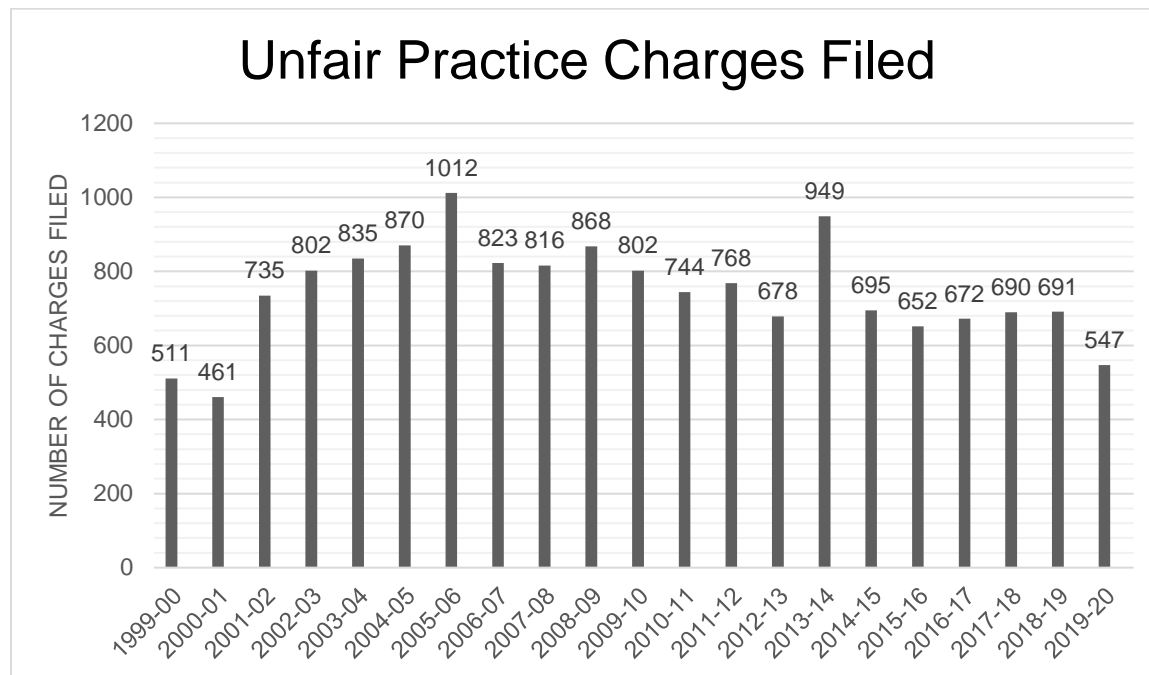
Other Functions

As California's expert administrative agency in the area of public sector collective bargaining, PERB is consulted by similar agencies from other states concerning its policies, regulations, and formal decisions. Additionally, PERB continuously reviews proposed legislation and promulgates regulations to effectively adapt to changing statutory and environmental impacts. Information requests from the Legislature and the general public are also received and processed.

CASE DISPOSITIONS

UNFAIR PRACTICE CHARGE FILINGS

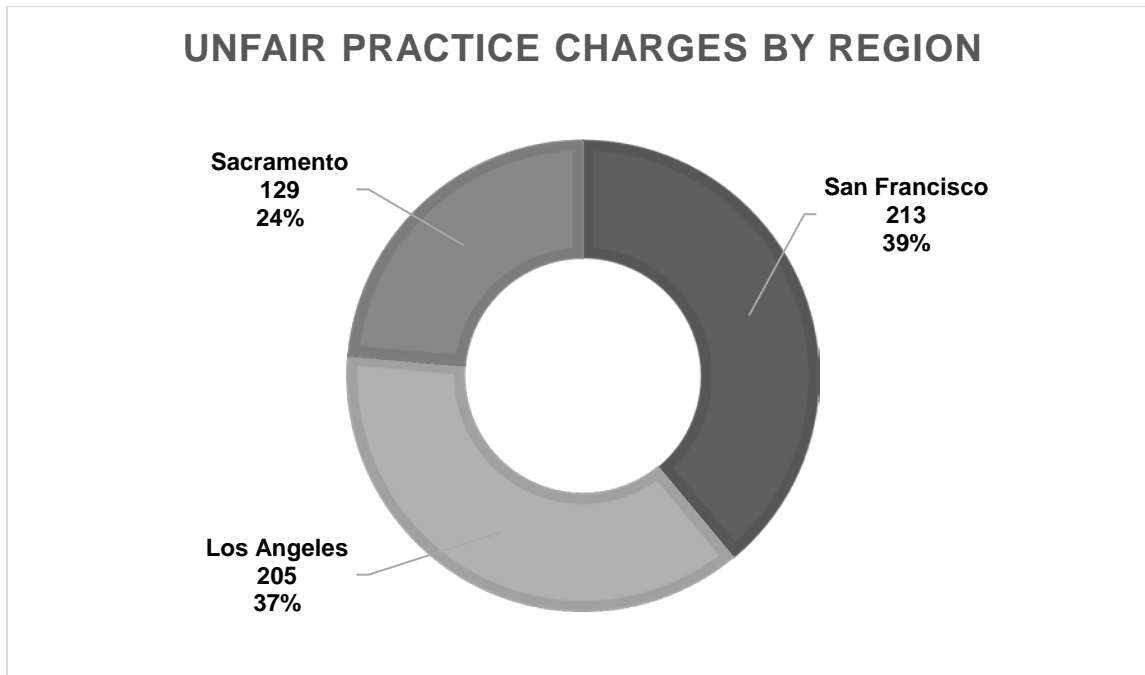
The number of unfair practice charges (UPC) filed with PERB has stabilized over the past four years; however, the workload remains high as a result of various statutory expansions to PERB’s jurisdiction over the last two decades. In Fiscal Year 2019-2020, parties filed 547 new charges with PERB. UPC filings over the past 20 years are shown below, which includes the following adjustments: in Fiscal Year 2001-02, 935 UPC filings were reduced by 200 due to a similar set of filings; and, in Fiscal Year 2004-05, 1,126 filings were reduced by 256 due to similar charges filed by one group of employees. The spike in Fiscal Year 2013- 14 was due to 173 filings by the same individual on behalf of himself and/or other employees.



Over the past five years, there have been an average of 650 charges filed annually. This represents a drop of 94 charges from the 20-year annual average of 744 charges.

Of the 547 UPC filings in Fiscal Year 2019-2020, wide variation existed in the numbers filed under the various statutory acts and violations of the PECC. EERA and the MMBA continued to see the most charges filed, as can be seen in the Unfair Practice Charges by Act table below.

Regionally, of the 547 UPC filings for Fiscal Year 2019-2020, the San Francisco Regional Office received the most charges (213), the Los Angeles Regional Office followed closely behind (205), and the Sacramento Regional Office received one in five charges (129).



Unfair Practice Charge Statistics

1. 2019 – 2020 Unfair Practice Charges by Region

Region	Total UPCs
Sacramento	129
San Francisco	213
Los Angeles	205
Total	547

2. 2019 – 2020 Unfair Practice Charges by Act

Act	Total UPCs
Dills Act	43
EERA	192
HEERA	68
MMBA	223
TEERA	1
Trial Court Act	8
Court Interpreter Act	8
Childcare Act	0
Judicial Council Act	0
Non-Jurisdictional	4
Total	547

3. Five Year Workload Comparison: Charges Filed by Fiscal Year

2015 – 2016	2016 – 2017	2017 – 2018	2018 - 2019	2019 – 2020	5 Year Average
652	672	690	691	547	650

4. Dispositions by Region

	Withdrawal	Dismissal	Complaint	Complaint/ Partial Dismissal	Complaint / Partial Withdrawal	Total
Sacramento	39	25	77	4	2	147
San Francisco	97	48	98	6	7	256
Los Angeles	74	67	105	7	14	267
Total	210	140	280	17	23	670

DISPUTE RESOLUTIONS AND SETTLEMENTS

PERB stresses the importance of voluntary dispute resolution. This emphasis begins with the first step of the unfair practice charge process—the investigation. During the investigative step in Fiscal Year 2019 – 2020, the parties withdrew 210 cases entirely and 23 partially (about 35 percent of 670 completed charge investigations), many through a PERB Informal Settlement Conference.

PERB’s continued success in mediating voluntary settlements is attributable, in part, to the tremendous skill and efforts of its Regional Attorneys. It also requires commitment by the parties to look for solutions to often complex problems. As the efforts by PERB staff demonstrate, voluntary settlements are the most efficient and timely way of resolving disputes, as well as an opportunity for the parties to improve their collective bargaining relationships. PERB looks forward to continuing its commitment to voluntary dispute resolution.

Overall, of the 670 charge dispositions in Fiscal Year 2019 – 2020, 280 had complaints issued, 210 had charges withdrawn, and 140 were dismissed. In addition, 17 had complaints issued with a partial dismissal and 23 had complaints issued with a partial withdrawal.

The Dispositions by Region table above provides regional data for the 670 UPC dispositions in Fiscal Year 2019 – 2020. The San Francisco Regional Office was responsible for about 38 percent of case dispositions; the Los Angeles Regional Office was responsible for about 40 percent of case dispositions; and the Sacramento Regional Office for about 22 percent case dispositions.

ADMINISTRATIVE ADJUDICATION

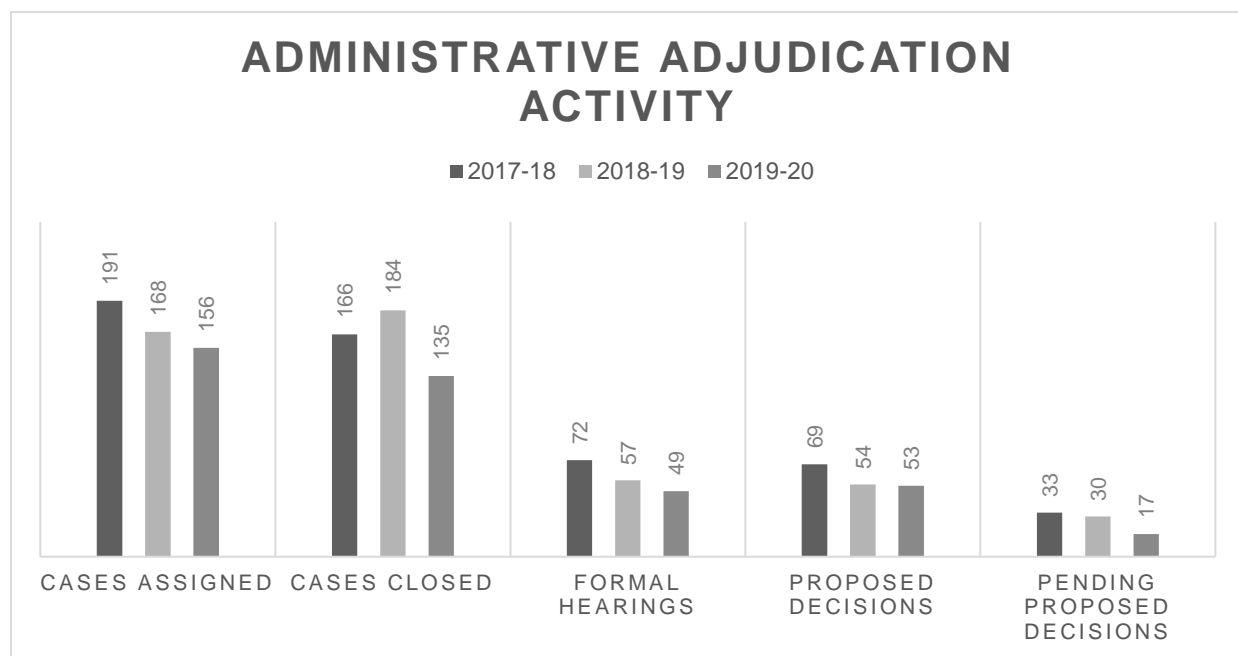
Complaints that are not resolved through mediation are sent to the Division of Administrative Law for an evidentiary hearing (formal hearing) before an Administrative Law Judge (ALJ).

In Fiscal Year 2019 – 2020, the Division had between 9.5 and 10.5 ALJs conducting formal hearings and writing proposed decisions. The ALJs' production of proposed decisions issued in Fiscal Year 2019 – 2020 (53 proposed decisions) was slightly down from the prior year (54 proposed decisions). The average time it took to issue a proposed decision dropped from 174 days in 2018 – 2019 to 117 days in 2019 – 2020.

The number of formal hearings completed decreased this year to 49, down from 57 the year prior. The decrease in the number of formal hearings completed was dramatically impacted by the COVID-19 pandemic and the resulting stay-at-home public health orders. In Fiscal Year 2019 – 2020, the Division ended with 17 pending proposed decisions to write, compared to 30 pending at the end of Fiscal Year 2019 – 2020.

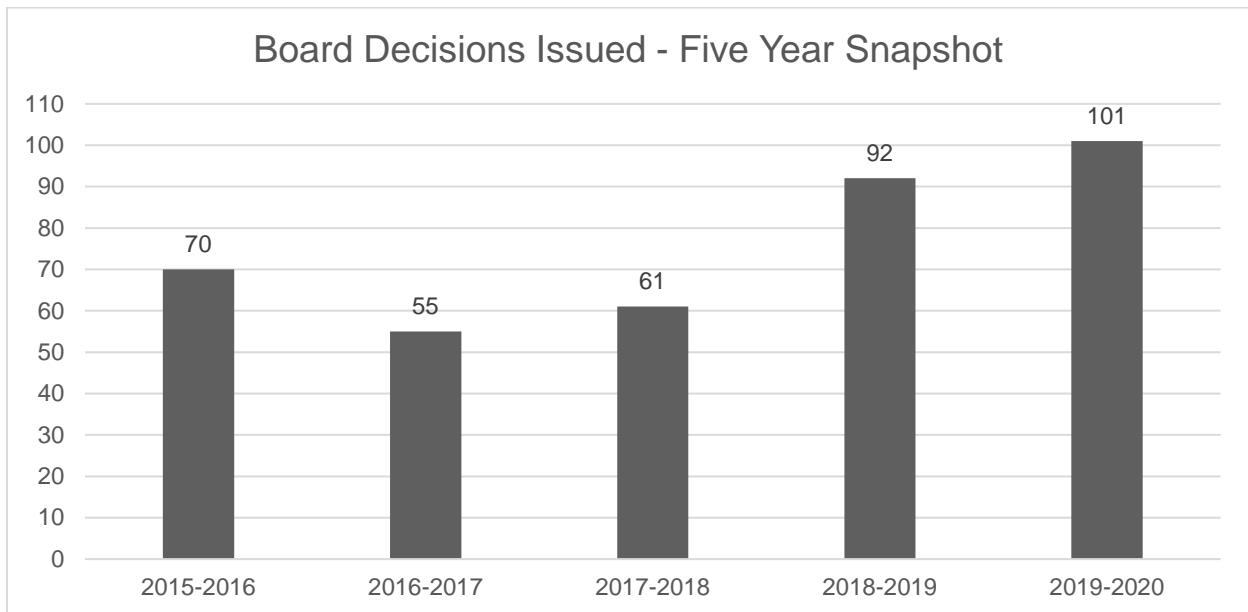
The total number of cases assigned in Fiscal Year 2019 – 2020 was 156 cases, while the ALJs closed 135 cases, compared to 168 cases assigned and 184 closed in Fiscal Year 2018 – 2019. The drop in both numbers is attributable to COVID-19.

Consistent with prior fiscal years, the regional distribution of the caseload has been focused primarily in the PERB Los Angeles Regional Office, which comprised approximately 53 percent of all PERB unfair practice formal hearings. In Fiscal Year 2019 – 2020, both the PERB Oakland and Sacramento Regional Office's hearing activity was approximately equal at 24 percent and 23 percent respectively.

