

STATE OF CALIFORNIA  
PUBLIC EMPLOYMENT RELATIONS BOARD



REGENTS OF THE UNIVERSITY OF  
CALIFORNIA,

Charging Party,

v.

AFSCME LOCAL 3299,

Respondent.

Case No. SF-CO-168-H

COMPLAINT

It having been charged by Charging Party that Respondent engaged in unfair practices in violation of California Government Code section 3571.1, the General Counsel of the Public Employment Relations Board (PERB), pursuant to California Government Code sections 3563(h) and 3563.2 and California Code of Regulations, title 8, section 32640, issues this COMPLAINT on behalf of PERB and alleges:

1. Charging Party is an employer within the meaning of Government Code section 3562(g).
2. Respondent is an employee organization within the meaning of Government Code section 3562(f)(1).
3. The collective bargaining agreement (CBA) between the Charging Party and Respondent for the Patient Care Technical (PCT) Unit expired on September 30, 2007. Since August 2007, Respondent and Charging Party met and conferred regarding a successor CBA pursuant to Government Code section 3570. PERB declared that an impasse existed between the Charging Party and Respondent on December 14, 2007. The parties participated in impasse mediation sessions in January and February 2008 and were certified to factfinding in

March 2008. A Factfinding Report issued on April 19, 2008. The parties engaged in post-factfinding negotiations in May and June 2008.

4. The CBA between the Charging Party and Respondent for the Service Unit expired on January 31, 2008. The parties began negotiations for a successor CBA in October 2007. PERB declared that an impasse existed between Charging Party and Respondent on February 4, 2008. The parties participated in an impasse mediation session on February 28, 2008 and were certified to factfinding in early March 2008. A Factfinding Report issued on May 2, 2008. The parties engaged in post-factfinding negotiations in May and June 2008.

5. On or about July 2, 2008, Respondent notified Charging Party that members of the Service Unit planned to engage in a five-day strike. Respondent failed to specify the exact dates of the planned five-day strike.

6. By the acts and conduct described in paragraph 5, Respondent failed and refused to bargain in good faith with Charging Party in violation of Government Code section 3571.1(c) and/or 3571.1(d).

7. On or about July 2, 2008 and continuing to date, Respondent condoned, enticed, encouraged, and/or caused members of the PCT Unit, including members “whose absence from their duties would clearly endanger the public health and safety,” to participate in the five-day Service Unit strike by refusing to report to work on the days the strike is conducted.

8. On or about July 7, 2008, members of the PCT Unit, including those members “whose absence from their duties would clearly endanger the public health and safety,” announced their intent to participate in the Service Unit strike by refusing to work on the days the strike is conducted.

9. By the acts and conduct described in paragraph 7, Respondent failed and refused to bargain in good faith with Charging Party in violation of Government Code section 3571.1(c) and/or 3571.1(d).

10. On or about June 27, 2008, Respondent ceased negotiations with the Charging Party for a successor CBA in the PCT Unit, even though the parties were close to reaching an agreement.

11. By the acts and conduct described in paragraph 10, Respondent failed and refused to bargain in good faith with Charging Party in violation of Government Code section 3571.1(c) and/or 3571.1(d).


12. Since June 3, 2008, Respondent has failed to participate in negotiations for a successor CBA in the Service Unit.

13. By the acts and conduct described in paragraph 12, Respondent failed and refused to bargain in good faith with Charging Party in violation of Government Code section 3571.1(c) and/or 3571.1(d).

Any amendment to the complaint shall be processed pursuant to California Code of Regulations, title 8, sections 32647 and 32648.

DATED: July 10, 2008

TAMI R. BOGERT  
General Counsel

By   
Wendi L. Ross  
Deputy General Counsel