# 2004 CPER INDEX

An index to the 2004 issues of

***CALIFORNIA PUBLIC EMPLOYEE RELATIONS (CPER)***

Issues 164-169

A service of the California Public Employee Relations Program

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# HOW TO USE THE CPER ANNUAL INDEX

The 2004 issues of the *CPER* bimonthly periodical — No. 164 (February) through No. 169 (December) — are indexed in this edition of the annual *CPER Index*.

The *Index* is arranged in four parts to provide convenient access to information. The first part is a topical index, the second is a table of all court decisions reported in CPER periodicals, the third is a table of decisions of the Public Employment Relations Board, and the fourth is an index of arbitration awards abstracted in the periodical. Each part is described below.

## Key to *CPER* References

References to material in *CPER* consist of issue and page number, appearing at the end of each entry. For example, page 22 in *CPER* No. 168 is printed as **168:22**. References are only to the first page of an article.

## Part I: General Index

This part is the basic topical index to *CPER*. Under each main topic appear: (l) cross references to related topics (or if it is not a main topic, reference to the main topic under which material on that subject is indexed); (2) feature articles by title, with authors noted; (3) annotations of "recent development" news stories; and (4) annotations of Public Employment Relations Board cases reported in these issues.

Cases in the General Index under each topic serve as a subject key to cases that appear in the separate tables of court cases (Part II) and PERB rulings (Part III). (Parts II and III provide complete case titles, official citations, and case annotations, but no subject indexing. See full explanation below.) The PERB cases under each topic include all final board decisions, whether they were reported in a news story or abstracted in the *CPER* log of PERB rulings.

To accommodate the specialized use of the Index for research of arbitration issues, arbitration awards are indexed separately in Part IV. In the General Index, they appear with the entry "arbitration log." (See description of Part IV, below.)

*Unions and associations* are listed in the General Index under the topic **Employee Organizations**. *Employers* are under **Employers, California Public**. Most news stories are indexed by employer and employee organization, as well as by topic. All material regarding any one employer (news story, arbitration case, or court or PERB ruling) is indexed by name of the employer.

Major *statutes* appear as General Index topics (such as **Dills Act**). New legislation is indexed under the topic, **Legislation,** as well as under subject headings.

## Part II: Table of Cases

This table includes all court cases reported in the 2004 issues of *CPER*. The official title of each case is followed by a brief statement of the court's holding, the official court citations, and the citation to *CPER* analysis of the decision.

## Part III: Table of PERB Orders and Decisions

This table contains two sections.

**Section A** is an annotated table of all final rulings of the Public Employment Relations Board, whether abstracted in the *CPER* log of PERB rulings or featured in a news story. The table is presented in subdivisions reflecting the four statutes under PERB's jurisdiction: the Dills Act, the Educational Employment Relations Act (EERA), the Higher Education Employer-Employee Relations Act (HEERA), and the Meyers-Milias-Brown Act (MMBA). Each case title is followed by the PERB decision number, year, and reference to the case synopsis appearing in the log of PERB decisions in each issue of *CPER*.

**Section B** is a key to case titles by PERB decision number.

Decisions are indexed by topic and by employer in the General Index (Part I).

## Part IV: Index of Arbitration

This part is a separate index of arbitration awards that were abstracted in the "Arbitration Log" in each periodical. Entries are arranged by the issue in dispute (based on the headnotes used in the Log). In addition, a list of neutrals' names and *CPER* citations to their awards is provided. Awards also are indexed by name of employer in the General Index (Part I).

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**Bakersfield City School Dist. v. The Superior Court of Kern County; The Bakersfield Californian, RPI**
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**Bodett v. Coxcom, Inc.**
The court rejected the case of a woman fired from her job for harassing a lesbian subordinate who claimed that her termination violated Title VII's prohibition against religious discrimination. The court upheld the trial court's finding that the plaintiff was unable to rebut the evidence submitted by her employer demonstrating a legitimate nondiscriminatory reason for the firing.
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**California Department of Corrections v. State Personnel Board (Henning)**
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**California Fair Employment and Housing Commission v. Gemini Aluminum Corp.**
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**Culbertson v. San Gabriel Unified School Dist. and the Board of Education of the San Gabriel Unified School Dist.**
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**Fine v. Los Angeles Unified School Dist.**
When faced with the issue of whether a school district was required to reclassify a teacher as probationary retroactive to the date when she received her teaching credential, the court ruled in favor of the district, finding that the teacher's probationary status began on the date stated in her contract, not on the date her credential was issued.
(3-12-04) 116 Cal.App.4th 1070, 165 CPER 31

**Franzosi v. Santa Monica Community College Dist.**
A tenured college instructor is entitled to reinstatement after a period of disability only if he applies within 39 months from the beginning of the term of disability. The court rejected the instructor's argument that the time should begin running from the date it was determined that he was eligible for a disability allowance.
(5-10-04) 118 Cal.App.4th 442, 166 CPER 24

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(5-27-04) 118 Cal.App.4th 1477, 167 CPER 42

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(2-24-04) 540 U.S. 581, 165 CPER 49

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**International Alliance of Theatrical Stage Employees and Moving Picture Machine Operators of the United States and Canada, Local 16 v. Laughon**
The court vacated an arbitration award because the arbitrator failed to disclose prior service in a case involving the same law firm that was representing one of the parties in the dispute currently before him.
(4-22-04) 117 Cal.App.4th 1188, 166 CPER 56

**Kotla v. Regents of the University of California**
The Court of Appeal overturned a $745,000 judgment awarded for retaliation. The court decided the jury was capable of ascertaining U.C.'s motive without testimony from a human resource expert about the significance of the evidence. In an unpublished section of the opinion, the court advised the trial court how to determine the admissibility of evidence regarding the lab's treatment of other employees accused of violating computer-use policies
(1-28-04) 115 Cal.App.4th 283, 165 CPER 34

**Laughon**
*see* **International Alliance of Theatrical Stage Employees and Moving Picture Machine Operators of the United States and Canada, Local 16 v. Laughon**

**Leever v. City of Carson**
Compensation for canine duty set out in the terms of a collective bargaining agreement did not, as a matter of law, establish an alternative way by which to calculate overtime pay for purposes of the Fair Labor Standards Act.
(9th Cir. 3-4-04) 340 F.3d 1014, 165 CPER 59

**Los Angeles County Probation Dept.**
*see* **Page v. Los Angeles County Probation Dept.**

**Los Angeles County Professional Peace Officers Assn. v. County of Los Angeles**
Two investigators for the Los Angeles County District Attorney's Office were not entitled to have their accrued vacation time cashed out while on disability leave and counted for purposes of their retirement calculation. The D.A.'s practice was to urge employees to use their accumulated vacation leave in excess of the 320-hour limit, and cash outs were a rare occurrence to which the investigators were not entitled.
(2-11-04) 115 Cal.App.4th 866, 165 CPER 24

