

PUBLIC EMPLOYMENT RELATIONS BOARD

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April 18, 2017

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499 14th Street, Suite 300
Oakland, CA 94612

Re: Case No. SF-DP-325-E
West Contra Costa Unified School District
ADMINISTRATIVE DECISION

Dear Interested Parties:

This administrative decision addresses whether a decertification petition filed by Teamsters Local 856 (Teamsters) on September 6, 2016, identified an established unit.

Procedural Background

On September 6, 2016, Teamsters filed a decertification petition with the Public Employment Relations Board (PERB). The petition seeks to decertify Public Employees Union, Local 1 (PEU1) as the exclusive representative of the following West Contra Costa Unified School District (District) bargaining unit:

Classified Unit consisting of the following subunits: General Services, Maintenance and Operations Unit; Paraprofessional Unit; West Contra Costa Schools Police Unit; Office and Technical Services Unit.

On September 28, 2016, PEU1 filed objections to the decertification petition, on the grounds that "[t]he single, comprehensive unit for which [Teamsters] has filed a decertification petition is not an established unit. Rather, [Teamsters] inappropriately grouped together separate, established bargaining units." PEU1 asserted that the General Services, Maintenance and

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Beeson, Tayer & Bodine

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Operations Unit, the Paraprofessional Unit, the West Contra Costa Schools Police Unit, and Office and Technical Services Unit, are all separate units. Accordingly, PEU1 requested that PERB dismiss the decertification petition.

On November 2, 2016, the undersigned Board agent issued an Order to Show Cause (OSC) requiring PEU1 to show cause why PERB should not determine that Teamsters' petition identified an established unit, count the proof of support, and if the proof of support was found sufficient, order a decertification election.¹

On November 16, 2016, PEU1 filed a response to the OSC titled "Show Cause Memorandum". Attached to this response was the declaration of Rich Boyd (Boyd), the Director of Field Operations for PEU1. Boyd states, in part, that PEU1 represents "separate units[.]" Boyd also alleges that "[PEU1's] practice is to achieve unanimous agreement from each unit before ratifying the MOU."

Teamsters and PEU1 subsequently filed several additional documents with PERB. On January 20, 2017, PEU1 filed an additional declaration by Boyd.

On February 23, 2017, PERB issued a notice of formal hearing to commence on April 3, 2017.

On March 30, 2017, a PERB Board agent located a unit modification order related to PERB Case No. SF-UM-555-E, dated June 25, 1998.

On April 3, 2017, the formal hearing did not commence. Instead, PERB issued a second OSC, attaching the June 25, 1998 unit modification order. The April 3, 2017 OSC afforded PEU1 the opportunity to show cause why PERB should not: (1) determine that the decertification petition identified an established unit; (2) check proof of support; and (3) hold a decertification election if proof of support was adequate.

¹ Before the November 2, 2016 OSC was issued, the undersigned Board agent referenced PERB's online record keeping program to determine whether there were past representation files relevant to this decertification petition. PERB's online record keeping program showed that several representation files related to the classified employees in the District had been processed by PERB, including SF-UM-555-E, a unit modification petition filed on March 10, 1998. However, the undersigned Board agent was unable to locate the file for SF-UM-555-E prior to drafting the November 2, 2016 OSC. Accordingly, the November 2, 2016 OSC did not reference SF-UM-555-E.

Facts as Alleged²

PERB's Official Record

On January 19, 1977, there was an election held for District³ classified employees in the following units: the Paraprofessional Unit; the General Services, Maintenance and Operations Unit; and the Security Unit. On July 8, 1977, PERB certified PEU1 as the exclusive representative for these three units. On February 10, 1984, PEU1 was certified as the exclusive representative of the District's Office and Technical Services Unit.