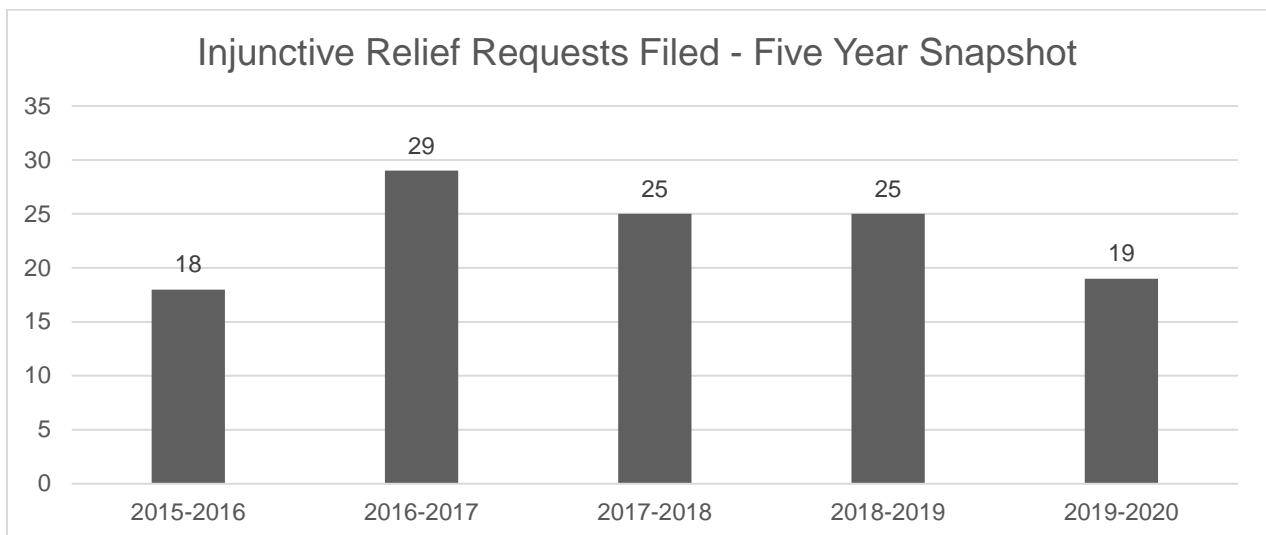


BOARD DECISIONS

Proposed decisions, charge dismissals, and administrative determinations issued by Board agents may be appealed to the Board itself. During Fiscal Year 2019 – 2020, the Board issued 101 decisions as compared to 92 during Fiscal Year 2018 – 2019 and an average of 76 over the past five years.

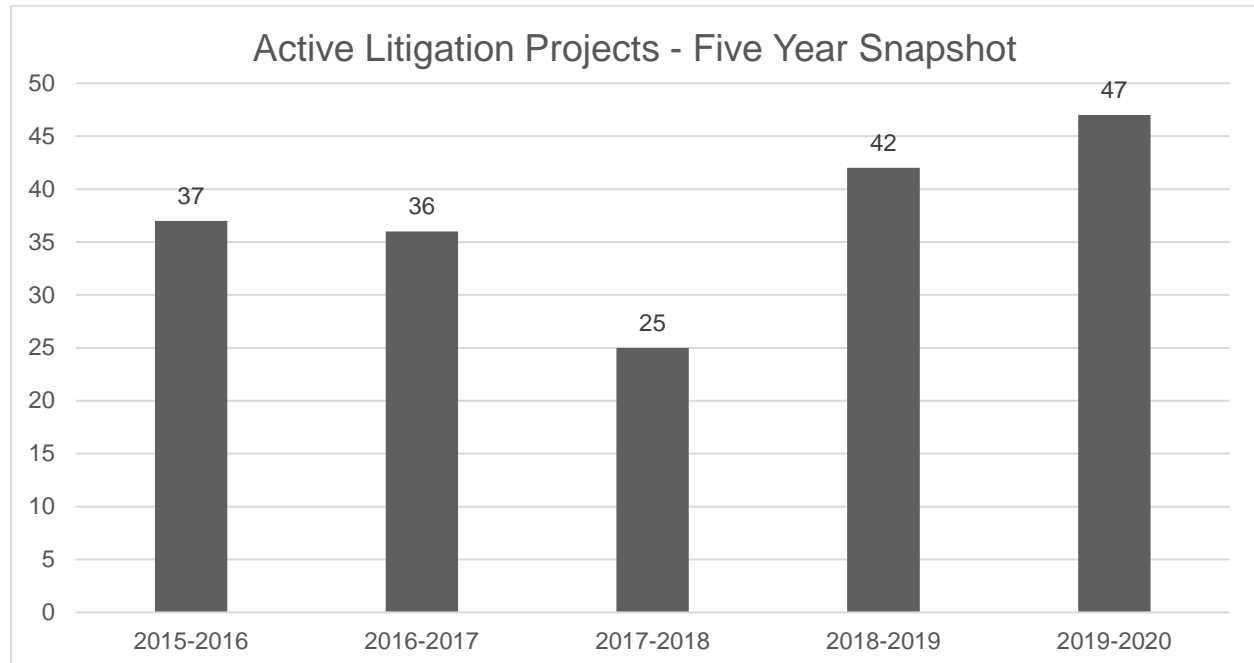


The Board also considered 19 requests for injunctive relief in Fiscal Year 2019 – 2020, compared to 25 in Fiscal Year 2018 – 2019. Injunctive relief requests filed over the past five fiscal years and investigated by the General Counsel are shown below and averaged 23 per year over the five-year period.



LITIGATION

PERB's litigation projects¹ increased in Fiscal Year 2019 – 2020. PERB's Regional Attorneys completed 141 litigation-related assignments (compared to 64 litigation projects last fiscal year). The number of active litigation cases in Fiscal Year 2019 – 2020 also increased. A total of 47 litigation cases, including new and continuing matters, were handled during the 2019 – 2020 Fiscal Year (compared to 42 last year, and 25 the year before). A listing of these cases is included in the Appendices, beginning on page 32.



REPRESENTATION ACTIVITY

PERB received 71 new representation petitions in Fiscal Year 2019 - 2020, compared to 89 in the prior Fiscal Year. As shown below, the total number of petitions for Fiscal Year 2019 - 2020 includes: 32 unit modification petitions, 18 recognition petitions, 11 decertification petitions, 4 requests for amendment of certification, 1 petition for certification, and 4 severance requests.

¹ PERB's court litigation primarily involves: (1) injunctive relief requests at the superior court level to immediately stop unlawful actions; (2) defending decisions of the Board at the appellate level; and (3) defending the Board's jurisdiction in all courts, including the California and United States Supreme courts. Litigation consists of preparing legal memoranda, court motions, points and authorities, briefs, stipulations, judgments, orders, etc., as well as making court appearances.

Election activity increased slightly, with 3 elections conducted by PERB in Fiscal Year 2019 – 2020, and 2 elections in the prior Fiscal Year. All three elections in the Fiscal Year 2019 – 2020 were for decertification petitions. Nearly 142 employees were eligible to participate in these elections, with 106 employees in the largest bargaining unit and 7 in the smallest.

Representation Case Activity

1. Representation Related Case Filings

Case Type	Number Filed
Request for Recognition	18
Severance Petition	4
Petition for Certification	1
Decertification	11
Amended Certification	4
Unit Modification	32
Organizational Security	0
Arbitration	0
Mediation Requests (EERA/HEERA/Dills)	83
Factfinding Requests (EERA/HEERA)	19
Factfinding Requests (MMBA)	40
Factfinding Approved (MMBA)	32
Compliance	2
Totals	246*

* This number is higher than the number for representation petitions in the preceding section, since this group includes representation cases that do not include petitions (such as impasse determinations).

2. Prior Year Workload Comparison: Representation Cases Filed By Fiscal Year

2015 – 2016	2016 – 2017	2017 – 2018	2018 – 2019	2019 – 2020	5 Year Average
392	447	400	381	246	373

3. Elections Conducted in Fiscal Year 2019 – 2020 by Type

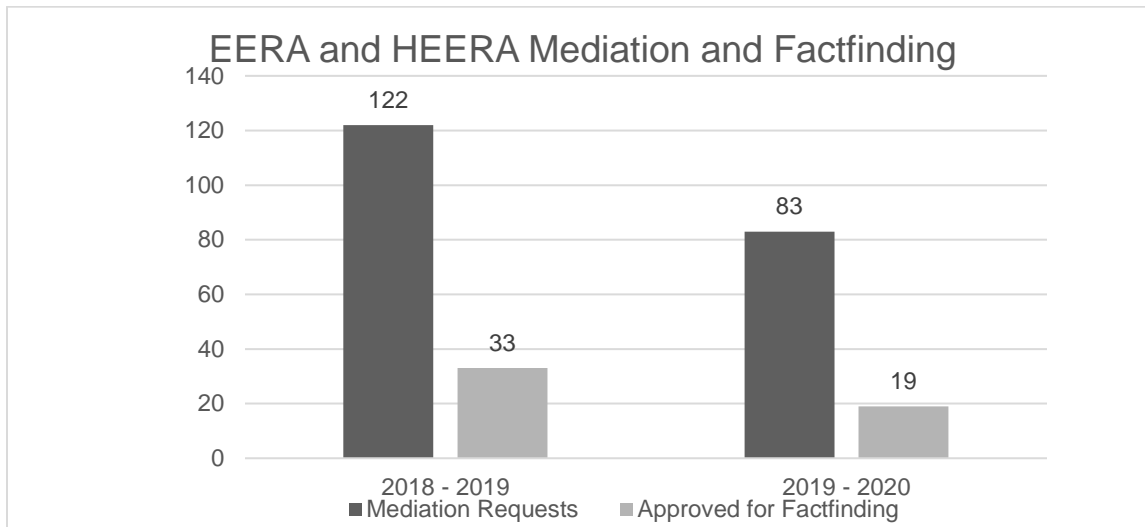
Election Type	Number Conducted
Amendment of Certification	0
Decertification	3
Representation	0
Severance	0
Unit Modification	0

4. Decertification Elections in Fiscal Year 2019 – 2020

Case Number	Employer	Unit Type	Winner	Unit Size
SF-DP-336-M	Humboldt Bay Harbor, Recreation and Conservation District	Classified and Maintenance	Operating Engineers Local 3	7
SF-DP-355-M	Sonoma Marin Area Rail Transit District	Engineers and Conductors	Operating Engineers Local 3	29
LA-DP-443-E	Birmingham Community Charter High School	Classified Employees	Classified Employees Union of Birmingham Community Charter High School	106

MEDIATION/FACTFINDING/ARBITRATION

During Fiscal Year 2019 – 2020, PERB received 83 impasse mediation requests under EERA and HEERA. The number of mediation requests under EERA and HEERA decreased from the prior year (122 such requests were filed in Fiscal Year 2018 – 2019). Subsequently, 68 of those requests were approved for mediation, and 19 of those impasse cases (23 percent) were approved for factfinding.



During this same period, 40 factfinding requests and 36 requests for impasse mediation were filed under the MMBA. MMBA impasse mediation requests are filed directly with SMCS and do not require certification prior to mediation. MMBA impasses not resolved in mediation may go to factfinding pursuant to the provisions set forth in the statute and are at the discretion of the employee organization.

COMPLIANCE

In Fiscal Year 2019 – 2020, PERB initiated compliance proceedings in 44 unfair practice cases in which a final decision resulted in a finding of a violation of the applicable statute. This is a decrease in compliance activity over the prior year (53 compliance proceedings were initiated in Fiscal Year 2018 – 2019).

STATE MEDIATION AND CONCILIATION SERVICE

The Division of State Mediation and Conciliation Service (SMCS) received a total of 396 new cases in Fiscal Year 2019 – 2020 and closed 479. The tables below provide information on SMCS's activities in Fiscal Year 2019 – 2020:

Contract Impasses	
EERA and HEERA	68
MMBA	36
Transit	2
State Trial Courts	2
State of California	0
Los Angeles City and County	1

Grievances and Disciplinary Appeals	
EERA and HEERA	159
MMBA	42
Transit	0
State Trial Courts	0
Los Angeles City and County	5
Private Sector (PUC, Other SMCS Specified)	38

Other	
Representation and Election Cases	10
Workplace Conflict or Training and Facilitation Assignments	26
Miscellaneous Cases Related to Education, Outreach, and Internal Mediation or Program Administration Projects	7
Requests for Lists of Arbitrators from Panel of Independent Arbitrators	307

LEGISLATION

PERB monitors legislation concerning labor relations statutes under PERB's jurisdiction. In Fiscal Year 2019-2020, the Legislature enacted two PERB-related bills:

Assembly Bill 378 - Childcare: family childcare providers: bargaining representative.

On September 30, 2019, Governor Newsom signed Assembly Bill 378 (Chapter 385, Statutes of 2019), the Building a Better Early Care and Education System Act. AB 378 expanded PERB's jurisdiction beyond public sector employees by giving PERB jurisdiction over the collective bargaining relationship between approximately 40,000 family childcare providers, their provider organization, and the state.

Assembly Bill 355 - Public Employment Relations Board: Orange County Transportation Authority.

Assembly Bill 355 (Chapter 713, Statutes of 2019) added sections 40122.1 and 40122.2 to the Public Utilities Code giving PERB jurisdiction over unfair practice charges for the Orange County Transportation Authority.

RULEMAKING

PERB initiated and continued work on several rulemaking packages in Fiscal Year 2019 – 2020, some of which will become final in Fiscal Year 2020 – 2021. The Board initiates the rulemaking packages in response to legislative changes, judicial decisions, PERB's Case Processing Efficiencies Initiative, or the need to update obsolete rules. Listed below are the various rulemaking packages the Board authorized the Office of the General Counsel to develop:

Public Employee Communication Chapter (PECC) / Prohibition on Deterring and Discouraging Union Membership Chapter (PEDD) / Non-Precedential Decisions. PERB initiated a rulemaking package to implement: (1) the PECC enacted by Assembly Bill 119 (Chapter 21, Statutes of 2017) codified at Government Code, section 3555 et seq., (2) the PEDD enacted by Senate Bill 866 (Chapter 53, Statutes of 2018) codified at Government Code, section 3550 et seq., and (3) to permit the Board to designate as non-precedential any decision, or any parts thereof. [These regulations went into effect in April of 2020.](#)

Judicial Council Employer-Employee Relations Act (JCEERA). PERB initiated rulemaking to fully implement JCEERA, which authorizes specified employees of the Judicial Council to unionize. JCEERA was enacted through Assembly Bill 83 (Chapter 835, Statutes of 2017).

ePERB and General Filing Requirements. PERB initiated rulemaking to address PERB's new e-file system (ePERB) and to revise existing regulations that govern filings in general.

Exceptions Regulations. As part of implementing Case Processing Efficiency Initiative recommendations, PERB initiated a rulemaking package to revise existing regulations covering a party's filing of exceptions to Proposed Decisions by an ALJ and responses thereto.

Recusal Regulation. PERB initiated a rulemaking package to amend PERB Regulation 32155, which governs recusals of PERB personnel.

Regulations on Subpoenas, Motions, and Authority of Board agents. As part of implementing Case Processing Efficiency Initiative recommendations, PERB initiated a rulemaking package to amend regulations that govern subpoenas, motions, and authority of Board agents.

SMCS Regulations. PERB initiated rulemaking to revise and update existing regulations covering the Division of State Mediation and Conciliation.

APPENDICES

Administrative Leadership

Joshua Golka was appointed Executive Director by the Board in October 2018. Prior to joining PERB, Mr. Golka was previously the California Legislative Affairs Manager for the American Federation of State, County, and Municipal Employees, where he led the organization's state legislative and budgetary strategy. He brings over fifteen years of experience providing political, legislative, and budgetary analysis and representation before the California legislature, state departments, boards and commissions, coalition groups and the media. He is a graduate of University of Pacific, McGeorge School of Law and holds a Master of Business Administration from Indiana University, Kelley School of Business, as well as a Master of Global Management from Thunderbird School of Global Management.

