

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



CALIFORNIA STATE EMPLOYEES
ASSOCIATION,

Charging Party,

v.

TRUSTEES OF THE CALIFORNIA STATE
UNIVERSITY,

Respondent.

Case No. LA-CE-714-H

PERB Decision No. 1732-H

December 27, 2004

Appearances: Brian Young, Labor Relations Representative, for California State Employees Association; Marc D. Mootchnik, University Counsel, for Trustees of the California State University.

Before Duncan, Chairman; Whitehead and Neima, Members.

DECISION

DUNCAN, Chairman: This case is before the Public Employment Relations Board (PERB or Board) on exceptions filed by the California State Employees Association (CSEA) and cross-exceptions filed by the Trustees of the California State University (CSU) to an administrative law judge's (ALJ) proposed decision (attached). There were two issues before the ALJ. The issues are whether there was retaliation by CSU against Deborah Corey (Corey) and whether CSU must provide requested information to CSEA. CSEA alleged that this conduct constituted a violation of Higher Education Employer-Employee Relations Act (HEERA)¹ section 3571(a) and (b).

As to the issue of retaliation, we find the proposed decision of the ALJ to be without prejudicial error and recommend adoption of his opinion as that of the Board itself. On the

¹HEERA is codified at Government Code section 3560, et seq. Unless otherwise indicated, all statutory references herein are to the Government Code.

issue of providing information to CSEA we find that portion of the ALJ opinion is reversed and the entire charge dismissed.

DISCUSSION

Corey worked in the College of Business Administration (CoBA) at the CSU San Marcos campus for six years. She was the lead person for the CoBA clerical support group. Associate Dean, Regina Eisenbach (Eisenbach) was her direct supervisor. The dean of CoBA was Dennis Guseman (Guseman) and the president of CSU San Marcos was Alexander Gonzalez (Gonzalez).

Corey resigned her position with CSU to follow her son to Wisconsin where he had accepted employment. She submitted her resignation on July 22, 2002, and it was accepted on July 30, 2002. Her last day of work was September 30, 2002.

CSU posted the job on September 3, 2002, with an application deadline of October 11, 2002. After arriving in Wisconsin, her son decided not to stay and advised her he was returning to California. Corey then also decided to return to California and contacted CSU to get her job back. This was approximately October 7, 2002.

On October 7, 2002, Corey contacted Guseman who, along with Eisenbach, was at a conference in Hawaii. She was advised by CSU that they would not reinstate her to her old job but that she could reapply for it. She received that information on October 11, the last day to apply for her position.

Corey received that information from Eisenbach who testified at hearing that she also told Corey there could be an extension of the time to file an application but that Corey did not ask for one.

Guseman and Eisenbach both testified at hearing that the reason they did not choose to reinstate Corey was her attitude about her job after she gave notice. Guseman has formed an opinion that Corey was “burned out” on the job. (ALJ proposed dec., p. 4.)

After being advised that she would not be reinstated but could apply for the position, Corey (that same day) wrote to CSU President Gonzalez. The letter was sent under Article 13.7 of the CSU-CSEA contract, which states:

No later than thirty (30) days after a termination [by resignation] pursuant to Provision 13.6 above, the employee or former employee may request to rescind his/her resignation. Such requests shall be made in writing to the President.

The President shall respond to such requests indicating denial, acceptance, or qualified acceptance within fourteen (14) days.

In her letter to Gonzalez, Corey asked to have her resignation rescinded and to be reinstated. Guseman told Gonzalez that he recommended against reinstating Corey.

On October 15, 2002, Gonzalez responded to Corey and indicated she would not be reinstated.

CSEA, on Corey’s behalf, sent CSU a message on October 25, 2002. It was in part, a request for information which CSEA believed was necessary for representation of Corey.