**Los Angeles Unified School Dist.**
*see* **Fine v. Los Angeles Unified School Dist.**
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**Madsen v. Associated Chino Teachers**
A public school teacher who objected on religious grounds to being required to donate to a charity an amount equal to full union dues was not a victim of religious discrimination and her constitutional rights were not violated. The court rejected the teacher's argument that she should not have to donate any amount in excess of the cost of the union's representation activities.
(4-19-04) 317 F.Supp.2d 1175, 167 CPER 34

**McClung v. Employment Development Dept.**
An amendment to the Fair Employment and Housing Act making coworkers liable for sexual harassment applies to conduct that occurred before its enactment and includes conduct that occurred away from the workplace
(11-14-03) 34 Cal.App.4th 467, 2003 DJDAR 12389, 164 CPER 73

**McClung v. Employment Development Dept.**
State Supreme Court unanimously granted the petition for review of appellate court decision in McClung v. Employment Development Dept., which held that a plaintiff's coworker would be liable for alleged sexual harassment, if proved, under California's Fair Employment and Housing Act.
165 CPER 52

**McClung v. Employment Development Dept.**
The court overturned the Court of Appeal's finding that a coworker could be held liable for hostile work envi-

ronment sexual harassment under the Fair Employment and Housing Act, even though the actions complained of occurred prior to the effective date of the legislature's amendment to that act imposing personal liability on coworkers. In the decision, the court defended its territory against encroachment by the state legislature.

(11-4-04) 34 Cal.4th 467, 169 CPER 50

**McGinest v. GTE Service Corp.**

Expanding on its decision in *Ellison v. Brady*, which created the "reasonable woman" standard in sexual harassment cases, the court held that racial hostility at work must be assessed from the point of view of a reasonable member of the affected group

(9th Cir. 3-11-04) 360 F.3d 1103, 165 CPER 53

**Motevalli v. Los Angeles Unified School Dist.**

A teacher may not claim that the district's nonrenewal of her contract violated public policy. Nor does she have the right to sue the district for damages resulting from deprivation of the right to free speech protected by the California Constitution.

(9-9-04) 122 Cal.App.4th 97, 168 CPER 28

**Nolan v. City of Anaheim**

A police officer is entitled to disability retirement benefits only if he can prove he is incapacitated from performing the usual duties of a patrol officer for all other California law enforcement agencies, not just from the local entity where he worked.

(7-1-04) 33 Cal.4th 335, 167 CPER 19

**Orange County Employees Assn., Inc. v. Superior Court of Orange County**

The request for a court's financial records must comply with applicable California Rules of Court; the California Public Records Act is not controlling.

(6-30-04) 120 Cal.App.4th 287, 167 CPER 28

**Page v. Los Angeles County Probation Dept.**

When a plaintiff opts to pursue her employment discrimination case by filing a grievance with the county's civil service commission, she must exhaust her administrative remedy and challenge any adverse findings in court before she can pursue a lawsuit under the Fair Employment and Housing Act.

(11-3-04) 123 Cal.App.4th 1135, 169 CPER 23

**Pennsylvania State Police v. Suders**

An employee who quit her job because of sexual harassment may sue her employer for damages. However, unless the employer takes a tangible employment action, it will not be held strictly liable and can present an affirmative defense. The court, for the first time, recognized a "constructive discharge" under Title VII, which means that quitting a job with intolerable working conditions should be treated as a termination. However, the court held that, in such a situation, employers should have the right to defend themselves by showing they did everything possible to prevent the employee from being harassed.

(6-14-04) 542 U.S. 129, 167 CPER 65

**Peterson v. Hewlitt-Packard Co.**

The employer had not engaged in disparate treatment of the plaintiff when it discharged him for posting biblical scriptures that were offensive to gay people. There was no merit in his claim that the employer failed to accommodate his religious beliefs.

(1-6-04) 01-35795 (9th Cir.) ___F.3d___, 2004 DJDAR 170, 164 CPER 77

**Portland Public Schools**

*see* **Settlegoode v. Portland Public Schools**

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*see* **Wagner v. Professional Engineers in California Government**

**Public Employment Relations Board**

*see* **Turlock Joint Elementary School Dist. v. Public Employment Relations Board**

**Quintero v. City of Santa Ana**

An employee was deprived of a fair hearing before the personnel board because the city attorney serving as prosecutor on behalf of the police department had an ongoing advisory relationship with the administrative body adjudicating the termination appeal. The attorney's frequent contact with the board blurred the line between advocate and advisor, and caused the appearance of unfairness sufficient to invalidate the hearing.

(12-23-03) 114 Cal.App.4th 810, 164 CPER 49

**Rancho Santiago Community College Dist.**

*see* **Spanner v. Rancho Santiago Community College Dist.**

**Raytheon Co. v. Hernandez**

The appellate court erred in finding that an employer had violated the Americans With Disabilities Act of 1990 when it refused to rehire an employee previously discharged for drug abuse. The Ninth Circuit improperly applied a disparate impact analysis to a disparate treatment case.

(12-2-03) 540 U.S. 44, 164 CPER 79

**Reeves v. Safeway Stores, Inc.**

When a supervisor initiates disciplinary action with retaliatory animus that results in the termination of an employee who has engaged in protected activity, the employer can be held liable for retaliatory discharge. The employer will be held liable even if the manager who made the decision to terminate had no knowledge of the worker's protected activities.

(7-29-04) 121 Cal.App.4th 95, 168 CPER 67

**Regents of the University of California**

*see* **Kotla v. Regents of the University of California**

**Richard Ellis, Inc.**

*see* **Carter v. Richard Ellis, Inc.**

**Roe v. City of San Diego**

A police officer who was fired for selling sexually explicit videos of himself on eBay can challenge the dismissal based on constitutional protections conveyed by the First Amendment. The videotapes amounted to citizen comment on matters of public concern and were deserving of protection.

(9th Cir. 1-29-04) 356 F.3d. 1108, 165 CPER 56

**Roe v. State Personnel Board**

A Department of Justice attorney is entitled to backpay from his termination until the State Personnel Board rendered a decision following a hearing on the misconduct charges. But since the board erroneously decided the attorney's resignation was effective and did not rule whether the termination for misconduct was justified, the attorney is still due a decision on whether there was cause for his discharge.