J. Felix De La Torre was appointed General Counsel in February 2015. Prior to his appointment, Mr. De La Torre served as Chief Counsel for Service Employees International Union, Local 1000, where he worked from 2008 to 2015. From 2000 to 2008, Mr. De La Torre was a partner and shareholder at [Van Bourg], Weinberg, Roger and Rosenfeld, where he represented both public and private sector employees in a wide range of labor and employment matters, including federal and state court litigation, labor arbitrations, collective bargaining, union elections, unfair labor practices, and administrative hearings. Mr. De La Torre also served as a member of the Board of Directors for the AFL-CIO Lawyers Coordinating Committee and the Sacramento Center for Workers Rights. In addition, Mr. De La Torre was a Staff Attorney and Program Director at the California Rural Legal Assistance Foundation (CRLAF) and, before that, the State Policy Analyst for the Mexican American Legal Defense and Educational Fund (MALDEF). Mr. De La Torre was also an Instructor at the UC Davis Extension in the Labor Management Certificate Program. Mr. De La Torre is a 1999 graduate of UC Davis' King Hall School of Law.

Wendi L. Ross, Deputy General Counsel [Acting General Counsel (May 2014 – February 2015); Interim General Counsel (December 2010 – April 2011)], joined PERB in April 2007 and has more than 30 years of experience practicing labor and employment law. Ms. Ross was previously employed by the State of California, Department of Human Resources as a Labor Relations Counsel. Prior to that position, she was employed as an Associate Attorney with the law firms of Pinnell & Kingsley and Thierman, Cook, Brown & Prager. Ms. Ross received her Bachelor of Arts degree in Political Science-Public Service from U.C. Davis and her law degree from UOP, McGeorge School of Law. She has served as the Chair of the Sacramento County Bar

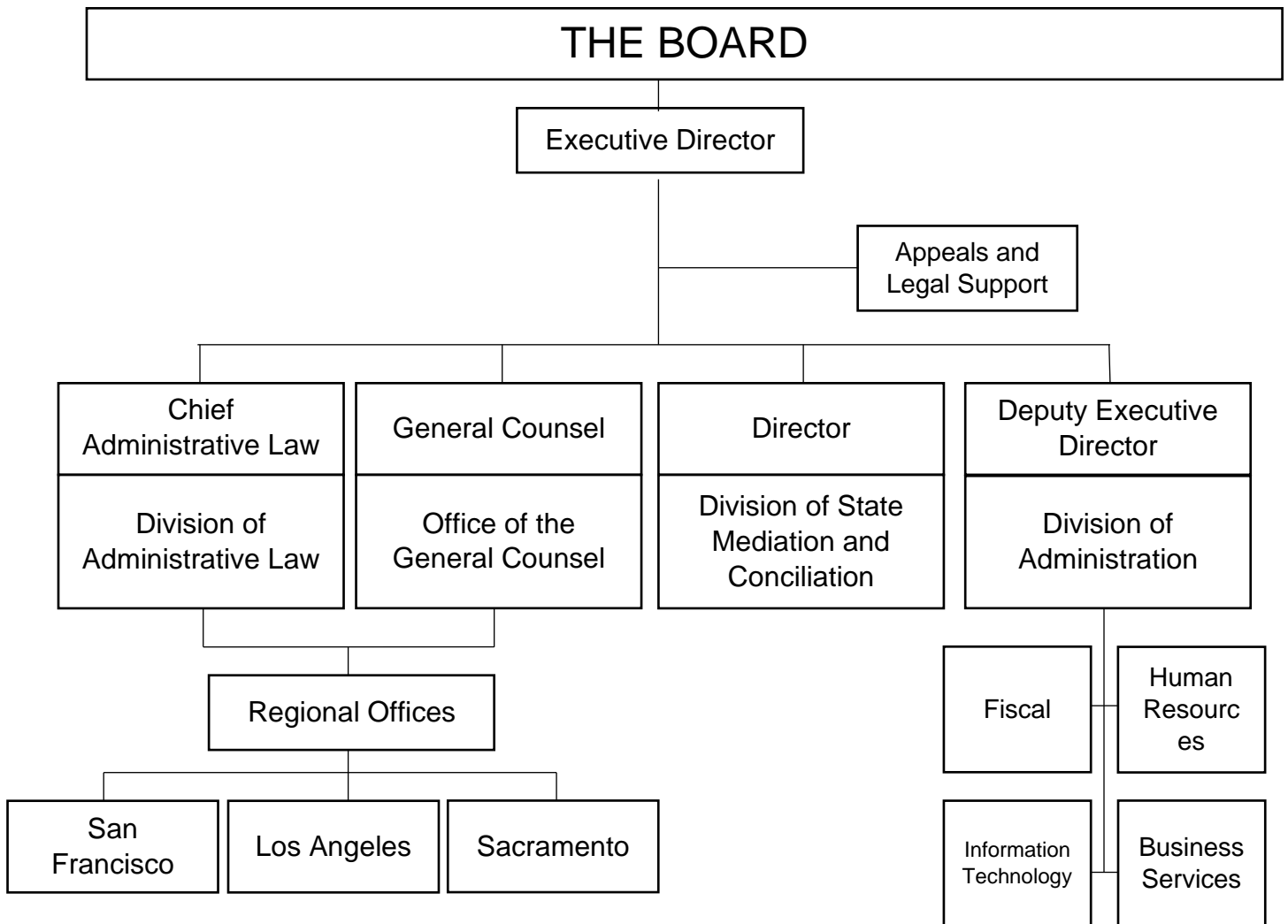
Association, Labor and Employment Law Section and previously taught an arbitration course through the UC Davis Extension.

Shawn P. Cloughesy is the Chief Administrative Law Judge for PERB. He has over 20 years' experience as an Administrative Law Judge with two state agencies (PERB and the State Personnel Board) conducting hundreds of hearings involving public sector labor and employment matters. Prior to being employed as an administrative law judge, Mr. Cloughesy was a Supervising Attorney for the California Correctional Peace Officers Association, practicing and supervising attorneys who practiced before PERB and other agencies.

Loretta van der Pol is the Director of the State Mediation and Conciliation Service Division. She joined the agency in March 2010, after working for eight years as a Senior Employee Relations Manager for an independent labor union. Prior to working for the union, Ms. van der Pol worked as an analyst, supervisor and mid-level manager for twenty years. She has several years of experience as chief negotiator in labor negotiations and advocacy on both sides of the table. Most of her professional working life has also involved providing workplace training in conflict management, interest-based bargaining (including the "hybrid" version), employee performance management, the basics of collective bargaining and statutory compliance requirements. She also facilitates interest-based contract negotiations and workplace interpersonal conflict intervention. Ms. van der Pol earned her undergraduate degree in Social Sciences from Chapman University, hold certificates in Employment Law and Advanced Employment Law, and has completed coursework in the Master of Public Administration degree program at California State University, Fullerton.

Susan Davey was hired as the Deputy Executive Director in March 2020. Previously, Ms. Davey was a Labor Relations Manager II at the State Compensation Insurance Fund and, before that, she worked at the California Department of Public Health as a Labor Relations Manager I. She has worked in state civil service since 2005 serving in various administrative roles for the Department of State Hospitals, including as the Hospital Administrative Resident and Accounting Administrator. Ms. Davey earned her law degree from San Joaquin College of Law in 2014 and holds Masters Degrees in Business Leadership Studies and Peacemaking and Conflict Studies. She has a certificate in Labor-Management Relations from the U.C. Davis Extension, as well as a certificate in Workplace Mediation from Fresno Pacific University.

Organizational Chart



2019 – 2020 Litigation Activity

1. *David Caines v. PERB and AFSCME Local 3299*, Filed: April 5, 2019, US District Court, Northern District of California, Case No. 3:19-cv-01856-EDL; PERB Decision No. 2555-H [PERB Case No. SF-CO-208-H) Issue: Whether AFSCME and PERB breached their duty to David Caines to assist him in his contractual grievance against his employer.
2. *PERB v. County of Riverside; SEIU Local 721*, Filed: September 4, 2018, California Court of Appeal, Case No. D075941; IR Request No. 749 [PERB Case No. LA-CE-1306-M] Issues: Whether the Riverside County Superior Court erred when it granted a Preliminary Injunction against the County, and whether the Court of Appeal should grant a Writ of Supersedeas and/or sustain the County's Motion for Calendar Preference.
3. *PERB v. County of Riverside; SEIU Local 721*, Filed: May 18, 2018, Riverside County Sup. Ct. Case No. RIC1809250; IR Request No. 749 [PERB Case No. LA-CE-1306-M] Issue: Whether the test set forth in *Public Employment Relations Board v. Modesto City School District* (1982) 136 Cal.App.3d 88, which governs applications by PERB for injunctive relief, has been met in this case.
4. *PERB v. Alliance College-Ready Public Charter Schools, et al.; United Teachers Los Angeles*, Filed: October 23, 2015, Los Angeles Sup. Ct. Case No. BC 598881; IR Request No. 686 [PERB Case No. LA-CE-6025-E, LA-CE-6027-E, LA-CE-6061-E, LA-CE-6073-E] Issue: Whether Alliance et al. should be enjoined from engaging in activity that may ultimately be considered unlawful interference with UTLA's organizing efforts.
5. *Regents of the University of California v. PERB; Union of Professional and Technical Employees-CWA, Local 9119*, Filed: June 28, 2019, California Court of Appeal, First Appellate District, Division 1, Case No. A157597; PERB Decision No. 2646-H, PERB Order No. Ad-453-H [PERB Case Nos. SF-CE-1211-H, SF-UM-779-H) Issue: Whether the Board erred when it issued Order No. Ad-453-H, allowing UPTE to add non-represented employees to its existing bargaining unit without requiring proof of majority support, and whether the University's "technical refusal to bargain" in order to challenge the Order was an unfair practice.
6. *Contra Costa County Fire Protection District v. PERB; United Chief Officers Association*, Filed: April 5, 2019, California Court of Appeal, First Appellate District, Division 2, Case No. A156897; PERB Decision No. 2632-M [PERB Case No. SF-CE-693-M]) Issue: Whether the Board erred when it concluded that the District violated the MMBA by discriminating against and interfering with employee/union rights when it refused to provide represented employees with the same longevity benefit that it provided to unrepresented employees.

7. *Oroville Union High School District v. PERB; Oroville Secondary Teachers Association, CTA/NEA*, Filed: March 22, 2019, California Court of Appeal, Third Appellate District, Case No. C089108; PERB Decision No. 2627 [PERB Case No. SA-CE-2843-E] Issue: Whether the Board erred when it concluded that the District violated EERA by using a categorical approach to union release time for collective bargaining, found that the District made an unlawful unilateral change when it designated the two bargaining team members' absences as Personal Necessity Leave.
8. *Antelope Valley Community College District v. PERB; Antelope Valley College Federation of Classified Employees*, Filed: January 24, 2019, California Court of Appeal, Second Appellate District, Division Four, Case No. B295212; PERB Decision No. 2618 [PERB Case No. LA-CE-5931-E] Issues: Whether substantial evidence supports the finding that the employer unilaterally changed the hours of operation, and implemented a modified workday/workweek without the approval of the majority of employees as required under the parties' written agreement. Whether the Board erred and exceeded its authority by issuing a back-pay make whole remedy that included overtime compensation to affected employees.
9. *Regents of the University of California v. PERB; California Nurses Association*, Filed: January 18, 2019, California Court of Appeal, Fourth Appellate District, Division One, Case No. D075218; PERB Decision No. 2616-H [PERB Case No. LA-CE-1256-H] Issue: Whether the Board erred in concluding that restrictions on the display of union insignia in patient care areas of a hospital are presumptively invalid, and that the University failed to prove special circumstances justifying the restriction at issue.
10. *Regents of the University of California v. PERB; University Council-American Federation of Teachers*, Filed: January 18, 2019, California Court of Appeal, First Appellate District, Division 3, Case No. A156228; PERB Decision No. 2610-H [PERB Case No. SF-CE-1047-H] Issue: Whether the Board erred in concluding that UC violated HEERA by terminating the Young Musicians Program and arranging to continue its operations through a non-profit entity.
11. *Mt. San Jacinto Community College District v. PERB; Anthony Vasek*, Filed: January 10, 2019, California Court of Appeal, Fourth Appellate District, Division Two, Case No. E071956; PERB Decision No. 2606 [PERB Case No. LA-CE-5921-E] Issue: Whether the Board clearly erred in Decision No. 2605-E [holding that the Mount San Jacinto Community College District violated EERA when it retaliated against Anthony Vasek for protected activity].
12. *County of Ventura v. PERB; SEIU Local 721*, Filed: January 4, 2019, California Court of Appeal, Second Appellate District, Division Six, Case No. B294825; PERB Decision No. 2600-M [PERB Case No. LA-CE-655-M] Issue: Whether PERB's decision that the County is the joint and single employer of employees in primary care satellite clinics is supported by substantial evidence.

13. *San Bernardino Community College District v. PERB; California School Employees Association, Chapter 291*, Filed: January 4, 2019, California Court of Appeal, Fourth Appellate District, Division Two, Case No. E071913; PERB Decision No. 2599 [PERB Case No. LA-CE-6037-E] Issue: Whether the Board erred in concluding that the District made a unilateral change to terms and conditions of employment by using GPS tracking data to monitor and then terminate an employee.
14. *State of CA, Department of Corrections and Rehabilitation v. PERB; CA Association of Psychiatric Technicians*, Filed: December 26, 2018, California Court of Appeal, Third Appellate District, Case No. C088562; PERB Decision No. 2598-S [PERB Case No. SA-CE-2047-S] Issue: Whether PERB Decision No. 2598-S, in which the Board held that an employee was entitled to union representation during an invasive physical search and other related issues, was issued in error.
15. *County of Riverside v. PERB; SEIU Local 721*, Filed: December 14, 2018, California Court of Appeal, Fourth Appellate District, Division Two, Case No. E071804; PERB Order No. Ad-469-M [PERB Case Nos. LA-CO-222-M, et al.] Issue: Whether the Board erred in denying the County's motion to disqualify PERB from hearing cases between the County and SEIU because the County's due process rights may be violated, and whether the proceedings in these cases should be immediately stayed pending this appeal.
16. *County of Riverside v. PERB; SEIU Local 721-Wendy Thomas*, Filed: November 21, 2018, California Court of Appeal, Fourth Appellate District, Division Two, Case No. E071683; PERB Decision No. 2591-M [PERB Case No. LA-CE-787-M] Issue: Whether the Board abused its discretion, or otherwise committed reversible error in applying the standard in Chula Vista Elementary School District (2018) PERB Decision No. 2586, to alleged false statements made under oath, and failing to defer to Administrative Law Judge's credibility determinations, in its determination that the Respondent unlawfully terminated employee Wendy Thomas in retaliation for her protected statements.
17. *California Virtual Academies v. PERB; California Teachers Association*, Filed: October 19, 2018, California Court of Appeal, Second Appellate District, Division 6, Case No. B293331; PERB Decision No. 2584 [PERB Case No. LA-CE-5974-E] Issue: Whether the Board abused its discretion, or otherwise committed reversible error, in its determination that the Respondent unlawfully terminated employee Stacey Preach in retaliation for her protected activity.
18. *Patricia L. Woods v. PERB, et al.*, Filed: September 24, 2018, U.S. Court of Appeals for the Ninth Circuit, Case No. 18-16816, US District Court for the Eastern District of California, Case No. 2:18-at-01319, Issue: Whether the U.S. District Court for the Eastern District of California erred when it dismissed Woods' First Amended Complaint alleging civil rights violations by PERB, and further denied Woods' motion to disqualify PERB's General Counsel, J. Felix De La Torre.