There were seven separate requests contained in the transmittal. The following information was requested:

1. Complete copy of the official personnel file of Deborah Corey.
2. Complete copy of the department file for Deborah Corey.
3. Copies of all correspondence, including email, to or from Human Resources and to or from the dean and assistant dean of the College of Business referring to Deborah Corey.
4. List of all employees who have submitted resignations and requested reinstatement and the disposition of those requests for the period of the last three years.

5. A copy of any and all information related to the posting and recruitment of the Administrative Support Coordinator I position in the College of Business.

6. List of applicants for the Administrative Support Coordinator I position in the College of Business and whether the applicant is in a CSU bargaining unit or off-campus.

7. Copies of notes or minutes for College of Business staff meetings held after September 30, 2002.

CSEA did receive information in response to request numbers 1, 2 and 3. CSU states it sent copies of information to CSEA in response to request numbers 5 and 6 on January 21, 2003. CSEA states that this information was never received. CSU further states that there are no documents that could be provided in response to request number 7.

Retaliation

The ALJ found there was no retaliation. He found the testimony of Gonzalez, Guseman and Eisenbach credible as to the reason for the decision not to reinstate Corey. Because he found their sworn testimony credible, that Corey's CSEA activities played no role in the determination not to reinstate her, the retaliation allegation fails to state a prima facie case.

To demonstrate a violation of HEERA section 3571(a), the charging party must show that: (1) the employee exercised rights under HEERA; (2) the employer had knowledge of the exercise of those rights; and (3) the employer imposed or threatened to impose reprisals, discriminated or threatened to discriminate, or otherwise interfered with, restrained or coerced the employees because of the exercise of those rights. (Novato Unified School District (1982) PERB Decision No. 210 (Novato); Carlsbad Unified School District (1979) PERB Decision No. 89.)

Although the timing of the employer's adverse action in close temporal proximity to the employee's protected conduct is an important factor (North Sacramento School District (1982)

PERB Decision No. 264 (North Sacramento)), it does not, without more, demonstrate the necessary connection or "nexus" between the adverse action and the protected conduct.

(Moreland Elementary School District (1982) PERB Decision No. 227.) Facts establishing one or more of the following additional factors must also be present: (1) the employer's disparate treatment of the employee (State of California (Department of Transportation) (1984) PERB Decision No. 459-S); (2) the employer's departure from established procedures and standards when dealing with the employee (Santa Clara Unified School District (1979) PERB Decision No. 104); (3) the employer's inconsistent or contradictory justifications for its actions (State of California (Department of Parks and Recreation) (1983) PERB Decision No. 328-S); (4) the employer's cursory investigation of the employee's misconduct; (5) the employer's failure to offer the employee justification at the time it took action or the offering of exaggerated, vague, or ambiguous reasons; (6) employer animosity towards union activists (Cupertino Union Elementary School District) (1986) PERB Decision No. 572); or (7) any other facts which might demonstrate the employer's unlawful motive. (Novato; North Sacramento.)

Evidence of adverse action is also required to support a claim of discrimination or reprisal under the Novato standard. (Palo Verde Unified School District (1988) PERB Decision No. 689.) In determining whether such evidence is established, the Board uses an objective test and will not rely upon the subjective reactions of the employee. (Ibid.) In a later decision, the Board further explained that:

The test which must be satisfied is not whether the employee found the employer's action to be adverse, but whether a reasonable person under the same circumstances would consider the action to have an adverse impact on the employee's employment. [Newark Unified School District (1991) PERB Decision No. 864; emphasis added; fn. omitted.]

Information Request

On the issue of the request for information, the ALJ found additional information should be provided. It is on this point we disagree.

There was no retaliation so there was no need for the information in that regard. However, even if there is no retaliation the exclusive representative is entitled to all information that is “necessary and relevant” to the discharge of its duty of representation. (Stockton Unified School District (1980) PERB Decision No. 143.) CSU did respond to the request from CSEA.

