STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD

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| RIO HONDO FACULTY ASSOCIATION, CTA/NEA, Charging Party, v. RIO HONDO COMMUNITY COLLEGE DISTRICT, Respondent. | ) | Case No. LA-CE-1079<br>PERB Decision No. 260<br>November 30, 1982 |

Appearances; Charles R. Gustafson, Attorney for Rio Hondo Faculty Association, CTA/NEA; Patrick D. Sisneros, Attorney (Wagner & Wagner) for Rio Hondo Community College District.

Before Tovar, Jaeger and Jensen, Members.

## DECISION

TOVAR, Member: This case is before the Public Employment Relations Board (PERB or Board) on exceptions filed by the Rio Hondo Community College District (District) to the proposed decision of a hearing officer. In his proposed decision, the hearing officer considered charges that the District violated subsection 3543.5(a) of the Educational Employment Relations Act (EERA or Act)[1] by issuing letters to District employees

[1]The EERA is codified at Government Code section 3540 et seq. All statutory references are to the Government Code unless otherwise noted.

Section 3543.5 provides:

> It shall be unlawful for a public school employer to:
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> (a) Impose or threaten to impose reprisals on employees, to discriminate or threaten to

Gary Curtis and Leonora Davila which were placed in the personnel files of those employees and which reprimanded them for uttering the terms "bullshit" and "chickenshit," respectively, at a meeting of District faculty and staff. He also considered a discrete charge that the District violated subsection 3543.5(a) by processing those letters of reprimand in a manner inconsistent with procedures established by District policy. Finally, he considered charges that the District violated subsection 3543.5(a) by denying to employees Curtis and Davila their right to the representation of their employee organization at meetings with the District superintendent, and subsection 3543.5(b) by denying the Association its right to represent them.

The hearing officer found that Curtis had indeed said "bullshit" at the meeting, and concluded that the disciplinary letter was not issued to him in violation of EERA. He found, however, that the superintendent was mistaken in believing that Davila had said "chickenshit" at the meeting, and concluded that issuance of the disciplinary letter to her did violate the

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> discriminate against employees, or otherwise to interfere with, restrain, or coerce employees because of their exercise of rights guaranteed by this chapter.
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> (b) Deny to employee organizations rights guaranteed to them by this chapter.
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> . . . . . .

Act as charged. So finding, he did not rule on the charge that the District had violated the Act in its manner of processing the letter to Davila, but concluded that the District did violate the Act by failing to follow its established procedures in processing the letter to Curtis.

Finally, the hearing officer concluded that the District had violated the Act as charged by denying to Curtis and Davila their right to the representation of their employee organization and by denying to the Association its right to represent them.

The District excepts to each of the hearing officer's conclusions which find that it violated the Act. No exceptions were filed by the Rio Hondo Faculty Association, CTA/NEA (Association).[2]

After considering the proposed decision, the exceptions thereto and the entire record, the Board affirms the hearing officer's conclusions that the District violated subsection 3543.5(a) by placing a letter of reprimand in the personnel file of Leonora Davila and by processing the letter of reprimand issued to Curtis in a manner inconsistent with its own procedures. So, too, the Board affirms the hearing officer's conclusion that the District violated subsections

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[2]Because no party filed exceptions to the hearing officer's finding that the issuance of the reprimand to Curtis did not violate the Act, that finding is not before the Board, and no ruling is made thereon.

3543.5(a) and (b) by refusing to permit the Association to represent Leonora Davila and Gary Curtis at meetings with the District superintendent.

FACTS

On September 18, 1979, the Rio Hondo Community College District held a year-opening assembly of faculty, staff and administration in the campus theatre. The assembled employees were addressed by Dr. L. A. Grandy, District president/superintendent, Don Jenkins, vice-president of academic affairs, J. Albanese, vice-president of administrative affairs, Mahlon Woirhaye, president of the academic senate, and Mary Ann Pacheco, president of the Association.

Questionnaires prepared by the Association were distributed to faculty members as they entered the campus theatre. The distribution and collection of these documents was performed by members of the Association's executive committee, consisting of: Association vice-president (and president-elect), Gary Curtis; secretary, Judy Henderson; newsletter editor, Leonora Davila; and member (and past president), Bert Davis. Because of their involvement in distributing the questionnaires, these individuals remained standing toward the rear of the threatre during most of the meeting.