(7-22-04) 120 Cal.App.4th 1029, 168 CPER 46

**Sacramento Police Officers Assn. v. City of Sacramento**

The city was not required to meet and confer with the association over the decision to hire retirees to serve as limited-term employees until the police department could replenish its ranks with new recruits. The proposal to temporarily hire annuitants was prompted by an abrupt staffing shortage and involved a fundamental public policy decision designed to maintain the existing level of public safety in the community.

(3-30-04, certified for publication 4-27-04) C042493, C043377 (3d Dist.), ___Cal.App.4th___, 2004 DJDAR 5033, 166 CPER 26

**Sacramento Police Officers Assn. v. City of Sacramento**

The State Supreme Court has granted a petition for review of *Sacramento Police Officers Assn. v. City of Sacramento*, where the appellate court ruled that the city police department was not required to meet and confer with the association before it decided to use retired police officers to boost its ranks while it waited for new recruits to complete their training.

(petition for review granted 7-19-04), Supreme Court No. S124395, 168 CPER 42

**Sacramento Municipal Utility Dist.**

*see* **C & C Construction, Inc. v. Sacramento Municipal Utility Dist.**

**Safeway Stores, Inc.**

*see* **Reeves v. Safeway Stores, Inc.**

**Salazar v. Diversified Paratransit, Inc.**

An employer can be held liable for the sexual harassment of one of its employees by a third party under California's Fair Employment and Housing Act, even though the harassment took place years prior to passage of an amendment to the FEHA which specified that employers are responsible for the third party's conduct

(3-30-04) 117 Cal.App.4th 318, 166 CPER 47

**San Francisco Bay Area Rapid Transit Dist.**

*see* **Service Employees International Union, Loc. 790 v. San Francisco Bay Area Rapid Transit Dist.**

**San Gabriel Unified School Dist. and the Board of Education of the San Gabriel Unified School Dist.**

*see* **Culbertson v. San Gabriel Unified School Dist. and the Board of Education of the San Gabriel Unified School Dist.**

**Santa Monica Community College Dist.**
*see* **Franzosi v. Santa Monica Community College Dist.**

**Schifando v. City of Los Angeles**
California Supreme Court announced that employees need not exhaust internal administrative remedies provided by a city charter before filing a discrimination lawsuit in superior court; a plaintiff may litigate a claim alleging violations of the state Fair Employment and Housing Act once a "right to sue" letter is issued.
(12-23-03) 31 Cal.4th 1074, 164 CPER 44

**Seligsohn v. Day**
Two police officers employed by City College of San Francisco were entitled to inspect the discrimination complaints under investigation by the campus officer of affirmative action because the documents were turned over to the chief of campus police and had the potential of influencing future personnel decisions. The court emphasized that the label placed on an investigation file is irrelevant; what is critical is whether the materials in the file may affect the status of the officer's employment.
(8-10-04) 121 Cal.App.4th 518, 168 CPER 71

**Service Employees International Union, Loc. 790 v. San Francisco Bay Area Rapid Transit Dist.**
In an unpublished decision, the court upheld an arbitrator's award of attorneys' fees to the prevailing party. The court ruled that the fee award did not exceed the arbitrator's authority and was a proper disposition of the grievance that demanded the court's deference.
(9-17-03) A099441 (1st Dist.) not certified for publication, 164 CPER 88

**Settlegoode v. Portland Public Schools**
The court reinstated a jury verdict in favor of a teacher who was terminated following her complaints about the way disabled students were treated. The district court should not have rejected the jury's decision that the teacher had been punished for exercising her First Amendment rights and that her termination violated Sec. 504 of the Rehabilitation, Comprehensive Services, and Developmental Disabilities Act of 1978.
(9th Cir. 4-5-04) 362 F.3d. 1118, 166 CPER 18

**Sinatra v. Chico Unified School Dist.**
A program allowing educators to work part time rather than retire is not a fundamental and substantial policy of the State of California. The court ordered published that portion of its opinion addressing this issue, while declining to publish the portion addressing the timeliness of a claim under the Fair Employment and Housing Act.
(6-18-04) 119 Cal.App.4th 701, 167 CPER 40

**Smith v. City of Jackson, Miss.**
The U.S. Supreme Court heard arguments in a case that will determine whether the Age Discrimination in Employment Act prohibits discrimination against older workers that results from an employer's facially neutral policy.
(11-03-04) Supreme Ct. 03-1160, 169 CPER 55

**Smith v. City of Napa**
In a partially published decision, the court ruled a firefighter who was terminated for cause by the city cannot subsequently apply for a disability retirement because he no longer had an employment relationship with the city. In the published portion, the court gave further guidance on language in *Hayward v. American River Fire Protection Dist.* that precludes an employer from using a dismissal to "preempt" a valid disability claim.
(6-30-04) 120 Cal. App.4th 194, 167 CPER 24

**Smith v. Governing Board of the Elk Grove Unified School Dist.**
Interpreting Education Code Sec. 44929.21(b), the court ruled that a teacher holding a California teaching credential was not entitled to permanent status even though she had taught for two consecutive years.
(6-9-04; certified for publication 7-9-04) 120 Cal.App.4th 563, 168 CPER 37

**Spanner v. Rancho Santiago Community College Dist.**
An employee found to have committed misconduct was not deprived of due process when the governing board rejected the hearing officer's recommendation of a six-month demotion and imposed a penalty of permanent demotion without an independent review of the record.
(6-17-04) 119 Cal.App.4th 584, 167 CPER 38

**State Department of Health Services v. Superior Court of Sacramento County**
The court unanimously determined that employers with strong anti-harassment policies may avoid an award of damages for a victim who unreasonably fails to report harassment promptly.
(11-24-03) 31 Cal.4th 1026, 164 CPER 69

**State of California**
*see* **Williams v. State of California**

**State Personnel Board**
*see* **Roe v. State Personnel Board**

**State Personnel Board (Henning)**
*see* **California Department of Corrections v. State Personnel Board (Henning)**

**State Personnel Board [Lomeli]**
*see* **Alameida v. State Personnel Board [Lomeli]**

**State Personnel Board v. California State Employees Assn., Loc. 1000, SEIU, AFL-CIO**
Labor contracts that require a state agency to select the most-senior candidate for a position from among the top three ranks after a competitive examination do not contravene the constitutional mandate that permanent appointments and promotions in the state civil service be based on merit.
(12-9-03) 114 Cal.App.4th 11, 164 CPER 55

**State Personnel Board v. California State Employees**
The State Supreme Court granted a petition for review of the appellate court decision that held memoranda of understanding which require state agencies to select the most-senior candidate for a position from among the top three ranks after a competitive examination do not contravene the constitutional mandate that permanent appointments and promotions in the state civil service be based on merit.
(2-24-04) Supreme Ct. S122058, 165 CPER 42