On March 10, 1998, PEU1 filed a unit modification petition (SF-UM-555-E) that sought to "Combine the General Services, Maintenance & Operations, Office & Technical Services, Paraprofessional and Police Services Units into one general classified bargaining to be called General Classified Unit." The District did not oppose the petition. On June 25, 1998, PERB issued a Unit Modification Order approving the following unit modification:

The consolidation of the four separate bargaining units [the General Services, Maintenance & Operations, Paraprofessional, Office & Technical Services, and Police Services Units] into one general classified bargaining unit to be titled "General Classified Unit."

The order also stated that the "[i]ssuance of this Order shall not be interpreted to mean that the Board would find this unit, as modified, to be an appropriate unit in a disputed case."

On March 29, 1999, the District filed a unit modification petition (SF-UM-561-E) seeking to remove employees in the classifications of "Cafeteria Leadworker" and "Cook/Manager 1, School Lunch" from PEU1's General Classified Unit. The District asserted that these classifications were supervisory. PEU1 opposed the modification on the basis that these classifications were not supervisory. A PERB hearing officer conducted a hearing to decide the following question:

Are cook manager and cafeteria leadworkers supervisory employees within the meaning of the Educational Employment Relations Act (EERA)?

(*West Contra Costa Unified School District* (2000) PERB Decision No. 1404, Hearing Officer Decision, p. 8.) The hearing officer issued a proposed decision finding that the Cafeteria Leadworker and Cook/Manager 1 classifications were supervisory. The Board itself affirmed

² This section includes judicially noticeable facts, undisputed facts, and factual allegations by PEU1. To the extent that there is a dispute between the parties regarding factual allegations, PEU1's factual allegations have been accepted as truthful.

³ At the time, the District was called the Richmond Unified School District.

the decision. (*West Contra Costa Unified School District, supra*, PERB Decision No. 1404.) PERB issued a unit modification order on September 12, 2000, approving “[t]he deletion of the positions of cook/manager 1, school lunch and cafeteria leadworker from the unit as supervisory positions.” This unit modification order identified the title of the unit as the “General Services, Maintenance & Operations” unit.

On March 15, 2002, IUOE Stationary Engineers Local 39, AFL-CIO filed a decertification petition (SF-DP-250-E) seeking to decertify PEU1 as the representative of the “General Services, Maintenance and Operations Unit.” PEU1 filed a response to this decertification petition stating that “The former ‘General Services, Maintenance & Operations’ Unit is now part of the ‘General Classified Unit’ . . . Petitioner’s Decertification Petition should be dismissed because it seeks to decertify Public Employees Union Local One in a bargaining unit that no longer exists.” IUOE Stationary Engineers Local 39, AFL-CIO subsequently withdrew their decertification petition.

On August 12, 2008, PEU1 filed a unit modification petition (SF-UM-670-E) to add several positions to its “General Classified Employees Unit.” The District responded that some of the positions identified by PEU1 were confidential. The parties reached a settlement agreement. On October 28, 2008, PERB issued a unit modification order adding certain positions to the “Wall Classified” unit. The order stated that “[i]ssuance of this Order shall not be interpreted to mean that the Board would find this unit, as modified, to be an appropriate unit in a disputed case.”

Since June 25, 1998, PERB has no record of receiving, or approving, a unit modification petition to divide the General Classified Unit into separate units.

2015-2016 MOU

The most recent MOU between PEU1 and the District was effective from July 1, 2015 through December 31, 2016. The recognition clause of the MOU states the following:

West Contra Costa Unified School District (hereinafter referred to as the employer) recognizes the Public Employees’ Union, Local No. 1 (hereinafter referred to as Local No. 1) as the sole and exclusive bargaining agent for all employees in classifications assigned to the negotiation unit consisting of the following sub-units:

1. General Services, Maintenance and Operations Unit.
2. Paraprofessional Unit.
3. West Contra Costa Schools Police Unit.
4. Office and Technical Services Unit.

Temporary and Substitute Employees – refer to Supplement 5.