19. *State of California, Department of State Hospitals v. PERB; California Association of Psychiatric Technicians*, Filed: July 12, 2018, California Court of Appeal, 5th Appellate District, Case No. F077764; PERB Decision No. 2568-S [PERB Case No. SA-CE-2056-S] Issue: Whether PERB's decision that DSH violated the Dills Act by failing to provide the union with a requested list of employees who had received particular types of discipline was clearly erroneous, and whether PERB's order requiring DSH to provide such information constituted an abuse of discretion.
20. *Julie Barrett v. PERB; UAW Local 2865*, Filed: April 23, 2018, Alameda County Superior Court, Case No. RG18901798; PERB Decision No. 2550-H [PERB Case No. SF-CO-212-H] Issue: Barrett challenged the Board's decision sustaining the Regional Attorney's refusal to issue a complaint in her underlying breach of the duty of fair representation charge against the UAW.
21. *PERB v. Bellflower Unified School District; CSEA Chapter 32*, Filed: March 6, 2018, California Court of Appeal, Second Appellate District, Division 3, Case No. B288594 PERB Decision Nos. 2385 & 2455 [PERB Case Nos. LA-CE-5508-E and LA-CE-5784-E] Issue: PERB Instituted court action to enforce orders issued by the Board in PERB Decision Nos. 2385 and 2455.
22. *City and County of San Francisco v. PERB; Transport Workers Union of America Local 250, et al.*, Filed: November 17, 2017, California Court of Appeal, First Appellate District, Division One, Case No. A152913; PERB Decision No. 2540-M [PERB Case No. SF-CE-827-M] Issue: Whether the Board clearly erred in Decision No. 2540-M, when it held that certain provisions of the City charter were inconsistent with the MMBA.
23. *Patricia L. Woods v. PERB, et al.*, Filed: April 14, 2017, US District Court, Eastern District of California, Case No. 2:17-cv-793; PERB Decision No. 2136 [PERB Case No. SA-CE-1640-S] Issues: Whether the Public Employment Relations Board, Wendi Ross, Eileen Potter and CDCR violated Ms. Woods' federal and state rights, including: (1) 42 U.S.C. sections 1981 (Discrimination in contracting); (2) 42 U.S.C. § 1985 (conspiracy to violate civil rights, and § 1986 (failure to prevent conspiracy); (3) breach the contract; and (4) violation of the Ralph C. Dills Act (Dills Act, codified at § 3512 et seq.)), based on alleged undisclosed discriminatory conduct by PERB and its employees in adjudicating her unfair practice case that resulted in Board Decision No. 2136
24. *Sean Allen, et al. v. PERB, et al.*, Filed: August 15, 2018, US District Court, Eastern District of California, Case No. 2:18-at-01319 Issue: Whether Government Code sections 3502.5, 3508.5(b), and 3508.5(c), which concern the payment of fair share fees—are unconstitutional in light of *Janus v. AFSCME*, and PERB enjoined from enforcing those MMBA provisions.
25. *Georgia Babb, et al. v. PERB, et al.*, Filed: June 27, 2018, U.S. District Court, Central District of California, Case No. 8:18-cv-00994-JVS-DFM Issue: Whether the Court should declare unconstitutional those PERB statutes and regulations that administer the fair share fee rules previously authorized by *Abood v. Detroit Board of Education*, a case recently overturned by *Janus v. AFSCME*; and whether PERB should be enjoined from enforcing those statutes and rules.

26. *Claremont Unified School District v. PERB; Dave Lukkarila*, Filed: August 9, 2019, California Court of Appeal, Second Appellate District, Division 5, Case No. B299783; PERB Decision No. 2654 [PERB Case Nos. LA-CE-5936-E, LA-CE-5976-E] Issue: Whether the Board erred in holding that the Claremont Unified School District (District) retaliated against and interfered with the rights of employee Dave Lukkarila by issuing to him a letter prohibiting him from contacting any District staff members or risk being subject to more serious measures.
27. *County of Riverside v. PERB; SEIU Local 721-Wendy Thomas*, Filed: October 1, 2019, California Supreme Court Case No. S258280, Court of Appeal, Fourth Appellate District, Division Two, Case No. E071683; PERB Decision No. 2591-M [PERB Case No. LA-CE-787-M] Issue: The County raises the following questions of law for review in the Supreme Court: (1) whether the actual malice standard and heightened clear and convincing evidence standard of proof applies to statements made in a court of law by a public employee under penalty of perjury; (2) whether the actual malice standard improperly relieves a charging party from establishing a prima facie case and shifts the burden of proof to the Respondent; and (3) whether a federal lawsuit by a public employee raising first amendment constitutional claims is presumptively protected under the MMBA.
28. *State of California, Office of the Inspector General v. PERB; California Correctional Peace Officers Association*, Filed: September 12, 2019, California Court of Appeal, Third Appellate District, Case No. C090346; PERB Decision No. 2660-S [PERB Case No. SA-CE-2074-S] Issue: Whether the Board committed clear error where it found that OIG violated the Dills Act by failing to allow union representation during its employee investigatory interviews.
29. *County of Kern v. PERB; SEIU Local 521*, Filed: September 9, 2019, California Court of Appeal, Fifth Appellate District, Case No. F079908; PERB Decision No. 2659-M [PERB Case No. LA-CE-1084-M] Issues: Whether the Board erred in holding that County of Kern & Kern County Hospital Authority unilaterally subcontracted bargaining unit work at clinics? Whether the Board erred and exceeded its jurisdiction by ordering a make whole remedy.
30. *Antelope Valley Community College District v. PERB; Antelope Valley College Federation of Classified Employees*, Filed: September 3, 2019, California Supreme Court, Case No. S257794, Second District Court of Appeal No. B295212; PERB Decision No. 2618 [PERB Case No. LA-CE-5931-E] Issues: Whether substantial evidence supports the finding that the employer unilaterally changed the hours of operation, and implemented a modified workday/workweek without the approval of the majority of employees as required under the parties' written agreement. Whether the Board erred and exceeded its authority by issuing a back-pay make whole remedy that included overtime compensation to affected employees.
31. *California Nurses Association v. PERB; County of Santa Clara, et al.*, Filed: October 18, 2019, California Court of Appeal, Sixth Appellate District, Case No. H047434; PERB Decision No. 2670-M [PERB Case No. SF-CE-1648-M] Issue: Whether the Board erred in concluding that the County of Santa Clara did not violate the MMBA when it accreted the nurses from two private hospitals that it had acquired into its existing units.

32. *San Joaquin Regional Transit District v. PERB; Amalgamated Transit Union, Local 276*, Filed: September 19, 2019, San Joaquin County Superior Court, Case No. STK-CV-UWM-2019-12351; PERB Decision No. 2650-P [PERB Case No. SF-UM-873-M] Issue: Whether PERB erred in its Decision No. 2650-P in finding that Transit Ambassadors are properly accreted into the bargaining unit represented by ATU.
33. *Rebecca Wu v. PERB; Twin Rivers United Educators*, Filed: December 30, 2019, Sacramento County Superior Court, Case No. 43-2019-80003289, [PERB Case No. SA-CO-618-E] Issue: Wu is challenging the Board's decision sustaining the Regional Attorney's refusal to issue a complaint in her underlying unfair practice charge alleging that Twin River United Educators violated EERA by not representing her with respect to a misclassification issue.
34. *City of South Pasadena v. PERB; Owen Cliff Snider*, Filed: February 28, 2020, California Court of Appeal, Second Appellate District, Division 1, Case No. B304596; PERB Decision No. 2692-M [PERB Case No. LA-CE-1180-M]) Issue: Whether the Board erred in holding that the City of South Pasadena (City) retaliated against employee Owen Cliff Snider by terminating him for engaging in protected conduct, which included serving as the union president and filing an unfair practice charge against the City.
35. *Jeffrey I. Barke, et al. v. Banks, et al.*, Filed: February 21, 2020, US District Court, Central District of California, Case No. 8:20-cv-00358, Issue: Whether Government Code section 3550, prohibiting public agencies from deterring or discouraging public employees from becoming or remaining members of an employee organization, is unconstitutional as applied to plaintiffs, who are elected members of the governing boards of various public agencies.
36. *Christopher B. Halvorson v. PERB; City of Santa Monica*, Filed: February 17, 2020, California Court of Appeal, Second Appellate District, Case No. B304299; PERB Decision No. 2635a-M [PERB Case No. LA-CE-925-M]) Issue: Whether the Board erred when it held that the City of Santa Monica's refusal to promote Halvorson was not retaliatory.
37. *City & County of San Francisco v. PERB; SEIU Local 1021*, Filed: February 18, 2020, California Court of Appeal, First Appellate District, Case No. A159596; PERB Decision No. 2691-M [PERB Case No. SF-CE-1154-M]) Issue: Whether the Board erred by finding that the City and County of San Francisco unreasonably applied the provisions of its Charter relating to deadlines for submitting bargaining disputes to interest arbitration.
38. *Salinas Valley Memorial Hospital District v. PERB: IFPTE, Local 20 (Engineers & Scientists of California)(ESC)*, Filed: February 10, 2020, California Court of Appeal, Sixth Appellate District, Case No. H047857; PERB Decision No. 2689-M [PERB Case No. SF-CE-1620-M]) Issue: Whether PERB's decision, ordering the Hospital to recognize ESC as the exclusive representative of a unit of Hospital employees, was clearly erroneous or not supported by substantial evidence.

39. *Region 2 Court Interpreter Employment Relations Committee & California Superior Courts of Region 2 v. PERB; California Federation of Interpreters, Local 39000, The Newspaper Guild – Communication Workers of America*, Filed: April 14, 2020, California Court of Appeal, First Appellate District, Division 3, Case No. A159985; PERB Decision No. 2701-I [PERB Case No. SF-CE-11-I]) Issue: Whether the Board erred in finding that Region 2 violated the Trial Court Interpreter Employment and Labor Relations Act by refusing to meet and confer regionally over the impact of changes by local trial courts to employee pension contributions, unilaterally changing employee pension contribution rates, and repudiating collectively bargained grievance procedures.
40. *Brian Crowell v. PERB; Berkeley Federation of Teachers, Local 1078*, Filed: May 29, 2020, California Court of Appeal, First Appellate District, Division 2, Case No. A160211; PERB Decision No. 2720 [PERB Case No. SF-CO-828-E]) Issue: Whether the Board erred when it found the school district did not retaliate against Crowell for his exercise of protected activities.
41. *Latanja Chambers v. PERB; Berkeley Unified School District*, Filed: May 18, 2020, California Court of Appeal, First Appellate District, Division 1, Case No. A160159; PERB Decision No. 2710 [PERB Case No. SF-CE-3141-E]) Issue: Whether the Board erred in holding that the Berkeley Unified School District (District) did not retaliate against Latanja Chambers by terminating her because the District established its affirmative defense that it would have taken the same actions even absent protected activity.
42. *Victor Serrano, Jeff Walker and Association of Long Beach Employees v. PERB; City of Long Beach*, Filed: May 15, 2020, California Court of Appeal, Second Appellate District, Division 1, Case No. B305941; PERB Decision No. 2706-M [PERB Case Nos. LA-CE-1081-M and LA-CE-1107-M]) Issue: Whether the City of Long Beach violated the MMBA by: (1) nullifying elections results in which the City issued a decertification of the then-incumbent union (IAM); (2) refusing to timely recognize ALBE under the MMBA's card check rule, after the City-certified decertification elections; (3) providing unlawful support or preference in favor of a competing employee organization (IAM); and (4) failing to pay ALBE all dues and fees that it would have received from the petitioned-for units, starting from the date that ALBE was purportedly entitled to be recognized as the exclusive representative of the units.
43. *Regents of the University of California v. PERB; Manuel Saldivar and Victor Flores*, Filed: May 14, 2020, California Court of Appeal, Second Appellate District, Division 8, Case No. B305934; PERB Decision No. 2704-H [PERB Case Nos. LA-CE-1291-H and LA-CE-1292-H]) Issue: Did the Board err in PERB Decision No. 2704, wherein the Board held that UC violated HEERA when it engaged in retaliation by terminating employees Manuel Saldivar and Victor Flores?

44. *California Virtual Academies v. PERB; California Teachers Association*, Filed: May 15, 2020, California Supreme Court Case No. S262186; California Court of Appeal, Second Appellate District Division 6, Case No. B293331; PERB Decision No. 2584 [PERB Case No. LA-CE-5974-E] Issue: Whether the Board's finding that sufficiently close timing existed to support the inference that CAVA had an unlawful motive for investigating and terminating employee Preach, and excluding evidence gathered in a retaliatory investigation from being used to rebut a prima facie retaliation case, warrants review in order to secure uniformity of decision or settle an important question of law.
45. *Lodi Unified School District v. PERB: CSEA, Ch. 77*, Filed: June 24, 2020, California Court of Appeal, Third Appellate District, Case No. C092106; PERB Decision No. 2723 [PERB Case No. SA-CE-2852-E] Issue: Whether the Board erred when it interpreted the parties' collective bargaining agreement to prevent the District from forcing employees to take vacation in order to avoid cashing out excess vacation hours.
46. *Alliance Environmental Science and Technology High School, et al. v. PERB; UTLA*, Filed: June 17, 2020, California Court of Appeal, Second Appellate District, Division 4, Case No. B306332; PERB Decision No. 2717 [PERB Case Nos. LA-CE-6204-E and LA-CE-6165-E] Issue: Whether the Board erred when it found Alliance violated EERA and interfered with protected rights by 1) summoning law enforcement to eject an employee and union organizer from distributing union literature on a school campus; 2) failing to meet and discuss a new teacher evaluation program with UTLA; 3) indirectly threatening employees with job losses if they unionize; and 4) directing an employee and a UTLA organizer who were engaged in protected activities to leave a school site.
47. *Alliance College Ready Public Schools, et al. v. PERB; UTLA*, Filed: June 17, 2020, California Court of Appeal, Second Appellate District, Division 4, Case No. B306330; PERB Decision No. 2716 [PERB Case Nos. LA-CE-6061-E and LA-CE-6073-E] Issue: Whether the Board erred when it found Alliance violated EERA when (1) its charter management organization, acting as an agent of the respondent schools, failed to meet and discuss a neutrality agreement with UTLA; and (2) one of the charter schools interfered with employees' protected rights and unlawfully polled employees when it hosted an anti-union petition on its website.

2019 – 2020 Decisions¹ of the Board

Decision No.	Case Name	Description	Disposition
2540a-M	<i>Transport Workers Union of America Local 250, Service Employees International Union, Local 1021, International Association of Machinists Local 1414, International Brotherhood of Electrical Workers Local 6, Transport Workers Union Local 200 v. City & County of San Francisco</i>	On grant of employer’s writ for extraordinary relief, the Court of Appeal invalidated portions of PERB Decision No. 2540, which found that the employer violated the Meyers-Milias-Brown Act by adopting amendments to its interest arbitration procedure for resolving collective bargaining impasses. The Court of Appeal issued a remittitur to PERB.	Precedential decision. Pursuant to the Court of Appeal’s order, the Board vacated in part <i>City & County of San Francisco</i> (2017) PERB Decision No. 2540-M and issued a modified remedial order.

¹ Dispositions are current as of publication of the annual report. Pending judicial appeals may impact the dispositions of some decisions. Please visit PERB.ca.gov for up to date information.

Decision No.	Case Name	Description	Disposition
2614a-E	<i>Annette (Barudoni) Deglow v. Los Rios Community College District and Annette (Barudoni) Deglow v. Los Rios College Federation of Teachers, Local 2279</i>	Request for reconsideration of <i>Los Rios Community College District and Los Rios College Federation of Teachers, Local 2279</i> (2018) PERB Decision No. 2614. In PERB Decision No. 2614, the Board affirmed the Office of the General Counsel's dismissal of charges filed by employee in March 2018. District renewed its request for monetary sanctions.	Precedential decision. Board denied reconsideration request as frivolous; Deglow improperly sought to use the reconsideration process to relitigate issues which had been decided in PERB Decision No. 2614, and did not establish any prejudicial errors of fact in underlying decision or point to any newly discovered evidence that would alter Board's decision. Board denied District's renewed request for monetary sanctions without prejudice. The litigation sanctions imposed pursuant to PERB Decision No. 2614 remained in effect.