The ALJ correctly indicated that as to the request for information on items numbered 1, 2, 3, 5 and 6, CSU responded. He noted that CSEA has not shown that additional information was necessary related to those requests and, in fact, made no additional request for information at all. Under Oakland Unified School District (1983) PERB Decision No. 367 (Oakland), if there is no request for additional information, then the employer is not obligated to provide additional information as there is no violation when an employer partially complies with a request for information and after that, the employee organization “never reasserts or clarifies its request.”

After the initial request, CSEA did not reassert its request for information or follow-up with CSU. We believe that the lack of reassertion for information not provided in the response from CSU creates a situation where there is no violation. In Oakland, the Board said, referring to a request for information by the Oakland School Employee Association (OSEA) made to the Oakland Unified School District, that “though the response might not have been fully responsive to OSEA’s questions, OSEA never reasserted or clarified its request. Therefore, no failure to provide information is established.” That is exactly the situation here. There was never any further request for information by CSEA after CSU responded.

Accordingly, the charge is dismissed.

ORDER

The unfair practice charge in Case No. LA-CE-714-H is hereby DISMISSED
WITHOUT LEAVE TO AMEND.

Members Whitehead and Neima joined in this Decision.

STATE OF CALIFORNIA
PUBLIC EMPLOYMENT RELATIONS BOARD



CALIFORNIA STATE EMPLOYEES
ASSOCIATION,

Charging Party,

v.

TRUSTEES OF THE CALIFORNIA STATE
UNIVERSITY,

Respondent.

UNFAIR PRACTICE
CASE NO. LA-CE-714-H

PROPOSED DECISION
(8/2/04)

Appearances: Brian Young, Labor Relations Representative, for California State Employees Association; Marc D. Mootchnik, University Counsel, for Trustees of the California State University.

Before Thomas J. Allen, Administrative Law Judge.

PROCEDURAL HISTORY

In this case, a union alleges that the state university retaliated against a former employee seeking reinstatement and refused to provide information to the union. The state university denies any unlawful conduct.

The California State Employees Association (CSEA) filed an unfair practice charge against the Trustees of the California State University (CSU) on October 31, 2002. CSEA filed an amended charge on February 5, 2003. The general counsel of the Public Employment Relations Board (PERB) issued a complaint against CSU on February 7, 2003, and CSU filed an answer by certified mail on March 4, 2003.

PERB held an informal settlement conference on March 27, 2003, but the case was not settled. A formal hearing was set for June 18, 2003. When CSEA failed to appear on that date, I issued an order to show cause why the case should not be dismissed. On November 5,

2003, after briefing by the parties, I issued an order that the case should not be dismissed but should be reset for hearing.

A formal hearing was held on February 18-19 and March 10, 2004. With the receipt of the last post-hearing brief on May 4, 2004, the case was submitted for decision.

FINDINGS OF FACT

CSU is a higher education employer under the Higher Education Employer-Employee Relations Act (HEERA).¹ CSEA is an employee organization under HEERA and is the exclusive representative of an appropriate unit of employees. Deborah Corey (Corey) was an employee under HEERA from 1996 through September 2002, and she was an applicant for employment or reemployment in October 2002.

The PERB complaint alleges in part:

Beginning in 2000 and continuing until August 2002, Ms. Corey exercised rights guaranteed by the Higher Education Employer-Employee Relations Act by acting as a job steward and in August 2002 testifying against Respondent [the University] in a PERB hearing.

In its answer, CSU admits these allegations.

The PERB complaint also alleges in part:

On or about October 15, 2002, Respondent, acting through its agent, CSU San Marcos President Alexander Gonzalez, took adverse action against Ms. Corey by refusing to reinstate her to an Administrative Support Coordinator position.

The evidence at hearing showed that three people were actually involved in the decision not to reinstate Corey: President Alexander Gonzalez (Gonzalez), Dean Dennis Guseman (Guseman) and Associate Dean Regina Eisenbach (Eisenbach).

Gonzalez, Guseman and Eisenbach all testified at the hearing. Although their memories were sometimes imperfect, I found them all to be credible witnesses.

¹ HEERA is codified at Government Code section 3560 and following.