The 2015-2016 MOU contains 35 Articles. The Articles include terms and conditions of employment that apply to all employees represented by PEU1. The MOU also includes five supplements. Supplements 1 through 4 include terms and conditions that apply only to employees in the “General Services, Maintenance and Operations Unit,” the “Paraprofessional Unit,” the “West Contra Costa Schools Police Unit,” and the “Office and Technical Services Unit” respectively. Supplement 5 contains terms and conditions that apply only to temporary and substitute employees. Supplements 1 through 4 also each have an Article titled “Article 2; Union Recognition[.]” These articles state that the “District recognizes Local No. 1 as the sole and exclusive bargaining agent for employees in the following classification[s]: [list of classifications].”

PEU1’s Response to the Order to Show Cause Memorandum

On April 13, 2017, PEU1 filed a response to PERB’s April 3, 2017 OSC. The response was titled “Second Show Cause Memorandum.” The response did not attach any declarations or other verified evidence. The response argues that Teamsters’ decertification petition does not identify an established unit because:

- (1) The unit modification petition (SF-UM-555-E) that was issued by PERB on June 25, 1998 “did not change the established nature of the [unit] because there was no inquiry into factors establishing an unit.”
- (2) PERB “affirmed the units as separate” when it processed a unit modification petition (SF-UM-561-E) in September 2000.

Discussion

Investigation Pursuant to a Representation Proceeding

PERB Regulation 33237(a) states the following:

Whenever a petition regarding a representation matter is filed with the Board, the Board shall investigate and, where appropriate, conduct a hearing and/or a representation election or take such other action as deemed necessary to decide the questions raised by the petition.

The Board, citing this regulation, has held that there is “no guarantee or entitlement to an evidentiary hearing in a representation proceeding.” (*Children of Promise Preparatory Academy* (2013) PERB Order No. Ad-402.)

A Board agent may use an Order to Show Cause to investigate whether a representation petition raises a material factual dispute that must be resolved through an evidentiary hearing. (*Children of Promise Preparatory Academy, supra*, PERB Order No. Ad-402.) Under EERA, a Board agent shall conduct inquiries and investigations after receipt of a decertification petition, but it is within the Board agent’s discretion whether to hold a hearing. (*Robert L. Mueller Charter School* (2003) PERB Order No. Ad-320.) After completing an investigation, the Board agent may “determine that sufficient evidence has been submitted to raise a material

issue that necessitates an evidentiary hearing,” or, alternatively, “that no material issue of fact exists and thus that a hearing is unnecessary.” (*Children of Promise Preparatory Academy, supra*, PERB Order No. Ad-402.)

Determination of the Established Unit

EERA section 3544.5 subdivision (d) provides that a decertification petition may be filed by:

An employee organization alleging that the employees in an appropriate unit no longer desire a particular employee organization as their exclusive representative, provided that such petition is supported by evidence of support such as notarized membership lists, cards, or petitions from 30 percent of the employees in the negotiating unit indicating support for another organization or lack of support for the incumbent exclusive representative . . .

PERB Regulation 32770 permits a decertification petition to be filed for an “established unit.” (See also *Solano Community College District* (1980) PERB Order No. Ad-94 [dismissing decertification petitions that sought to decertify units that were not established].) To determine an established unit, PERB looks to an initial recognition document (such as a voluntary recognition agreement or election certification), any unit modifications, and the recognition clause in the current or last agreement executed between the employer and exclusive representative. (*State of California (Department of Personnel Administration)* (1985) PERB Decision No. 532-S; *Inglewood Unified School District* (1981) PERB Decision No. 162.) In *Inglewood Unified School District*, an employee organization asked PERB to dismiss a decertification petition because it did not correctly identify an “established unit.” PERB determined the “established unit” first by reviewing an initial recognition agreement between the school district and the exclusive representative, and then by reviewing the “recognition clause” in the parties’ most recent Memorandum of Understanding. (*Ibid.*)

The National Labor Relations Board (NLRB) has held that “[t]he unit appropriate in a decertification election must be coextensive with either the unit previously certified or the one recognized in the existing contract unit.” (*Grant, W. T., Co.* (1969) 179 NLRB 670; *Gen. Elec. Co.* (1970) 180 NLRB 1094, 1095.)⁴

Here, the question is whether Teamsters’ decertification petition identified an “established unit.”

