

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



In the matter of:

UNIT DETERMINATION FOR PRINTING TRADES)
EMPLOYEES OF THE UNIVERSITY OF) Case Nos. SF-RR-1002, et al.
CALIFORNIA PURSUANT TO CHAPTER 744)
OF THE STATUTES OF 1978 (HIGHER) PERB Decision No. 243-H
EDUCATION EMPLOYER-EMPLOYEE)
RELATIONS ACT) September 30, 1982

Appearances; Robert J. Bezemek and Stewart Weinberg, Attorneys (VanBourg, Allen, Weinberg & Roger) for Printing Trades Alliance; Hirsch, Adell and Glenn Rothner, Attorneys (Reich, Adell & Crost) and Les Chisholm for American Federation of State, County and Municipal Employees, AFL-CIO; Christine A. Bologna, Attorney, Wayne Heine and Gerald B. Radeleff for California State Employees Association; Jerrold C. Schaefer and Judith Droz Keyes, Attorneys (Corbett, Kane & Berk) for the Regents of the University of California.

Before Gluck, Chairperson; Tovar, Jaeger, Morgenstern and Jensen, Members.

DECISION

The Higher Education Employer-Employee Relations Act (HEERA),¹ a comprehensive collective bargaining Act,² which became effective July 1, 1979, vests in the Public Employment

¹The HEERA is codified at Government Code section 3560 et seq. All statutory references hereafter are to the Government Code unless otherwise indicated.

²In addition to providing for exclusive representation of employees in appropriate units by employee organizations, HEERA also makes it unlawful for the employer or the employee organization to commit certain acts, requires the employer and the exclusive representative to meet and confer in good faith and endeavor to reach an agreement on matters within the scope of representation.

Relations Board (PERB) jurisdiction over the University of California and its employees, including authority to determine appropriate representational units for the University's employees.³

Pursuant to section 51100 of the PERB rules and regulations,⁴ certain employee organizations filed petitions describing units which include printing trade employees. The Board is not limited by the parties' original or formally amended petitions. In Joint Hearing Order (7/16/80); HEERA-UC Unit Determination; Phase II, Professional and Operations Hearings (9/29/80) PERB Order No. Ad-101-H,

³Subsection 3563(a) states:

This chapter shall be administered by the Public Employment Relations Board. In administering this chapter the board shall have all of the following rights, powers, duties and responsibilities:

(a) To determine in disputed cases, or otherwise approve, appropriate units.

⁴PERB rules and regulations for HEERA are codified at California Administrative Code, title 8, section 50000 et seq.

Section 51100 reads in part:

Subject to the limitations expressed in Section 51140(b), a petition for certification pursuant to Government Code section 3575 (c) by an employee organization wishing to be certified by the Board as the

the Board held that,

Any party may alter its original position or propose alternatives at any time without formal amendment as long as its new position or proposed alternative does not expand the existing scope of the hearing.

The Printing Trades Alliance (Alliance), which is comprised of the International Typographical Union, Graphic Arts Union, and the Western Graphics Arts Union, initially petitioned for a unit of all printing trades employees of the University printing department working at the printing plant on Oxford Street in Berkeley. It later sought separate units for department employees who work at the Richmond and Santa Monica book binderies. In the alternative, it requested either a combined unit of book bindery employees or a unit comprised of all printing department employees, including the Oxford Street printing plant.

The Alliance also sought independent units for the printing classifications at the Lawrence Berkeley Laboratory (LBL) print

exclusive representative in an appropriate unit shall be filed with the regional office

shop, the Cooperative Extension print shop, and the University Extension print shop. It, however, also asserted that a single unit of all these employees would be appropriate.

Finally, the Alliance proposed that if the Board were to find reprographic technicians to be skilled crafts employees, they should be placed in appropriate skilled crafts units and not with the printing trades employees.

The American Federation of State, County, and Municipal Employees (AFSCME) and the California State Employees Association (CSEA) proposed that the printing and bookbinding classifications be included in a systemwide skilled crafts unit. CSEA included the reprographic technicians in its petition.

The University similarly argued that the printing department classifications should be included within a systemwide skilled crafts unit. However, it contends that the reprographic technicians and the printers at the LBL and the extension centers are not skilled crafts employees and should be placed in a systemwide service unit.

