



STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD

BROTHERHOOD OF TEAMSTERS AND AUTO TRUCK)
DRIVERS, LOCAL NO. 70,)
 [1] (RR-1002))
 [2] (PC-1003))
 [3] (RR-1011))
LABORER'S INTERNATIONAL UNION,)
LOCAL 1276, AFL-CIO)
 [4] (PC-1004))
 [5] (PC-1005))
AMERICAN FEDERATION OF STATE, COUNTY AND)
MUNICIPAL EMPLOYEES, AFL-CIO, LOCAL 371,)
 [8] (RR-1006))
PRINTING TRADES ALLIANCE,)
 [9] (RR-1007))
ALAMEDA COUNTY BUILDING AND CONSTRUCTION)
TRADES COUNCIL, AFL/CIO)
 [10] (PC-1007))
INTERNATIONAL UNION OF OPERATING)
ENGINEERS, STATIONARY ENGINEERS, LOCAL)
NO. 39,)
 [11] (RR-1009))
 [12] (RR-1010))
(JT. PET.) LOCALS 660 AND 535,)
SERVICE EMPLOYEES INTERNATIONAL UNION,)
AFL-CIO)
 [13] (IP-22) (PC-1010))
 [40] (IP-16))
LOCAL 660, SERVICE EMPLOYEES)
INTERNATIONAL UNION, AFL-CIO, UNIVERSITY)
DIVISION,)
 [14] (PC-1016))
 [15] (PC-1017))
CALIFORNIA STATE EMPLOYEES ASSOCIATION,)
 [16] (PC-1011))
 [18] (IP-5) (PC-1035))
 [19] (IP-6) (PC-1032))
 [20] (IP-7) (PC-1033))
 [21] (IP-8) (PC-1031))
 [23] (IP-11) (PC-1036))
 [43] (IP-20))
 [46] (IP-25))
AMERICAN FEDERATION OF STATE, COUNTY AND)
MUNICIPAL EMPLOYEES, AFL-CIO)
 [24] (PC-1012))
 [25] (PC-1018))
 [26] (PC-1026))
 [27] (IP-13))
 [28] (IP-14))

Case Nos. SF-PC-1037;
1045; 1046; 1047

PERB Order No. Ad-102-H

ADMINISTRATIVE APPEAL

PHASE II PROFESSIONAL
AND OPERATIONS
HEARINGS
(HEERA-UC)

October 2, 1980

INDEPENDENT TOOL AND DIE CRAFTSMEN,)
 [29] (PC-1013))
 ALAMEDA COUNTY BUILDING AND CONSTRUCTION)
 TRADES COUNCIL, AFL-CIO AND INTERNATIONAL)
 ASSOCIATION OF MACHINISTS AND AEROSPACE)
 WORKERS, BAY AREA DISTRICT LODGE NO. 115,)
 AFL-CIO)
 [31] (PC-1015))
 INTERNATIONAL UNION OF OPERATING)
 ENGINEERS, LOCAL 501,)
 [32] (IP-9) (RR-1012))
 [33] (PC-1022))
 CALIFORNIA NURSES ASSOCIATION)
 [35] (IP-2))
 ENGLISH SECOND LANGUAGE TEACHERS, CFT-AFT)
 [36] (IP-4))
 CALIFORNIA STATE EMPLOYEES ASSOCIATION)
 SOCIETY OF PROFESSIONAL SCIENTISTS AND)
 ENGINEERS,)
 [37] (PC-1023))
 LOS ANGELES COUNTY EMPLOYEES UNION,)
 LOCAL 434, SEIU, AFL-CIO,)
 [38] (IP-3))
 [39] (IP-15))
 [41] (IP-17))
 [45] (IP-21))
 SAN FRANCISCO BUILDING AND TRADES COUNCIL)
 [42] (IP-18))
 UNIVERSITY OF CALIFORNIA ACADEMIC COUNCIL)
 (LIBRARIANS) AFT)
 [44] (IP-19))
 U.C. AFT, AFL-CIO, LOCAL 1990)
 [47] (IP-24))
 U.C. AFT, AFL-CIO, LOCAL 1966)
 [48] (IP-26))
 U.C. AFT, AFL-CIO, LOCAL 2199)
 [49] (IP-27))
 PRINTING TRADES ALLIANCE)
 [50] (IP-28))
 [51] (IP-29))
 LIMITED PARTIES)
 (LP-1) SERVICE EMPLOYEES)
 INTERNATIONAL UNION, AFL-CIO)
 LOCAL 102)
 (LP-2) SERVICE EMPLOYEES)
 INTERNATIONAL UNION, AFL-CIO)
 LOCAL 250)
 (LP-3) WITHDRAWN)
 (LP-4) WITHDRAWN)

(LP-5) WITHDRAWN)
 (LP-6) U.C. AFT, AFL-CIO, LOCAL 1990)
 (LP-7) ORANGE COUNTY EMPLOYEES)
 ASSOCIATION)
 (LP-8) AMERICAN FEDERATION OF)
 TEACHERS, AFL-CIO, LOCAL 1990)
 (LP-9) AFT, AFL-CIO, LOCAL 1474)
 (LP-10) AFT, AFL-CIO, LOCAL 2141)
 (LP-11) AFT, AFL-CIO, LOCAL 1990)
 (LP-12) AFT, AFL-CIO, LOCAL 2023)
 (LP-13) AFT, AFL-CIO, LOCAL 2026)
 (LP-14))
 (LP-15) PRINTING TRADES ALLIANCE)
 (LP-16) PRINTING TRADES ALLIANCE)
 (LP-17) CSEA)
 (LP-18) CSEA)
 APPLICANTS)
 (IP-24) (RR-1014) AMERICAN)
 FEDERATION OF TEACHERS,)
 AFL-CIO, LOCAL 1990 and)
 LOCAL 1494)
)
 Employee Organizations,)
)
 and)
)
 REGENTS OF THE UNIVERSITY OF CALIFORNIA,)
)
 Employer.)
)

Appearances: Robert J. Bezemek, Attorney (Van Bourg, Allen, Weinberg & Roger) for Appellants.

Before Gluck, Chairperson; Moore, Member

DECISION AND ORDER

The University Council, AFT, Local 1966, appeals the decision of the regional director (8/27/80), dismissing its petition to intervene in Case No. SF-PC-1037; the University Council, AFT, Local 2199, appeals the decision of the regional director (8/26/80), dismissing its petition for certification

in Case No. SF-PC-1045; and the Printing Trades Alliance appeals the decision of the regional director (8/27/80), dismissing petitions for certification in Case Nos. SF-PC-1046 and SF-PC-1047. The Public Employment Relations Board (hereafter PERB) has consolidated these appeals for purposes of decision because they present substantially identical issues.

In each case, petitioner argues that the regional director's decision dismissing its petition and inviting petitioner to apply for Party of Interest status operates to deny it substantial rights in these representation proceedings and that the PERB's rules upon which the regional director based his decision (Cal. Admin. Code, tit. 8, secs. 5140(a) and 5140(b)(5)) are unconstitutional on their face and as applied.

The appeals are DENIED. A party of interest may participate as fully in representation hearings as a petitioner or intervenor. (Cal. Admin. Code, tit. 8, sec. 32166). Furthermore, an employee organization is not disadvantaged for purposes of participating in subsequent representation elections under the Higher Education Employer-Employee Relations Act if it is designated a party of interest rather than a petitioner or an intervenor at the representation hearings. (SEERA Unit Determination Hearings (6-11-80) PERB Order No. Ad-93-S.)

The decision of the regional director in each of these cases is AFFIRMED.

PER CURIAM