At the conclusion of the last speaker's presentation, Dr. Grandy rose and made some closing remarks indicating that the agenda had been completed. At that point, Association Vice-President Curtis left his position at the rear of the

theatre, moving approximately a third of the way down the left aisle, in order to pose some questions to Dr. Grandy regarding the course of the ongoing negotiations between the Association and the District. Curtis several times attempted to elicit responses from Dr. Grandy to his questions, but Dr. Grandy explained that he was not prepared to respond to such questions. At one point in the exchange between Curtis and Dr. Grandy, Leonora Davila heard Grandy say, "Well, we have some thoughts." In reaction to this, Davila spoke out from her position in the rear of the auditorium, saying, "We have some thoughts too, Dr. Grandy." Bert Davis also joined the discussion, suggesting in response to Dr. Grandy's refusals that, if it presently was not a good time to respond to the questions of faculty members, then perhaps Dr. Grandy could make himself available at another time to meet with faculty members and discuss problems. Mr. Curtis made further efforts to elicit answers to his questions, but Dr. Grandy continued to assert that he was not prepared to respond to such questions in the present forum. Curtis, having grown frustrated with the situation, abruptly turned to leave the meeting and, while turning, stated, "That's bullshit!"

Dr. Grandy testified that following Curtis' last utterance he heard Leonora Davila exclaim, "That's chickenshit." Numerous witnesses, however, including two members of District administration, testified that they were present and in a position to have heard any comment directed from Davila to

Dr. Grandy, but that they heard no such comment as the one Dr. Grandy testified to. Thus, while no evidence was presented which would cast doubt on Dr. Grandy's good faith, the preponderance of the evidence supports Davila's claim that she did not say, "That's chickenshit," or otherwise utter any profanity at the September 18 assembly.

On October 2, 1979, Dr. Grandy caused letters of reprimand to be sent to Mr. Curtis and Ms. Davila. The letters accused Curtis and Ms. Davila of profaning Dr. Grandy at the September 18 meeting and thereby engaging in unprofessional conduct.

The same day the letters were sent, Dr. Grandy delivered the originals to the District's director of personnel and instructed her to place the letters in the respective employee's files. She did so that afternoon.

Dr. Grandy's uncontroverted testimony is that these two letters are the only letters of reprimand he has ever issued during his tenure as District president. The District has a written policy setting forth the procedure to be used in placing letters of reprimand in personnel files. That policy is essentially a restatement of Education Code section 87031 and provides as follows:

> Information of a derogatory nature shall not be entered or filed unless or until the employee is given notice and an opportunity to review and comment on the information. The employee is entitled to release time

> from duties to review the derogatory material. If desired, the employee may attach his own comments to the derogatory statement.

Assistant Superintendent Jenkins testified that in processing employee performance evaluation reports the District's practice has been to act consistently with the above-set-forth policy by affording employees an opportunity to review and comment prior to filing a report which contains an adverse review.

Because the personnel director filed the letters the same day Dr. Grandy issued them, neither Curtis nor Davila were afforded the opportunity to review and comment upon their respective letters of reprimand prior to the placement of those letters in their personnel files. However, Dr. Grandy testified that he believed that, by including in the reprimand letters a statement that Curtis and Davila would be permitted to review and comment on those letters, he was extending to them an opportunity to so review and comment, and was thus in compliance with the District's policy.

On October 4, 1979, Davila met with Gil Acosta, a representative of the California Teachers Association, to discuss the letter of reprimand. Davila then attempted to meet with Dr. Grandy, accompanied by her chosen representative, Mr. Acosta. Dr. Grandy, however, refused to meet with Davila with Mr. Acosta present.

Later that day, Mr. Acosta met with Curtis and advised him that, based on Dr. Grandy's previous refusal, it would be futile for Curtis to attempt to meet with Dr. Grandy with Mr. Acosta present.

Curtis and Davila subsequently met separately with Dr. Grandy, each in the presence of Mahlon Woirhaye, president of the academic senate, and discussed the letters of reprimand. Both employees expressed their feelings that such a disciplinary measure was inappropriate. Davila emphatically denied that she ever uttered the term "chickenshit" at the September 18 meeting. Dr. Grandy offered to seal the letter that was in Davila's file in an envelope within the personnel file, accessible only to himself. Davila refused to agree to this resolution of the matter, and maintained to the close of the meeting that the letter should be completely removed from her file. Curtis similarly argued that the letter should be withdrawn from his file. Dr. Grandy refused to accede to the request of either employee.