⁴ PERB considers NLRB precedents that interpret identical or analogous provisions in a statute administered by PERB as persuasive, but not binding, authority. (*State of California (Department of Personnel Administration)* (2011) PERB Decision No. 2106a-S, citing *Carlsbad Unified School District* (1979) PERB Decision No. 89.)

PERB's Official Records

The General, Services, Maintenance and Operations Unit, the Paraprofessional Unit, and the Security Unit were originally certified in 1977 as separate units. PERB recognized PEU1 as the exclusive representative of the Office and Technical Services Unit in 1984.

In June 1998, PERB granted PEU1's unit modification petition (SF-UM-555-E) and issued an order combining the General Services, Maintenance & Operations, Office & Technical Services, Paraprofessional and Police Services Units into one unit called the General Classified Unit. As PEU1 points out, the unit modification order included the following language: "Issuance of this Order shall not be interpreted to mean that the Board would find this unit, as modified, to be an appropriate unit in a disputed case." PEU1 suggests that this language shows that the unit modification order did not change the nature of the unit because there was no inquiry into factors establishing the unit. That is an incorrect interpretation of this language. Instead, the language merely indicates that PERB did not make a precedential finding that the unit was appropriate. As the unit modification order states on its face, PERB changed the nature of the unit by approving the "consolidation of the four separate bargaining units into one general classified bargaining unit[.]"

PEU1 alleges that PERB "affirmed the units as separate" in response to a unit modification petition (SF-UM-561-E) filed in September 2000. However, the only disputed issue PERB decided relative to that unit modification petition was whether certain classifications were supervisory. (See *West Contra Costa Unified School District* (2000) PERB Decision No. 1404 [adopting hearing officer's decision that several classifications should be removed from PEU1's unit because the classifications were supervisory].) The Board's decision in *West Contra Costa Unified School District, supra*, Decision No. 1404, and the subsequent unit modification order issued by PERB, did not divide the General Classified Unit into separate units.

Since June 1998, the only changes to the General Classified Unit recognized by PERB have been the addition or deletion of a few classifications to the unit.

Accordingly, PERB's official records show that PEU1 represents a single General Classified Unit. Thus, PERB's official records indicate that the decertification petition filed by Teamsters on September 6, 2016, identified an established unit.

Unit Appropriateness

Although it is unclear, PEU1 may be arguing that the General Classified Unit is inappropriate. PEU1 has not submitted any evidence to show that the General Classified Unit is inappropriate. Moreover, PERB has held that if a decertification petition is filed, questions of unit appropriateness are deferred until the decertification petition is resolved. (*Peralta Community College District* (1987) PERB Order No. Ad-164; *State of California (Department of Personnel Administration)* (1985) PERB Decision No. 532-S.) PEU1 cannot defend against a decertification petition by questioning the appropriateness of an established unit.

The Memorandum of Understanding's Recognition Clause

The National Labor Relations Board (NLRB) has held that “[t]he unit appropriate in a decertification election must be coextensive with either the unit previously certified or the existing contract unit.” (*Sheraton-Kauai Corp. v. N. L. R. B.* (9th Cir. 1970) 429 F.2d 1352, 1356 [citing *Grant, W. T., Co.* (1969) 179 NLRB 670]; *Gen. Elec. Co.* (1970) 180 NLRB 1094, 1095.) PERB also looks, in part, to the recognition clause in the current or last agreement executed between the employer and exclusive representative to determine whether a unit is established. (*Inglewood Unified School District, supra*, PERB Decision No. 162.)

Here, the recognition clause of PEU1 and the District’s current MOU states the following:

West Contra Costa Unified School District (hereinafter referred to as the employer) recognizes the Public Employees’ Union, Local No. 1 (hereinafter referred to as Local No. 1) as the sole and exclusive bargaining agent for all employees in classifications assigned to the negotiation unit consisting of the following sub-units:

1. General Services, Maintenance and Operations Unit.
2. Paraprofessional Unit.
3. West Contra Costa Schools Police Unit.
4. Office and Technical Services Unit.

