

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



STATEWIDE UNIVERSITY POLICE)
ASSOCIATION and GILBERT A.)
WASHINGTON, JR.,)
Charging Parties) Case No. S-CE-35-H
v.) PERB Decision No. 845-H
CALIFORNIA STATE UNIVERSITY,)
FRESNO,) October 4, 1990
Respondent.)

Appearances: Mastagni, Holstedt & Chiurazzi by Mark R. Kruger, Attorney, for Statewide University Police Association and Gilbert A. Washington, Jr.; William B. Haughton, Attorney, for California State University, Fresno.

Before Hesse, Chairperson; Shank and Camilli, Members.

DECISION

HESSE, Chairperson: This case is before the Public Employment Relations Board (PERB or Board) on exceptions filed by the California State University, Fresno (CSU) and Statewide University Police Association (SUPA) and Gilbert A. Washington, Jr. (Washington) to a proposed decision issued by a PERB administrative law judge (ALJ). The ALJ dismissed the unfair practice charge and complaint alleging that CSU violated section 3571(a) and (b) of the Higher Education Employer-Employee Relations Act (HEERA or Act)¹ when it unlawfully discriminated

¹HEERA is codified at Government Code section 3560 et seq. Unless otherwise indicated, all statutory references are to the Government Code. Section 3571 provides, in pertinent part:

It shall be unlawful for the higher education employer to:

against Washington because of his exercise of protected activity.

We have reviewed the entire record, including the proposed decision, transcript, exhibits, exceptions and response, and reverse the ALJ's dismissal for the following reasons.

FACTUAL SUMMARY

Washington was hired as a public safety officer by the Fresno State Police Department (FSPD) effective July 13, 1987. This position had a one year probationary period ending July 13, 1988. Pursuant to a subpoena, Washington testified on behalf of a fellow campus police officer (John Moseley) at a PERB formal hearing on June 22, 1988. Washington was rejected from his probationary position on June 28, 1988, effective July 12, 1988. Washington alleges that his rejection was due to his having testified at the PERB formal hearing.

Prior to Washington's employment at the FSPD, Sergeant (Sgt.) Richard Snow (Snow) of the FSPD conducted a background investigation. The report, with regard to previous employers and supervisors, was mixed. The report included the fact that Washington was removed from the canine unit in 1987 at the Fresno

(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.

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

This section was subsequently amended, effective January 1, 1990. This change has no impact on the disposition of this case.

County Sheriff's Department. The report also included reprimands Washington received in September 1981, December 1986, and January 1987 and a report placed in Washington's file on May 7, 1986, regarding poor judgment; slow response time to calls; late and incomplete reports; poor attitude in dealing with the public; failing to get overtime authorization; and failing to remain in assigned beat. Despite these mixed reports, Snow stated in his evaluation that he "found no significant lasting problems." He further stated that:

. . . it would appear that Washington is dependable and interested in helping people. He seems sincere in his desire to assist the public and should be well suited to the campus community style of police work.

Prior to Chief William Anderson's (Anderson) decision to hire Washington, he met with Washington. During their meeting, Washington informed Anderson that he had not passed probation at the United States Marshal's Office and Washington D.C. Police Department. Anderson and Washington also discussed his conflicts with his supervisors at the Fresno County Sheriff's Department.

At the FSPD, Officer Margie Hernandez (Hernandez), a training officer, was assigned to monitor Washington's employment transition from deputy sheriff to CSU police officer. Hernandez worked directly with Washington for approximately four weeks. Any problems noted were normal to any new officer in the department. Hernandez believed that Washington was a safe and knowledgeable officer who had a good rapport with the public. She found him trainable and open to suggestions on how to improve

his performance. Further, she found his report writing acceptable. Hernandez was aware of some conflicts Washington had with Officer Guadalupe Canales (Canales). Hernandez told Washington, since he was on probation, there was not much they could do about it. Hernandez told Washington to just bear with it and keep doing his job.

Numerous officers and dispatchers testified that Washington was an excellent police officer and that there was no legitimate reason to reject him. While Officer Daniel Horsford (Horsford) testified that Washington was a good police officer, he also observed Washington having trouble with some of the people with whom he was working (Canales and Sgt. Maria Silva). Horsford further testified that, in the past, he also had problems with Canales and had complained about her attitude.