Decision No.	Case Name	Description	Disposition
2635a-M	<i>Christopher Halvorson v. City of Santa Monica</i>	Christopher Halvorson excepted to a proposed decision by an administrative law judge (ALJ) dismissing the complaint and unfair practice charge against Halvorson's employer, the City of Santa Monica. The complaint alleged the City violated the Meyers-Milias-Brown Act when it chose another candidate for a promotion instead of Halvorson, in retaliation for his protected activity.	Precedential decision. On March 27, 2019, the Board issued a decision affirming the proposed decision, <i>City of Santa Monica</i> (2019) PERB Decision No. 2635-M. Thereafter, Halvorson moved for reconsideration, contending that one of the assigned Board Members should have been recused. In an abundance of caution, the Board assigned a new panel to consider Halvorson's exceptions afresh. The Board expressed no opinion on any procedural or substantive aspects of Halvorson's arguments regarding recusal, denied the motion for reconsideration as moot, vacated Decision No. 2635-M, and replaced it with Decision No. 2635a- M. The Board affirmed the proposed decision, and dismissed the complaint and underlying unfair practice charge, finding that the City met its burden of showing it had legitimate, non- discriminatory reasons to select another candidate for promotion over Halvorson and that it, in fact, acted based on those reasons.

Decision No.	Case Name	Description	Disposition
2639a-E	<i>Mark Bradley v. Public Employees Union Local 1</i>	Charging Party Mark Bradley sought reconsideration of the Board's decision affirming the Office of the General Counsel's dismissal of his unfair practice charge against Public Employees Union, Local 1.	Non-Precedential decision.
2650a-P	<i>San Joaquin Regional Transit District and Amalgamated Transit Union Local 276</i>	Transit District asked the Board to authorize judicial review of the Board's decision in <i>San Joaquin Regional Transit District</i> (2019) PERB Decision No. 2650-P. In the underlying decision, the Board granted a transit union's Petition for Clarification seeking to add an unrepresented classification at the transit district into the district's single, broad bargaining unit which the transit union exclusively represents.	Precedential decision. The Board denied the transit district's request to authorize judicial review of the underlying decision. Assuming that PERB Regulation 32500 provided the transit district with the right to have filed the instant request, the Board determined that this case does not meet the regulation's "special importance" standard required to authorize judicial review of a representation decision.

Decision No.	Case Name	Description	Disposition
2653-M	<i>Santa Rosa Firefighters, International Association of Firefighters Local 1401 v. City of Santa Rosa (Fire Department)</i>	An administrative law judge issued a proposed decision finding that a City violated MMBA sections 3505 and 3506.5, subdivision (c), by bypassing employees' exclusive representative and engaging in a direct effort to determine employee sentiment rather than leaving such efforts to the employees' exclusive representative. City excepted to the proposed decision.	Precedential decision. While exceptions were pending before the Board, Board informed that parties had reached a global settlement of all disputes and Union requested that it be permitted to withdraw the underlying charge and that the complaint be dismissed with prejudice. Board found withdrawal of the underlying unfair practice charge and dismissal of the complaint pursuant to a global settlement agreement between the parties to be consistent with the MMBA's purpose of promoting harmonious labor relations, and granted request.
2654-E	<i>Dave Lukkarila v. Claremont Unified School District</i>	The District excepted to a proposed decision concluding that it retaliated against a former employee and interfered with his exercise of protected rights when it issued him a letter directing him to cease and desist communications with District employees during ongoing disciplinary procedures	Precedential decision. The Board affirmed the proposed decision, rejecting the District's argument that it acted based on legitimate business concerns because the letter was issued in direct response to the employee's protected activities and was not tailored to prohibit only unprotected conduct.

Decision No.	Case Name	Description	Disposition
2655-M	<i>American Federation of State, County and Municipal Employees Local 1902 v. Rosamond Community Services District</i>	An administrative law judge issued a proposed decision finding that a special district violated MMBA sections 3503, 3505 3506, and 3506.5, subdivision (c), by changing employees' schedules without meeting and conferring over the decision and negotiable effects of that decision with the employees' exclusive representative. District excepted to the proposed decision.	Precedential decision. While exceptions were pending before the Board, parties jointly notified the Board that they had settled the instant dispute. The District requested that it be permitted to withdraw its exceptions, and the parties jointly requested that no further action be taken in the case. Board found withdrawal of District's exceptions and joint request that no further action be taken in the case pursuant to a settlement agreement between the parties to be consistent with the MMBA's purpose of promoting harmonious labor relations, and granted request.

Decision No.	Case Name	Description	Disposition
2656-M	<i>American Federation of State, County and Municipal Employees, Council 36 v. Sanitation Districts of Los Angeles County</i>	An administrative law judge issued a proposed decision dismissing complaint and underlying unfair practice charge which alleged that a sanitation district violated MMBA sections 3505 and 3506.5, subdivision (c), by unilaterally withholding an annual cost-of-living salary increase without satisfying its obligation to meet and confer with the exclusive representative over the decision. Union excepted to the proposed decision.	Precedential decision. While union's exceptions were pending before the Board, Board notified that parties had settled the instant dispute. Union requested that it be permitted to withdraw its exceptions and that no further action be taken in the case. Board found withdrawal of Union's exceptions and request that no further action be taken in the case pursuant to a settlement agreement between the parties to be consistent with the MMBA's purpose of promoting harmonious labor relations, and granted request.

Decision No.	Case Name	Description	Disposition
2657-M	<i>Association of Orange County Deputy Sheriffs v. County of Orange</i>	<p>Union and employer cross-expected to a proposed decision finding that PERB had jurisdiction over a dispute between an employer and a union whose members are peace officers; and that the employer's decision about how to direct its legal counsel was outside the scope of representation. The Board affirmed the proposed decision on jurisdiction, reaffirming <i>County of Santa Clara</i> (2015) PERB Decision No. 2431-M and further explaining the Board's jurisdiction over unions that represent peace officers. Like the ALJ, the Board relied on <i>City of Pittsburg</i> (2003) PERB Decision No. 1563-M and explained that an employer does not have a duty to meet and confer with a union before giving direction to its legal counsel about how to perform legal services.</p>	<p>Precedential decision. Affirmed proposed decision.</p>

Decision No.	Case Name	Description	Disposition
2658-M	<i>Inland Empire Professional Employees Association v. Inland Empire Utilities Agency</i>	<p>Inland Empire Professional Employees Association and the Inland Empire Utilities were parties to a MOU that set forth a grievance procedure. The MOU broadly defined permissible grievances, allowing an employee to grieve an alleged violation of an Agency policy or a provision of the MOU (the only specified exception was disciplinary policies). The Association attempted to grieve an alleged violation of an Agency anti- discrimination policy. The Agency refused to process the grievance. The Agency asserted that the anti-discrimination policy included its own resolution process, and that resolution process was the sole means of addressing violations. The Association filed a UPC alleging that the Agency had unilaterally narrowed the scope of the parties' grievance procedures. Once the charge was assigned to an ALJ, the Agency filed a motion to dismiss the charge arguing that the Association failed to prove a change in policy. The ALJ did not <i>(continued top of next column)</i></p>	<p><i>(continued)</i> conduct a full evidentiary hearing. Instead, the ALJ granted the Agency's motion to dismiss. The ALJ agreed with the Agency's view that the MOU's grievance procedure did not apply to the Agency's anti-discrimination policy because the anti-discrimination policy set forth its own resolution process. Accordingly, the ALJ found that the Association had failed to establish a change in policy.</p> <p>Precedential decision. The Board reversed the ALJ's proposed decision and remanded for further proceedings. The Board held that the plain language of the MOU permitted grievances alleging violations of any non-disciplinary Agency policy, including the Agency's anti- discrimination policy. The Board noted that if the plain language of the MOU is clear, contextual evidence such as bargaining history and the language of extrinsic policies are given little to no weight. Further, although the Agency's anti- discrimination policy included its own resolution procedure, the resolution procedure was not the exclusive means for alleging violations of the policy.</p>

Decision No.	Case Name	Description	Disposition
2659-M	<i>Service Employees International Union Local 521 v. County of Kern & Kern County Hospital Authority</i>	County and County Hospital Authority (Respondents) excepted to a proposed decision finding that Respondents violated their duty to meet and confer in good faith when they unilaterally contracted with an outside company to provide services that had historically been performed by Respondents' employees who were exclusively represented by Charging Party Union.	Precedential decision. The Board adopted the proposed decision, and clarified the following principle: Just as a union has no need to establish the employer's motivation for subcontracting when the employer replaces existing bargaining unit employees with employees of an outside organization, the same is true when an employer opens new operations, if the nature of the subcontracted job duties is sufficiently similar to the duties that bargaining unit employees already perform for the employer. The Board also amended the proposed remedy to provide a deadline by which Respondents must restore the status quo.
2660-S	<i>California Correctional Peace Officers Association v. State of California (Office of the Inspector General)</i>	Respondent State of California (Office of the Inspector General) (OIG) excepted to a proposed decision finding that it violated the Ralph C. Dills Act when it denied certain Department of Corrections and Rehabilitation employees their right to representation by their exclusive representative, California Correctional Peace Officers Association, during interviews OIG conducted pursuant to a Senate Rules Committee-authorized review of safety practices at a state prison.	Precedential decision. The Board affirmed all parts of the proposed decision, except the ALJ's finding that OIG's statements in its 2015 Special Review report interfered with employee rights.

Decision No.	Case Name	Description	Disposition
2661-E	<i>Alvord Educators Association v. Alvord Unified School District</i>	Teachers union alleged that school district failed to meet and confer in good faith and failed to participate in good faith in impasse procedures. PERB's Office of the General Counsel (OGC) dismissed the charge for failing to state a prima facie case. Teachers union timely appealed OGC's dismissal of claim that the school district violated its obligation to engage in impasse procedures in good faith.	Non-Precedential decision.
2662-E	<i>Dorion Keith Hilliard v. California School Employees Association, Chapter 777</i>	Charging Party Dorion K. Hilliard (Hilliard) appealed the dismissal of his unfair practice charge alleging that his union violated EERA in its conduct toward him. The Office of the General Counsel dismissed the charge for failure to allege facts that placed his charge within the statute of limitations, and failure to state a prima facie case.	Non-Precedential decision.

Decision No.	Case Name	Description	Disposition
2663-M	<i>Association of Orange County Deputy Sheriffs v. County of Orange</i>	Union excepted to a proposed decision finding changes to promotional practices were outside the scope of representation following <i>City of Alhambra</i> (2010) PERB Decision No. 2139-M (<i>Alhambra</i>). Board reversed and overruled <i>Alhambra</i> , finding that changes to promotional procedures and criteria, including qualifications, are typically mandatory subjects of bargaining because they directly define the employment relationship.	Precedential decision. Reversed proposed decision.
2664-M	<i>Utilities Management & Professional Association of Palo Alto v. City of Palo Alto</i>	An administrative law judge found that the City of Palo Alto violated the Meyers-Milias-Brown Act and PERB Regulations by failing to provide necessary and relevant information and otherwise engaging in bad faith bargaining. Utilities Management & Professional Association of Palo Alto (UMPAPA), the prevailing party, excepted to the proposed remedial order in two respects. First, UMPAPA requested that the Board supplement the ALJ's direction to meet and confer in good faith by clarifying that the City must reinstate a critical proposal that the City withdrew in bad faith. Second, UMPAPA asked the Board to amend the proposed order to include an attorney's fee award.	Precedential decision. The Board affirmed those portions of the proposed decision to which no party excepted, namely, the ALJ's findings on liability and three undisputed aspects of the ALJ's proposed remedial order. As to the two issues UMPAPA raised in its exceptions, the Board found that UMPAPA did not prove its entitlement to an attorney's fee award. The Board, however, supplemented the proposed order with a more specific directive regarding its obligation to meet and confer in good faith.

Decision No.	Case Name	Description	Disposition
2665-S	<i>Gerald K. Zelnik v. Professional Engineers in California Government</i>	Charging Party, a former compliance officer, appealed the dismissal of his unfair practice charge alleging that his union breached its duty of fair representation during the course of representing him in a State Personnel Board (SPB) matter. The Office of the General Counsel dismissed the charge on the basis that it failed to state sufficient facts to establish a prima facie case, as matters before the SPB are extra- contractual and the union therefore had no duty of fair representation for that matter.	Non-Precedential decision.
2666-E	<i>Cornelius Oluseyi Ogunsalu v. San Diego Unified School District</i>	In this discrimination and retaliation case, the Board held that the District met its burden to show it would have taken the same adverse actions against Ogunsalu even absent protected activity and had an operational necessity to terminate him because of his extensive abusive behavior.	Precedential decision. Dismissed.

Decision No.	Case Name	Description	Disposition
2667-P	<i>San Diego Metropolitan Transit System and Transit Electro-mechanics Union and Public Transit Employees Association</i>	Petitioner sought to represent certain maintenance employees of the San Diego Metropolitan Transit System, petitioning to sever those classifications from the existing general bargaining unit. The employer appealed a hearing officer's conclusion that the petitioned-for employees were skilled craft workers and comprised an appropriate multi-craft unit, and requested that PERB reverse the proposed order directing a representation election.	Precedential decision. The Board reversed the proposed decision, denying the petition for severance and representation of a separate craft unit. Though the petitioned-for employees were skilled craft workers, the Board held that severance of the existing bargaining unit was not appropriate.
2667a-P	<i>San Diego Metropolitan Transit System and Transit Electro-mechanics Union and Public Transit Employees Association</i>	Petitioner, Transit Electromechanics Union, requested reconsideration of the Board's decision in PERB Decision No. 2667-P, which denied its petition to sever a group of skilled craft workers from the general bargaining unit of the transit system's light rail component.	Precedential decision. The Board denied the request for reconsideration, finding that Petitioner failed to identify any prejudicial errors of fact in the underlying decision or present any newly discovered evidence in accordance with reconsideration procedures. Instead, Petitioner's request consisted solely of arguments challenging the Board's legal analysis and conclusions in the underlying decision, which cannot form a basis for reconsideration under PERB Regulation 32410.

Decision No.	Case Name	Description	Disposition
2668-S	<i>Earl Mykles v. State of California (State Compensation Insurance Fund)</i>	Charging Party Earl Mykles (Mykles) appealed the dismissal of his unfair practice charge. In his amended charge, Mykles alleged, among other things, that from 1996-2006 he engaged in protected activity by complaining to Respondent State of California (State Compensation Insurance Fund) (SCIF) about claims adjusters who had unlawfully authorized payments for medical treatment; that he was denied a union representative at a meeting with management in 2006; and that he was ultimately terminated as a result of his meetings with management. Mykles alleged that he was exempted from PERB's statute of limitations because SCIF's alleged fraudulent concealment of his rights constituted a continuing violation. The Office of the General Counsel dismissed the charge for failure to state a prima facie case.	Non-Precedential decision.
2669-E	<i>Eric Moberg v. Contra Costa Community College District</i>	In this case about alleged retaliation in violation of the Education Employment Relations Act, the Board remanded back to the ALJ after determining that respondent's motion to dismiss was improvidently granted and that the judge's ruling on charging party's motion to amend was based on the wrong legal standard.	Precedential decision. Remand.

Decision No.	Case Name	Description	Disposition
2670-M	<i>California Nurses Association v. County of Santa Clara</i>	Charging Party claimed that it remained the exclusive representative of former private sector hospital employees after Respondent purchased the hospitals in a bankruptcy sale, thus alleging that Respondent was required to recognize and bargain with Charging Party as the hospital employees' representative.	Precedential decision. The Board found that Respondent lawfully accreted its new hospital employees to two existing bargaining units already represented by other exclusive representatives. Respondent had no obligation to recognize and bargain with Charging Party.
2671-E	<i>Lori E. Edwards v. Lake Elsinore Unified School District</i>	Charging Party Lori Edwards excepted to the proposed decision of an administrative law judge dismissing her complaint and underlying unfair practice charge. The complaint alleged that the Lake Elsinore Unified School District violated the Educational Employment Relations Act by involuntarily reassigning Edwards to teach kindergarten because she had engaged in protected activities. The ALJ concluded that Edwards failed to meet her initial burden to establish a nexus between her protected activities and the District's decision to reassign her. While the matter was pending before the Board, Edwards filed a "Motion to Review Settlement Agreement Due to EERA Violations and [to] Compel the [Respondent] to Lawful [sic] Comply with the Terms and Conditions of the Agreement."	Precedential decision. Because the Board did not have the authority to enforce the disputed settlement agreement, it declined to act on charging party's motion. The Board denied charging party's request to withdraw the charge and adopted the proposed decision as the decision of the Board itself.