## DISCUSSION

### The Issuance of the Letter to Davila

The District has excepted to the hearing officer's conclusion that the placement of the letter of reprimand in the personnel file of Leonora Davila was a violation of subsection 3543.5(a). We affirm the hearing officer in that conclusion for the reasons which follow.

At the faculty-staff assembly of September 18, 1979, the executive officers of the Association were extensively involved in activities on behalf of the Association. Initially, they distributed questionnaires, prepared by and on behalf of the Association, to faculty members as they entered the meeting hall. Some of these officers remained standing at the rear of the hall throughout the speakers' addresses in order to distribute questionnaires to late arrivals. When Dr. Grandy signalled the end of the meeting, these officers led an effort, supported by numerous faculty members, to hold an impromptu question and answer session between themselves and Dr. Grandy. Gary Curtis, as Association vice-president and president-elect, was the leading figure in this effort. Executive committee members Leonora Davila and Bert Davis also spoke out to Dr. Grandy in an effort to get answers to faculty questions regarding the course of the on-going negotiations.

We find that the efforts of these executive officers as a group, and of Leonora Davila in particular, to engage Dr. Grandy in a question and answer session constituted participation in the activities of an employee organization within the meaning of section 3543 of the Act.[3]

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[3]Section 3543 provides as follows:

> Public school employees shall have the right to form, join, and participate in the activities of employee organizations of

The Association charges that Dr. Grandy issued the letter of reprimand to Davila because of her protected activities at the meeting of September 18, and that the District has therefore violated subsection 3543.5(a). In Novato Unified School District (4/30/82), PERB Decision No. 210, the Board set forth a test to be applied where a party has charged that an employer has taken adverse action against an employee motivated by the employee's exercise of rights granted by the EERA. We held that a prima facie case of a violation of subsection 3543.5(a) will be made out where the charging party shows that employee activity protected by the Act was a motivating factor in an employer's decision to take adverse action against the employee. Upon such a showing, the burden of producing evidence shifts to the employer to show that it would have imposed the discipline as it did even in the absence of the identified protected activity.

Here, we have found that, in participating in the collective efforts of Association leaders and members to engage Dr. Grandy in a question and answer session, Davila was engaged in activity protected by the Act. The District has maintained, however, that its action was not violative of the Act because

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> their own choosing for the purpose of representation on all matters of employer-employee relations. . . .
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> . . . . . .

Dr. Grandy was prompted to issue the reprimand only by his perception that Davila had uttered the term "chickenshit" and his judgment that discipline was therefore necessary in the interest of maintaining his authority as superintendent.

It is undisputed that Dr. Grandy's subjective motivation in issuing the reprimand was his perception that Davila had said "chickenshit." The hearing officer nevertheless found, based upon the preponderance of the evidence, that Davila did not actually utter that word. The District excepts to this factual determination, asserting that Davila did utter the term, or that in any event Dr. Grandy had a reasonable and justifiable basis for believing that she had.

We find it unnecessary to resolve this factual dispute, since the reprimand of Davila would have been unlawful whether or not the District, in fact, had a reasonable basis for concluding that she uttered the word "chickenshit" in the course of the September 18 discussion.

Thus, were we to conclude that the District had no reasonable basis for believing that Davila used the word "chickenshit", then the inquiry would end there, and we would find that the District had no defense to the charge that the discipline resulted from her participation in protected activity. However, even if we were to conclude that the District did have a reasonable basis for believing that Davila had uttered the epithet, the District still would not have been

privileged to discipline her. The imposition of discipline would be permissible in such circumstances only if we were to find that the alleged utterance was so opprobrious as to deprive an otherwise protected course of conduct of its statutory protection.

This issue has been carefully considered in private sector cases. Thus, in NLRB v. Thor Power Tool Co. (1956) 351 F.2d 584 [60 LRRM 2237] at 585, the Court explained that:

> As other cases have made clear, flagrant conduct of an employee, even though occurring in the course of section 7 activity, may justify disciplinary action by the employer. On the other hand, not every impropriety committed during such activity places the employee beyond the protective shield of the act. The employee's right to engage in concerted activity may permit some leeway for impulsive behavior, which must be balanced against the employer's right to maintain order and respect.