Corey worked in the College of Business Administration (CoBA) at CSU's San Marcos campus. She was the lead person for the CoBA clerical support group, and Eisenbach was her direct supervisor. Eisenbach gave Corey positive performance evaluations, the last of which was in May of 2002. Eisenbach accommodated Corey's CSEA activities and regards Corey as a personal friend.

On July 22, 2002, Corey sent the following letter to Eisenbach:

It is time for me to submit my letter of resignation as you are aware of my intention to retire from the CSU on September 30, 2002.

It has been an interesting six years and I have learned a great deal from my experiences here.

More importantly for me are the wonderful friendships I have made and how indelibly CoBA is etched in my heart.

Corey was resigning to follow her son to Wisconsin, where he had a new job.

On July 30, 2002, Eisenbach responded to Corey with a memo stating in part:

It is with deep regret that I accept your letter of resignation. Of course, I wish you the very best in your future endeavors, but I cannot help saying that you will be sorely missed in CoBA. Your contributions to our College over the past six years have been immeasurable and our organization will not be same without you.

Eisenbach's expression of regret seems to have been sincere.

On September 3, 2002, CSU posted Corey's position for refilling, with an application deadline of October 11, 2002. A typing certificate was required to accompany an application.

Corey did leave her position on September 30, 2002, and traveled to Wisconsin as planned. When she arrived on or about October 7, 2002, however, she learned that her son was leaving his job and returning to California. She called Guseman, who was at a conference in Hawaii, and asked if she could have her job back. Guseman was unsure if that was even

possible. Guseman asked Eisenbach (who was also at the conference but was returning to campus sooner than he) to check into it.

Back on campus, Eisenbach learned that Corey could be reinstated but that it would be “our call,” that is, her and Guseman’s decision. On October 11, 2002, with Guseman also back on campus, the two discussed what they thought would be in CoBA’s best interest. They decided not to reinstate Corey but to tell her she could apply for her old position, with the thought of hiring her back only if she was the best applicant.

Eisenbach and Guseman testified that their decision not to reinstate Corey was based on their perception of her attitude after she gave notice of her resignation. Eisenbach explained the decision this way:

Because she [Corey] had left the job gleefully. She had a calendar and she was counting down the days. And she would tell me, and we would laugh about it, she would say that’s not my problem anymore and I’m glad that’s not my problem anymore. So why would the college re-hire someone who made it clear that they did not regret leaving their job?

Guseman testified similarly about his perception of Corey’s attitude:

Well, she’d talk about such things as, you know, I won’t miss, you know, working with some of the faculty. She said that she would miss some of the people, but there’s some faculty she’d be glad she wouldn’t have to deal with.

She’d be glad she wouldn’t have to put up with some of the hassles, you know, that were associated with the job, you know some of the bureaucracy that existed. Just a feeling that, you know, that she was kind of tired. Tired emotionally; tired physically of having to do some of the things in the job.

Guseman formed an opinion that Corey was “burned out” in the position.

It may be that Corey had been trying to persuade herself she would not miss her CSU job, and that she unintentionally persuaded her bosses she did not want her job. In any case,

Eisenbach and Guseman credibly testified that they did not discuss or consider Corey's CSEA activities in connection with her request for reinstatement.

On October 11, 2002, Eisenbach called Corey to tell her she would not be reinstated but was welcome to apply for her old position. It appears that Corey was understandably perplexed by Eisenbach's call. Eisenbach gave Corey no reasons why she would not be reinstated. Furthermore, that very day was the deadline for applying for the position, and Corey was out of state with no access to an application. Eisenbach testified that she told Corey the deadline could be extended but that Corey did not ask for an extension. Eisenbach described Corey's response as follows:

She said she didn't want to take a typing test and start all over again, and that maybe this was a good time for her to move on and get her business consulting up and running.

Eisenbach understood Corey was declining to apply for the job.