Decision No.	Case Name	Description	Disposition
2672-S	<i>Gloria Ouano v. Service Employees International Union Local 1000</i>	Charging Party Gloria Ouano, an employee of the State of California (Department of Corrections and Rehabilitation), alleged that her exclusive representative, Service Employees International Union Local 1000 breached its duty of fair representation. PERB's Office of the General Counsel (OGC) dismissed the charge for failing to state a prima facie case. Ouano timely appealed OGC's dismissal.	Non-Precedential decision.
2673-E	<i>Ricardo Prado Cedano v. Chaffey Joint Union High School District</i>	Charging Party Ricardo Prado Cedano appealed the dismissal of his unfair practice charge alleging that the Chaffey Joint Union High School District violated the Educational Employment Relations Act (EERA) by terminating his employment, failing to bargain in good faith, and engaging in unlawful conduct against bargaining unit members. Cedano additionally made several allegations against California School Employees Association. The Office of the General Counsel dismissed the charge for failure to state a prima facie case.	Non-Precedential decision.

Decision No.	Case Name	Description	Disposition
2674-M	<i>Vanessa K. Hamilton v. Orange County Employees Association</i>	Respondent excepted to a proposed decision concluding that it breached its duty of fair representation when it failed to file a grievance signed and approved by Charging Party which included discrimination and retaliation claims, and instead, without telling her, filed a different grievance on her behalf that omitted the discrimination and retaliation claims.	Precedential decision. The Board affirmed the proposed decision but modified its remedy, reversing an order that Respondent reimburse the Charging Party for reasonable attorney fees. Attorney fees may only be awarded when an employee hires private counsel to pursue the same claims in their grievance that were impacted by the union's unlawful conduct, which did not occur here.
2674a-M	<i>Vanessa K. Hamilton v. Orange County Employees Association</i>	Petitioner, Vanessa Hamilton, requested reconsideration of PERB Decision No. 2674-M, in which the Board concluded Hamilton failed to demonstrate harm that would justify ordering payment of attorney fees as damages for OCEA's violation of its duty of fair representation.	Precedential decision. The Board denied the request for reconsideration, finding that Petitioner failed to identify any prejudicial errors of fact in the underlying decision or present any newly discovered evidence in accordance with reconsideration procedures.
2674b-M	<i>Vanessa K. Hamilton v. Orange County Employees Association</i>	Petitioner, attempting to cure the defects of her first request for reconsideration, submits newly discovered evidence which she claims warrants the Board's reconsideration of PERB Decision No. 2674-M, in which the Board concluded she was not entitled to payment of attorney fees as damages for OCEA's violation of its duty of fair representation.	Precedential decision. The Board denied Petitioner's second request for reconsideration.

Decision No.	Case Name	Description	Disposition
2675-E	<i>Lori E. Edwards et al. v. Lake Elsinore Unified School District</i>	Four employees excepted to a proposed decision dismissing their complaint which alleged that the District retaliated against them on the basis of their participation in protected activities. The ALJ found that three of the employees failed to establish a prima facie case of retaliation, and the fourth employee's prima facie case was negated by the District's affirmative defense.	Precedential decision. The Board adopted the proposed decision.
2676-E	<i>Margaret Reyes v. San Francisco Unified School District</i>	Charging party filed four unfair practice charges alleging that her former school district employer retaliated against her for her exercise of protected activity and interfered with her right to be represented by her exclusive representative. PERB's Office of the General Counsel granted charging party's request to consolidate her charges and then dismissed the consolidated charge, concluding that the allegations were untimely, failed to state a prima facie case, and that certain of the claims were outside of PERB's jurisdiction.	Non-Precedential decision.

Decision No.	Case Name	Description	Disposition
2677-E	<i>Margaret Reyes v. United Educators of San Francisco & California Teachers Association</i>	Charging party alleged that her exclusive representative violated its duty of fair representation in failing to represent her in various disputes with her school district employer. PERB's Office of the General Counsel dismissed the charge, concluding it was untimely and failed to state a prima facie case.	Non-Precedential decision.
2678-M	<i>Karen Kindig v. County of Marin</i>	Karen Kindig, an employee of Marin County, alleged that the County violated the Meyers-Milias-Brown Act. Kindig amended her charge six times, raising a number of different legal theories in the various iterations of her charge. PERB's Office of the General Counsel (OGC) dismissed the amended charge for failing to state a prima facie case and for being time-barred. Kindig timely appealed OGC's dismissal of a single claim: that PERB should direct the County to inform unrepresented employees of their right to form a union.	Non-Precedential decision.

Decision No.	Case Name	Description	Disposition
2679-E	<i>Rebecca Dawn Wu v. Twin Rivers United Educators</i>	Charging Party Rebecca Dawn Wu, an employee of Twin Rivers Unified School District, alleged that a union that exclusively represents District employees in specified certificated positions, breached its duty of fair representation with regard to her claim that the District misclassified her as a substitute teacher. PERB's Office of the General Counsel (OGC) dismissed the charge for failing to state a prima facie case. Wu timely appealed OGC's dismissal.	Non-Precedential decision.
2680-M	<i>Service Employees International Union Local 521 v. County of Santa Clara</i>	Charging Party Service Employees International Union, Local 521 (SEIU) excepted to a proposed decision dismissing its complaint which alleged that the County of Santa Clara violated the Meyer- Miliias-Brown Act by unilaterally removing bargaining unit work from SEIU and assigning the same work to non-bargaining unit employees. The ALJ concluded that the County's decision was outside the scope of representation.	Precedential decision. The Board affirmed the ALJ's conclusion that the County had no obligation to meet and confer with SEIU over its staffing decision, but reversed the dismissal of the complaint because the County was obligated to meet and confer with SEIU over the foreseeable negotiable effects of its staffing decision.

Decision No.	Case Name	Description	Disposition
2681-M	<i>Physicians & Dentists Organization of Contra Costa v. County of Contra Costa</i>	<p>County of Contra Costa excepted and Physicians & Dentists Organization of Contra Costa (PDOCC) cross-excepted to a proposed decision finding that the County refused to negotiate with PDOCC over the effects of its decision to increase patient rosters. As a remedy, the ALJ awarded a set amount of compensatory time off for each affected physician for those weeks he or she actually worked since the date the new patient rosters went into effect. While the exceptions and cross-exceptions were pending before the Board, the parties settled their dispute and subsequently submitted a joint request to the Board asking to withdraw the unfair practice charge and each party's exceptions to the proposed decision.</p>	<p>Precedential decision. The Board granted the joint request by the parties to withdraw the unfair practice charge, exceptions, and cross- exceptions to the proposed decision. The Board further directed the matter as closed and that no further action be taken in the case.</p>

Decision No.	Case Name	Description	Disposition
2682-H	<i>Rini Valdespino v. Regents of the University of California (Irvine Medical Center)</i>	Charging Party Rini Valdespino appealed the Office of the General Counsel's (OGC) dismissal of her unfair practice charge, which alleged her employer the Regents of the University of California, Irvine Medical Center, violated HEERA by engaging in a variety of conduct, such as failing to respond to complaints, failing to provide job training, and issuing her a performance evaluation. The OGC dismissed the charge as untimely. On appeal, Valdespino argued that OGC calculated the tolling period incorrectly, but did not provide authority in support of the argument or a statement of good cause for the Board to consider new supporting evidence.	Non-Precedential decision.
2683-E	<i>Emma Yvonne Zink v. San Diego Unified School District</i>	This decision is the third in a trilogy of Board decisions involving charges filed by Emma Yvonne Zink against Respondent San Diego Unified School District. The charges, contained in two separate complaints consolidated for hearing and decision, alleged that the District retaliated against Zink for her protected activities.	Precedential decision. The Board affirmed the proposed decision's dismissal of the retaliation claims contained in the consolidated complaints. With respect to the second complaint, the Board reversed the ALJ's conclusions that certain written directives were not adverse actions, but reversing the ALJ as to these findings did not affect the outcome of the case because the District proved that Zink's protected conduct was not a "but for" cause of any adverse action.

Decision No.	Case Name	Description	Disposition
2684-E	<i>California School Employees Association & Its High Desert Chapter 531 v. Modoc County Office of Education</i>	Charging Party California School Employees Association and its High Desert Chapter 531 (CSEA) excepted to a proposed decision that dismissed a complaint alleging the Modoc County Office of Education (MCOE) violated the Educational Employment Relations Act by reducing the work hours of two bargaining unit members without providing CSEA prior notice and an opportunity to bargain over the decision and/or the effects of the decision. The ALJ concluded that MCOE was not required to bargain over its decision to reduce daily work hours because the parties' collective bargaining agreement contained a waiver of CSEA's right to bargain over that subject.	Precedential decision. The Board reversed the proposed decision, finding that CSEA did not waive its right to bargain over reductions in work hours.
2685-M	<i>Service Employees International Union Local 521 v. County of Santa Clara</i>	SEIU appealed the Office of the General Counsel's partial dismissal of its unfair practice charge against the County. While its appeal was pending, SEIU filed a request to withdraw its appeal.	Precedential decision. The Board granted SEIU's request to withdraw its appeal.
2686-E	<i>Laureen Thompson v. Stockton Unified School District</i>	Laureen Thompson appealed the Office of the General Counsel's dismissal of her unfair practice charge against her employer.	Non-Precedential decision.

Decision No.	Case Name	Description	Disposition
2687-H	<i>Statewide University Police Association & Yolanda Abundiz v. Trustees of the California State University (Northridge)</i>	An administrative law judge dismissed the complaint and underlying unfair practice charge, finding that union and union officer (together, Charging Party), failed to prove that Respondent California State University (Northridge) (Respondent) engaged in unlawful interference or retaliation. Charging party excepted to the dismissal of the complaint and underlying unfair practice charge, which alleged that Respondent initiated an internal affairs investigation into the union officer's work conduct and scheduled her to appear for an investigatory interview in retaliation for union officer's protected activities, and that the actions interfered with union officer's protected rights.	Precedential decision. The Board adopted the ALJ's proposed decision as the decision of the Board itself, finding that the proposed decision adequately addressed Charging Party's exceptions that could impact the outcome of the case. The Board adjusted one aspect of the proposed decision related to assessing whether an employer's investigation into possible employee misconduct constitutes a sufficient defense to an interference claim, but that adjustment did not affect the disposition of the matter.
2688-E	<i>Laureen Thompson v. Stockton Unified School District</i>	Laureen Thompson appealed the Office of the General Counsel's dismissal of her unfair practice charge against her employer.	Non-Precedential decision.

Decision No.	Case Name	Description	Disposition
2689-M	<i>International Federation of Professional & Technical Engineers, Local 20 (Engineers & Scientists of California) v. Salinas Valley Memorial Hospital District</i>	Employer Salinas Valley Memorial Hospital District excepted to a proposed decision that it unreasonably enforced its local rule on unit determination when it found inappropriate the unit of laboratory scientists proposed by the International Federation of Professional & Technical Engineers, Local 20 (Engineers and Scientists of California) (ESC) and refused to recognize and bargain with the union. The proposed decision was the third to find that the Hospital unreasonably applied its local rule regarding ESC, but the first to which any party excepted.	Precedential decision. The Board affirmed the ALJ's finding that the Hospital violated the MMBA by unreasonably enforcing its local rule on unit determination, and ordered the Hospital to recognize and bargain with the Union. The Board determined that the Hospital's conduct of repeatedly unlawfully denying recognition to the Union meant it was not entitled to customary deference. The Board found that in this context, a reasonable interpretation of the Hospital's local rule on unit determinations could not fail to acknowledge that the rule must be applied consistent with and in consideration of the rights guaranteed by the MMBA. Further, the Board found that the evidence weighed in favor of the unit's appropriateness, and the Hospital's determination did not withstand scrutiny. The Hospital therefore unreasonably withheld recognition and unlawfully applied its local rules, in violation of the MMBA.
2690-E	<i>Laureen Thompson v. Stockton Unified School District</i>	Laureen Thompson appealed the Office of the General Counsel's dismissal of her unfair practice charge against her employer.	Non-Precedential decision.

Decision No.	Case Name	Description	Disposition
2691-M	<i>Service Employees International Union Local 1021 v. City & County of San Francisco</i>	<p>City and County of San Francisco and Service Employees International Union Local 1021 (SEIU) filed cross-exceptions to a proposed decision of an administrative law judge (ALJ). The complaint alleged that the City violated the MMBA by maintaining and enforcing certain sections of the City Charter setting forth procedures for resolving a collective bargaining impasse via binding interest arbitration. The challenged provisions established a “submission deadline” by which bargaining parties must submit a successor MOU for ratification. If parties submit no MOU whatsoever by the deadline, the Charter imposes a penalty, viz., a delay in the implementation of new economic enhancements. The ALJ found that the Charter submission deadline and associated penalty are inconsistent with the MMBA, both facially and as applied in this case, because they tilt bargaining toward the employer’s priorities and prevent the bargaining parties from devoting sufficient time to good faith negotiations and impasse resolution.</p>	<p>Precedential decision. The Board upheld SEIU’s as-applied challenge, but did not uphold SEIU’s facial challenge. The Board found that the City could in the future lawfully interpret the challenged Charter provisions to harmonize them with the MMBA. To be lawful, the Board found, the Charter sections must be interpreted to require good faith negotiations by the parties over an adequate length of time. They must also be interpreted to allow the parties to agree upon, or an arbitration board to order, an MOU provision providing for mid-contract negotiations and associated mid-contract interest arbitration proceedings that may lead to a full range of mid-year or retroactive MOU adjustments.</p>

Decision No.	Case Name	Description	Disposition
2692-M	<i>Owen Cliff Snider v. City of South Pasadena</i>	Respondent City of South Pasadena excepted to a proposed decision finding that it violated the Meyers-Milias-Brown Act by terminating Owen Cliff Snider in retaliation for his protected activities.	Precedential decision. The Board adopted the ALJ's proposed decision.
2693-E	<i>Laureen Thompson v. California School Employees Association & Its Chapter 821</i>	Laureen Thompson appealed the Office of the General Counsel's dismissal of her unfair practice charge against her exclusive representative.	Non-Precedential decision.
2694-M	<i>International Brotherhood of Electrical Workers, Local 18 v. City of Glendale</i>	City and union filed cross-exceptions to a proposed decision of an administrative law judge finding that the City violated its duty to meet and confer in good faith when it unilaterally took work out of the bargaining unit via subcontracting and other actions and imposed new employment terms that were regressive and not reasonably comprehended within the City's final proposals, as well as other terms that cannot be lawfully imposed.	Precedential decision. The Board adjusted the ALJ's legal conclusions and remedial order. First, the Board agreed with the ALJ that the City failed to bargain before removing bargaining unit work, but limited the ALJ's remedial order. Next, the Board found that the City engaged in bad faith bargaining that prevented the parties from reaching a legitimate, good faith impasse. The Board's conclusion that the City engaged in bad faith bargaining meant that it did not have the right to impose any new employment terms, and accordingly PERB adjusted the remedy to void the City's imposition of all new employment terms.

Decision No.	Case Name	Description	Disposition
2695-E	<i>Brian Crowell v. Berkeley Federation of Teachers</i>	Charging Party Brian Crowell, a teacher at Berkeley Unified School District, alleged that a union that exclusively represents District teachers, Berkeley Federation of Teachers, Local 1078, breached its duty of fair representation in the course of settling a grievance regarding class sizes. PERB's Office of the General Counsel (OGC) dismissed the charge for failing to state a prima facie case. Crowell timely appealed OGC's dismissal.	Non-Precedential decision.

