

STATE OF CALIFORNIA

ARNOLD SCHWARZENEGGER, Governor

**PUBLIC EMPLOYMENT RELATIONS BOARD**

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November 23, 2009

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UPTE-CWA Local 9119  
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Leslie L. Van Houten, Senior Counsel  
University of California, Office of the General Counsel  
1111 Franklin St., 8th Floor  
Oakland, CA 94607

Re: *UPTE-CWA Local 9119 v. Regents of the University of California*  
Unfair Practice Charge No. SF-CE-877-H

Dear Parties:

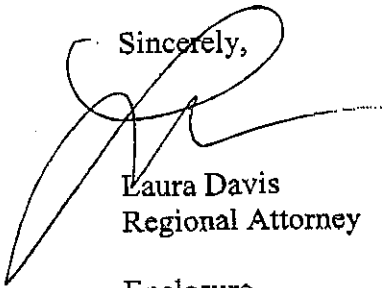
The Office of the General Counsel has issued the enclosed COMPLAINT in the above-entitled matter. The Respondent is required to file an ANSWER within twenty (20) calendar days from the date of service of the COMPLAINT, pursuant to PERB Regulation 32644.<sup>1</sup> The required contents of the ANSWER are described in PERB Regulation 32644(b). If you have not filed a Notice of Appearance form, one should be completed and returned with your ANSWER.

<sup>1</sup> PERB's Regulations are codified at California Code of Regulations, title 8, section 31001 et seq. Copies may be purchased from PERB's Publications Coordinator, 1031 18th Street, Sacramento, CA 95811-4124, and the text is available at [www.perb.ca.gov](http://www.perb.ca.gov).

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An informal settlement conference will be scheduled shortly with Alicia Clement. Please direct all inquiries, filings and correspondence to the Alicia Clement.

Sincerely,

A handwritten signature in black ink, appearing to be 'Laura Davis', written over the word 'Sincerely,'.

Laura Davis  
Regional Attorney

Enclosure

STATE OF CALIFORNIA  
PUBLIC EMPLOYMENT RELATIONS BOARD



UPTE-CWA LOCAL 9119,

Charging Party,

v.

REGENTS OF THE UNIVERSITY OF  
CALIFORNIA,

Respondent.

Case No. SF-CE-877-H

COMPLAINT

It having been charged by Charging Party that Respondent engaged in unfair practices in violation of California Government Code section 3571, the General Counsel of the Public Employment Relations Board (PERB), pursuant to California Government Code sections 3563(h) and 3563.2 and California Code of Regulations, title 8, section 32640, issues this COMPLAINT on behalf of PERB and ALLEGES:

1. Charging Party is an exclusive representative within the meaning of Government Code section 3562(i) of two appropriate bargaining units of employees.
2. Respondent is an employer within the meaning of Government Code section 3562(g).
3. During the period from March 2008 through November 2009, and continuing, Charging Party and Respondent were meeting and conferring pursuant to Government Code section 3570.
4. During this period of time, Respondent engaged in the following conduct: (1) made itself unavailable and cancelled bargaining sessions with the Charging Party on April 2, 2008, April 3, 2008, May 21, 2008, May 22, 2008, May 23, 2008, June 18, 2008, June 19, 2008, and June 20, 2008; (2) failed to make economic proposals until December, 2008; (3) made its

economic proposal contingent upon the outcome of the State budget process; and (4) withdrew its May 20, 2009 offer prior to a self-imposed deadline of June 30, 2009.

5. By the acts and conduct described in, but not limited to, paragraph 4, Respondent failed and refused to meet and confer in good faith in violation of Government Code section 3571(c).

6. The conduct described in, but not limited to, paragraph 4 also interfered with the rights of bargaining unit employees to be represented by Charging Party in violation of Government Code section 3571(a).

7. From on or about June 17, 2009 through November 2009, Respondent communicated directly with employees concerning Respondent's intent to impose wage reductions and/or furloughs.

8. By the acts and conduct described in paragraph 7, Respondent attempted to bypass, undermine and derogate the authority of Charging Party in violation of Government Code section 3571(c).

9. The conduct described in paragraph 7 also interfered with the rights of bargaining unit employees to be represented by Charging Party in violation of Government Code section 3571(a).

10. On or about July 16, 2009, Respondent informed bargaining unit members that it had approved a plan to institute employee furloughs and impose corresponding wage reductions upon employees.

11. Respondent engaged in the conduct described in paragraph 10 without having negotiated with Charging Party to agreement or through the exhaustion of impasse procedures concerning the decision to implement the change in policy and/or the effects of the change in policy.

12. By the acts and conduct described in paragraphs 10 and 11, Respondent failed and refused to bargain in good faith in violation of Government Code section 3571(c).

13. This conduct also interfered with the rights of bargaining unit employees to be represented by Charging Party in violation of Government Code section 3571(a).

14. On or about July 28, 2009 through September 1, 2009, Respondent informed Charging Party that it would be closing its campuses for varying lengths of time in December 2009, January 2010, March 2010, and/or June 2010, and prohibiting employees from working on those days.

15. Respondent engaged in the conduct described in paragraph 14 without having negotiated with Charging Party to agreement or through the exhaustion of impasse procedures concerning the decision to implement the change in policy and/or the effects of the change in policy.

16. By the acts and conduct described in paragraphs 14 and 15, Respondent failed and refused to bargain in good faith in violation of Government Code section 3571(c).

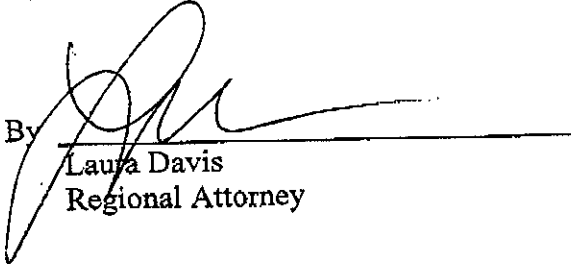
17. This conduct also interfered with the rights of bargaining unit employees to be represented by Charging Party in violation of Government Code section 3571(a).

Any amendment to the complaint shall be processed pursuant to California Code of Regulations, title 8, sections 32647 and 32648.

DATED: November 23, 2009

TAMI R. BOGERT  
General Counsel

By

  
\_\_\_\_\_  
Laura Davis  
Regional Attorney

**PROOF OF SERVICE**

I declare that I am a resident of or employed in the County of Alameda, California. I am over the age of 18 years and not a party to the within entitled cause. The name and address of my residence or business is Public Employment Relations Board, 1330 Broadway, Suite 1532, Oakland, CA 94612-2514.

On November 23, 2009, I served the Letter regarding Case No. SF-CE-877-H on the parties listed below by

placing a true copy thereof enclosed in a sealed envelope for collection and delivery by the United States Postal Service or private delivery service following ordinary business practices with postage or other costs prepaid.

personal delivery.

facsimile transmission in accordance with the requirements of PERB Regulations 32090 and 32135(d).

Jelger Kalmijn, President  
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Leslie L. Van Houten, Senior Counsel  
University of California, Office of the General Counsel  
1111 Franklin St., 8th Floor  
Oakland, CA 94607

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on November 23, 2009, at Oakland, California.

C. E. Johnson  
(Type or print name)

  
(Signature)