This principle is similarly expressed in NLRB v. Blue Bell, Inc. (1955) 219 F.2d 796 [35 LRRM 2549], in which the Court explained that an employee's speech may lose its protected status, thus leaving the employer free to impose discipline, if the speech "is so disrespectful of the employer as seriously to impair the maintenance of discipline." Blue Bell, supra, at 797.

The District's Failure to Observe Established Procedural Policies in Filing the Letters

The District has excepted to the hearing officer's conclusion that, by failing to afford Gary Curtis an

opportunity to review and comment upon the letter of reprimand prior to the placement of the letter in his personnel file, the District violated subsection 3543.5(a) of the EERA. We affirm the result reached by the hearing officer for the reasons which follow.

The District's procedural policy on the filing of derogatory material, set forth supra, at p. 6, plainly states that the District is not to place derogatory material in an employee's personnel file until he or she has been given an opportunity to review and comment on the material. It is undisputed, however, that, pursuant to Dr. Grandy's direction, the letter of reprimand issued to Curtis was filed before Curtis received or otherwise had notice of the letter. It is apparent, therefore, that the District failed to provide Curtis the opportunity prescribed by District policy to review and comment on the letter of reprimand prior to its filing.

Pursuant to the test set forth in Novato, supra, at p. 13, a prima facie charge of reprisal in violation of subsection 3543.5(a) may be made out by a showing that an employee's exercise of rights guaranteed by the EERA was a motivating factor in an employer's decision to take adverse action against the employee. Here, the evidence shows that at the September 18 staff meeting Curtis was engaged in activity protected by the EERA, and that the letter of reprimand was issued to him expressly as a result of his protected conduct.

See our discussion, supra, at pp. 9 and 14 regarding the protected activity of Leonora Davila.

The Association charges that the District varied from its established policy and denied Curtis an opportunity to review his letter of reprimand prior to its filing because of his exercise at the September 18 meeting of rights guaranteed by the EERA, and because of his history of Association activism generally. While Dr. Grandy had never before issued a letter of reprimand prior to those sent to Curtis and Davila, Assistant Superintendent Jenkins testified that the District did observe the policy of affording employees an opportunity to review and comment prior to filing performance evaluation reports which contained negative commentary.

We find, based on the evidence that the letter of reprimand to Curtis was itself prompted by his exercise of protected rights, that Curtis had a high profile as an Association activist, and that the District's rules required the opportunity for prior review and comment, that Charging Party has raised the inference that Curtis' exercise of protected rights was a motivating factor in the District's decision to deny to Curtis an opportunity to review and comment on the letter of reprimand prior to its filing.

The District has offered no affirmative defense which would lead us to conclude that it would have filed the letter when it did even if Curtis had not engaged in protected activity.

Instead, its defense is that the policy was in fact complied with because notice of an opportunity to review and comment was set forth in the letter itself and that Curtis was thus "given" that opportunity at the time Dr. Grandy penned those words into the text of the letter.

The policy[4] expressly states that the required notice and opportunity must be "given" before the derogatory material may be filed. Thus, if the District were correct in arguing that Dr. Grandy's act of writing satisfied its obligation to "give" notice and opportunity, then it would follow that Dr. Grandy needn't have actually sent the letter to Curtis. That is, he could have complied with the policy by writing the letter as he did (thus "giving" notice and opportunity) and then filing it, without more. We find the District's construction patently absurd, and reject it. We conclude, therefore that the District violated subsection 3543.5(a) by denying Curtis an opportunity for prior review and comment, in conformance with established District policy, in reprisal for his exercise of rights guaranteed by EERA.

The Denial of Association Representation

The Association charged that both itself and the two disciplined employees were denied rights provided by the Act when Dr. Grandy refused to permit Association representative

[4]As noted in the Statement of Facts, supra, the District's policy is a restatement of Education Code section 87031.

Acosta to be present at the meetings he agreed to hold with Davila and Curtis.

Section 3543 of the Act (set forth in relevant part at footnote 3, supra) provides, inter alia, that public school employees have the right to ". . . participate in the activities of employee organizations of their own choosing for the purpose of representation on all matters of employer-employee relations . . . ." Subsection 3543.1(a) provides that "Employee organizations shall have the right to represent their members in their employment relations with public school employers . . . ." The full scope of section 3543 and subsection 3543.1(a) has not yet been determined by the Board. While the language of these sections differs somewhat from the parallel provisions of the National Labor Relations Act,[5] an examination of cases decided in the private sector may nevertheless be helpful in determining the

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[5]The National Labor Relations Act is codified at 29 U.S.C, section 150, et seq. Section 7 of that act has been identified in private sector cases as embodying the right of employees to be represented by their employee organization. Section 7 provides as follows:

> Employees shall have the right to self-organization, to form, join or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection . . . .

reasonableness of applying these EERA provisions to the meetings at issue here.