On October 2, 1987, Washington received his first probationary evaluation from Sgt. Larry Foote (Foote). In all six general categories, Foote noted that Washington fully met the expected standards. The comments were positive concerning his organization, report writing, ability to get along with employees and staff, appearance, control, and rapid adaption to working on campus. There were no negative comments in the report.

Prior to the preparation of Washington's second probationary evaluation report, Foote became ill and was replaced by Sgt. Maria Silva (Silva). Silva had only been Washington's supervisor for a period of two to four weeks when she prepared the second probationary report on January 14, 1988. According to Silva,

Foote had advised her regarding some negative information about Washington's performance, but she declined to include this information in his evaluation report because she did not personally witness any of the incidents. Once again, Washington's ratings in the six general categories were all within the "fully meets expected standard" rating; some of the markings almost abutted the "consistently exceeds expected standards" rating area on the evaluation form. In the narrative portion of the evaluation, Silva included several positive comments about Washington's performance, including his report writing, communication with his employees, ability to accept constructive criticism, ability to work and follow through, ability to make the transition from deputy sheriff to campus law enforcement with no problem, and ability to make sound decisions in his work. Again, there were no negative comments in the report. This report was discussed and signed by Silva and Washington on February 21, 1988.

On March 23, 1988, Silva and Washington held a meeting to discuss his performance and an upcoming informal evaluation. In this informal evaluation, Washington received 31 separate ratings. Seventeen of these ratings were in the "average" range, 11 in the "good" range, 2 in the "excellent" range, and 1 rating in the "improvement needed" range. The "improvement needed" rating was for "Organization." The "excellent" ratings were in "Knowledge" and "Relationships with Supervisors." The narrative comments included both acceptable and unacceptable traits. Silva

noted Washington was an "easy going individual, accepts changes and modifies his behavior, takes pride in his work and appearance, lowest sick leave for shift, orderly." She also stated "report writing time frame to [sic] long, paperwork logs not turned in on time, too formal in report writing." In the general comment section, Silva noted Washington's "formality in his reports has decreased and is using first person writing style more."

In her testimony, Silva claimed that originally, she had three or four categories marked "improvement needed" in the informal evaluation. She testified she changed these markings after the March 23, 1988 meeting with Washington because she thought she was being too harsh on him. However, she also testified that after this meeting, she determined that Washington was untrainable. At a meeting with Lieutenant Steven King (King), Silva asked if it was possible to extend Washington's probationary period. King told her the probationary period could not be extended. Sgt. James Myers (Myers) and Investigator Michael O'Reilly testified they heard Washington shouting at Silva during the March 23, 1988 meeting. Silva did not mention to King that Washington had been verbally abusive. When reporting to King about the meeting, Silva mentioned only that Washington became upset and made facial grimaces. King requested that Silva prepare a memo documenting the problems with Washington's performance. Neither the informal evaluation nor memo mention Washington's conduct during the March 23, 1988

meeting.

During the beginning of May 1988, Anderson spoke to King about a recent conversation he had with Washington regarding his application to work at the Clovis Police Department. Anderson told King he was pleased that he had been able to talk Washington into staying with the FSPD. At this point, King told Anderson there had been some difficulties with Washington. As Anderson had been assigned to a special task force from January to May 1988, he had not been in contact with the day-to-day operations of the FSPD. Anderson told King to organize a meeting of all the sergeants to bring him up to date on Washington's probationary status. This meeting was held on June 6, 1988. As most of the information received in this meeting was negative, Anderson made arrangements to assign Washington to two weeks of field training under the supervision of Myers.

On June 7, 1988, Anderson wrote a memo to Washington indicating the reasons for the two-week training. This memo was based on negative information supplied to Anderson by Lieutenant King and Sgts. Silva and Snow during the June meeting. This information included allegations that Washington was sleeping on patrol, playing a personal radio when it had been forbidden by the sergeant, responding to radio calls in a slow manner, and failing to call in on the radio when making traffic stops. There was also an allegation that Washington had been rude to

dispatcher Deborah Stamp (Stamp).² At a briefing by secret service agents prior to then Vice-President Bush's visit to the campus, Washington allegedly interrupted the briefing with either laughter or loudly whispered comments. Finally, in late May 1988, Washington allegedly made belittling and disrespectful comments regarding Silva.