**State Personnel Board v. Department of Personnel Administration**
The Supreme Court granted a petition for review of the appellate court decision that holds memoranda of understanding that allow employees facing discipline to choose either arbitration or review before the State Personnel Board violated the California Constitution by divesting the SPB of its authority to review disciplinary actions.
(2-24-04) S119498, 164 CPER 57

**Stephens v. County of Tulare**
When a county employee is dismissed from his job due to a work-related disability, and the employee subsequently is denied a disability retirement on the grounds that he is not disabled, Gov. Code Sec. 31725 requires the employer to reinstate the employee with backpay. The intent of the statutory provision is to avoid putting a disabled worker in the position of having neither a job nor a retirement income. The question before the court was the meaning of the word "dismissed" for purposes of Sec. 31725.
(10-29-04) 123 Cal.App.4th 964, 169 CPER 27

**Suders**
*see* **Pennsylvania State Police v. Suders**

**Superior Court of Kern County; The Bakersfield Californian, RPI**
*see* **Bakersfield City School Dist. v. The Superior Court of Kern County; The Bakersfield Californian, RPI**

**Superior Court of Orange County**
*see* **Orange County Employees Assn., Inc. v. Superior Court of Orange County**

**Superior Court of Sacramento County**
*see* **State Department of Health Services v. Superior Court of Sacramento County**

**Superior Court of San Diego; County of San Diego, RPI**
*see* **The Copley Press, Inc. v. The Superior Court of San Diego; County of San Diego, RPI**

**The Copley Press, Inc. v. Superior Court of San Diego; County of San Diego, RPI**
The court concluded that the county civil service commission was not required to deny public access to a peace officer's disciplinary appeal.
(9-16-04) 122 Cal.App.4th. 489, 168 CPER 43

**Turlock Joint Elementary School Dist. v. Public Employment Relations Board**
The State Supreme Court denied a petition for review of a Fifth Circuit Court of Appeal decision that overruled a decision by the Public Employment Relations Board and held that the wearing of union buttons by teachers in the classroom is "political activity" within the meaning of the Education Code and can be regulated by a school district.
164 CPER 38

**Wacker Siltronic Corp.**
*see* **Ballaris v. Wacker Siltronic Corp.**

**Wagner v. Professional Engineers in California Government**
A "good" notice is the appropriate remedy for an inadequate agency fee notice. The court rejected the complaining engineers' claim that the union should not be able to keep fees collected from employees who were not union members until it corrected its previous inadequate notice. The complaining fee payers could not revive a claim that the union had improperly charged certain expenditures after asserting to the trial court that it was not making that claim in order to avoid a ruling on exhaustion of remedies.
(9th Cir. 1-14-04) 354 F.3d 1036, 164 CPER 52

**Williams v. State of California**
After four years, settlement was reached in this class-action lawsuit filed on behalf of more than one million public schol students in grades K through 12. The plaintiffs alleged that the state has a duty under the California Constitution to ensure that all public school students are provided equal fundamental conditions and that it was not doing so.
168 CPER 32

# *PART III*

# TABLE OF PERB ORDERS AND DECISIONS

## Section A: Annotated Table of PERB Orders and Decisions

### Dills Act Cases

**Barker and Osuna v. California State Employees Assn., No. 1551-S/164:101**
(CSEA's removal of the charging parties from their positions as bargaining unit chairpersons did not violate the Dills Act because, under the circumstances, CSEA's choice of its bargaining representatives is purely an internal matter.)

**California State Employees Assn. v. State of California (Department of Motor Vehicles), No. 1558-S/164:102**
(The DMV's security system did not impact the length of the workday and therefore was not subject to bargaining.)

**California Union of Safety Employees v. State of California (Department of Developmental Services), No. 1614-S/166:69**
(The department did not unilaterally transfer work previously performed by CAUSE because there was an overlapping duty between CAUSE and the CHP to perform that work.)

**California Union of Safety Employees v. State of California (Department of Mental Health), No. 1567-S/164:104**
(The charge was properly dismissed and deferred to arbitration.)

**California Union of Safety Employees v. State of California (Department of Parks and Recreation), No. 1562-S/164:103**
(The state's unilateral implementation of a new lifeguard safety policy involved interpretation of the parties' memorandum of understanding and was deferred to arbitration.)

**California Union of Safety Employees v. State of California (Department of Parks and Recreation), No. 1566-S/164:104**
(The charge was properly dismissed and deferred to arbitration.)

**California Union of Safety Employees v. State of California (Highway Patrol), No. 1574-S/164:105**
(Pursuant to the union's request on appeal, the charge was withdrawn.)

**Hard, Hackett, and Perkins v. California State Employees Assn., No. 1583-S/165:73**
(CSEA's request to withdraw its statement of exceptions to the ALJ's proposed decision was granted.)

**International Union of Operating Engineers v. State of California (State Personnel Board), No. 1680-S/169:72**
(The charging party failed to demonstrate that SPB's legal challenge to a pending PERB case constituted a prima facie case of discrimination.)

**Kunkel v. State of California, No. 1617-S/166:70**
(The charge failed to show any protected activity, any "nexus," or that the charge was within PERB jurisdiction.)

**Sarinana v. State of California (Department of Forestry and Fire Protection), No. 1619-S/166:70**
(New evidence offered to excuse the charge's untimeliness was denied because the charging party failed to file an amended charge including such evidence.)

**State of California (Department of Personnel Administration) v. California State Employees Assn., SEIU Loc. 1000, No. 1601-S/166:68**
(Procedures for authorizing union leave are negotiable where they directly impact the employment relationship. CSEA unilaterally changed its past practice for authorizing union leave.)

**Sutton v. California State Employees Assn., Loc. 1000, No. 1553-S/164:106**
(The charge was not filed within the statute of limitations period.)

**Toran v. California State Employees Assn., No. 1593-S/165:73**
(The charge was dismissed for untimeliness.)

**Vickers v. State of California (Department of Corrections), No. 1540a-S/166:67**
(No good cause exists to excuse the late filing; but upon reconsideration, deferral is inappropriate.)

**Vickers v. State of California (Department of Corrections), No. 1559-S/164:103**
(The charging party did not provide good cause to file a late amended charge.)

**Vickers v. State of California (Department of Corrections), No. 1559a-S/166:67**
(Vickers' request for reconsideration was denied because it did not contain the requisite specificity, nor did it allege the limited grounds that support a grant of reconsideration.)

**Zanchi v. State of California (Department of Corrections), No. 1579-S/164:105**
(Dismissal of the charge was reversed based on allegations that the state retaliated against the charging party for filing a grievance, damaged her career by instituting criminal and administrative investigations, and affected her promotional opportunities.)