Temporary and Substitute Employees – refer to Supplement 5.

The decertification petition filed by Teamsters describes the unit it seeks to decertify as:

Classified Unit consisting of the following subunits: General Services, Maintenance and Operations Unit; Paraprofessional Unit; West Contra Costa Schools Police Unit; Office and Technical Services Unit.

Thus, the decertification petition describes the unit in almost the same language as the recognition clause of PEU1 and the District’s current MOU. A decertification petition names the appropriate unit if it identifies a unit coextensive with existing contract unit. (*Sheraton-Kauai Corp. v. N. L. R. B., supra*, 429 F.2d 1352.) The fact that the decertification petition identifies the same unit as the recognition clause of PEU1 and the District’s current MOU is, itself, arguably sufficient to find that the decertification petition identified the established unit.

Mutual Agreement

As noted above, PERB’s official records recognize a single General Classified Unit as the established unit. Although unclear, PEU1 may be arguing that, although PERB’s official record recognizes a single established unit, PEU1 and the District mutually agreed to divide the General Classified Unit into four separate units.

PERB Regulations permits an employer and an exclusive representative to mutually agree to divide a unit into separate units without seeking approval from PERB. (PERB Regulation 32781.)⁵ Similarly, the NLRB also recognizes agreements between an employer and exclusive representative to modify a unit. Before the NLRB recognizes an agreement to modify a unit, the NLRB requires that “such an agreement of the parties be demonstrated by clear and unmistakable evidence of mutual intent.” (*Albertson's, Inc.* (1984) 270 NLRB 132, 133; see also *Duval Corp.* (1978) 234 NLRB 160, 161; *Sperry Rand Corp., Remington Office Machines Div.* (1966) 158 NLRB 994.)

PEU1 has not submitted “clear and unmistakable” evidence to show that the District and PEU1 mutually agreed to divide the General Classified Unit. The parties’ most recent MOU, effective from July 1, 2015 through December 31, 2016, has been submitted by PEU1 as evidence that it represents four separate units. In the MOU’s recognition clause, the District recognizes PEU1 as the exclusive representative of “the negotiation unit consisting of the following sub-units: General Services, Maintenance and Operations Unit. Paraprofessional Unit. West Contra Costa Schools Police Unit. Office and Technical Services Unit.” The term “*the negotiation unit*” (emphasis added) indicates that the parties understand that there is one unit, not four separate units. Further, the term “sub-unit” to describe the General Services, Maintenance and Operations Unit, Paraprofessional Unit, West Contra Costa Schools Police Unit, and Office and Technical Services Unit, indicates that each of these units are considered sub-parts of a larger unit. The MOU includes supplements with terms and conditions that apply only to employees that are part of the sub-units; however, these supplements do not conflict with the recognition clause’s description of a single unit with subparts. The MOU therefore acknowledges the same established unit as PERB’s official record—a single General Classified Unit. Even if the terms of the MOU created ambiguity regarding whether there is one unit or four units, such ambiguity would not be sufficient to provide “clear and unmistakable” evidence that the District and PEU1 mutually agreed to modify the General Classified Unit.

The only other evidence submitted by PEU1 to support its arguments are two declarations by Richard Boyd, the Director of Field Operations for PEU1. The declarations indicate that Boyd believes that PEU1 represents “separate units.” But Boyd’s belief that there are “separate units” instead of a single General Classified Unit is not supported by facts, and his statement

⁵ PERB Regulation 32781 states:

Absent agreement of the parties to modify a unit, an exclusive representative, an employer, or both must file a petition for unit modification in accordance with this section . . . A recognized or certified employee organization may file with the regional office a petition. . . [t]o divide an existing unit into two or more appropriate units[.]