From June 13 through June 24, 1988, Washington was under the direct supervision of Myers. Myers filed a daily observation report, grading Washington in 30 separate categories. On an average, 12 to 14 of these categories were not observed in any one day. Most of Myers' ratings of Washington were at the acceptable level. Washington received several high marks for his "General Appearance." He received seven low marks during this ten-day period involving his "Acceptance of criticism: verbal/behavior." The narrative comments do not explain the basis for this rating. Four of his negative ratings had to do with the completion of forms and/or report writing. The only explanation of these criticisms was that minor corrections were needed or an incorrect category was used in a report. The only other two negative ratings concerned "Officer Safety: General." In one instance, Washington was accused of setting out "a poorly designed flare pattern at the scene of a drunk-auto." In the other, during "a traffic stop, Washington positioned himself in

²Charging parties' exception that there is no direct evidence supporting the ALJ's finding that Washington was rude over the radio to Stamp has no merit. In his testimony, Washington admitted that, on one occasion, he had been rude to Stamp over the radio and later apologized to Stamp.

an unsafe position with the driver of the vehicle." In the narrative comment portion of the reports, Washington received many positive comments regarding his relationship with the civilians he contacted while on campus. There were also frequent comments about the slowness of the activity on campus during this ten-day time period. In addition, there were a number of comments such as, "On the mechanics of the job, Officer Washington is a good officer, but there are other areas he needs to work on." There was no further explanation of these comments.

After the ten-day field training session was completed, Anderson met with the involved supervisory personnel. Myers concluded that Washington "cannot function independently at this time and recommended rejection." Sgts. Silva and Snow, as well as Lieutenant King, all recommended Washington's rejection from probation.

On June 28, 1988, Washington received his third formal evaluation, which was marked as "improvement needed to meet expected standards" in his abilities, work habits, attitude and adaptability. On the same date, Washington received his notice of rejection from probation, effective July 12, 1988.

DISCUSSION

In Novato Unified School District (1982) PERB Decision No. 210, the Board set forth the test for discrimination and retaliation.³ In order to establish a prima facie case, the

³In California State University, Sacramento (1982) PERB Decision No. 211-H, the Board found the test in Novato Unified School District, supra, PERB Decision No. 210, for discrimination

charging party must prove: (1) the employee engaged in protected activity; (2) the employer had knowledge of such protected activity; and (3) adverse action was taken against the employee as a result of such protected activity. In discrimination and retaliation cases, unlawful motive is the specific nexus required to establish a prima facie case. The Board recognized that direct proof of motivation is rarely possible, and concluded that unlawful motive can be established by circumstantial evidence and inferred from the record as a whole. To justify such an inference, the charging party must prove the employer had actual or imputed knowledge of the employee's protected activity. The following factors may support an inference of unlawful motivation: (1) disparate treatment of the charging party; (2) proximity of time between the participation in protected activity and the adverse action; (3) inconsistent or contradictory explanations of the employer's action; (4) departure from established procedures or standards; and (5) an inadequate investigation. (Novato Unified School District, supra, PERB Decision No. 210; Regents of the University of California (Berkeley) (1985) PERB Decision No. 534-H; see also Baldwin Park Unified School District (1982) PERB Decision No. 221.)

In the present case, there is no dispute that Washington engaged in protected activity when he testified at a PERB formal hearing on June 22, 1988. As Anderson was present during this hearing, CSU was aware of this protected activity.. In finding _____ and retaliation applicable to cases arising under HEERA.

CSU was aware of Washington's protected activity, the ALJ also noted that Washington's employment problems with the FSPD predated his testimony, but not the issuance of the subpoena on April 26, 1988. CSU excepts to this finding and argues CSU did not become aware of the subpoena until it was served on May 16, 1988.⁴ CSU argues the May 3, 1988 meeting between Anderson and King, wherein King briefed Anderson regarding Washington's problems on probation, allegedly was the beginning of the FSPD's actions against Washington based on his performance while on probation. Therefore, CSU argues, the FSPD's actions predated its knowledge of Washington's protected activity.