## EERA Cases

**Abrams v. Chula Vista Elementary Educators Assn., No. 1554/164:115**
(The charge was not filed within the statute of limitations period.)

**American Federation of State, County and Municipal Employees, Loc. 101 v. San Jose Unified School Dist., No. 1555/164:108**
(Accepting its allegations as true, AFSCME established the required nexus between the local union president's protected activities and his layoff.)

**Andrus, Miller, Mettier, and Kerr v. Paso Robles Public Educators, No. 1589-E/165:73**
(The union collected agency fees without providing a proper *Hudson* notice.)

**Associated Administrators of Los Angeles v. Los Angeles Unified School Dist., No. 1665/169:77**
(The district improperly designated eight classifications as management and committed an unlawful unilateral change with respect to two of the classifications.)

**Astrachan v. Los Angeles Community College Dist., No. 1668/169:73**
(The charging party failed to demonstrate that the district knew he had contacted his union and retaliated against him by failing to give him certain teaching assignments.)

**Bailey v. Los Angeles Unified School Dist., No. 1552/164:107**
(The charging party did not state a prima facie case for retaliation because she failed to show that she engaged in protected activity.)

**California School Employees Assn. v. Lucia Mar Unified School Dist., No. 1640/167:89**
(The district failed to comply with PERB's order that it cancel its contract with a bus company.)

**California School Employees Assn., Chap. 209 v. Yucaipa-Calimesa Joint Unified School Dist., No. 1629/167:86**
(CSEA's request to withdraw its appeal of the dismissal of its charge pursuant to a mutual settlement was granted.)

**California School Employees Assn., Chap. 802 v. Lost Hills Union Elementary School Dist., No. 1652/168:95**
(The district was ordered to restore its previous policy on calculating wages for employees with composite classifications because the change was implemented without offering the union the opportunity to negotiate.)

**California School Employees Assn., Chap. 82 v. Fullerton Joint Union School Dist., No. 1633/167:88**
(The board agent's dismissal was reversed because the disputed contract language was sufficiently ambiguous to warrant an evidentiary hearing to determine its meaning.)

**Chula Vista Elementary Education Assn., CTA/NEA v. Chula Vista Elementary School Dist., No. 1647/168:88**

(The election result was set aside because the school principal interfered with the teachers' rights to vote freely and without coercion.)

**Deglow v. Los Rios Community College Dist., No. 1631/167:86**
(The charge was dismissed because Deglow knew or should have known of the district's practices well before the statute of limitations barred the charge.)

**Delano Joint Union High School Dist., Association of Student Affairs Support Specialists, and California School Employees Assn. Chap. 79, No. 1678/169:78**
(Newly created classified positions were part of the existing classified unit at the time the Association of Student Affairs Support Specialists filed its request for recognition with PERB concerning those classifications.)

**DeLauer v. Santa Rosa Junior College, No. 1612/166:72**
(The charging party failed to state a prima facie case because she was not employed by the college, but was a student.)

**DeLauer v. Sonoma Valley Unified School Dist., No. 1613/166:72**
(The charge failed to include the dates and parties involved in the alleged retaliation, and failed to show a nexus between any of the district's alleged adverse actions and the charging party's protected conduct.)

**Empire Teachers Assn. v. Empire Union School Dist., No. 1650/168:92**
(Both the district superintendent and the school principal were motivated by unlawful animus when three teachers suffered retaliation for their protected activities.)

**Ferguson v. Oakland Unified School Dist., No. 1645/168:87**
(The unfair practice charge was dismissed because the transfer of the charging party from high school to middle school was not an adverse action according to the reasonable person standard.)

**Ferguson v. Oakland Education Assn., No. 1646/168:99**
(The charge was dismissed because the union representative acted reasonably and without bad faith in pursuing a settlement of the charging party's grievance.)

**Ferguson v. Oakland Education Assn., No. 1646a/169:75**
(The request for reconsideration was denied because the charging party merely reargued his case, which is not a valid ground for reconsideration.)

**Fontana Unified School Dist. and United Steelworkers of America, No. 1623/167:91**
(USWA's unit modification petition was granted because the duty aides shared a sufficient community of interest with other employees in the wall-to-wall classified unit to warrant their inclusion.)

**Fresno County Office Schools Educators Assn. v. Fresno County Office of Education, No. 1674/169:75**
(The respondent made an unlawful unilateral change to the collective bargaining agreement and transferred two teachers in retaliation for their protected activities.)

**Gutierrez v. California School Employees Assn., Chap. 244, No. 1606/166:74**
(One allegation in the charge was untimely; others failed to state a prima facie case showing a breach of the duty of fair representation.)

**Hein v. Service Employees International Union, Loc. 790, No. 1677/169:79**
(The charging party failed to allege conduct that constituted a breach of the duty of fair representation.)

**Henderson v. Los Angeles Unified School Dist., No. Ad-334/167:84**
(Henderson's request that the board accept her late-filed documents or, alternatively, grant her appeal of an administrative determination was denied for failure to demonstrate good cause as required by PERB Reg. 32136.)

**Henderson v. Teamsters Loc. 572, No. Ad-335/167:93**
(Henderson's request that the board accept her late-filed documents or, alternatively, grant her appeal of an administrative determination was denied for failure to demonstrate good cause as required by PERB Reg. 32136.)

**Holford v. United Teachers of Richmond, No. 1604/166:73**
(The charge failed to state a prima facie case showing that the union breached its duty of fair representation.)

**Kaiser v. Fremont Unified Dist. Teachers Assn., No. 1572/164:116**
(The charge was dismissed as untimely.)

**Kaiser v. Fremont Unified School Dist., No. 1571/164:112**
(The sole timely charge did not establish the sufficient nexus between protected activity and the district's action. Language in the parties' agreement was insufficient to defer the charge.)

**Kestin v. United Teachers of Los Angeles, No. 1594/165:75**
(The charge was dismissed for failing to include a clear and concise statement of the facts.)

**Lake Elsinore Teachers Assn., CTA/NEA v. Lake Elsinore Unified School Dist., No. 1648/168:89**
(The board agent's partial dismissal of the charge was reversed because the charging party was denied union representation when the district told her that an interview was merely investigatory but later resulted in discipline.)

**Larkins v. Chula Vista Elementary Educators Assn., No. 1575/164:116**
(The board agent improperly accepted as true the factual allegations alleged by the association in letters to the B.A. However, the dismissal was affirmed for its failure to state a prima facie case.)

**Larkins v. Chula Vista Elementary Educators Assn., No. 1575a/167:93**
(Larkins' request for reconsideration was denied because she failed to present a valid ground for reconsideration under PERB Reg. 32410.)

