

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



REGENTS OF THE UNIVERSITY OF CALIFORNIA,)
)
) Case No. SF-PC-1052-H
) Employer,)
) Motion for Stay
) and)
) PERB Order No. Ad-288-H
) UNIVERSITY OF CALIFORNIA)
) ASSOCIATION OF INTERNS AND)
) RESIDENTS (CAIR),)
)
) Petitioner.)
)
)

Appearances: Cochran-Bond & Connon by Walter Cochran-Bond, Attorney, for Regents of the University of California; Law Offices of Robert J. Bezemek by Robert J. Bezemek, Attorney, for University of California Association of Interns and Residents (CAIR).

Before Caffrey, Chairman; Dyer and Jackson, Members.

DECISION

CAFFREY, Chairman: This case is before the Public Employment Relations Board (PERB or Board) on a request by the Regents of the University of California (University) that the Board stay the proceedings in Case No. SF-PC-1052-H.

On February 13, 1996, the University of California Association of Interns and Residents (CAIR) filed with PERB a petition for certification seeking a systemwide unit of all housestaff at the University's five campuses having medical centers. On April 3, 1996, PERB determined that the showing of support submitted with the petition was sufficient to meet the

requirements of PERB Regulation 51100(b).¹ The University opposed the petition on several grounds. The parties submitted a stipulation agreeing to delete certain housestaff positions from the petition, and agreeing that campuswide rather than systemwide units would be appropriate if housestaff were found to be employees under the Higher Education Employer-Employee Relations Act (HEERA).²

On January 21, 1998, a PERB administrative law judge issued a proposed decision finding that certain housestaff are employees under HEERA while other housestaff are not, and finding that campuswide units are appropriate for bargaining. Pursuant to PERB Regulation 32300, the parties were provided 20 days from the date of service of the proposed decision to file a statement of exceptions.

On January 28, 1998, the University filed the instant request for a stay in the proceedings. The University asserts that CAIR is experiencing an internal dispute which has left unresolved the question of who represents CAIR in Case No. SF-PC-1052-H. The University asserts that:

If it remains unresolved who represents CAIR, it will not be clear who has the responsibility and the right to file exceptions on behalf of the petitioner and/or to respond to exceptions, if any, taken by the University. And, if both CAIR factions file exceptions, the University will not be on notice which exceptions must be opposed.

¹PERB regulations are codified at California Code of Regulations, title 8, section 31001 et seq.

²HEERA is codified at Government Code section 3560 et seq.

The University asks that a stay remain in effect "until PERB identifies one or the other faction as representing the petitioner in this proceeding."

After reviewing the University's request, the Board concludes that it would not further the purposes of HEERA to stay the proceedings in Case No. SF-PC-1052-H at this time.

ORDER

The request by the Regents of the University of California that the Board stay the proceedings in Case No. SF-PC-1052-H is DENIED.

Pursuant to California Code of Regulations, title 8, section 32305, the Proposed Decision and Order issued in Case No. SF-PC-1052-H on January 21, 1998, shall become final unless a party files a statement of exceptions with the Board itself at the headquarters office in Sacramento within 20 days of the date of service of this Decision. 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. (See Cal. Code Regs., tit. 8, sec. 32300.) A document is considered "filed" when actually received before the close of business (5:00 p.m.) on the last day set for filing ". . . or when sent by telegraph or certified or Express United States mail, postmarked not later than the last day set for filing." (See Cal. Code Regs., tit. 8, sec. 32135; Code Civ. Proc., sec. 1013 shall apply.) 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 and 32140.)

Members Dyer and Jackson joined in this Decision.