

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



PASADENA COMMUNITY COLLEGE FACULTY)
ASSOCIATION,)
)
Employee Organization,) Case No. LA-D-231
Petitioner,)
) Administrative Appeal
v.)
)
PASADENA AREA COMMUNITY COLLEGE) PERB Order No. Ad-179
DISTRICT,)
) December 29, 1983
Employer.)
_____)

Appearance; Margaret Bennett, Ph.D. for Pasadena Community College Faculty Association.

Before Hesse, Chairperson; Craib and Porter, Members.

DECISION AND ORDER

CRAIB, Member: This case is before the Public Employment Relations Board (PERB or Board) on an appeal by the Pasadena Community College Faculty Association (Association). The Association appeals the Board agent's dismissal of its decertification petition. The Board agent dismissed the petition due to an inadequate showing of support. (See the Educational Employment Relations Act, sec. 3544.5, subd, (d)¹; and PERB

¹The Educational Employment Relations Act is codified at Government Code section 3540 et seq. All statutory references are to the Government Code, unless otherwise specified. Section 3544.5, subdivision (d) provides in pertinent part:

A petition may be filed with the board, in accordance with its rules and regulations, requesting it to investigate and decide the question of whether employees have selected . . . an exclusive representative . . . by:

Regulation 32770, subd. (b)(2).)² The Association contends that it was unable to collect the requisite showing of support due to alleged unfair labor practices by the Pasadena Area Community College District (District) and the California Teachers Association (CTA).

Our review of the record indicates that the Board agent correctly determined that the petition should be dismissed for an

(d) An employee organization alleging that the employees in an appropriate unit no longer desire a particular employee organization as their exclusive representative, provided that such petition is supported by evidence of support such as notarized membership lists, cards, or petitions from 30 percent of the employees in the negotiating unit indicating support for another organization or lack of support for the incumbent exclusive representative. Such evidence of support shall be submitted to the board, and shall remain confidential and not be disclosed by the board. The board shall obtain from the employer the information necessary for it to carry out its responsibilities pursuant to this section and shall report to the employee organizations seeking recognition and to the public school employer as to the adequacy of the evidence of support.

²PERB Regulations are codified in California Administrative Code, title 8, section 31001 et seq. Regulation No. 32770, subdivision (b)(2) provides, in pertinent part, that:

(b) [t]he petition

an election to decertify an existing exclusive representative] shall be accompanied by proof that at least 30 percent of the employees in the established unit . . .

(2) Wish to be represented by another employee organization.

inadequate showing of support.³ We, therefore, affirm the Board agent's determination and DISMISS THE PETITION WITH PREJUDICE.

Chairperson Hesse and Member Porter joined in this Decision.

³The Association's claim that it was prevented from securing adequate support due to the District's and CTA's unfair practices need not be addressed. The Board's records, of which we take official notice, reveal that on the same day that the appeal was filed, the Association also filed unfair practice charges against the District and CTA, alleging the same conduct alleged in this appeal. Those charges have been withdrawn with prejudice by the Association.