Even if this briefing occurred before CSU had knowledge that Washington was going to testify at the PERB formal hearing, the outcome of this briefing did not decide Washington's status on probation. Rather, as a result of this briefing, Anderson decided to hold a management meeting with King and all the sergeants regarding Washington's probationary status. After this meeting, held on June 6, 1988, Anderson decided to place Washington on a two-week field training assignment with Myers.

⁴Washington testified he was served with the subpoena on the day of the Bush briefing. Anderson testified that he became aware of Washington's subpoena on or about May 16, 1988, the day of the Bush briefing. Anderson stated he was put in the position of having to serve the subpoenas on the police officers. King testified that he became aware of Washington's subpoena the first week of May.

During Silva's testimony, she confirmed the ALJ's assumption that "everybody at the CSU, Fresno knew that the hearings were going on and there was a lot of discussion about who was testifying and who said what and all that sort of thing."

From June 13 through June 24, 1988, Washington was under the direct supervision of Myers. As part of this training, Myers filed a daily observation report grading Washington in several separate categories. As is obvious from the dates, the training was not completed or discussed until after Washington had engaged in protected activity. Although the grades and comments were generally satisfactory and favorable, Myers concluded that Washington could not function independently and recommended rejection. At a second management meeting held after Washington testified at the PERB hearing, Sgts. Silva and Snow and Lieutenant King recommended Washington's rejection during probation.

On June 28, 1988, Washington received his third formal evaluation. This evaluation evidenced a dramatic drop in Washington's performance as a police officer at the FSPD. As the previous evaluations were good or, at the very minimum, satisfactory, this evaluation seems suspect. This is especially true in light of the fact that this evaluation was given only six days after Washington testified at the PERB formal hearing. On the same day, Washington received his notice of rejection from probation, effective July 12, 1988.⁵ Thus, the actual date that CSU had knowledge of the subpoena does not change the fact that Washington was given his third formal evaluation and notice of rejection six days after he testified at the PERB formal hearing.

⁵It is interesting to note that the notice of rejection was dated June 27, 1988, one day before Washington's third formal evaluation.

On this basis, the Board finds that the proximity of time between the participation in protected activity and Washington's rejection from probation support an inference that there was a causal relationship between these two circumstances.

In determining whether there was disparate treatment, there is no evidence in the record of other probationary employee evaluations. Therefore, it is impossible to compare Washington's evaluations with other probationary employee evaluations.

The FSPD did, however, give inconsistent or contradictory explanations for its evaluations of Washington. While Washington received uniformly positive evaluations for the first nine months of his twelve-month probation period, the FSPD insisted that he was guilty of a series of egregious and inappropriate actions during the same time period. However, none of these actions were either documented or discussed with Washington until the last month or six weeks of his probationary period. Even Anderson was under the impression as late as mid-May 1988 that Washington was successfully completing his probationary period. Another inconsistency involves the high level of support given to Washington by other employees of the FSPD. Both sworn and nonsworn long-term employees of the FSPD believed that Washington was a good police officer and did nothing to warrant rejection. This testimony lends support to the contention that the rejection was the result of anti-union animus rather than an honest appraisal of Washington's skills as a police officer.

With regard to any departure from established procedures or

standards, the FSPD's inaccurate preparation of Washington's evaluation reports was a departure from established procedures. The purpose of probationary performance evaluations is to (1) force the supervisor into a periodic evaluation of the employee's progress towards successful completion of a probationary period; and (2) inform the employee of such progress and allow him sufficient time to discuss and correct any deficiencies. In this case, neither of these purposes were met as the evaluations failed to properly represent the FSPD's honest opinion of Washington's progress towards completing his probationary period.

Further, the FSPD held at least two management meetings to discuss and decide Washington's status on probation. Such meetings were a departure from established procedures. King testified it was not part of CSU's normal practice to discuss probationary employees in such meetings.

Finally, the investigation of Washington's capabilities and potential value to the FSPD was inadequate. The investigation was confined to the last 30 days of his employment and completed in a hurried nature. The combination of the timing of Washington's rejection from probation, inconsistencies in the FSPD's actions, departure from established procedures, and inadequacies of the investigation of Washington's performance lead to the conclusion that the charging parties presented a prima facie case of discrimination.

