



**PERB**  
California Public Employment  
Relations Board

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December 7, 2021

Daniel Curry, Attorney  
Schwartz, Steinsapir, Dohrmann & Sommers, LLP  
6300 Wilshire Blvd Suite 2000  
Los Angeles, CA 90048

Allison Woodall, Deputy General Counsel  
University of California, Office of the General Counsel  
1111 Franklin Street, 8th Floor  
Oakland, CA 94607-5200

Re: *United Automobile, Aerospace and Agricultural Implement Workers of  
America, Local 5810 v. Regents of the University of California*  
Unfair Practice Charge No. SF-CE-1334-H  
**COMPLAINT**

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**. Please be aware that once legal counsel is designated, PERB will only correspond with that individual(s).

An informal settlement conference will be scheduled shortly. Please direct all inquiries, filings and correspondence to the undersigned. Designated legal counsel who do not attend the Informal Conference for any reason, must designate in writing

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<sup>1</sup> PERB's Regulations are codified at California Code of Regulations, title 8, section 31001 et seq. The text of PERB's Regulations may be found at [www.perb.ca.gov](http://www.perb.ca.gov).

December 7, 2021

Page 2

consent that the meeting go forward in their absence, including, but not limited to the execution of a settlement agreement.

Sincerely,

A handwritten signature in black ink, reading "Jeremy Zeitlin". The signature is written in a cursive, flowing style.

Jeremy Zeitlin  
Senior Regional Attorney

Enclosure

STATE OF CALIFORNIA

PUBLIC EMPLOYMENT RELATIONS BOARD



UNITED AUTOMOBILE, AEROSPACE AND  
AGRICULTURAL IMPLEMENT WORKERS OF  
AMERICA, AFL-CIO, LOCAL 5810,

Charging Party,

v.

REGENTS OF THE UNIVERSITY OF  
CALIFORNIA,

Respondent.

Case No. SF-CE-1334-H

COMPLAINT

It having been charged by Charging Party that Respondent engaged in unfair practices in violation of Government Code section 3571, the General Counsel of the Public Employment Relations Board (PERB), pursuant to 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. Respondent is an employer within the meaning of Government Code section 3562(g).
2. Charging Party is the exclusive representative, within the meaning of Government Code section 3562(i), of Respondent's employees in the Postdoctoral Scholar Unit (hereafter, "Unit").

**I. WORKPLACE SAFETY AND ANTI-BULLYING RULES**

3. In September and October 2021, the parties were meeting and conferring over among other topics, a contractual provision covering an anti-bullying policy. On September 9, 2021, Charging Party proposed, as a new article to the parties' contract, an anti-bullying provision, titled "Respectful Work Environment" that would apply systemwide.

4. On September 21, 2021, Respondent provided its position regarding Charging Party's September 9, 2021 proposal as follows: "Anti-Bullying – The University is considering the proposal until a systemwide policy is issued." However, a day prior, on September 20, 2021, Respondent's Riverside campus had proposed an "Anti-Bullying Policy" applicable to Unit members at that campus.

5. On October 13, 2021, Respondent issued a side letter proposal for a "Respectful Work Environment" policy that includes the following restriction:

"This Side Letter Agreement shall immediately and automatically expire when the University of California issues a systemwide policy on abusive conduct and/or bullying. The University will ensure that the UAW receives notice of the intent to implement such policy and is provided an opportunity to bargaining over the impacts of the proposed abusive conduct and/or bullying policy on its bargaining unit members."

6. By Respondent's conduct described in paragraphs 4 and/or 5, Respondent has refused to meet and confer in good faith, a "per se" violation of Government Code section 3571(c). Alternatively, by the "totality of the conduct" described in paragraphs 4 and 5, Respondent indicated a lack of good faith or showed that it engaged merely in "surface bargaining," in violation of Government Code section 3571(c).

7. By committing the violation described in paragraph 6, Respondent derivatively interfered with the rights of bargaining unit employees to be represented by Charging Party in violation of Government Code section 3571(a).

## **II. ADMINISTRATIVE FEE CHARGE TO INTERNATIONAL UNIT EMPLOYEES**

8. Since September 5, 2018, Respondent's policy or past practice was to indemnify affected Unit members of all administrative employment fees charged by Respondent to international Unit members.

9. On or about August 19, 2021, Respondent changed the policy or past practice by charging some Unit members a \$59 university fee payable to its Los Angeles campus, without reimbursing affected employees.

10. Respondent engaged in the conduct described in paragraph 9 without prior notice to Charging Party and without having afforded Charging Party an opportunity to meet and confer over the decision to implement the change in policy and/or the effects of the change in policy.

11. By the acts and conduct described in paragraphs 9 and 10, Respondent failed and refused to bargain in good faith in violation of Government Code section 3571(c).

12. In September 2021, during negotiations for a successor contract, Respondent rejected Charging Party's proposal for a new contract article memorializing the policy or past practice specified in paragraph 8. Respondent also did not make a counterproposal.

13. By the conduct in paragraph 12, Respondent engaged in a "per se" refusal to bargain, in violation of Government Code section 3571(c). Alternatively, by the "totality of the conduct" described in, but not limited to, paragraph 12, Respondent failed and refused to meet and confer in good faith in violation of Government Code section 3571(c).

14. By committing the violation(s) described in paragraphs 11 and/or 13, Respondent derivatively 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: December 7, 2021

J. Felix De La Torre  
General Counsel

By   
\_\_\_\_\_  
Yaron Partovi  
Senior Regional Attorney

## PROOF OF SERVICE

I declare that I am a resident of or employed in the County of Los Angeles, 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, Los Angeles Regional Office, 425 W. Broadway, Suite 400, Glendale, CA, 91204-1269.

On December 7, 2021, I served the Complaint and Cover Letter regarding Case No. SF-CE-1334-H on the parties listed below by

☐ I am personally and readily familiar with the business practice of the Public Employment Relations Board for collection and processing of correspondence for mailing with the United States Postal Service, and I caused such envelope(s) with postage thereon fully prepaid to be placed in the United States Postal Service at Los Angeles, California.

☐ Personal delivery.

☒ Electronic service (e-mail).

Daniel Curry, Attorney  
Schwartz, Steinsapir, Dohrmann & Sommers, LLP  
6300 Wilshire Blvd Suite 2000  
Los Angeles, CA 90048  
Email: dec@ssdslaw.com

Allison Woodall, Deputy General Counsel  
University of California, Office of the General Counsel  
1111 Franklin Street, 8th Floor  
Oakland, CA 94607-5200  
Email: allison.woodall@ucop.edu, UCPERB@ucop.edu

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on December 7, 2021, at Glendale, California.

J. Carter  
\_\_\_\_\_  
(Type or print name)

  
\_\_\_\_\_  
(Signature)