[emphasis added].

alone is not sufficient to raise a material dispute of fact. (See *State of California (Department of Food and Agriculture)* (1994) PERB Decision No. 1071-S [Mere legal conclusions are not sufficient to state a prima facie case].) Boyd also alleges that it was PEU1's practice to achieve unanimous agreement from each unit before ratifying a MOU. However, in order to establish there were four separate units, PEU1 must show that the District and PEU1 *mutually* agreed to modify the General Classified Unit. PEU1's internal practice of requiring unanimous agreement prior to ratifying a MOU does not provide "clear and unmistakable" evidence that the District and PEU1 mutually agreed to modify the General Classified Unit.

Conclusion

For the reasons set forth above and in the April 3, 2017 OSC, PEU1 has not submitted sufficient evidence to raise a material issue of fact that necessitates an evidentiary hearing. (*Children of Promise Preparatory Academy, supra*, PERB Order No. Ad-402.)

Teamsters' decertification petition sought to decertify the "Classified Unit consisting of the following subunits: General Services, Maintenance and Operations Unit; Paraprofessional Unit; West Contra Costa Schools Police Unit; Office and Technical Services Unit." The unit identified by Teamsters is the established unit because:

- (1) PERB's official records show that PEU1 represents a single General Classified Unit;
- (2) the unit identified by Teamsters is coextensive with the unit set forth in the recognition clause of the District and PEU1's most recent MOU; and
- (3) PEU1 has not submitted sufficient evidence to show that the District and PEU1 clearly and unmistakably agreed to divide the General Classified Unit into four separate units.

PERB hereby finds that Teamsters' decertification petition identified the established unit. Accordingly, PERB will proceed with the processing of Teamsters' decertification petition by checking whether proof support is adequate. If PERB determines that proof of support is adequate, it will hold a decertification election.

Sincerely,


Jessica Kim
Regional Attorney

JSK

PROOF OF SERVICE

I declare that I am a resident of or employed in the County of Alameda, California. I am over the age of 18 years and not a party to the within entitled cause. The name and address of my residence or business is Public Employment Relations Board, 1330 Broadway, Suite 1532, Oakland, CA 94612-2514.

On April 18, 2017, I served the Letter regarding Case No. SF-DP-325-E on the parties listed below by

- placing a true copy thereof enclosed in a sealed envelope for collection and delivery by the United States Postal Service or private delivery service following ordinary business practices with postage or other costs prepaid.
- personal delivery.
- facsimile transmission in accordance with the requirements of PERB Regulations 32090 and 32135(d).
- electronic service (e-mail).

Andrew Baker, Attorney
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Pleasanton, CA 94588

Sonya Mehta, Attorney
Siegel & Yee
499 14th Street, Suite 300
Oakland, CA 94612

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on April 18, 2017, at Oakland, California.

C. Santiago
(Type or print name)


(Signature)

PUBLIC EMPLOYMENT RELATIONS BOARD

San Francisco Regional Office
1330 Broadway, Suite 1532
Oakland, CA 94612-2514
Telephone: (510) 622-1038
Fax: (510) 622-1027



April 3, 2017

Sonya Mehta, Attorney
Siegel & Yee
499 14th Street, Suite 300
Oakland, CA 94612

Re: Case No. SF-DP-325-E
West Contra Costa Unified School District
ORDER TO SHOW CAUSE

Dear Ms. Mehta:

On September 6, 2016, Teamsters Local 856 (Teamsters) filed a decertification petition with the Public Employment Relations Board (Board). The petition seeks to decertify Public Employees Union, Local 1 (Local 1) as the exclusive representative of the following West Contra Costa Unified School District (District) unit:

Classified Unit consisting of the following subunits: General Services, Maintenance and Operations Unit; Paraprofessional Unit; West Contra Costa Schools Police Unit; Office and Technical Services Unit.

The parties were scheduled for formal hearing beginning on April 3, 2017, and April 4, 2017 to determine whether Teamsters' decertification petition identified an "established unit." Specifically, the hearing was to resolve the issue of whether at the time the decertification petition was filed on September 6, 2016, the units had merged into one bargaining unit consisting of four subunits.

