

Memo

To: CLPFA  
From: Bob Bezemek  
Date: December 21, 2011  
Re: PERB issues Complaint Against District

I am pleased to report that on December 19, 2011, the California Public Employment Relations Board (“PERB”) issued a Complaint charging the Chabot-Las Positas Community College District with violating the California law governing collective bargaining. This law, the Educational Employment Relations Act, or EERA, is based on the Federal National Labor Relations Act.

PERB’s complaint alleges that the District committed unfair labor practices when it denied the Faculty Association its rights to receive information which it reasonably needs to represent faculty. This matter arose when the District decided that it would investigate a faculty member based on “complaints.” The Association requested copies of the complaints in order to represent the faculty employee, but the District refused to provide them. The Complaint alleges that the District’s action denied the Association its rights to represent the faculty member, and interfered with the faculty member’s rights to be represented by the Association.

The District had also directed the faculty employee to not speak with students or enter the college campus, and denied the faculty member access to District e-mail or other professional tools such as Blackboard. PERB’s complaint alleges that these restrictions interfered with employee rights under the EERA.

PERB has ordered the District and Association to attend a mandatory settlement conference at the end of January. If the matter is not settled, PERB will order a hearing before an administrative law judge, who is empowered to decide if the Complaint should be sustained and, if so, to order the District to satisfy its legal obligations under the law. A hearing before PERB proceeds like a trial, with witnesses and evidence. Thus, the Complaint is similar to an indictment, and the administrative law judge determines whether the evidence introduced at hearing proves a violation of the EERA.

Patricia Lim of our office was primarily responsible for preparing and filing the unfair labor practice charges on behalf of the Association. We are very pleased PERB has issued a Complaint in this matter.

Sincerely,

Bob Bezemek  
Law Offices of Robert J. Bezemek, PC  
Association Legal Counsel