

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



CALIFORNIA STATE EMPLOYEES')
ASSOCIATION, CSU DIVISION,)
SEIU LOCAL 1000, AFL-CIO,) Case No. LA-CE-328-H
Charging Party,) Remand from Court
v.) PERB Decision No. 1093b-H
CALIFORNIA STATE UNIVERSITY,) March 20, 1997
Respondent.)

Before Caffrey, Chairman; Johnson and Dyer, Members.

DECISION

CAFFREY, Chairman: This case is before the Public Employment Relations Board (PERB or Board) by order of the California Court of Appeal, Second Appellate District (Court). In California State University (1995) PERB Decision No. 1093-H, the Board dismissed the complaint alleging that the California State University (CSU) violated section 3571(a) and (c) of the Higher Education Employer-Employee Relations Act (HEERA)¹ when it unilaterally suspended merit salary adjustments

¹HEERA is codified at Government Code section 3560 et seq. Unless otherwise indicated, all statutory references herein are to the Government Code. Section 3571 states, in pertinent part:

It shall be unlawful for the higher education employer to do any of the following:

(a) Impose or threaten to impose reprisals on employees, to discriminate or threaten to discriminate against employees, or otherwise to interfere with, restrain, or coerce employees because of their exercise of rights guaranteed by this chapter. For purposes of

(MSAs) for employees represented by the California State Employees Association, CSU Division, SEIU Local 1000, AFL-CIO (CSEA) on June 1, 1992, prior to the completion of bargaining with CSEA. In California State Employees' Assn. v. Public Employment Relations Bd. (1996) 51 Cal.App.4th 923

[59 Cal.Rptr.2d 488], the Court reversed the Board's decision and remanded the case to PERB for a determination of affected employees and for an order directing CSU to pay those employees the MSAs they were unlawfully denied, plus interest.

ORDER

Pursuant to the Higher Education Employer-Employee Relations Act (HEERA), Government Code section 3563.3 it is hereby ordered that the California State University (CSU) and its representatives shall:

A. CEASE AND DESIST FROM:

1. Taking unilateral action and failing to meet and confer in good faith with the California State Employees Association, CSU Division, SEIU Local 1000, AFL-CIO (CSEA), about the suspension of merit salary adjustments; and

2. By this same conduct, denying bargaining unit employees the right to be represented by CSEA.

B. TAKE THE FOLLOWING AFFIRMATIVE ACTIONS
DESIGNED TO EFFECTUATE THE PURPOSES OF HEERA:

this subdivision, "employee" includes an applicant for employment or reemployment.

(c) Refuse or fail to engage in meeting and conferring with an exclusive representative.

1. Pay eligible bargaining unit members the merit salary adjustments unlawfully suspended by CSU beginning on June 1, 1992. Payments to eligible employees shall be subject to interest at the rate of seven (7) percent per annum.

2. Within twenty (20) days following service of this Decision and Order, post at all work locations where notices to employees are customarily placed, copies of the Notice attached as an Appendix hereto, signed by an authorized agent of the employer. Such posting shall be maintained for a period of thirty (30) consecutive workdays. Reasonable steps shall be taken to ensure that this Notice is not reduced in size, defaced, altered or covered by any material.

3. Within thirty (30) days of service of this Decision and Order, notify the Sacramento Regional Director of the Public Employment Relations Board, in writing, of the steps the employer has taken to comply with the terms of this Order. Continue to report in writing to the Regional Director thereafter as directed. All reports to the Regional Director shall be served concurrently on CSEA.

Members Johnson and Dyer joined in this Decision.

APPENDIX



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

In Unfair Practice Case No. LA-CE-328-H, California State Employees Association. CSU Division SEIU Local 1000. AFL-CIO v. California State University, in which all parties had the right to participate, it has been found that the California State University (CSU) violated the Higher Education Employer-Employee Relations Act (HEERA), Government Code section 3571(a) and (c) when it unilaterally suspended merit salary adjustments for employees represented by the California State Employees Association, CSU Division, SEIU Local 1000, AFL-CIO (CSEA) on June 1, 1992, prior to the completion of bargaining with CSEA.

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

A. CEASE AND DESIST FROM:

1. Taking unilateral action and failing to meet and confer in good faith with the CSEA about the suspension of merit salary adjustments; and

2. By the same conduct, denying bargaining unit employees the right to be represented by CSEA.

B. TAKE THE FOLLOWING AFFIRMATIVE ACTIONS
DESIGNED TO EFFECTUATE THE PURPOSES OF HEERA:

1. Pay eligible bargaining unit members the merit salary adjustments unlawfully suspended by CSU beginning on June 1, 1992. Payments to eligible employees shall be subject to interest at the rate of seven (7) percent per annum.

Dated: _____ CALIFORNIA STATE UNIVERSITY

By: _____
Authorized Agent

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