On March 30, 2017, a Board agent located a unit modification order in PERB Case No. SF-UM-555-E (UM Order), dated June 25, 1998.¹ The enclosed UM Order is relevant to the bargaining unit that is subject to the decertification petition, and states as follows:

TITLE OF UNITS: General Services, Maintenance & Operations; Paraprofessional; Office and Technical Services; and Police Services

Pursuant to authority vested in the undersigned by the Public Employment Relations Board, the following modification of the above-referenced units is approved:

¹ The UM Order resulted from a unit modification petition filed by Local 1.

SF-DP-325-E
April 3, 2017
Page 2

The consolidation of the four separate bargaining units into one general classified bargaining unit to be titled "General Classified Unit."

The UM Order appears to resolve the issue of whether at the time the decertification petition was filed on September 6, 2016, the units had merged into one bargaining unit consisting of four subunits.

Having been provided with the UM Order, the parties agreed to vacate the formal hearing dates.

In light of the above, Local 1 is afforded this opportunity to SHOW CAUSE as to why PERB should not: (1) determine that the decertification petition identified an "established unit;" (2) continue processing the decertification petition by checking whether proof of support is adequate; and (3) if proof of support is adequate, hold an election. Factual assertions must be supported by declarations under penalty of perjury by witnesses with personal knowledge and should indicate that the witness, if called, could competently testify about the facts asserted. If the facts asserted are reliant on a writing, the writing must be attached to the declaration and authenticated therein. Legal argument and supporting materials must be filed with the undersigned no later than **April 13, 2017**. Service and proof of service pursuant to PERB Regulation 32140² are required.

Upon receipt of Local 1's argument and factual assertions, or the expiration of the time allowed for same, the undersigned shall contact each of the parties regarding further case processing steps, including a deadline for responses to Local 1's submittal, if requested.

Sincerely,



James Coffey
Regional Attorney

JC

cc: Andrew H. Baker, Attorney
Marleen L. Sacks, Attorney

enclosures

² PERB's Regulations are codified at California Code of Regulations, title 8, section 31001 et seq.

PROOF OF SERVICE

I declare that I am a resident of or employed in the County of Alameda, California. I am over the age of 18 years and not a party to the within entitled cause. The name and address of my residence or business is Public Employment Relations Board, 1330 Broadway, Suite 1532, Oakland, CA 94612-2514.

On April 3, 2017, I served the Letter regarding Case No. SF-DP-325-E on the parties listed below by

placing a true copy thereof enclosed in a sealed envelope for collection and delivery by the United States Postal Service or private delivery service following ordinary business practices with postage or other costs prepaid.
 personal delivery.
 facsimile transmission in accordance with the requirements of PERB Regulations 32090 and 32135(d).
 electronic service (e-mail).


Sonya Mehta, Attorney
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Oakland, CA 94607

Marleen L. Sacks, Attorney
Atkinson, Andelson, Loya, Ruud & Romo
5075 Hopyard Road, Suite 210
Pleasanton, California 94588

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on April 3, 2017, at Oakland, California.

C. Santiago
(Type or print name)


(Signature)



STATE OF CALIFORNIA
PUBLIC EMPLOYMENT RELATIONS BOARD

West Contra Costa County Unified
School District,
Employer,

-and-

Public Employees Union, Local 1,
Exclusive Representative.

Case No. SF-UM-555

UNIT MODIFICATION ORDER

TITLE OF UNITS: General Services, Maintenance & Operations;
Paraprofessional; Office and Technical Services; and Police
Services

Pursuant to authority vested in the undersigned by the Public
Employment Relations Board, the following modification of the
above-referenced units is approved:

The consolidation of the four separate bargaining units
into one general classified bargaining unit to be
titled "General Classified Unit."

This Unit Modification Order shall not be considered to be a
certification for the purpose of computing time limits pursuant
to PERB regulation 32754.

Issuance of this Order shall not be interpreted to mean that the
Board would find this unit, as modified, to be an appropriate
unit in a disputed case.