**Larkins v. Chula Vista Elementary School Dist., No. 1557/164:108**
(The allegations contained in the charge, accepted as true, failed to state a prima facie case of retaliation.)

**Larkins v. Chula Vista Elementary School Dist., No. 1557a/167:85**
(Larkins' request for reconsideration was denied because she failed to present a valid ground for reconsideration as specified in PERB Reg. 32410.)

**Las Virgenes Educators Assn. v. Las Virgenes Unified School Dist., No. 1605/166:71**
(The district met its burden of establishing an affirmative defense that Shagin would have been transferred even absent any protected activity.)

**Lee v. Peralta Community College Dist., No. 1576/164:113**
(The charging party failed to state a prima facie case of discrimination and lacked standing to assert allegations protecting the union. The board lacked jurisdiction to enforce arbitration decisions and would not accept new allegations on appeal.)

**Long Beach Community College Dist. Police Officers Assn. v. Long Beach Community College Dist., No. 1568/164:110**
(A complaint shall issue in this case because the charge was timely filed and the association alleged sufficient facts that the district unilaterally contracted out all police services, and it did not unmistakably waive its right to bargain.)

**Long Beach Council of Classified Employees v. Long Beach Community College Dist., No. 1564/164:110**
(The board announced that it once again will permit the six-month statute of limitations period to be tolled for the time the parties make use of bilaterally agreed upon dispute resolution procedures. The statute of limitations period set forth in EERA is not a jurisdictional barrier to an unfair practice charge, but an affirmative defense that can be waived by the parties or tolled by the board.)

**Malik v. California Federation of Teachers, No. 1662/168:100**
(The charge was dismissed because it provided no facts or evidence to support the allegations contained therein.)

**Malik v. Compton Community College Dist., No. 1653/168:96**
(The appeal was rejected because the charging party failed to provide any information as to dates or conduct giving rise to his charge.)

**Maurer v. Coast Community College Dist., No. 1560/164:109**
(The district would have taken adverse action against the charging party even in the absence of any protected activity.)

**Mrvichin v. Los Angeles Community College Dist., No. 1667/169:73**
(The charging party did not provide sufficient facts to demonstrate that improper motivation influenced his termination.)

**Newark Teachers Assn. v. Newark Unified School Dist., No. 1595/165:74**
(The arbitration decision was not repugnant to EERA.)

**Perez v. Fullerton Elementary School Dist., No. 1671/169:74**
(The charging party was not retaliated against for his participation in protected activity because his inappropriate conduct justified the discipline.)

**Perez v. Fullerton Elementary School Dist., No. Ad-339/169:74**
(The late filing of the district's response to the charging party's exceptions was permitted because it was caused by an honest clerical error.)

**Pleasant Valley Elementary School Dist. and Group of Employees and SEIU Loc. 998, No. Ad-333/167:89**
(The board agent's dismissal of objections to a decertification election was affirmed because the objections did not describe with specificity how the alleged facts constituted objectionable conduct.)

**Ravenswood Teachers Assn. v. Ravenswood City Elementary School Dist., No. 1556/164:108**
(The charging party's request for withdrawal was granted.)

**Ravenswood Teachers Assn. v. Ravenswood City Elementary School Dist.; Ravenswood Teachers Assn. v. Edison Brentwood Academy, No. 1660/168:98**
(Edison Brentwood Academy was found to be the public school employer of its teachers for purposes of collective bargaining under EERA.)

**Ravenswood Teachers Assn., CTA/NEA v. Edison Schools, Inc., No. 1661/168:99**
(The charge was dismissed because the board already had determined the proper public employer in two other charges filed regarding the same incident.)

**Rossmann v. Orange Unified School Dist., No. 1670/169:73**
(The charging party lacked standing to assert that the district bargained with the exclusive representative in bad faith.)

**Rossmann et al. v. Orange Unified Education Assn. and California Teachers Assn., No. 1569/164:115**
(Absent specific exceptions, the board may not alter the statute of limitations for filing charges with PERB. The charging party was not required to proffer "smoking gun" documents showing DFR violations, but the union was given broad latitude in bargaining contract terms.)

**Salinas Valley Federation of Teachers, AFT Loc. 1020, AFL-CIO v. Salinas Union High School Dist., No. 1639/167:89**
(The regional attorney's dismissal of the federation's unfair practice charge was affirmed because the federation failed to allege any facts sufficient to state a prima facie case.)

**San Bernardino Association of Substitute Teachers v. San Bernardino City Unified School Dist., No. 1602/166:71**
(The district met its burden of showing it would have removed the two substitute teachers even in the absence of their protected activity. The ALJ's decision was reversed.)

**San Joaquin County Office of Education and California School Employees Assn., No. 1627/167:92**
(CSEA's petition to establish a migrant education unit was approved because the proposed unit had a community of interest that was separate and distinct from other existing or potential bargaining units and because granting the petition falls within the objectives of EERA.)

**San Juan Teachers Assn., CTA/NEA v. San Juan Unified School Dist., No. 1616/166:72**
(The association failed to allege sufficient facts to establish a past practice, and the charge was dismissed for failing to state a prima facie case showing of a unilateral change.)

**Santa Clarita Community College Dist. v. Part-Time Faculty United, AFT, No. Ad-332/166:73**
(PFU's request to withdraw its administrative appeal was granted.)

**Simpson v. California School Employees Assn., Chap. 130, No. 1550/164:113**
(The duty of fair representation applies only to proceedings where representation is exclusively provided by the union, and does not apply in proceedings before the employer's personnel commission.)

**Sloan v. Shasta College Faculty Assn., No. 1603/166:73**
(The charge failed to state a prima facie case showing that the association breached its duty of fair representation.)

**Stryker v. Antelope Valley College Federation of Teachers, No. 1624/167:85**
(The dismissal was affirmed because removal from membership on a negotiating team, unlike removal from the employee organization, is not protected under EERA.)

**Turlock Teachers Assn. v. Turlock Joint Elementary School Dist., No. 1490a/166:70**
(The association's unfair practice charge was dismissed.)

**United Teachers of Los Angeles v. Los Angeles Unified School Dist., No. 1657/168:97**
(The charging party's revocation of his commitment form was not protected conduct because the form was a valid term or condition of employment.)

**Ybarra-Grosfield v. Oxnard Elementary School Dist., No. 1679/169:76**
(The charging party failed to state a prima facie case of discrimination.)

## HEERA Cases

**American Federation of State, County and Municipal Employees v. Regents of the University of California (Davis), No. 1590-H/165:78**
(Applying the rule announced in *Sarka* [PERB No. 1585-H], the board found the charge was timely and that it stated a prima facie case of discrimination.)