DISCUSSION

The Legislature mandated that the Board consider various criteria in determining an appropriate unit of employees for purposes of meeting and conferring under provisions of the HEERA. Those criteria are set forth in section 3579 of the Act

which, in pertinent part, provides:

(a) In each case where the appropriateness of a unit is an issue, in determining an appropriate unit, the board shall take into consideration all of the following criteria:

(1) The internal and occupational community of interest among the employees, including, but not limited to, the extent to which they perform functionally related services or work toward established common goals, the history of employee representation with the employer, the extent to which such employees belong to the same employee organization, the extent to which the employees have common skills, working conditions, job duties, or similar educational or training requirements, and the extent to which the employees have common supervision.

(2) The effect that the projected unit will have on the meet and confer relationships, emphasizing the availability and authority of employer representatives to deal effectively with employee organizations representing the unit, and taking into account such factors as work location, the numerical size of the unit, the relationship of the unit to organizational patterns of the higher education employer, and the effect on the existing classification structure or existing classification schematic of dividing a single class or single classification schematic among two or more units.

(3) The effect of the proposed unit on efficient operations of the employer and the compatibility of the unit with the responsibility of the higher education employer and its employees to serve students and the public.

(4) The number of employees and classifications in a proposed unit, and its effect on the operations of the employer, on the objectives of providing the employees the right to effective representation, and on the meet and confer relationship.

(5) The impact on the meet and confer relationship created by fragmentation of employee groups or any proliferation of units among the employees of the employer.

(b) There shall be a presumption that professional employees and nonprofessional employees shall not be included in the same representation unit. However, the presumption shall be rebuttable, depending upon what the evidence pertinent to the criteria set forth in subdivision (a) establishes.

(c) There shall be a presumption that all employees within an occupational group or groups shall be included within a single representation unit. However, the presumption shall be rebutted if there is a preponderance of evidence that a single representation unit is inconsistent with the criteria set forth in subdivision (a) or the purposes of this chapter.

(d) Notwithstanding the foregoing provisions of this section, or any other provision of law, an appropriate group of skilled employees shall have the right to be a single, separate unit of representation. Skilled crafts employees shall include, but not necessarily be limited to, employment categories such as carpenters, plumbers, electricians, painters, and operating engineers. The single unit of representation shall include not less than all skilled crafts employees at a campus or at a Lawrence Laboratory.

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The Board determined in Unit Determination for Skilled Crafts Employees of University of California (9/30/82) PERB Decision No. 242-H, that the reference to "skilled crafts employees" in subsection 3579 (d) of HEERA refers to skilled building and construction trades employees. Accordingly, the Board is not mandated to place all skilled printing trades classifications in units with other skilled crafts employees.

In determining the appropriate units for the petitioned-for classifications, the Board has considered the record in light of the statutory criteria of subsection 3579 (a). We have previously held:

. . . that such unit determination criteria cannot be reviewed in isolation from one another; indeed, there is substantial interplay among the various criteria. Therefore, all of the factors involved in a given situation must be balanced against one another. The result of any such balancing process is that in a particular factual setting some criteria are emphasized over others while in a different setting the weight given the same criteria may be altered. Unit Determination for Employees of the CSUC (HEERA) (Nonprofessional) (11/17/81) PERB Decision No. 176-H (hereafter CSU); Unit Determination for the State of California (11/7/79) PERB Decision No. 110-S (hereafter SEERA Unit Determination).

Upon review of the evidence presented by the parties during the course of the hearings and in their briefs, the Board finds that a single unit of printing trades employees of the University printing department is appropriate. The Board

further finds that separate unit(s) for the printing and reprographic employees at the LBL and Extension print shops inappropriate.

The printing trades employees who work at the Oxford Street printing plant and the Richmond and Santa Monica library book binderies share a strong community of interest distinct from other skilled crafts employees. The three facilities make up the University printing department which is not affiliated with any campus. Superintendents at each location report to a central department manager who has ultimate authority for most policy and personnel decisions.

It is undisputed by the parties that all of the printing and bindery employees in the department do skilled work. At the printing plant, these employees work toward the established common goal of preparing printed material for the University. To this end, they work in one of four functionally related areas: composing room, prepress, press and bindery.

The Oxford Street bindery does no hardcover binding and sends such work to outside vendors or to the library binderies. The bookbinders at the Richmond and Santa Monica facilities and the printing plant operate similar machinery, have comparable job duties and identical skill levels.

Historically, the printing trades unions, which now comprise the Printing Trades Alliance, have represented the printing department employees. At Oxford Street, nearly all of the employees are members of Alliance unions where representational relationships date back more than 80 years. Because of this history of representation and the meet and confer sessions the unions have conducted with the University, printing trades employees have traditionally shared benefits distinct from those of other University employees. For years, the printing department classifications were union-related and reflected prevailing wage rates in the private sector. Other benefits included a standard 35-hour work week, special shift differentials, computation of work time on a tenth-of-an-hour interval, and unique work rules. While in recent years the University has tried to cut back on these benefits, the printing plant employees still maintain a 35-hour work week and all department employees still share the unique shift differentials and worktime computation formula.