Decision No.	Case Name	Description	Disposition
2696-H	<i>American Federation of State, County and Municipal Employees & Municipal Employees Local 3299 v. Regents of the University of California (Berkeley)</i>	<p>The American Federation of State, County and Municipal Employees Local 3299 (AFSCME) filed a charge alleging that the Regents of the University of California violated the Higher Education Employer-Employee Relations Act (HEERA) by unilaterally repudiating provisions of the parties' collective bargaining agreement concerning contracting out, and unilaterally changing policy by subcontracting bargaining unit work. While exceptions to the proposed decision of an Administrative Law Judge were pending, the parties reached agreement on a successor MOU. Pursuant to this agreement, AFSCME requested to withdraw the charge, and AFSCME and the University jointly requested to vacate the proposed decision. The Board assessed whether withdrawal of the charge and exceptions and vacating the decision were consistent with the purposes of HEERA.</p>	<p>Precedential decision. The Board granted the request by AFSCME to withdraw its unfair practice charge with prejudice, and to withdraw its exceptions. The Board likewise granted the joint request by AFSCME and the University to vacate the underlying proposed decision.</p>

Decision No.	Case Name	Description	Disposition
2697-M	<i>County of Tulare v. Service Employees International Union Local 521 and Service Employees International Union Local 521 v. County of Tulare</i>	These consolidated cases came before the Board on exceptions to a decision by an administrative law judge (ALJ) filed by the County of Tulare and Service Employees International Union, Local 521. In Case No. SA-CO-120-M, the County alleged that SEIU bargained in bad faith during negotiations for a new MOU, in violation of the MMBA. In Case No. SA-CE-894-M, SEIU alleged that the County violated the MMBA and PERB Regulations by refusing to provide information, by maintaining an unreasonable rule restricting protected activities in County buildings, and in pursuing Case No. SA-CO-120-M, which allegedly had a tendency to dominate SEIU and/or interfere with protected union and employee rights. The ALJ found no merit to any of the allegations in either complaint and proposed to dismiss both charges. The County filed timely exceptions and SEIU filed timely cross- exceptions.	Precedential decision. The Board partially affirmed and partially reversed the proposed decision. The Board found that the County unlawfully refused to provide information and maintained an unlawful rule regarding protected activity in County buildings. The Board affirmed the dismissal of all other allegations in the complaints.

Decision No.	Case Name	Description	Disposition
2698-M	<i>Service Employees International Union, Local 1021 v. City & County of San Francisco</i>	Charging party Service Employees International Union, Local 1021 (SEIU) and respondent City and County of San Francisco excepted and cross-expected, respectively, to a proposed decision of an administrative law judge. The ALJ found that the City violated the Meyers-Milias-Brown Act and PERB Regulations by: (1) refusing to provide SEIU with a timely and minimally redacted version of an investigation report for use in its representation of a bargaining unit employee in a disciplinary grievance; and (2) failing to meet and confer with SEIU over privacy concerns relating to material in the investigation report.	Precedential decision. The Board adopted the proposed decision with one modification based upon an erroneous citation to an inapplicable section of the Government Code.
2699-H	<i>Teamsters Local 2010 v. Regents of the University of California</i>	Teamsters Local 2010 appealed the partial dismissal of its unfair practice charge, which accused the University of unlawful conduct during an organizing campaign in violation of two statutes, including the Higher Education Employer- Employee Relations Act (HEERA). The Office of the General Counsel dismissed Teamsters' allegations under HEERA for lack of standing because Teamsters was not the exclusive representative of the employees at issue.	Precedential decision. The Board reversed the partial dismissal and remanded the case for issuance of a complaint alleging that the University's conduct violated HEERA.

Decision No.	Case Name	Description	Disposition
2700-M	<i>Service Employees International Union Local 721 v. County of Riverside</i>	Employer excepted and union cross-excepted to the proposed decision of an ALJ finding that the employer’s communications to employees regarding a strike violated the Meyers-Milias-Brown Act and PERB Regulations. While the matter was pending before the Board, the parties notified PERB that they had reached a successor memorandum of understanding and had settled the matter along with a number of other pending unfair practice charges. Based on these commitments, the parties requested to withdraw the underlying unfair practice charge with prejudice, dismiss the corresponding complaint, and close the administrative case.	Precedential decision. The Board granted the joint request to withdraw the unfair practice charge, dismissed with prejudice the complaint and underlying unfair practice charge, and vacated the proposed decision.
2701-I	<i>California Federation of Interpreters, Local 39000 TNG-CWA v. Region 2 Court Interpreter ERC</i>	Charging Party excepted to a proposed decision concluding primarily that the Regional Employment Relations Committee lawfully delegated to local trial courts the duty to negotiate over the impacts of changes to employee pension contributions, and therefore was not required to bargain such impacts on a regional basis. The ALJ thus dismissed several related unfair practice allegations.	Precedential decision. The Board affirmed in part and reversed in part the proposed decision, finding that the Committee did not refuse to meet and confer in good faith during successor contract negotiations but earlier violated its duty to do so by refusing to engage in impact bargaining. The Board further found that various local trial courts individually violated their duty to meet and confer in good faith with Charging Party over the impacts of changes to employee pension contributions.

Decision No.	Case Name	Description	Disposition
2702-M	<i>Stationary Engineers Local 39 v. City of Sacramento</i>	Charging Party excepted to a proposed decision finding that Respondent's concerns for employee safety justified a policy prohibiting union insignia on employees' hardhats.	Precedential decision. The Board reversed, finding that Respondent failed to demonstrate that special circumstances justified its prohibition of union insignia on employee hardhats, and thus concluded Respondent violated the MMBA.
2703-E	<i>Emma Margaret Butler v. Los Angeles Unified School District</i>	While Charging Party's exceptions to a proposed decision dismissing her claims against her employer were pending before the Board, the parties settled their dispute. In accordance with their settlement agreement, the parties requested the case be dismissed with prejudice and the proposed decision vacated.	Non-Precedential decision.
2704-H	<i>Manuel Saldivar & Victor Flores v. Regents of the University of California</i>	In this case about alleged retaliation in violation of the Higher Education Employment Relations Act, the Board reversed a proposed decision and found the University retaliated against two employees because of protected activity.	Precedential decision. Reversed.

Decision No.	Case Name	Description	Disposition
2705-E	<i>Stacy Joe Willoughby v. Merced Union High School District</i>	Charging party excepted to the proposed decision of an administrative law judge dismissing his complaint and underlying unfair practice charge. The complaint alleged that the employer violated the Educational Employment Relations Act by issuing charging party a notice of suspension and then suspending him in retaliation for his protected activities. Following a formal hearing, the ALJ concluded that charging party failed to prove the employer engaged in unlawful retaliation.	Non-Precedential decision.
2705a-E	<i>Stacy Joe Willoughby v. Merced Union High School District</i>	Charging party timely requested reconsideration of <i>Stacy Joe Willoughby v. Merced Union High School District (2020)</i> PERB Decision No. 2705. Charging party's request did not show the Board made a prejudicial error of fact in its decision or attempt to present newly discovered evidence. Instead, the request consisted entirely of legal arguments made in charging party's exceptions to the proposed decision and new legal arguments not raised in the exceptions. Accordingly, charging party failed to establish a basis for reconsideration under PERB Regulation 32410, subdivision (a).	Non-Precedential decision.

Decision No.	Case Name	Description	Disposition
2706-M	<i>Victor Serrano, et al. v. City of Long Beach</i>	<p>PERB consolidated two cases for formal hearing and decision. The proposed decision dismissed Case No. LA-CE-1081-M, no party excepted to that dismissal, and accordingly, the ALJ's findings and conclusions regarding that case did not come before the Board. In Case No. LA-CE-1107-M, a union representing several City bargaining units (and two individual bargaining unit members) alleged that the City violated the MMBA, PERB Regulations, and the City's own local rules, in its handling of various representation petitions and the associated elections. The ALJ dismissed ten of 13 allegations in the complaint, but found that the City violated the MMBA, PERB's regulations, and the City's own local rules in three respects. Charging parties and the City filed cross-exceptions to the ALJ's proposed decision.</p>	Non-Precedential decision.

Decision No.	Case Name	Description	Disposition
2707-M	<i>Service Employees International Union Local 721 v. County of Riverside</i>	An administrative law judge found that the County violated the MMBA by terminating an employee for engaging in protected activity. The ALJ dismissed all other allegations in the complaint, including the allegation that an investigatory interview of the employee constituted unlawful interference. The County filed exceptions and the Union filed cross-exceptions.	Precedential decision. While the matter was pending before the Board on the County's exceptions and the Union's cross- exceptions to the proposed decision, the parties notified PERB that they had settled the matter along with other pending unfair practice charges. The Board found that it was in the best interest of the parties, and consistent with the purposes of the MMBA, to grant the parties' request to withdraw their exceptions, dismiss the complaint and underlying unfair practice charge with prejudice, and vacate the proposed decision.
2708-E	<i>Ginger Lynn Cain v. Solano County Community College District</i>	Respondent Solano County Community College District appealed an ALJ's notice of withdrawal and dismissal of complaint. The District contended that the ALJ improperly granted charging party Ginger Lynn Cain's request for withdrawal of her unfair practice charge without determining whether it was with or without prejudice, as expressly required by PERB Regulation 32625. The Board found that the ALJ's notice of withdrawal was clear error insofar as the regulation gave the ALJ no authority to grant withdrawal of a charge without such a determination.	Precedential decision. The Board granted the District's appeal and dismissed Cain's unfair practice charge without prejudice.

Decision No.	Case Name	Description	Disposition
2709-E	<i>The Anonymous Know Nothings v. Jurupa Unified School District</i>	The Anonymous Know Nothings (AKN) filed the underlying unfair practice charge against the Jurupa Unified School District. AKN describes itself as an anonymous citizens group and as a competitor to the union that exclusively represents the District's certificated employees, the National Education Association-Jurupa/California Teachers Association (NEA- J/CTA). AKN alleged that the District violated EERA by failing to provide it with the e-mail addresses of employees in the certificated bargaining unit. AKN also made a variety of conclusory allegations regarding alleged collusion, domination, and interference by the District with NEA-J/CTA. PERB's Office of the General Counsel dismissed the charge, finding that even assuming AKN had sufficiently alleged that it was an employee organization within the meaning of EERA, it did not allege facts sufficient to state a prima facie case. AKN appealed the dismissal.	Non-Precedential decision.

Decision No.	Case Name	Description	Disposition
2710-E	<i>Latanja Chambers v. Berkeley Unified School District</i>	Charging Party Latanja Chambers excepted to the proposed decision of an administrative law judge (ALJ), dismissing Chambers' amended unfair practice charge against her employer, Berkeley Unified School District. Chambers alleged that she was terminated in retaliation for activity protected by the Educational Employment Relations Act. The ALJ found that Chambers demonstrated a prima facie retaliation case, but that the District met its burden to show that it would have taken the same action even in the absence of her protected activity based on her repeated and serious work performance problems.	Non-Precedential decision.
2711-E	<i>Linnette Robinson v. Berkeley Unified School District</i>	In this non-precedential case about alleged retaliation in violation of the Education Employment Relations Act, the Board affirmed a proposed decision of an administrative law judge and dismissed the complaint.	Non-Precedential decision.

Decision No.	Case Name	Description	Disposition
2711a-E	<i>Linnette Robinson v. Berkeley Unified School District</i>	Charging party Linette Robinson filed a request for reconsideration of the Board's decision in <i>Berkeley Unified School District (2020) PERB Decision No. 2711</i> . In that non-precedential decision, the Board affirmed dismissal of the complaint alleging that the Berkeley Unified School District violated the Educational Employment Relations Act by issuing Robinson a letter of reprimand for her allegedly protected activities. In her request for reconsideration, Robinson also challenged the Board's designation of the decision as non-precedential decision.	Non-Precedential decision.

Decision No.	Case Name	Description	Disposition
2712-M	<i>Service Employees International Union Local 1021 v. City & County of San Francisco</i>	<p>Charging Party Service Employees International Union, Local 1021 (SEIU) appealed the Office of the General Counsel's dismissal of its unfair practice charge against the City and County of San Francisco. SEIU's charge alleged that the City violated the Meyers-Milias-Brown Act by: (1) unilaterally reclassifying certain positions and/or otherwise changing related policies without providing SEIU notice and an opportunity to bargain over the decision or its effects; (2) dealing directly with bargaining unit employees rather than with their union; and (3) retaliating against an SEIU Chapter President for protected activities. The Office of the General Counsel dismissed the charge for failure to state a prima facie case. SEIU timely appealed the dismissal of its retaliation allegations.</p>	<p>Precedential decision. The Board granted SEIU's appeal and remanded to the Office of the General Counsel to issue a complaint on SEIU's retaliation allegations. SEIU's unilateral change and direct dealing claims were dismissed with prejudice.</p>

Decision No.	Case Name	Description	Disposition
2713-E	<i>Los Rios College Federation of Teachers, Local 2279 v. Los Rios Community College District</i>	A union alleged that a community college district refused to provide requested information and unilaterally changed a policy without providing notice and the opportunity to negotiate the decision and the effects thereof. After a formal hearing, an administrative law judge (ALJ) issued a proposed decision finding the employer unlawfully failed to provide necessary and relevant information. The ALJ dismissed all other allegations. Thereafter, the parties settled their dispute. Within the period in which the parties could timely file exceptions to the proposed decision, charging party requested to withdraw its charge and the parties jointly requested to vacate the ALJ's proposed decision and to close the case.	Non-Precedential decision.

Decision No.	Case Name	Description	Disposition
2714-E	<i>Joei Dyes, et al. v. Los Angeles Unified School District</i>	<p>Joei Dyes (Dyes) and non-exclusive representative The Anonymous Know Nothings appealed the order of an administrative law judge (ALJ) partially dismissing an unfair practice charge against Dyes' employer, Los Angeles Unified School District (LAUSD). Specifically, after an order to show cause, the ALJ dismissed a single allegation that LAUSD colluded with United Teachers Los Angeles to terminate Dyes' employment, as no factual basis in the charge supported it. Other allegations in Case No. LA-CE-6411-E proceeded to formal hearing, and remain pending.</p>	Non-Precedential decision.

Decision No.	Case Name	Description	Disposition
2715-M	<i>Dorian Francis Corliss v. Eastern Municipal Water District</i>	Dorian Corliss alleges that the Eastern Municipal Water District terminated him in retaliation for protected activities and interfered with his protected rights. In a pre-hearing memorandum, the administrative law judge (ALJ) found that the District's answer admitted most material facts and raised no properly pled affirmative defenses. After Corliss moved for summary judgment, the ALJ denied the District's requests to amend its answer, finding that it would be prejudicial to allow the proposed amendments while a dispositive motion was pending. The ALJ then granted Corliss summary judgment on his retaliation claims and one of his two interference claims. After hearing limited testimony, the ALJ dismissed the remaining interference claim. The ALJ explained his rulings in a proposed decision. The District filed exceptions.	Precedential decision. The Board reversed the ALJ's grant of partial summary judgment, finding that material facts were in dispute and that the ALJ improperly denied the District's requests to amend its answer. The Board remanded to the Division of Administrative Law to allow the District to amend its answer and then resolve the merits of the parties' claims and defenses based upon a full evidentiary record. The Board did not disturb the ALJ's decision to dismiss one interference claim, as neither party excepted to the dismissal of that claim.

Decision No.	Case Name	Description	Disposition
2716-E	<i>United Teachers Los Angeles v. Alliance, et al.</i>	Board concluded that various charter schools violated the EERA when their agent failed and refused to meet and discuss a “neutral and fair process” for organizing teachers and that one of the schools unlawfully sought to poll employees about their union sympathies. The Board dismissed a discrimination allegation, finding that the public school employer would have taken the same action regardless of the employee’s protected activities.	Precedential decision. Certain allegations of the complaint were dismissed, others resulted in a finding of a violation. Respondents ordered to post a notice and cease and desist unlawful conduct.
2717-E	<i>United Teachers Los Angeles v. Alliance, et al.</i>	Board concluded that various charter schools violated EERA by failing and refusing to discuss a new teacher evaluation program and summoning the police in response to protected organizing activities. Additionally, the Board found that one of the schools unlawfully interfered with employee rights by making coercive statements during a staff meeting regarding the union’s organizing campaign. Finally, the Board held that another school unlawfully ejected an employee and union staff organizer from the employer’s premises.	Precedential decision. The Board ordered the schools to post appropriate remedial notices.