The charging parties' exceptions challenge the ALJ's conclusion that CSU had an operational justification for

rejecting Washington from his probation. In finding operational justification, the ALJ stated:

Even if the comments from both Canales and Silva from one side, and from Jensen and Mendoza from the other, are disregarded as being the product of their pro or anti-SUPA stances, the FSPD still has evidence of a probationary employee who (1) was rejected in probation from two previous employers, (2) has [sic] mixed "recommendations" from his previous supervisors, (3) had a series of Internal Affairs incidents when [he was] with the Sheriff's office, (4) engaged in a loud confrontation with his supervisor when discussing a performance report, (5) embarrassed the FSPD by twice disrupting an important security briefing, and (6) Chief Anderson believes, not only referred to his supervisor in the most derogatory of terms, but consistently lied about it. (Proposed Decision, p. 28)

Although the ALJ recognized that the "FSPD failed to meet the most minimum of standards in documenting Washington's police officer performance throughout his employment" and the "employees are divided into two distinct groups or cliques," he nonetheless concluded that the FSPD demonstrated an operational justification for its rejection of Washington from probation.

The charging parties' exception to the ALJ reliance upon information or incidents occurring during Washington's prior employment to find operational justification has merit. In this case, it was improper for the ALJ and CSU to rely upon Washington's employment history as justification for his rejection from probation, especially since this information was available during the background investigation. In fact, the background investigation report specifically included conflicting

recommendations from Washington's previous supervisors and the internal affairs incidents with the Fresno County Sheriff's Department. Anderson testified that, prior to his decision to hire Washington, Washington informed Anderson that he had not passed probation at the United States Marshal's Office and Washington D.C. Police Department. Anderson and Washington also discussed his conflicts with his supervisors at the Fresno County Sheriff's Department.

In its response to the charging parties' exceptions, CSU states the "incidents which occurred during the period of Washington's employment with respondent were the sole basis for his rejection during probation." CSU states that these incidents included (1) the loud confrontation Washington had with his supervisor when discussing a performance evaluation; (2) the disrupting of an important security briefing on two occasions; and (3) Chief Anderson's good faith belief that Washington had consistently lied about referring to his supervisor in derogatory terms. It is interesting to note that CSU does not address the ALJ's reliance on the prior employment history. In fact, CSU states the record clearly demonstrates that facts known to CSU regarding Washington's past employment history were not used by CSU as the basis for its decision to reject him during probation.

In reading charging parties' exception and CSU's response, it appears the parties are in agreement that it would be improper for CSU to rely upon Washington's employment history, known by CSU prior to his employment, as a basis for his rejection during

probation. If the Board disregards these factors, then CSU's reasons for Washington's rejection are even more unpersuasive. Although Washington allegedly engaged in a loud confrontation with Silva during his informal performance evaluation, Silva did not make a report of this incident. Silva discussed the informal evaluation with King and asked King if Washington's probationary period could be extended. King told her the probationary period could not be extended and requested that Silva prepare a memo documenting the problems with Washington's performance. There is no reference in either the informal evaluation or memo to Washington's alleged "loud confrontation."

With regard to the alleged disruption of the security briefing, the testimony is inconsistent.⁶ Washington testified that he did not really laugh, but was smiling after the secret service agent had finished the briefing. Washington also testified that he was talking and laughing before the briefing. Again, this incident was not included in Washington's performance evaluations.

Finally, Anderson's belief that Washington had lied about referring to Silva in derogatory terms involves a credibility determination by Anderson. Anderson chose to believe Jones' report to Silva rather than Washington's denial. Throughout the hearing, Washington denied making any such comments. Washington testified that he heard other officers making comments, laughing

⁶In his proposed decision, the ALJ did not make any credibility determinations based on the testimony.

and joking about Silva. Washington talked with the other police officers and tried to find an excuse or reason for her behavior. Washington testified his comments were not demeaning.

Based on the inconsistent testimony and the FSPD's failure to meet the most minimum of standards in documenting Washington's performance throughout his probationary period, the Board finds CSU failed to present credible evidence of an operational justification for Washington's rejection from probation. Accordingly, the Board finds the charging parties proved, by a preponderance of the evidence, that Washington's rejection from probation was due to his protected activity.

ORDER

Upon the foregoing findings of fact and conclusions of law, and the entire record in this case, the Public Employment Relations Board finds that the California State University, Fresno, violated section 3571(a) and (b) of the Higher Education Employer-Employee Relations Act.