On the same day, Corey sent a letter to President Gonzalez. She invoked Article 13.7 of the CSU-CSEA contract, which stated in part:

No later than thirty (30) days after a termination [by resignation] pursuant to Provision 13.6 above, the employee or former employee may request to rescind his/her resignation. Such requests shall be made in writing to the President.

The President shall respond to such requests indicating denial, acceptance, or qualified acceptance within fourteen (14) days.

Corey asked to rescind her resignation and to be reinstated.

After receiving Corey's letter, President Gonzalez called Guseman for his recommendation. Guseman recommended against reinstatement, but it is unclear whether he told Gonzalez why at that time. On October 15, 2002, Gonzalez sent Corey a message stating in part:

While it is unfortunate that your plans did not work out in Madison, Wisconsin, we had already moved ahead with finding a replacement and the recruitment process closed last Friday.

Given the circumstances, I am sorry to inform you that reinstatement will not be granted at this time.

The message did not mention any concerns about Corey's attitude.

On October 25, 2002, CSEA sent Gonzalez a message asking him to reconsider the denial of Corey's request and expressing concern about the possibility or appearance that "reprisal is a motivating factor." Gonzalez referred the matter to Provost Robert G. Sheath (Sheath), who contacted Guseman. On November 4, 2002, Guseman sent Sheath a message stating in part:

Regina [Eisenbach] and I have discussed the situation and our feeling is that Deborah [Corey] should not be reinstated.

The reason for this decision is Deborah's attitude before her retirement. As soon as she announced her plan to retire she started counting down the days before she left. She made it very clear that she would not miss her job and could hardly wait to leave. Given this attitude I think it would be unwise to place a person in a job for which they had openly stated they did not like. Deborah's technical skills were very good, but attitude is just, if not more, important. Also, there was growing dissent among some of the faculty for Deborah, again primarily for her attitude. These were the reasons for not wanting to reinstate her.

Sheath responded with a message stating in part:

If you wish to pursue this line, we would have to be prepared for a battle and would need specific incidents where her "attitude" and "feelings" interfered with her job performance. I will discuss your response with the President.

Guseman did not document any such specific incidents, but President Gonzalez did not change his decision to deny Corey's request. Gonzalez credibly testified that Corey's CSEA activities played no part in his decision.

Meanwhile, on October 25, 2002, CSEA sent CSU a message stating in part:

Please provide the following information:

1. Complete copy of the official personnel file of Deborah Corey.
2. Complete copy of the department file for Deborah Corey.
3. Copies of all correspondence, including email, to or from Human Resources and to or from the dean and assistant dean of the College of Business referring to Deborah Corey.
4. List of all employees who have submitted resignations and requested reinstatement and the disposition of those requests for the period of the last three years.
5. A copy of any and all information related to the posting and recruitment of the Administrative Support Coordinator I position in the College of Business.
6. List of applicants for the Administrative Support Coordinator I position in the College of Business and whether the applicant is in a CSU bargaining unit or off-campus.
7. Copies of notes or minutes for College of Business staff meetings held after September 30, 2002.

This information is necessary for the representation of Deborah Corey. CSEA requests this information be provided immediately and that if there are any delays that we be informed immediately. Thank you for your prompt attention to this matter.

On November 15, 2002, CSU responded with a letter stating generally that CSEA was not entitled to the requested information but also stating:

However, Ms. Corey is entitled to copies of her personnel file and department file, if any. Upon receipt of a request from her or an original signed authorization to release records to you, we will provide them to you or Ms. Corey.

You may download a copy of the Administrative Support Coordinator position that is posted on our Human Resources web site. I have enclosed a copy for you, however.

CSEA admits that it did receive information in response to its requests numbered 1, 2 and 3.

On January 21, 2003, CSU sent CSEA a letter stating in part that "enclosed are copies of . . . documents in response to your request numbers 5 and 6." CSEA denies that the letter contained the requested materials, but there is no evidence what it did contain, or that CSEA followed up with another request.