Decision No.	Case Name	Description	Disposition
2718-E	<i>United Teachers Los Angeles v. Alliance, et al.</i>	Board affirmed proposed decision and dismissed complaint alleging that various charter schools' communications to employees interfered with employee rights.	Non-Precedential decision.
2719-E	<i>United Teachers Los Angeles v. Alliance, et al.</i>	Union filed petitions to represent three charter schools affiliated with a charter management organization. The schools refused to grant recognition, contending that they were part of a single-employer and that only a system-wide unit was appropriate. The Board rejected these arguments, finding that the schools' prior inconsistent statements precluded a single-employer finding on these facts. Board granted the three petitions and certified the union, finding that the petitioned-for units were presumptively appropriate under <i>Peralta Community College District</i> (1978) PERB Decision No. 77.	Precedential decision. Petitions granted and union certified.

Decision No.	Case Name	Description	Disposition
2720-E	<i>Brian Crowell v. Berkeley Federation of Teachers, Local 1078</i>	<p>Brian Crowell, a teacher at the Berkeley Unified School District, alleged that his union retaliated against him for engaging in protected activities. Crowell alleged that a teacher who served as union president, and also served on a District peer review panel, had acted as an agent of the union and had retaliatory reasons for voting that Crowell should remain in the peer review program rather than being released from it. After an evidentiary hearing, the ALJ issued a proposed decision in the union's favor.</p>	Non-Precedential decision.

Decision No.	Case Name	Description	Disposition
2721-M	<i>Service Employees International Union Local 221 v. County of San Diego</i>	SEIU Local 221 alleged that a County of San Diego policy violated the MMBA by requiring that members of the County Board of Supervisors “shall not meet and discuss or have audience with” any union representative or union-represented employee on any topic within the scope of representation during a period in which the topic is or may be subject to negotiation or consultation. PERB’s Office of the General Counsel (OGC) found SEIU’s charge untimely, and SEIU appealed.	Precedential decision. The Board granted SEIU’s appeal in part and remanded to OGC to issue a complaint alleging that the County’s policy interferes with protected employee and union rights, discriminates against represented employees, and constitutes an unreasonable local rule. The continuing violation doctrine applies where SEIU alleged that challenged policy is facially discriminatory, interferes with protected rights, and remained in effect when the union filed its charge. SEIU’s charge was also timely under the new wrongful act doctrine where City’s reapproval of policy had sufficient independent significance to constitute a new wrongful act, providing a second, independent reason why the statute of limitations did not bar the union’s charge. Normally, a charging party need not rely on the separate new wrongful act exception when it challenges a rule or policy based on an interference or discrimination theory, as the continuing violation doctrine usually applies in such cases

Decision No.	Case Name	Description	Disposition
2722-E	<i>Omeka Conaway v. Turlock Unified School District</i>	Omeka Conaway, a probationary employee at Turlock Unified School District, alleged that the District released her because of her protected activities and denied her right to union representation. PERB's Office of the General Counsel (OGC) dismissed the charge for failing to allege facts sufficient to state a prima facie case, and Conaway appealed.	Non-Precedential decision.

Decision No.	Case Name	Description	Disposition
2723-E	<i>California School Employees Association Chapter 77 v. Lodi Unified School District</i>	California School Employees Association and its Chapter No. 77 (CSEA) filed exceptions to a proposed decision dismissing CSEA’s unfair practice charge and the corresponding complaint. The complaint alleged the Lodi Unified School District violated the Educational Employment Relations Act by unilaterally changing policy and repudiating the parties’ collective bargaining agreement (CBA) when it directed employees to schedule and take vacation instead of paying out vacation accruals in excess of the maximum carryover amount, and disciplined employees who did not comply with the directive. The administrative law judge dismissed the charge, finding there had been no “meeting of the minds” regarding the relevant contract language and insufficient evidence of past practice to support finding a unilateral change.	Precedential decision. The Board found the District unilaterally deviated from clear and unambiguous contract language, which allowed employees to cash out excess vacation leave balances remaining at the beginning of each fiscal year and did not require employees with excess leave balances to use vacation hours before the end of the fiscal year or be subject to discipline. Alternatively, the Board found CSEA presented sufficient evidence to resolve in its favor any alleged ambiguities in the contract language. NOTE: Judicial Appeal Pending.

Decision No.	Case Name	Description	Disposition
2724-E	<i>Laureen Thompson v. California State Employees Association-Chapter 821</i>	Laureen Thompson, an employee of the Stockton Unified School District, alleged that the California School Employees Association and its Chapter 821 breached the duty of fair representation by failing to pursue Thompson's grievance adequately. PERB's Office of the General Counsel (OGC) dismissed the charge for failing to state a prima facie case, and Thompson appealed.	Non-Precedential decision.
2725-E	<i>Corinthia Williams v. California School Employees Association</i>	Corinthia Williams, an employee of Colton Joint Unified School District, filed a charge against the union that exclusively represents District employees in specified classified positions, California School Employees Association (CSEA). The charge, as amended, alleged that CSEA breached its duty of fair representation by declining to represent Williams at a non-contractual hearing challenging her termination. PERB's Office of the General Counsel (OGC) dismissed the amended charge for failing to state a prima facie case. OGC noted that CSEA did not owe Williams a duty to represent her in an extra-contractual forum. OGC also found that Williams failed to plead facts that, if proven, would show that CSEA's decision was arbitrary, discriminatory, or in bad faith. Williams appealed.	Non-Precedential decision.

Decision No.	Case Name	Description	Disposition
2726-S	<i>Cyrus LaFarre v. Service Employees International Union Local 1000</i>	Charging party appealed the dismissal of his amended unfair practice charge alleging that his union breached its duty of fair representation when it chose not to submit his grievance to an arbitration hearing. The Office of the General Counsel dismissed the charge as failing to state a prima facie case.	Non-Precedential decision.
2727-E	<i>Victor Thrash v. Service Employees International Union Local 99</i>	Charging Party Victor Thrash appealed the dismissal of his unfair practice charge alleging that his union, Service Employees International Union Local 99 (SEIU), violated EERA when it declined to pursue a grievance against his employer. Specifically, SEIU filed a related grievance on Thrash's behalf, but declined to move the grievance to the next step of the process after learning that the employer requested additional documents from Thrash that he failed to provide. The Office of the General Counsel (OGC) dismissed the charge for failing to state a prima facie case.	Non-Precedential decision.
2728-S	<i>Jason Pickard & Anonymous Employees v. California Commission on Teacher Credentialing</i>	Charging Parties appealed the dismissal of their unfair practice charge. The charge alleged that Jason Pickard's former employer reported his resignation to Respondent in retaliation for protected activity, and by accepting that report Respondent conspired to retaliate against him.	Non-Precedential decision.

Decision No.	Case Name	Description	Disposition
2729-M	<i>Tomiyé Sotero v. State Bar of California</i>	Charging party excepted to the proposed decision of an ALJ. The underlying unfair practice charge and complaint alleged that the employer took several adverse actions against the charging party because she engaged in protected activities. At hearing, the ALJ granted the employer's motion to dismiss the complaint after the close of the charging party's case- in-chief, finding that the evidence did not establish a prima facie case of discrimination under the Meyers-Milias-Brown Act. The ALJ subsequently issued a proposed decision on the same basis.	Non-Precedential decision.
2730-M	<i>Tomiyé Sotero v. SEIU, Local 1000</i>	Charging party appealed the dismissal of her amended unfair practice charge alleging that her union breached its duty of fair representation by failing to take certain actions on her behalf during various workplace disputes she had with her employer. The Office of the General Counsel dismissed the amended charge for failure to state a prima facie case.	Non-Precedential decision.

Decision No.	Case Name	Description	Disposition
2731-M	<i>Culver City Employee Association v. City of Culver City</i>	Respondent City of Culver City and Charging Party Culver City Employees Association excepted and cross-excepted, respectively, to a proposed decision that found the City unilaterally changed its policy concerning employees' work schedules, meal periods, and rest breaks without affording the Association notice and an opportunity to meet and confer, and interfered with employee and organizational rights, in violation of the Meyers-Milias-Brown Act. The administrative law judge (ALJ) dismissed the Association's bypassing and related interference allegations for lack of proof.	Precedential decision. The Board adopted the proposed decision as the decision of the Board itself, except for the ALJ's bypassing analysis at pages 42-49. The Board also modified the ALJ's proposed remedy.

Decision No.	Case Name	Description	Disposition
2732-E	<i>Junnie Verceles v. United Teachers Los Angeles</i>	Charging party Junnie Verceles appealed the dismissal of his amended unfair practice charge against United Teachers Los Angeles (UTLA). The amended charge alleged that UTLA breached its duty of fair representation by various conduct, including failing to pursue a grievance filed on Verceles' behalf in October 2017 and failing to hold a related grievance/appeal meeting. The Office of the General Counsel (OGC) dismissed the amended charge for failing to state a prima facie case. OGC found that Verceles failed to allege sufficient facts to show that the charge was timely filed. OGC further noted that the charge failed to allege facts that, if proven, would show UTLA's alleged failure to pursue grievances on Verceles' behalf was arbitrary, discriminatory, or in bad faith.	Non-Precedential decision.
2733-M	<i>Stephen Malloy v. City & County of San Francisco</i>	Stephen Malloy appealed the Office of the General Counsel's dismissal of his unfair practice charge against the City & County of San Francisco for lack of standing.	Non-Precedential decision.
2734-H	<i>Stephen Malloy v. Regents of the University of California (San Francisco)</i>	Stephen Malloy appealed the Office of the General Counsel's partial dismissal of his unfair practice charge against the Regents of the University of California (San Francisco) for lack of jurisdiction or standing.	Non-Precedential decision.

Decision No.	Case Name	Description	Disposition
2735-E	<i>Fred Jacob v. Los Angeles Unified School District</i>	Charging party Fred Jacob appealed the dismissal of his unfair practice charge, issued by PERB's Office of the General Counsel (OGC). In his amended unfair practice charge, Jacob, a former employee of Los Angeles Unified School District, alleged that the District failed to rehire him because of his protected activities in violation of the Educational Employment Relations Act. OGC dismissed the amended charge for failing to allege facts sufficient to state a prima facie case.	Non-Precedential decision.
2736-M	<i>Santa Maria Firefighter Association v. City of Santa Maria</i>	Two-member Board affirmed proposed decision's conclusion that the City violated the MMBA when it opened a promotional recruitment to outside candidates without giving the union prior notice and an opportunity to bargain. Board held that both the decision and effects were bargainable, consistent with <i>County of Orange</i> (2019) PERB Decision No. 2663-M. Additionally, Board concluded that the City retaliated against employees by subjecting them to a formal disciplinary investigation because they engaged in protected activities.	Precedential decision. Board orders make whole relief and a remedial notice posting.

**2019-2020 DECISIONS OF THE BOARD
ADMINISTRATIVE DETERMINATIONS***

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
<u>Ad-474-E</u>	<i>Sonoma County Junior College District and Service Employees International Union Local 1021</i>	PERB's Office of General Counsel (OGC) issued an administrative determination dismissing union's unit modification petition relating to the classified bargaining unit at Junior College District. Union appealed administrative determination.	Precedential decision. While union's appeal was pending before the Board, Board informed that parties had settled their dispute. Union filed written request with the Board asking to withdraw its appeal and the underlying unit modification petition, and to vacate administrative determination. District notified Board that it did not oppose union's request. Board found unopposed request to be consistent with EERA's purpose of promoting harmonious labor relations, and granted request. Matter closed and compliance deemed complete.

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
Ad-475-E	<i>California School Employees Association, Chapter 32 v. Bellflower Unified School District</i>	Respondent Bellflower Unified School District appealed an administrative determination by PERB's Office of the General Counsel (OGC) finding that the District failed to comply with the Board's order in <i>Bellflower Unified School District (2017) PERB Decision No. 2544</i> . After an investigation, OGC determined that the District had not complied with the order because it failed, <i>inter alia</i> , to rescind its unlawful subcontract for school bus services, make affected employees whole through offers of reinstatement and payment of lost wages, and make the union whole by reimbursing it for any lost dues or agency fees. The District sought reversal of the administrative determination on several grounds, including its contention that it did not receive adequate documentation of the affected employees' efforts to mitigate lost wages caused by the District's unlawful contracting out and layoffs.	Precedential decision. The Board granted the appeal and remanded the case for an expedited evidentiary hearing, where the District would bear the burden of establishing compliance with all aspects of the Board's order in <i>Bellflower Unified School District (2017) PERB Decision No. 2544</i> . The Board denied the District's request for a stay of enforcement actions as moot.

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
Ad-475a-E	<i>California School Employees Association, Chapter 32 v. Bellflower Unified School District</i>	Respondent Bellflower Unified School District requested reconsideration of the Board's decision in <i>Bellflower Unified School District</i> (2019) PERB Order No. Ad-475, citing prejudicial errors of fact. Because even the most cursory review of Board precedent would have revealed to the District that PERB Regulations do not permit reconsideration of decisions resolving administrative appeals, the Board found that the District filed its reconsideration request for the purposes of delaying compliance and evading its obligations under the Educational Employment Relations Act.	Precedential decision. The Board denied the District's request for reconsideration and granted charging party's request for reasonable attorney fees for the time spent preparing a response to the District's bad faith request.
Ad-476-M	<i>Service Employees International Union Local 521 v. County of Santa Clara</i>	Charging party filed a request to withdraw its appeal of an administrative determination by PERB's Office of the General Counsel in an election proceeding.	Precedential decision. The Board granted charging party's request to withdraw its appeal.

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
Ad-477-H	<i>Teamsters Local 2010 v. Regents of the University of California</i>	In this consolidated matter, the American Federation of State, County and Municipal Employees Local 3299 (AFSCME) and the University Professional and Technical Employees Communications Workers of America Local 9119 (UPTE) filed an administrative appeal, alleging good cause for late-filed exceptions. Charging Party Teamsters Local 2010 had requested and been granted an extension of time to file exceptions, and AFSCME and UPTE's exceptions were rejected by the Board's appeals assistant when they filed on Teamsters' extended date rather than the normal deadline. The Board assessed whether good cause existed to accept the late filing.	Precedential decision. The Board granted AFSCME and UPTE's appeal, finding good cause for the late filing, and accepting AFSCME and UPTE's exceptions.

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
Ad-478-E	<i>Los Angeles Labor Group v. LAUSD</i>	<p>Charging party Los Angeles Labor Group (LALG) appealed an ALJ's order dismissing a complaint and unfair practice charge against the Los Angeles Unified School District (LAUSD). The complaint and underlying charge alleged that LAUSD retaliated against one of its teachers, Gerald Corn, by issuing him a "below standard" evaluation because he exercised rights guaranteed by the Educational Employment Relations Act (EERA). Additionally, the complaint and charge alleged that LALG was an employee organization under EERA section 3540.1, subdivision (d). After issuing an Order to Show Cause and receiving responses from the parties, the ALJ concluded that LALG lacked standing to file the charge because it was not the exclusive representative of LAUSD teachers, who are exclusively represented by United Teachers Los Angeles. On this basis, the ALJ dismissed the case.</p>	<p>Precedential decision. The Board reversed the dismissal order and remanded the case to the Division of Administrative Law for a hearing on the merits of the complaint.</p>

**2019-2020 DECISIONS OF THE BOARD
JUDICIAL REVIEW DECISIONS***

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
N/A			

**2019-2020 DECISIONS OF THE BOARD
INJUNCTIVE RELIEF DECISIONS***

DECISION NO.	CASE NAME	DESCRIPTION	DISPOSITION
<u>IR-62-H</u>	<i>Regents of the University of California v. American Federation of State, County and Municipal Employees Local 2399 and University Professional & Technical Employees Communicati on Workers of America, Local 9119</i>	Regents of the University of California filed three requests for injunctive relief in response to strike notices from three bargaining units represented by American Federation of State County & Municipal Employees, Local 3299, and one unit represented by University Professional and Technical Employees-Communication Workers of America, Local 9119 (collectively "Unions"). In its requests, the University alleged that the Unions' one-day strike on May 16, 2019 constituted an unlawful intermittent strike because it was the fifth strike of short duration since May 2018.	Precedential decision. The Board denied the University's request because it failed to satisfy the reasonable cause standard for injunctive relief.