In NLRB v. J. Weingarten, Inc. (1975) 420 U.S. 251 [88 LRRM 2689], the Supreme Court indicated that employees have a protected right to the presence of their union representative at an investigatory interview which the employee reasonably believes will result in disciplinary action.

In Baton Rouge Water Works Company (1979) 246 NLRB 995, the NLRB reaffirmed its rule that the right to union representation applies to a disciplinary interview, whether labelled investigatory or not, so long as the interview in question is not merely for the purpose of informing the employee that he or she is being disciplined. The NLRB stated, at p. 997:

> . . . To the extent that the Board has in the past distinguished between investigatory and disciplinary interviews, in light of Weingarten and our instant holding, we no longer believe such a distinction to be workable or desirable. It was this distinction which Certified Grocers abandoned, and to that extent we still believe the decision was correct. Thus, the full purview of protections accorded employees under Weingarten apply to both "investigatory" and "disciplinary" interviews, save only those conducted for the exclusive purpose of notifying an employee of previously determined disciplinary action.
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> . . . . . .
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> We stress that we are not holding today that there is no right to the presence of a union representative at any "disciplinary"

> interview. Indeed, if the employer engages in any conduct beyond merely informing the employee of a previously made disciplinary decision, the full panoply of protections accorded the employee under Weingarten may be applicable. . . .

In the instant case, the employer clearly went beyond merely informing the employees of the imposition of discipline. Although Dr. Grandy could have satisfied his obligation under the Education Code by allowing the employees to review the letter and state their comments without more, he went much further. It appears that Dr. Grandy came to the meeting prepared to propose a modification of the discipline. Dr. Grandy's testimony was that during the meeting with Davila he offered to seal the derogatory letter in an envelope within the personnel file, accessible only to himself. Similarly, in meeting with Curtis, Grandy suggested that a solution could perhaps be worked out regarding removal of the letter if the lawyers for the Association and the District could come to some agreement.

This sort of give and take goes beyond a mere employer statement of the imposition of discipline or solicitation of employee comments pursuant to the Education Code. Rather, it was the sort of meeting which, we find, gives rise to the right to representation as set forth at section 3543 of the Act. Davila and Curtis had a right to the assistance of the Association at their meetings with Dr. Grandy. Dr. Grandy's

refusal to permit Gil Acosta to attend these meetings, therefore, was a denial of Curtis' and Davila's right to be represented, and was thus in violation of subsection 3543.5(a). So, too, Dr. Grandy's refusal was a denial to the Association of its right, pursuant to subsection 3543.1(a), to represent its members and was therefore in violation of subsection 3543.5(b).

REMEDY

It has been found that the Rio Hondo Community College District violated subsection 3543.5(a) of the EERA by placing a letter of reprimand in the personnel file of Leonora Davila as a result of her protected activities at a faculty-staff meeting on September 18, 1979. It has also been found that the District violated subsection 3543.5(a) by denying to Gary Curtis the benefit of an established District policy in reprisal for his protected activities at the above-mentioned staff meeting. It has further been found that the District violated subsection 3543.5(a) by denying to Davila and Curtis their right to be represented by their employee organization at meetings with the District at which disciplinary measures were considered and discussed. It has also been found that this denial of representation by the District concurrently violated subsection 3543.5(b).

To remedy the District's unlawful act in placing a letter of reprimand in Davila's file, the District will be ordered to remove that letter from her file.

Because the Association did not file exceptions to the hearing officer's finding that the District did not violate the Act by placing a letter of reprimand in Curtis' personnel file, that issue is not before this Board. Thus, our finding of unlawful District conduct with respect to Gary Curtis is limited to the District's discriminatory denial to Curtis of the benefits of its own procedural policy and to its denial of his right to representation. To remedy that unlawful conduct the District will be ordered to remove the letter of reprimand issued to Curtis from his personnel file. We have considered as a remedy an order that the District must offer Curtis an opportunity to meet with the employer in the company of an Association representative for the purpose of considering and discussing the imposition of discipline upon Curtis. It is our view, however, that because of the passage of time, the opportunity which once existed to consider and discuss the imposition of discipline in a meaningful way has been lost. Therefore, we can conceive of no remedy short of removal of the letter which will be certain to undo the harm which Curtis has suffered as a result of the denial of his right to Association representation. In this connection, we note that the similar denial of Davila's right to representation is an additional and independent ground for ordering the removal of the letter from her file. These remedial measures are consistent with the authority of this Board as established by subsection 3541.5(c) of EERA.