**Academic Professionals of California v. Trustees of the California State University, No. 1586-H/165:78**
(CSU's implementation of a student fee increase affecting all students is not within the scope of representation.)

**Academic Professionals of California v. Trustees of the California State University, No. 1642-H/168:101**
(The unfair practice charge was dismissed because the decision to implement the employee assistance program at the Sonoma and Long Beach campuses was outside the scope of representation and thus not an unlawful unilateral action.)

**Academic Professionals of California v. Trustees of the California State University, No. 1654-H/168:102**
(The modification that made the fee waiver program applicable to mandatory employee training courses was not an unlawful unilateral change because no actual change in the parties' policy occurred.)

**Academic Professionals of California v. Trustees of the California State University, No. 1656-H/168:103**
(No unlawful unilateral change was found because the non-discrimination policy applied to students and unrepresented employees, and thus did not fall within the scope of union representation.)

**Academic Professionals of California v. Trustees of the California State University, No. 1658-H/168:104**
(The new CSU whistleblower protection policies were not unlawful unilateral changes because they did not change existing disciplinary policy.)

**California Faculty Assn. v. Trustees of the California State University, No. 1591-H/165:79**
(Exemptions from disclosure provided by the Public Records Act cannot be used to deny an information request that is required by HEERA.)

**California Faculty Assn. v. Trustees of the California State University, No. 1597-H/165:80**
(CSU did not violate HEERA by failing to provide necessary and relevant information when CFA reneged on its promise to pay the costs of producing that information.)

**California Faculty Assn. v. Trustees of the California State University, No. 1672-H/169:80**
(The charging party did not demonstrate that the newly enacted policies were a break from past practice.)

**California State Employees Assn. v. Trustees of the California State University (San Luis Obispo), No. 1599-H/166:74**
(The request to withdraw the charge was granted.)

**California State Employees Assn. v. Trustees of the California State University (San Marcos), No. 1584-H/165:76**
(CSU's implementation of a student fee increase affecting all students is not within the scope of representation.)

**California State Employees Assn. v. Trustees of the California State University (San Marcos), No. 1635-H/167:94**
(CSU-San Marcos was ordered to cease and desist from using a new employee evaluation system because it was adopted without negotiating with the union. )

**O'Malley v. American Arbitration Assn., No. 1573-H/164:117**
(The board lacked jurisdiction to address the merits of the case because the association is not a covered entity under HEERA.)

**O'Malley v. California Nurses Assn., No. 1578-H/164:117**
(The only remedy for failure to make financial records available is a petition to compel compliance. Since the association made the records available, the issue is moot.)

**O'Malley v. California Nurses Assn., No. 1607-H/166:74**
(The charging party lacked standing to challenge the calculation of agency fees because they were refunded in full.)

**O'Malley v. California Nurses Assn., No. 1673-H/169:80**
(No unfair practice occurred because the charging party received a refund of his agency fees.)

**Regents of the University of California v. Association of Graduate Student Employees, United Auto Workers, No. 1596-H/165:80**
(The appeal and charge were withdrawn.)

**Regents of the University of California v. California Nurses Assn., No. 1638-H/167:95**
(The board agent erred in dismissing the charge because evidence may exist to show a clear mutual intent to include sympathy strikes within the no-strike clause of the contract.)

**Sarca v. California State Employees Assn., CSU Div., No. 1626-H/167:96**
(The charge was dismissed because there was no support for the allegation that CSEA improperly calculated agency fees.)

**Sarka v. Regents of the University of California, No. 1585-H/165:77**
(The statute of limitations does not begin to run until actual termination, rather than at the time notice of termination is received. Although application of this rule rendered the charge timely, it was dismissed for failure to state a prima facie case of discrimination.)

**Sarka v. Regents of the University of California, No. 1585a-H/167:93**
(Sarka's request for reconsideration was denied because of his failure to state a proper ground as specified by PERB Reg. 32410.)

**Sarka v. Regents of the University of California, No. Ad-337-H/167:95**
(The board denied Sarka's request for special permission to appeal the refusal of a board agent to disqualify herself.)

**Sarka v. Regents of the University of California, No. Ad-337a-H/169:81**
(The request for reconsideration was denied because the charging party's request did not state either of two statutory grounds for reconsideration.)

**Sarka and Malkes v. Regents of the University of California, No. 1592-H/165:79**
(The charge failed to allege a clear and concise statement of the facts.)

**Security Police Officers Assn. v. Regents of the University of California (Lawrence Livermore National Laboratory), No. 1615-H/166:76**
(The request for withdrawal was granted.)

**State Employees Trades Council United v. Trustees of the California State University (Stanislaus), No. 1659-H/168:105**
(The remaining portion of the charge was placed in abeyance and deferred to arbitration because the parties' agreement requires final and binding arbitration of grievances.)

**Trout v. University Professional and Technical Employees, CWA Loc. 9119, No. 1582-H/165:75**
(As an agency fee payer, the charging party has no authority under PERB Reg. 32125(a) to petition to compel UPTE to certify its financial report.)

**University Council American Federation of Teachers v. Regents of the University of California, No. 1689-H/169:81**
(The University of California violated its duty to bargain when it changed benefit levels and premium contributions without providing notice or an opportunity for bargaining to the University Council American Federation of Teachers.)

**Webb v. Trustees of the California State University (San Bernardino), No. 1609-H/166:75**
(The charge failed to state a prima facie case of retaliation.)

**Webb v. Trustees of the California State University (San Bernardino), No. 1609a-H/168:102**
(The request for reconsideration was denied because it did not state either of the appropriate grounds for the board to reconsider a case.)

## MMBA Cases

**Adza v. Service Employees International Union, No. 790, No. 1632-M/167:103**
(The charge was dismissed because there was no evidence that SEIU breached its duty of fair representation.)

**AFSCME Loc. 512 v. City of Pittsburg, No. 1563-M/164:118**
(The city council's decision to employ a consultant to assist in reviewing AFSCME's grievances was a nonnegotiable matter of managerial prerogative.)

**Banks and Molidpiree v. Service Employees International Union, Loc. 790, AFL-CIO, No. 1636-M/167:104**
(The charge was dismissed because the charging parties failed to demonstrate that SEIU breached its duty of fair representation by acting without a rational basis or that its actions were devoid of honest judgment.)

**Bartlett-May et al. v. Otay Water Dist., No. 1634-M/167:100**
(The charging parties were not entitled to additional money for tax liability and expenses incurred in obtaining new employment.)