In response to request number 4, CSU told CSEA that it did not have a way of tracking that information, and it declined to go through the records to search for the information, but it did not demonstrate that a substantial cost would be involved in doing such a search. With regard to request number 7, CSU asserts in its post-hearing brief that “there are no such documents,” but there is no evidence in the record that this is true or that CSU so informed CSEA. With regard to both of these requests, the evidence is that CSEA never received the requested information.

ISSUE

1. Did CSU retaliate against Corey?
2. Did CSU refuse to provide information?

CONCLUSIONS OF LAW

Retaliation

To demonstrate a violation of HEERA section 3571(a), the charging party must show that: (1) the employee exercised rights under HEERA; (2) the employer had knowledge of the exercise of those rights; and (3) the employer imposed or threatened to impose reprisals, discriminated or threatened to discriminate, or otherwise interfered with, restrained or coerced the employees because of the exercise of those rights. (Novato Unified School District (1982) PERB Decision No. 210 (Novato); Carlsbad Unified School District (1979) PERB Decision No. 89.)

In the present case, I credit the testimony of Gonzalez, Guseman and Eisenbach that the decision not to reinstate Corey was because of their perception (possibly their misperception) of her attitude after she gave notice of her resignation. As a matter of fairness, they probably should have told Corey this, but as a matter of law they were not required to do so. Moreover,

I credit their testimony that Corey's CSEA activities played no role in their decision. The retaliation allegation must therefore be dismissed.

Information

The exclusive representative is entitled to all information that is "necessary and relevant" to the discharge of its duty of representation. (Stockton Unified School District (1980) PERB Decision No. 143). PERB uses a liberal standard, similar to a discovery-type standard, to determine the relevance of the requested information. (California State University (1987) PERB Decision No. 613-H.) Failure to provide such information is a per se violation of the duty to bargain in good faith.

If the employer demonstrates substantial cost involved in providing the information in the precise form requested, the parties must bargain in good faith as to who will bear those costs. (Los Rios Community College District (1988) PERB Decision No. 670; Tower Books (1984) 273 NLRB 671 [118 LRRM 1113].)

In the present case, CSEA made seven requests for information in its letter of October 25, 2002. CSU responded to the requests numbered 1, 2, 3, 5 and 6 in its letters of November 15, 2002, and January 21, 2003. CSEA has not shown that these responses were inadequate or that CSEA followed up with further requests. (See Oakland Unified School District (1983) PERB Decision No. 367.) The allegations that CSU refused to provide information in response to these five requests must therefore be dismissed.

CSEA also requested the following information in its October 25 letter:

4. List of all employees who have submitted resignations and requested reinstatement and the disposition of those requests for the period of the last three years.
7. Copies of notes or minutes for College of Business staff meetings held after September 30, 2002.

With regard to request number 4, CSU told CSEA that it did not have a way of tracking that information, and it declined to go through the records to search for the information. At hearing, however, CSU did not demonstrate a substantial cost involved in doing such a search.²

With regard to request number 7, CSU has asserted that there are no such documents, but there is no evidence that this is true or that CSU so informed CSEA. The only evidence in the record is (1) that CSU said CSEA was not entitled to the information and (2) that CSEA never received the information. Using PERB's liberal discovery-type standard of relevance, I conclude that CSEA was entitled to the information sought in request number 7 as well as request number 4.

With regard to these two requests, I conclude that CSU did refuse to provide relevant information and that this conduct was a per se violation of HEERA section 3571(c). Because the conduct interfered with the rights of employees to be represented by CSEA, it was also a violation of HEERA section 3571(a).

REMEDY

HEERA section 3563.3 gives PERB:

... the power to issue a decision and order directing an offending party to cease and desist from the unfair practice and to take such affirmative action, including, but not limited to, the reinstatement of employees with or without back pay, as will effectuate the policies of this chapter [HEERA].

In the present case, CSU has been found to have violated HEERA section 3571(a) and (c) by refusing to provide CSEA with relevant requested information. It is therefore appropriate to direct CSU to cease and desist from such conduct and to provide the requested information.

