

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



In the Matter of:)
) Case Nos. SF-RR-1002 et al.
UNIT DETERMINATION FOR CLERICAL)
EMPLOYEES OF THE UNIVERSITY OF)
CALIFORNIA PURSUANT TO CHAPTER 744)
OF THE STATUTES OF 1978 (HIGHER) PERB Decision No. 244-H
EDUCATION EMPLOYER-EMPLOYEE)
RELATIONS ACT)) September 30 , 1982

Appearances; Robert J. Bezemek, Attorney (VanBourg, Allen, Weinberg & Roger) for United Health Care Employees, SEIU; Hirsch Adell and Glenn Rothner, Attorneys (Reich, Adell & Crost) and Les Chisholm for American Federation of State, County and Municipal Employees, AFL-CIO; Christine A. Bologna, Attorney, Wayne Heine and Gerald B. Radeleff for California State Employees' Association; Patrick J. Szymanski, Attorney (Beeson, Tayer, Kovach & Silbert) for Brotherhood of Teamster and Auto Truck Drivers, Local No. 70; Jerrold C. Schaefer and Judith Droz Keyes, Attorneys (Corbett, Kane & Berk) for the Regents of the University of California.

Before: Tovar, Jaeger, Morgenstern and Jensen, Members.*

I.

INTRODUCTION

The Higher Education Employer-Employee Relations Act (hereafter HEERA)¹ became effective July 1, 1979 as a result of legislation enacted by the California Legislature in 1978. The legislation granted jurisdiction over the HEERA to

*Chairperson Gluck did not participate in this Decision.

¹The HEERA is codified at Government Code section 3560 et seq. All statutory references hereafter are to the Government Code unless otherwise indicated.

the Public Employment Relations Board (hereafter PERB or Board). Its terms extend the opportunity for collective negotiations to, among others, employees of the University of California and their designated representatives.² As an initial step in the representational process, PERB has authority to determine the appropriate units for employees of UC.³

Pursuant to rules and regulations adopted by the Board,⁴ various employee organizations filed petitions with the Board describing the units they believed to be appropriate. Parties to the instant case then participated in the unit determination hearing conducted by a PERB hearing officer who thereafter transmitted the entire record along with his unit recommendations to the Board itself for decision.

In Unit Determination for Technical Employees of the University of California (9/30/82), PERB Decision No. 241-H, the Board determined that three units of technical employees were appropriate. Based on the evidence and the briefs submitted by

²In addition to providing exclusive representation of employees in appropriate units by employee organizations, HEERA also makes it unlawful for the employer or the employee organization to commit certain acts and requires the employer and the exclusive representative to meet and confer in good faith and endeavor to reach an agreement on matters within the scope of representation.

³Subsection 3563(a).

⁴PERB rules and regulations regarding HEERA are codified at California Administrative Code, title 8, section 50000 et seq.

the parties as well as the hearing officer's recommendations, and pursuant to the statutory unit determination criteria,⁵ the Board has determined that the following additional unit is appropriate:

Clerical and Allied Services Unit (excluding employees of Lawrence Livermore National Laboratory).

THE CLERICAL PETITIONS

Petitions describing a unit of clerical employees have been filed by the American Federation of State, County and Municipal Employees, AFL-CIO (AFSCME), the California State Employees Association (CSEA), and United Health Care Employees, SEIU, Locals 102, 250 and 434 (SEIU). The petitions of AFSCME and CSEA are virtually the same. Each has requested a clerical unit which is essentially systemwide, excluding only those employees at the Lawrence Livermore National Laboratory. The University agrees that such a unit would be appropriate. SEIU has requested a unit which consists of all the clerical workers employed at the University's medical facilities. SEIU's petition is thus in conflict with those of AFSCME and CSEA. For the reasons set forth by the hearing officer at pp. 36-46 of his recommendations to the Board Re Staff Operations

⁵See this Board's preceding decision, Unit Determination for Technical Employees of the University of California (9/30/82) PERB Decision No. 241-H, pp. 3-6, for a review of the statutory unit determination criteria. That discussion is incorporated herein by reference.

