

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



CALIFORNIA STATE EMPLOYEES')	
ASSOCIATION, UNIVERSITY DIVISION,)	
)	
Charging Party,)	Case No. SF-CE-70-H
)	
v.)	PERB Decision No.189-H
)	
REGENTS OF THE UNIVERSITY OF)	December 22, 1981
CALIFORNIA,)	
)	
Respondent.)	
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Appearances: Gerald B. Radeleff, Division Manager, for California State Employees' Association; James N. Odle, Attorney for Regents of the University of California.

Before Gluck, Chairperson; Jaeger and Moore, Members.

DECISION

The California State Employees' Association, University Division (hereafter CSEA), appeals the dismissal with leave to amend of its unfair practice charge against the Regents of the University of California (hereafter University). In its appeal, CSEA disputes the hearing officer's determination that the University did not violate sections 3565, 3569, or subsections 3971(a), (b) or (d) of the Higher Education Employer-Employee Relations Act (hereafter HEERA)¹ by denying CSEA employee representatives released time to attend informal

¹HEERA is codified at Government Code section 3560 et

settlement conferences. Regulations of the Public Employment Relations Board (hereafter PERB) provide for the use of

seq. Unless otherwise indicated, all statutory references are to the Government Code.

The sections alleged to have been violated provide as follows:

3565. Higher education employees shall have the right to form, join and participate in the activities of employee organizations of their own choosing for the purpose of representation on all matters of employer-employee relations and for the purpose of meeting and conferring. Higher education employees shall also have the right to refuse to join employee organizations or to participate in the activities of these organizations subject to the organizational security provision permissible under this chapter.

3569. A reasonable number of representatives of an exclusive representative shall have the right to receive reasonable periods of released or reassigned time without loss of compensation when engaged in meeting and conferring and for the processing of grievances prior to the adoption of the initial memorandum of understanding. When a memorandum of understanding is in effect, released or reassigned time shall be in accordance with the memorandum.

3571. It shall be unlawful for the higher education employer to:

(a) Impose or threaten to impose reprisals on employees, to discriminate or threaten to discriminate against employees, or otherwise to interfere with, restrain, or coerce employees because of their exercise of rights guaranteed by this chapter.

informal conference procedures to facilitate the voluntary resolution of cases.²

For the reasons expressed below, we conclude that HEERA does not compel the University to grant released time to University employees who attend informal settlement conferences on CSEA's behalf.

(b) Deny to employee organizations rights guaranteed to them by this chapter.

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(d) Dominate or interfere with the formation or administration of any employee organization, or contribute financial or other support to it, or in any way encourage employees to join any organization in preference to another; provided, however, that subject to rules and regulations adopted by the board pursuant to Section 3563, an employer shall not be prohibited from permitting employees to engage in meeting and conferring or consulting during working hours without loss of pay or benefits.

²PERB rules and regulations are codified at California Administrative Code, title 8, section 31000 et seq.

PERB Rule 32670 (a) provides:

A Board agent may conduct an informal conference or conferences for the purposes of clarifying the issues and exploring the possibility of voluntary resolution and settlement of the case. No record shall be made at such a conference.

See also PERB Rule 32620 (b) (7).

DISCUSSION

Section 3569 of HEERA provides a reasonable number of representatives of an exclusive representative the right to reasonable periods of released time without loss of compensation when engaged in meeting and conferring and for the processing of grievances prior to the adoption of an initial memorandum of understanding. CSEA, which is not the exclusive representative of any employees of the University, is not entitled to released time under this provision.³

Similarly, we do not find that CSEA is entitled to the released time sought by virtue of section 3565 of the Act. That provision grants employees the right to "form, join and participate in the activities of employee organizations." The employees' right to participate in the informal conference resulting from CSEA's unfair practice charge is not in question here. The issue is simply whether they have the right to paid released time. In light of the specific released time provision found in section 3569, we do not conclude that the right to participate in informal conference proceedings also encompasses a statutory right to participate without loss of compensation.

³Whether employees appearing at informal proceedings on behalf of an exclusive representative are entitled to released time is not before us and the hearing officer's determination in this regard is disavowed.

ORDER

Based upon the foregoing discussion, the appeal of the California State Employees' Association is hereby DISMISSED.

PER CURIAM