

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



HOWARD O. WATTS,)
)
 Complainant,) Case No. LA-PN-99
)
 v.) PERB Decision No. 731
)
 LOS ANGELES COMMUNITY COLLEGE) May 3, 1939
 DISTRICT,)
)
 Respondent.)
 _____)

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

Before Hesse, Chairperson; Porter and Camilli, Members.

DECISION

CAMILLI, Member: On July 7, 1988, Howard O. Watts (Watts) filed a complaint with the Los Angeles Regional Office of the Public Employment Relations Board (PERB or Board) alleging that the Los Angeles Community College District (LACCD or District) had violated the public notice provisions of the Educational Employment Relations Act (EERA)¹ when it failed to provide the public copies of its proposals relating to a new contract with the Los Angeles County Building and Construction Trades Council.

The PERB Los Angeles Regional Director subsequently concluded that LACCD violated EERA section 3547(a) and (b)² and,

¹EERA is codified at Government Code section 3540 et seq. Unless otherwise indicated, further statutory references are to the Government Code.

²Section 3547 provides, in pertinent part:

- (a) All initial proposals of exclusive representatives and of public school

on August 8, 1988, served an order on LACCD directing the District to cease and desist from failing to provide copies of all proposals to members of the public upon request. The District was also ordered to post a notice and to inform the PERB Los Angeles Regional Director of actions it had taken to comply with the order.

Rather than go to hearing, the District complied with the order. Finding that LACCD complied, the regional director dismissed the complaint pursuant to Regulation 32920(b)(7).³ On November 28, 1988, Watts appealed the regional director's dismissal pursuant to Regulation 32925.⁴

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.

³PERB Regulations are codified at California Administrative Code, title 8, section 31001 et seq. Regulation 32920 states, in pertinent part:

(b) The powers and duties of such Board agent shall be to:

.

(7) If the Board agent receives proof that the respondent has voluntarily complied with the provisions of Government Code sections 3547 or 3595, a Board agent may either approve the complainant's withdrawal of the complaint or dismiss the complaint.

⁴PERB Regulation section 32925 states:

Within 20 days of the date of service of a dismissal made pursuant to section 32920(b)(8) or a determination made pursuant to section 32920(b)(10), any party adversely affected by the ruling may appeal to the

Watts appeals on the basis that the order issued provided that LACCD shall cease and desist from failing to provide copies of all proposals to members of the public upon request. Watts contends that the upon request language was improper and that the notice should be reissued and posted, requiring that LACCD provide its proposals at the time of the presentation and not upon request.

The Board finds no merit in Watts' argument. Section 3547 provides that proposals

. . . which relate to matters within the scope of representation shall be presented at a public meeting . . . and thereafter shall be public records.
(Emphasis added.)

A fundamental right of every person is access to information concerning the conduct of the people's business. (California Public Records Act, Gov. Code, secs. 6250 et seq.) The right to inspect public records must be freely allowed unless contrary to statute or public policy.

Section 6256 of the California Public Records Act also provides in pertinent part:

Any person may receive a copy of any identifiable public record or copy thereof.

Board itself. The appeal shall be filed in writing with the Board itself in the headquarters office, and shall be signed by the appealing party or its agent. The appealing party shall serve the appeal and all supporting documents upon all other parties. Within 20 days of service, each other party may file with the Board itself an opposition to the appeal.

Upon request, an exact copy shall be provided
unless impracticable to do so. . . .
(Emphasis added.)

The Board finds that the notice posted by LACCD in this case was proper, as section 6256 only requires copies of public records be available upon request.⁵ As the notice at issue contained this requirement, we find the notice conformed with California law. As Watts has the opportunity of obtaining a copy of the proposal by requesting it from LACCD, we find that the dismissal of the charge was proper.

ORDER

For the reasons stated above, the Board DENIES Howard O. Watts' appeal and AFFIRMS the dismissal of Case Number LA-PN-99.

Chairperson Hesse and Member Porter joined in this Decision.

⁵See also Gov. Code section 6257.