Employees (2/8/82), we find the petitions of CSEA and AFSCME for a systemwide clerical unit (excluding employees of Lawrence Livermore National Laboratory) to be appropriate, and that of SEIU to be inappropriate.

We note that while we adopt the hearing officer's recommendation that hospital unit service coordinators (9257-9259) and medical records technicians (9266-9266) should be excluded from this unit (see Unit Determination for Technical Employees of the University of California (9/30/82), PERB Decision No. 241-H for the disposition of patient care and technical classes), we decline to adopt his recommendation that hospital medical transcribers (4687-4688) and patient record abstractors (4716-4719) also be excluded. These classes were petitioned for by both AFSCME and CSEA, and we agree that incumbents of the classes perform clerical duties and share a close community of interest with the other clerical employees petitioned for by AFSCME and CSEA. Neither were these classes included in SEIU's petition for a patient care and technical unit (see Unit Determination for Technical Employees of the University of California (9/30/82), PERB Decision No. 241-H). Thus we would not adopt the hearing officer's recommendation that these classes be included in that unit proposed by SEIU.

ORDER

Based on the entire record in this case, the Public Employment Relations Board hereby ORDERS that:

1. A unit composed of all clerical and allied employees of the University of California, excluding those employed at the Lawrence Livermore National Laboratory, is appropriate for the purpose of meeting and conferring in good faith pursuant to Government Code section 3560, et seq. The employment classes included in this unit are set forth in the attached appendix.

2. The unit found appropriate shall exclude managerial, supervisory and confidential employees of the University.

3. Any technical errors in this ORDER shall be presented to the director of representation, who shall take appropriate action thereon in accordance with this decision.

4. The Board hereby ORDERS a representation election in this unit and the general counsel is hereby directed to proceed in accordance with California Administrative Code, title 8, part 3, division 4.

By the BOARD

CLERICAL AND ALLIED SERVICES UNIT

<u>Class Code</u>	<u>Class Title</u>
4513	Communications Attendant
4612	Senior Cashier
4613	Cashier
4621	Senior Collections Representative
4622	Collections Representative
4671	Principal Clerk
4672	Senior Clerk
4673	Clerk
4677	Senior Hospital Biller
4678	Hospital Biller
4681	Principal Typist Clerk
4682	Senior Typist Clerk (A)
4683	Senior Typist Clerk (B)
4687	Senior Hospital Medical Transcriber
4688	Hospital Medical Transcriber
4691	Senior Graphic Compositor
4692	Graphic Compositor
4706	Office Supervisor II
4707	Office Supervisor I
4712	Administrative Assistant III
4713	Administrative Assistant II

4714	Administrative Assistant I
4715	Administrative Assistant
4716	Patient Record Abstractor IV
4717	Patient Record Abstractor III
4718	Patient Record Abstractor II
4719	Patient Record Abstractor I
4722	Assistant III
4723	Assistant II
4724	Assistant I
4772	Lead Key Entry Operator
4773	Key Entry Operator
4774	Assistant Key Entry Operator
4874	Messenger
4919	Assistant IV
4920	Assistant III
4921	Assistant II
4922	Assistant I
4961	Senior Coder
4962	Coder
4999	Senior Legal Secretary
5000	Legal Secretary
5006	Secretary III
5007	Secretary II
5008	Secretary I
5009	Secretary I (Shorthand)

6456	Program Assistant II
6457	Program Assistant I
6493	Visitor Program Assistant
6694	Translator-Technical
6732	Bibliographer II
6733	Bibliographer I
6759	Library Assistant IV
6760	Library Assistant III
6761	Library Assistant II
6762	Library Assistant I
7191	Principal Data Processing Production Coordinator
7192	Senior Data Processing Production Coordinator
7193	Data Processing Production Coordinator
7232	Senior Survey Worker
7233	Survey Worker
9031	Principal Admitting Worker
9032	Senior Admitting Worker
9033	Admitting Worker
518.1	Administrative Services I
518.2	Administrative Services II
518.3	Administrative Services III
518.4	Administrative Services IV
518.5	Administrative Services V
642.0	Dispatcher, Emergency Communications