

STATE OF CALIFORNIA
PUBLIC EMPLOYMENT RELATIONS BOARD



ACADEMIC PROFESSIONALS OF
CALIFORNIA,

Charging Party,

v.

TRUSTEES OF THE CALIFORNIA STATE
UNIVERSITY,

Respondent.

Case No. LA-CE-1181-H

COMPLAINT

It having been charged by Charging Party that Respondent engaged in unfair practices in violation of California Government Code section 3571, 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 exclusive representative within the meaning of Government Code section 3562(i) of an appropriate unit of employees.
2. Respondent is an employer within the meaning of Government Code section 3562(g).
3. On or about November 21, 2012, Respondent provided Charging Party a draft of Executive Order 1083 (Mandatory Reporting of Child Abuse and Neglect) (EO 1083).
4. On or about November 27, 2012, Charging Party made a demand to bargain over EO 1083.
5. On or about December 10, 2012, Charging Party and Respondent met and conferred. Charging Party made a proposal concerning implementation of EO 1083.

6. On or about December 21, 2012, Respondent provided Charging Party with a second and final version of EO 1083 which provided, in part, that failure to report child abuse on Respondent's premises could result in discipline and any final determination on whether to pursue discipline would be made by the Respondent on a case-by-case basis.

7. On or about January 8, 2013, Charging Party objected to implementation of the second and final version of EO 1083.

8. On or about January 17, 2013, Respondent sent an email notifying all employees that it was implementing EO 1083 and, pursuant to EO 1083 and Assembly Bill 1434, employees now had an obligation to report suspected or known incidents of child abuse or neglect.

9. On or about January 18, 2013, Respondent rejected Charging Party's December 10, 2012 proposal.

10. By the acts and conduct described in paragraphs 3 through 9, Respondent failed and refused to bargain in good faith with Charging Party in violation of Government Code section 3571(c).

11. This conduct also interfered with the rights of bargaining unit employees to be represented by Charging Party in violation of Government Code section 3571(a).

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

DATED: January 8, 2014

M. SUZANNE MURPHY
General Counsel

By



Mirna Solís
Regional Attorney