Pursuant to section 3563.3 of the Higher Education Employer-Employee Relations Act, it is hereby ORDERED that California State University, Fresno, and its representatives shall:

A. CEASE AND DESIST FROM:

1. Imposing or threatening to impose reprisals, discriminating or threatening to discriminate against, or otherwise interfering with, restraining or coercing employees because of their exercise of rights guaranteed by the Act.
2. Denying to the Statewide University Police

Association rights guaranteed to it by the Act.

B. TAKE THE FOLLOWING AFFIRMATIVE ACTIONS DESIGNED TO EFFECTUATE THE POLICIES OF THE HIGHER EDUCATION EMPLOYMENT RELATIONS ACT:

1. Reinstatement Officer Gilbert A. Washington, Jr., as a public safety officer at the Fresno State Police Department.

2. Rescind and destroy the third formal evaluation dated June 28, 1988, and notice of rejection from probation dated June 27, 1988.

3. Delete from Officer Gilbert A. Washington, Jr.'s, personnel file, any reports or memoranda under the control of California State University, Fresno, which it used to support its third formal evaluation dated June 28, 1988, and notice of rejection from probation dated June 27, 1988.

4. Pay to Officer Gilbert A. Washington, Jr., the salary that he lost as a result of the unlawful rejection from probation. Such retroactive salary award shall include interest at the rate of ten (10) percent per annum.

5. Make Officer Gilbert A. Washington, Jr., whole for any other losses, such as benefits, seniority credit(s), leave credit(s), and reasonably expected overtime salary opportunities that he may have suffered as a result of the unlawful conduct by the California State University, Fresno, its agents and representatives.

6. Within thirty-five (35) days following the date the Decision is no longer subject to reconsideration, post at all work locations where notices to employees customarily are placed,

copies of the Notice attached as an Appendix hereto, signed by an authorized agent of the employer. Such posting shall be maintained for a period of thirty (30) consecutive workdays. Reasonable steps shall be taken to insure that this Notice is not reduced in size, defaced, altered or covered by any material.

7. Written notification of the actions taken to comply with this Order shall be made to the Los Angeles Regional Director of the Public Employment Relations Board in accordance with her instructions.

*Members Shank and Camilli joined in this Decision.



APPENDIX

NOTICE TO EMPLOYEES
POSTED BY ORDER OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD
An Agency of the State of California

After a hearing in Unfair Practice Case Nos. S-CE-35-H, State University Police Association and Gilbert A. Washington, Jr. v. California State University, Fresno, in which all parties had the right to participate, it has been found that the California State University, Fresno, violated the Higher Education Employer-Employee Relations Act (Act) section 3571(a) and (b).

As a result of this conduct, we have been ordered to post this notice and we will:

A. CEASE AND DESIST FROM:

1. Imposing or threatening to impose reprisals, discriminating or threatening to discriminate against, or otherwise interfering with, restraining or coercing employees because of their exercise of rights guaranteed by the Act.

2. Denying to the Statewide University Police Association rights guaranteed to it by the Act.

B. TAKE THE FOLLOWING AFFIRMATIVE ACTIONS DESIGNED TO EFFECTUATE THE POLICIES OF THE HIGHER EDUCATION EMPLOYMENT RELATIONS ACT:

1. Reinstate Officer Gilbert A. Washington, Jr., as a public safety officer at the Fresno State Police Department.

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4. Pay to Officer Gilbert A. Washington, Jr., the salary that he lost as a result of the unlawful rejection from probation. Such retroactive salary award shall include interest at the rate of ten (10) percent per annum.

5. Make Officer Gilbert A. Washington, Jr., whole for any other losses, such as benefits, seniority credit(s), leave credit(s), and reasonably expected overtime salary opportunities that he may have suffered as a result of the unlawful conduct by

the California State University, Fresno, its agents and representatives.

Dated: _____ CALIFORNIA STATE UNIVERSITY,
FRESNO

By: _____
Authorized Agent

THIS IS AN OFFICIAL NOTICE. IT MUST REMAIN POSTED FOR AT LEAST THIRTY (30) CONSECUTIVE WORKDAYS FROM THE DATE OF POSTING AND MUST NOT BE REDUCED IN SIZE, DEFACED, ALTERED OR COVERED BY ANY MATERIAL.