

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



HOWARD O. WATTS)
)
 Complainant,) Case No. LA-PN-25
)
 v.)
) PERB Decision No. 150
 LOS ANGELES COMMUNITY COLLEGE)
 DISTRICT,)
) December 31, 1980
 Respondent,)
)
 and)
)
 AMERICAN FEDERATION OF TEACHERS)
 COLLEGE GUILD, LOCAL 1521,)
 AFL-CIO,)
)
 Respondent.)
)
 _____)

Appearances: Howard O. Watts, representing himself; Mary L. Dowell, Associate General Counsel, representing the District.

Before Gluck, Chairperson; Moore, Member.

DECISION AND ORDER

A complaint was filed by Howard O. Watts on April 10, 1980, alleging that the Los Angeles Community College District (hereafter District) and the American Federation of Teachers College Guild, Local 1521, AFL-CIO, violated section 3547(a), (b), (c), (d), and (e) of the Educational

Employment Relations Act¹ in that: (1) the District failed to post public notice complaints as required by the rules and regulations of the Public Employment Relations Board (hereafter Board), title 8, California Administrative Code section 37040; (2) the District's rule allotting five minutes to speakers at school board meetings fails to provide full opportunity to the public to respond to collective bargaining proposals; (3) copies of the initial proposals were not available for

¹All statutory references are to the Government Code unless otherwise specified.

Section 3547 provides:

(a) All initial proposals of exclusive representatives and of public school employers, which relate to matters within the scope of representation, shall be presented at a public meeting of the public school employer and thereafter shall be public records.

(b) Meeting and negotiating shall not take place on any proposal until a reasonable time has elapsed after the submission of the proposal to enable the public to become informed and the public has the opportunity to express itself regarding the proposal at a meeting of the public school employer.

(c) After the public has had the opportunity to express itself, the public school employer shall, at a meeting which is open to the public, adopt its initial proposal.

(d) New subjects of meeting and negotiating arising after the presentation of initial proposals shall be made public within 24 hours. If a vote is taken on such subject

general distribution to the public in the board room on the dates set for public response; and, (4) on March 12 and 26, 1980, the District failed to properly sunshine amendments to initial proposals, amendments to an existing collective bargaining agreement, and new subjects.

The processing of this case included informal discussions and a formal hearing that was held on June 24, 1980. A letter of dismissal issued on October 6, 1980, dismissing the complaint on the grounds that allegations (1), (2) and (3) above had already been litigated in a prior case [Watts v. Los Angeles Community College District and American Federation of Teachers College Guild, Local 1521, LA-PN-20]; the allegation regarding the failure to properly sunshine various proposals was dismissed because it was determined that the District's adoption of a revised public notice procedure met or exceeded complainant's demands and, in fact, constituted voluntary compliance. Mr. Watts appealed from the dismissal of his complaint.

by the public school employer, the vote thereon by each member voting shall also be made public within 24 hours.

(e) The board may adopt regulations for the purpose of implementing this section, which are consistent with the intent of the section; namely that the public be informed of the issues that are being negotiated upon and have full opportunity to express their views on the issues to the public school employer, and to know of the positions of their elected representatives.

One of the contentions on appeal is that the tape recordings of the formal hearing held on June 24, 1980 were lost and that the complainant's appeal rights were, thereby, prejudiced. In the absence of a record of the formal proceedings below, the Board is unable to determine either the substantive or procedural due process issues raised in this appeal. It is, therefore, decided and hereby ORDERED that the case be remanded to the Los Angeles Regional Office of the Public Employment Relations Board for a new hearing unless the parties stipulate to a reconstructed record submitted by the regional director.

PER CURIAM