**Brady v. City of Santa Barbara, No. 1628-M/167:98**
(Brady's unfair practice charge, which alleged that his right to union representation was violated, was dismissed for failure to state a prima facie case.)

**Coachella Valley Mosquito & Vector Control Dist. and California School Employees Assn. and its Chap. 2001, No. Ad-336-M/167:101**
(CSEA's administrative appeal that asked the board to excuse its late-filed petition for review was denied because the failure to timely file was not caused by circumstances beyond the association's control.)

**Engineers & Architects Assn. v. Public Transportation Services Corp., No. 1637-M/167:102**
(The Public Transportation Services Corporation is not a public agency within the meaning of the MMBA because it is more properly viewed as a subsidiary of the MTA and should be covered by the same portions of the Public Utilities Code.)

**Fresno Irrigation District Employees Assn. v. Fresno Irrigation Dist., No. 1565-M/164:118**
(The district violated its own local policy, unlawfully changed the terms and conditions of employment, and discriminated in response to the association's protected activity.)

**Geismar v. Marin County Law Library, No. 1655-M/168:112**
(The retaliation charge was rejected because the charging party's actions did not rise to the level of protected activity.)

**Geismar v. Marin County Law Library, No. Ad-338-M/168:115**
(The board denied the charging party's appeal of an administrative decision denying her the right to file an amended charge.)

**Goddard v. Rainbow Municipal Water Dist., No. 1676-M/169:84**
(The district unlawfully retaliated against the charging party for reporting illegal anti-union activity.)

**International Federation of Professional & Technical Engineers, Loc. 21, AFL-CIO v. Golden Gate Bridge Highway and Transportation Dist., No. 1669-M/169:83**
(The charging party failed to demonstrate that the district's acceptance of a decertification petition violated the MMBA.)

**International Union of Operating Engineers, Loc. 3 v. McCloud Community Services Dist., No. 1625-M/167:98**
(IUOE's request to have its appeal withdrawn was granted.)

**International Union of Operating Engineers, Loc. 39, AFL-CIO v. County of Placer, No. 1630-M/167:99**
(IUOE's grievance which alleged that a specified group of employees had been performing out-of-class work was dismissed because it was not filed within the 60-day time frame required by the parties' MOU.)

**Jeffers v. Service Employees International Union, Loc. 616, No. 1675-M/169:85**
(The charging party failed to demonstrate that the union had denied him representation in bad faith.)

**Kimbrough v. Alameda County Medical Center, No. 1620-M/166:80**
(The employer did not violate the MMBA by refusing to meet and confer with the charging party.)

**Kimbrough v. Alameda County Medical Center, No. 1620a-M/168:110**
(The request for reconsideration was denied because it did not state either of the appropriate grounds for the board to reconsider a case.)

**Lopez v. City of Milpitas, No. 1641-M/168:106**
(The charging party did not meet the burden of proving he suffered retaliation because of his protected activities.)

**Lowery v. Service Employees International Union, Loc. 790, No. 1666-M/169:85**
(No breach of the duty of fair representation was found where the union provided the charging party with a detailed explanation of why his grievance lacked merit.)

**Montgomery v. City and County of San Francisco, No. 1643-M/168:109**
(The unfair practice charge was dismissed because it was untimely and virtually identical to the charge in a prior case that already had been dismissed.)

**Montgomery v. SEIU Loc. 790, No. 1644-M/168:115**
(The charge was dimissed because it was untimely and virtually identical to a charge in a prior case that already had been dismissed.)

**Operating Engineers, Loc. 3 v. Westlands Water Dist., No. 1622-M/166:80**
(The dismissal was reversed. The district violated its own local rules by conducting an election on the unit modification petition.)

**Oxnard Harbor Dist. v. Service Employees International Union, Loc. 998, No. 1580-M/165:80**
(A sympathy strike was not a "strike" or "work stoppage" as prohibited by the parties' agreement. The union

did not interfere with employee rights by threatening to fire members who failed to honor the strike.)

**Sacramento County Aircraft Rescue Firefighters Assn. v. Sacramento Co., No. 1581-M/165:82**
(The contract bar did not prohibit the county from accepting the association's petition for modification.)

**San Francisco Firefighters Union, Loc. 798, IAFF, AFL-CIO v. City and County of San Francisco, No. 1611-M/166:79**
(The charge failed to establish an unlawful unilateral change in discipline policy. The union could not rely on the settlements in two disciplinary cases to establish past practice.)

**Service Employees International Union, Loc. 790 v. City and County of San Francisco, No. 1664-M/169:81**
(The charging party failed to state a prima facie case of discrimination, interference, or unilateral change.)

**Service Employees International Union, Loc. 790 v. County of Riverside, No. 1577-M/164:120**
(The county unlawfully refused to process a bargaining unit member's grievance in violation of the MMBA.)

**Service Employees International Union v. County of Riverside, No. 1577a-M/167:97**
(The county's request for reconsideration was denied because the board's decision was not based on a prejudicial error of fact and because newly discovered evidence did not make the case moot.)

**Service Employees International Union, Loc. 790 v. County of San Joaquin, No. 1570-M/164:119**
(The board agent's decision was reversed. The county was found to have violated its local rules, and the case was remanded to allow the union a chance to establish the alleged impasse involved a subject within the scope of representation.)

**Service Employees International Union, Loc. 790 v. County of San Joaquin, No. 1600-M/166:77**
(The allegation that the county refused to adopt the recommended decision of a mediator did not state a prima facie case.)

**Service Employees International Union, Loc. 817 v. County of Monterey, No. 1663-M/168:113**
(The county's application of its rules regarding union recognition disparaged the incumbent exclusive representative and demonstrated unlawful support of one union over another.)

**Service Employees International Union, Loc. 817 v. County of Monterey, No. Ad-331-M/166:78**
(Good cause exists to sever the park ranger association's case from SEIU's case.)

**Siroky v. International Union of Operating Engineers, Loc. 39, No. 1618-M/166:82**
(The charging party failed to meet his burden to show how the union abused its discretion by failing to represent him in a wage dispute.)

**Stewart (Mental Health Workers) v. Service Employees International Union, Loc. 250, No. 1610-M/166:81**
(Some bargaining unit members' dissatisfaction with an agreement is insufficient by itself to demonstrate a prima facie violation of the duty of fair representation.)

**Union of American Physicians and Dentists v. County of San Joaquin (Health Care Services), No. 1649-M/168:110**
(The charge was dismissed because evidence demonstrated that the county would have terminated the charging party even absent any protected activity.)

**Waqia v. International Association of Firefighters, No. 1621-M/166:82**
(The charge failed to show that the association's refusal to pursue the grievance to arbitration was arbitrary, discriminatory, or in bad faith.)

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