Signed at San Francisco, California

On the 25th day of June, 1998

On behalf of
PUBLIC EMPLOYMENT RELATIONS BOARD
Quinto J. Mendez
Regional Director

INSTRUCTIONS: A petition for unit modification must be filed with the appropriate PERB regional office (see PERB Regulation 32075). A petition which is not jointly filed must be served on all parties as required by PERB Regulation 32781(f). Proof of service must accompany the petition. Attach additional sheets if more than one exclusive representative and/or more than one established unit is affected by the unit modification petition, or additional space is required.

1. The employer of the employees in the established unit is an employer within the meaning of the:

- Educational Employment Relations Act (EERA) (Govt Code sections 3540-3549.3).
- Higher Education Employer-Employee Relations Act (HEERA) (Govt Code sections 3560-3599).
- Ralph C. Dills Act (Dills Act) (Govt Code sections 3512-3524).

2. **EMPLOYER** (Name, address and telephone number)

Employer's agent to be contacted:

West Contra Costa Unified School District
1108 Bissell Avenue
Richmond, CA 94802
(510) 234-3825

Paul Loya
 Title: Attorney
 Address and telephone, if different:
Atkinson, Andelson, Loya, Ruud & Romo
The Atrium, Suite 200
5776 Stoneridge Mall Road
Pleasanton, CA 94588
(510) 227-9200

3. **EXCLUSIVE REPRESENTATIVE** (Name, address and telephone number)

Agent to be contacted:
Sandra Falk and Anne Mueller

Public Employees Union, Local One
3065 Richmond Parkway, Suite 100
Richmond, CA 94806
(510) 222-5012

Title: Assistant General Manager and Senior Business Agent
 Address and telephone, if different:

4. **TYPE OF PETITION** (Check each category which applies.)

The following types of petitions may be filed by the exclusive representative(s) only (proof of support may be required):

32781(a)(1) 32781(a)(2) 32781(a)(3) 32781(c)

The following types of petitions may be filed by the employer, the exclusive representative or both parties jointly:

32781(b)(1) 32781(b)(2) 32781(b)(3) 32781(b)(4)

PETITION FILED BY: (Check one only.) <input type="checkbox"/> Both (or all) Parties <input checked="" type="checkbox"/> Exclusive Representative <input type="checkbox"/> Employer	6. APPROXIMATE NUMBER OF EMPLOYEES IN THE UNIT: <u>1,350</u>	7. NUMBER OF EMPLOYEES INVOLVED IN THE MODIFICATION REQUEST: <u>1,350</u>
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DESCRIPTION OF ESTABLISHED UNIT: The current bargaining agreement defines the units represented by Local One as follows:

1. General Services, Maintenance & Operations Unit
2. Paraprofessional Unit
3. Office & Technical Services Unit

Combine the General Services, Maintenance & Operations, Office & Technical Services, Paraprofessional and Police Services Units into one general classified bargaining unit to be called General Classified Unit.

12. STATEMENT OF REASONS FOR THE REQUEST TO MODIFY THE UNIT(S):

The existing bargaining units have a community of interest as one bargaining unit of classified employees. These units have an unbroken history of bargaining in negotiations as a single entity; and the existing agreement is a single comprehensive contract, and historically all past agreements since the inception of the collective bargaining laws have been a single contract. The West Contra Costa Unified School District is in agreement with modifying this to a "wall-to-wall" classified unit.

13. ANY OTHER ORGANIZATION(S) KNOWN TO HAVE AN INTEREST IN REPRESENTING ANY EMPLOYEES COVERED BY THIS PETITION:

Name of Organization:

Address:

Telephone: ()

DECLARATION

I declare that the statements herein are true to the best of my knowledge and belief.

NAME OF PETITIONING PARTY: Public Employees Union, Local One

SIGNATURE OF AUTHORIZED REPRESENTATIVE: 

Title: Senior Business Agent

Date: March 9, 1998

NAME OF PETITIONING PARTY: _____

SIGNATURE OF AUTHORIZED REPRESENTATIVE: _____

Title: _____

Date: _____