## ORDER

Upon the foregoing findings of fact, conclusions of law and the entire record in this case, and pursuant to Government Code subsection 3541.5(c), it is hereby ORDERED that:

The Rio Hondo Community College District, its governing board, superintendent and other representatives shall:

A. CEASE AND DESIST FROM:

1. Violating Government Code subsection 3543.5(a) by issuing letters of reprimand because of employees' exercise of rights guaranteed by the EERA.

2. Violating Government Code subsection 3543.5(a) by denying to its employees the benefit of its established policies in reprisal for the employee exercise of rights guaranteed by the EERA.

3. Violating Government Code subsection 3543.5(a) by denying to its employees the right as guaranteed by the EERA to be represented by their chosen employee organization.

4. Violating subsection 3543.5(b) by denying to the Rio Hondo Faculty Association its right as guaranteed by the EERA to represent its members.

B. TAKE THE FOLLOWING AFFIRMATIVE ACTIONS DESIGNED TO EFFECTUATE THE POLICIES OF THE EDUCATIONAL EMPLOYMENT RELATIONS ACT:

1. Immediately withdraw from the personnel files of Leonora Davila and Gary Curtis the respective letters of reprimand issued to them by the District's superintendent on October 2, 1979;

2. Within five (5) workdays of the date of service of this decision, post copies of the Notice attached as an appendix hereto at all work locations in the Rio Hondo Community College District where notices to employees customarily are placed. Such posting shall be maintained for a period of thirty (30) consecutive workdays. Reasonable steps should be taken to insure that these notices are not reduced in size, altered, defaced or covered by any other materials; and,

3. Notify the Los Angeles regional director of the Public Employment Relations Board in writing within 30 (thirty) workdays from service of this decision of what steps the District has taken to comply herewith.

This Order shall become effective immediately upon service of a true copy thereof on the Rio Hondo Community College District.

Members Jaeger and Jensen joined in this Decision.

APPENDIX

NOTICE TO ALL EMPLOYEES
POSTED BY ORDER OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD
An Agency of the State of California

After a hearing in Unfair Practice Case No. LA-CE-1079, Rio Hondo Faculty Association, CTA/NEA v. Rio Hondo Community College District, in which both parties had the right to participate, it has been found that the Rio Hondo Community College District violated subsections 3543.5(a) and (b) of the Educational Employment Relations Act (EERA) by: placing a letter of reprimand in the personnel file of Leonora Davila because of her exercise of rights guaranteed by the EERA; denying to Gary Curtis the benefit of an established District policy in reprisal for his exercise of rights guaranteed by the EERA; and, refusing to permit an agent of the Rio Hondo Faculty Association to represent Leonora Davila and Gary Curtis at their respective meetings with the District's superintendent at which disciplinary measures were considered and discussed.

As a result of this conduct, we have been ordered to post this Notice, and we will abide by the following:

(A) WE WILL CEASE AND DESIST FROM:

(1) Interfering with, restraining or otherwise coercing our employees because of their exercise of rights guaranteed by the EERA.

(2) Denying to the Rio Hondo Faculty Association rights guaranteed by the EERA.

(B) WE WILL TAKE THE FOLLOWING AFFIRMATIVE ACTIONS DESIGNED TO EFFECTUATE THE POLICIES OF THE EDUCATIONAL EMPLOYMENT RELATIONS ACT:

(1) Immediately withdraw from the personnel files of Leonora Davila and Gary Curtis those letters of reprimand issued to those employees by the District's superintendent on October 2, 1979.

RIO HONDO COMMUNITY COLLEGE DISTRICT

Dated: _____ By: _____
Authorized Representative

**THIS IS AN OFFICIAL NOTICE. IT MUST REMAIN POSTED FOR THIRTY (30) CONSECUTIVE WORKDAYS FROM THE DATE OF POSTING AND MUST NOT BE REDUCED IN SIZE, ALTERED, DEFACED, OR COVERED BY ANY OTHER MATERIAL.**