The University has acknowledged the close community of interest that exists among the printing department employees:

The employees in these three locations perform under common supervision; they share common working conditions; they have equivalent and in some cases identical skills; they perform virtually identical duties; they have identical purpose and functions, and they even enjoy common

historical affiliation with the
. . . Printing Trades Alliance. "Opening
Brief of the University of California,
February 20, 1981" p. 148.

The Board finds that the remaining criteria of subsection 3579(a) do not militate against a separate unit of printing department employees. The University has met and conferred with the printing trade unions for years and has provided no persuasive evidence that it could not continue to do so, or that a departmental unit would have an adverse impact on operations of the University or its responsibility to its students and the public.

In view of the scope of the unit and the factors considered, the Board does not find such a unit will result in fragmentation of employee groups or undue proliferation of units. The University's argument that a separate unit is inappropriate is rejected.

The Board finds that separate units or a combined unit of employees at the LBL, University Extension, and the Cooperative Extension print shops is inappropriate. The LBL shop employs approximately nine printers and the Cooperative and University Extension shops have respectively three and five reprographic technicians. The Printing Trades Alliance presented inadequate evidence to justify such a proliferation of small units.

It also failed to demonstrate that these employees share such a community of interest to permit the establishment of a

combined unit. The employees work in different locations for different departments on functionally discrete projects. There is no common supervision and there has been no employee interchange among the shops. Further, the employees have not shared a common history of representation distinct from other University employees, and the Printing Trades Alliance concedes that in the past it has not represented them. Finally, it appears that these employees share terms and conditions of employment identical to other employees of the University.

Further, we are unable to conclude that the printers at the LBL print shop and the reprographic technicians at the University and Cooperative Extensions and at the various campuses are skilled crafts workers. While the Printing Trades Alliance is unclear as to the status of these workers, it acknowledges that their level of work is far less difficult than that of the printing department employees. The University firmly states that these employees are not skilled, relying primarily on the uncontroverted evidence that they are not required to have apprentice or comparable training.

Accordingly, the Board will not include these employees in the skilled workers' unit.

ORDER

Based on the foregoing Decision and the entire record in this case, the Public Employment Relations Board ORDERS that:

- (1) A unit of printing and bindery employees in the

University printing department, excluding managers, supervisors, confidential employees and casuals, is appropriate for the purpose of meeting and conferring in good faith pursuant to Government Code section 3560, et seq. The inclusions in this unit are set forth in the attached Appendix.

(2) Any technical errors in this ORDER shall be presented to the Director of Representation who shall take appropriate action thereon in accordance with this Decision.

(3) The Board hereby ORDERS a representation election in this unit and the General Counsel is hereby directed to proceed in accordance with California Administrative Code, title 8, part 3, division 4.

By the BOARD

APPENDIX

PRINTING TRADES UNIT

<u>Title Code</u>	<u>Classification</u>
8801	Compositor Supervisor
8802	Senior Compositor
8803	Compositor
8812	Prepress Technician Supervisor
8813	Lead Prepress Technician
8814	Senior Prepress Technician
8815	Prepress Technician
8821	Senior Bookbinder
8823	Bookbinder II
8824	Bookbinder Apprentice
8833	Bookbinder I
8836	Edition Bookbinder Supervisor
8837	Lead Edition Bookbinder
8838	Senior Edition Bookbinder
8839	Edition Bookbinder
8842	Lead Bookbinder
8843	Principal Bookbinder
8844	Senior Bookbinder
8845	Bookbinder
8852	Assistant Composing Room Supervisor
8853	Hand Compositor
8854	Compositor Apprentice
8857	Copyholder
8858	Proofreader
8863	Linotype Machine Operator
8870	Press Operator Supervisor
8871	Lead Press Operator
8872	Senior Press Operator
8873	Press Operator
8874	Assistant Press Operator
8883	Cylinder Press Operator
8885	Apprentice Press Operator
8887	Trainee Press Assistant
8891	Assistant Press Room Supervisor
8893	25 Inch Press Operator
8894	38 Inch Press Operator
8895	38 Inch Press Assistant
8896	20 Inch Press Operator
8898	Camera Room Supervisor
8899	Prepress Operator