



PERB
California Public Employment
Relations Board

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August 30, 2022

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

Martha Kim, Principal Counsel, Labor and Employment
University of California Office of the President Office of the General Counsel
1111 Franklin Street, 8th Floor
Oakland, CA 94607

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-1368-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 32644.¹ 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 consent that the meeting go forward in their absence, including, but not limited to the

¹ 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.

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execution of a settlement agreement.

Sincerely,

A handwritten signature in black ink, appearing to be 'LD' or 'Laura Davis', written in a cursive style.

Laura Davis

Supervising Regional Attorney

LZD

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-1368-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 Academic Researchers Unit (hereafter, Unit).
3. Charging Party and Respondent are parties to a collective bargaining agreement (CBA) for the Unit that expired on September 30, 2022.
4. On or about May 3, 2022, Respondent informed Charging Party of a draft "Abusive Conduct" policy that when finalized would apply systemwide at all of Respondent's campuses, effective January 1, 2023 (hereafter, systemwide policy).

5. On or about June 3, 2022, the parties commenced bargaining for a successor CBA.

6. On June 10, 2022, Charging Party proposed language for a “Respectful Work Environment” contract article that addresses workplace safety and bullying, defines abusive conduct, and provides resolution procedures.

7. On June 29, 2022, Respondent provided a counter proposal conditioning agreement on the Charging Party’s proposed language above with provisions in the to-be implemented systemwide policy, namely: (a) “If the definitions in this Article conflict with the [systemwide policy] at issuance or in future iterations, the new definitions will apply to this Article”; and (b) “Complaint procedures pertaining to Respectful Work Environment are covered by the [systemwide policy]. Except as described in this Article, if there is a conflict between such [systemwide policy] and this Agreement, the Agreement shall govern.” Additionally, Respondent explained that it prefers to have consistency between all union contracts and the systemwide policy.

8. By Respondent’s conduct described in paragraph 7, 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 paragraph 7, Respondent indicated a lack of good faith or showed that it engaged merely in “surface bargaining,” in violation of Government Code section 3571(c).

9. By the conduct described above, Respondent interfered with the rights of 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: August 30, 2022

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 August 30, 2022, I served the Complaint and Cover Letter regarding Case No. SF-CE-1368-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).


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I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on August 30, 2022, at Glendale, California.

Michael Friedlander

(Type or print name)



(Signature)