

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



HOWARD O. WATTS,)
)
 Complainant,) Case No. LA-PN-83
)
 v.) PERB Decision No. 454
)
 LOS ANGELES COMMUNITY COLLEGE DISTRICT,) December 7, 1984
)
 Respondent.)
 _____)

Appearance: Howard O. Watts, on his own behalf.

Before Hesse, Chairperson; Jaeger and Morgenstern, Members.*

DECISION

This case is before the Public Employment Relations Board (Board) on an appeal by Howard O. Watts of the Board agent's dismissal, attached hereto, of his public notice complaint alleging that the Los Angeles Community College District violated section 3547(a), (b), (c), and (d) of the Educational Employment Relations Act (Government Code section 3540 et seq.).

We have reviewed the Board agent's dismissal in light of the Complainant's appeal and the entire record in this matter and adopt that dismissal as the decision of the Board itself. The Board agent's denial of Watts' request for assistance made pursuant to California Administrative Code, title 8, section 32163 is affirmed for the reasons set forth in Los Angeles

*Members Tovar and Burt did not participate in this Decision.

Unified School District and California State University

(8/16/84) PERB Decision No. 396-H.

ORDER

The public notice complaint in Case No. LA-PN-83 is
DISMISSED WITHOUT LEAVE TO AMEND.

By the BOARD

PUBLIC EMPLOYMENT RELATIONS BOARD

LOS ANGELES REGIONAL OFFICE
3470 WILSHIRE BLVD., SUITE 1001
LOS ANGELES, CALIFORNIA 90010
(213) 736-3127



August 15, 1984

Mr. Howard O. Watts

Re: NOTICE OF DISMISSAL
LA-PN-83, Watts v. Los Angeles Community College District

Dear Mr. Watts:

Your above-captioned public notice complaint was filed with our office on June 22, 1984. The complaint alleges that the Los Angeles Community College District, (LACCD), violated EERA sections 3547(a),(b),(c) and (d) by adopting a salary adjustment for the Police Unit at its June 20, 1984 Board of Trustees' meeting without presenting the exclusive representative's or its own proposal, and by not allowing the public to address the proposed adjustment before it was adopted.

Attached in support of your complaint was a bulletin from the Personnel Services Division of LACCD dated June 20, 1984 (Your Exhibit 1). It is an action bulletin stating adopted salary adjustments and adopted salary adjustments subject to ratification by the appropriate bargaining agents. There are six employee groups named by LACCD as having been granted salary adjustments. The Police Unit is one of these six. The background paragraph which concludes the bulletin states "The above salary increases for represented employees except the Police Unit are a result of collective bargaining negotiations pursuant to the various collective bargaining contracts. The salary increase for the Police Unit is pursuant to Article 19.7 which allows the District to grant salary increases as it deems appropriate. (No negotiations have taken place with the Police Unit for 1983-84.)" (Emphasis added)

On July 6, 1984 you reviewed a copy of the recently expired agreement between LACCD and the California School Employees Association Chapter 331 in this office. I explained to you that PERB had recently conducted a decertification election in the Police Unit of LACCD and that as of June 16, 1984 P.O.R.A.C was the exclusive representative of the members of the unit. The relevant article of the contract (19.7) provides that "The District reserves the right to grant additional salary increases to any class or classes of positions as it deems appropriate."

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No negotiating occurred regarding the 3.75% salary increase granted Police Unit members. Therefore, there were no initial proposals to be presented as required by 3547(a). No meeting and negotiating took place before the public had an opportunity to express itself because there were no proposals, thus no violations of 3547(b) or (c) can be found. No new subjects arose after the presentation of initial proposals because no initial proposals were exchanged. The District simply and unilaterally raised wages of the Police Unit members as was permitted by the collective bargaining agreement.

Your instant complaint does not state a prima facie violation of EERA section 3547, and cannot be amended to do so. The complaint is hereby DISMISSED WITHOUT LEAVE TO AMEND.

In addition your request for assistance which was filed on August 3, 1984 is also hereby dismissed. Albeit that PERB Regulation 32163 was not discussed in Board Decision No. 181a Watts v. Los Angeles Unified School District and California School Employees Association, (February 22, 1982) or 186 Watts v. Los Angeles Community College District, (December 15, 1981), the Board's rationale certainly remains the same. Technical assistance will be provided where needed, but legal advice or opinion will not be proffered.

An appeal of this decision pursuant to PERB Regulation 32925 may be made within 20 calendar days following the date of service of this decision by filing an original and 5 copies of a statement of the facts upon which the appeal is based with the Board itself at 1031 - 18th Street, Suite 200, Sacramento, California 95814. Copies of any appeal must be concurrently served upon all parties and the Los Angeles Regional Office. Proof of service pursuant to Regulation 32140 is required.

Sincerely,

Frances A. Krelling
Regional Director

Rogé/ Smith
Regional Representative

RS:bw

cc: Carmen Hawkins