It is also appropriate to direct CSU to post a notice incorporating the terms of the order in this case. Posting of such a notice, signed by an authorized agent of CSU, will provide

² If there were a substantial cost, CSU should have bargained with CSEA as to who would bear the cost. (Los Rios Community College District, supra, PERB Decision No. 670.)

employees with notice that CSU has acted in an unlawful manner, is being required to cease and desist from this activity and take affirmative remedial actions, and will comply with the order. It effectuates the purposes of HEERA that employees be informed both of the resolution of this controversy and of CSU's readiness to comply with the ordered remedy. (Placerville Union School District (1978) PERB Decision No. 69.)

PROPOSED ORDER

Based upon the foregoing findings of fact and conclusions of law, and upon the entire record in this matter, it is found the Trustees of the California State University (CSU) violated the Higher Education Employer-Employee Relations Act (HEERA or Act), Government Code section 3571(a) and (c), by refusing to provide the California State Employees Association (CSEA) with relevant requested information. All other allegations are hereby dismissed.

Pursuant to HEERA section 3563.3, it is hereby ORDERED that CSU, its governing board and its representatives shall:

A. CEASE AND DESIST FROM:

1. Refusing to provide CSEA with relevant requested information.
2. Interfering with the right of employees to be represented by CSEA.

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

1. Within ten (10) workdays of the service of a final decision in this matter, provide CSEA with the following requested information:

a. A list of all employees who have submitted resignations and requested reinstatement and the disposition of those requests for the period of the last three years.

b. Copies of notes or minutes for College of Business staff meetings held after September 30, 2002.

2. Within ten (10) workdays of the service of a final decision in this matter, post copies of the Notice attached hereto as an Appendix at all work locations where notices to unit employees customarily are posted. The Notice must be signed by an authorized agent of CSU, indicating CSU will comply with the terms of this Order. Such posting shall be maintained for a period of thirty (30) consecutive workdays. Reasonable steps shall be taken to ensure the Notice is not reduced in size, altered, defaced or covered with any other material.

3. Upon issuance of a final decision, make written notification of the actions taken to comply with the Order to the Sacramento Regional Director of the Public Employment Relations Board, in accord with regional director's instruction.

Pursuant to California Code of Regulations, title 8, section 32305, this Proposed Decision and Order shall become final unless a party files a statement of exceptions with the Public Employment Relations Board (PERB or Board) itself within 20 days of service of this Decision. The Board's address is:

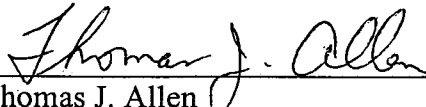
Public Employment Relations Board
Attention: Appeals Assistant
1031 18th Street
Sacramento, CA 95814-4174
FAX: (916) 327-7960

In accordance with PERB regulations, the statement of exceptions should identify by page citation or exhibit number the portions of the record, if any, relied upon for such exceptions. (Cal. Code Regs., tit. 8, sec. 32300.)

A document is considered "filed" when actually received before the close of business (5 p.m.) on the last day set for filing. (Cal. Code Regs., tit. 8, secs. 32135(a) and 32130.) A document is also considered "filed" when received by facsimile transmission before the close of business on the last day for filing together with a Facsimile Transmission Cover Sheet which meets the requirements of California Code of Regulations, title 8, section 32135(d), provided the filing party also places the original, together with the required number of copies

and proof of service, in the U.S. mail. (Cal. Code Regs., tit. 8, sec. 32135(b), (c) and (d); see also Cal. Code Regs., tit. 8, secs. 32090 and 32130.)

Any statement of exceptions and supporting brief must be served concurrently with its filing upon each party to this proceeding. Proof of service shall accompany each copy served on a party or filed with the Board itself. (See Cal. Code Regs., tit. 8, secs. 32300, 32305, 32140, and 32135(c).)



Thomas J. Allen
Administrative Law Judge