

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



LOS ANGELES UNIFIED SCHOOL)
DISTRICT,)
Employer,) Case No. LA-R-835
and) PERB Decision No. 424a
SUPERVISORY EMPLOYEES UNION, LOCAL)
347, SEIU, AFL-CIO,) December 30, 1987
Employee Organization.)

Appearances; O'Melveny & Myers by Joel M. Grossman, for Los Angeles Unified School District; Law Offices of Henry S. Barbosa by Douglas D. Barnes, for Supervisory Employees Union, Local 347, SEIU, AFL-CIO.

Before Hesse, Chairperson; Porter and Shank, Members.

DECISION

HESSE, Chairperson: Pursuant to the order of the Second District Court of Appeal in Los Angeles Unified School District v. Public Employment Relations Board and Classified Union of Supervisory Employees, Local 347, SEIU, AFL-CIO (1986) 191 Cal.App.3d 551,¹ the Public Employment Relations Board (PERB or Board) hereby:

1. Vacates its decision in the above-captioned matter, PERB Decision No. 424 issued on October 24, 1984, finding that

¹The California Supreme Court on April 30, 1987, dismissed the petition for review in this case, remanded this matter to the Second District Court of Appeal and directed publication of the Court of Appeal's opinion.

Supervisory Employees Union, Local 347 (Local 347), Service Employees International Union, AFL-CIO was not the same employee organization as Los Angeles City and County School Employees Union, Service Employees International Union, Local 99 (Local 99), within the meaning of section 3545(b)(2) of the Educational Employment Relations Act (EERA or Act),² and therefore that Local 347 was not precluded from representing supervisors who supervise rank-and-file employees represented by Local 99; and

2. Vacates its ORDER in said case which provided that an election be conducted to determine whether Local 347 shall be the exclusive representative of supervisory employees.³

3. By this DECISION, the Board determines that Local 347 and Local 99 are the same employee organization within the meaning of section 3545(b)(2) of the Act and that Local 347 was precluded from representing supervisors who supervise rank-and-file employees represented by Local 99.

Members Porter and Shank joined in this Decision.

²EERA is codified at Government Code section 3540 et seq. Unless otherwise indicated, all statutory references herein are to the Government Code.

³We note that in November 1985, before issuance of the Court's opinion, an election was held pursuant to section 3542(a). However, the instant supervisory employees voted against representation by Local 347.